SENATE—*Wednesday, June 15, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Chaplain of the Senate, the Reverend Dr. Richard C. Halverson, will lead the Senate in prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6:8.

Eternal God, righteous and just in all Thy ways, help Thy servants, whom Thou hast ordained to leadership in the Nation, to take seriously the word of the prophet Micah. Grant them the wisdom, the determination, and the courage to do justly, love mercy, and walk humbly before the Almighty.

In their deliberations and decisions, liberate them from the pressures which tempt them to do less than God requires. Give them grace to reject the temptation to depart from the Divine standards. Encourage them in the conviction that what is right with God is certain to be right with the Nation.

In the name of Jesus and for His glory we pray. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for 10 minutes, under the order previously entered.

BREAST AND CERVICAL CANCER SCREENING

Mr. MURKOWSKI. Good morning, Mr. President. I wish you and all of my colleagues a very good day.

Let me share with you a sense-of-the-Senate resolution I introduced on May 25, supporting the ability of women to receive and physicians to provide appropriate breast cancer and cervical cancer screening under health care reform.

Mr. President, this resolution simply states that any comprehensive health care reform measures passed by the Senate shall not establish artificial limits on early detection and preventive screening for breast and cervical cancer. Rather, screening should be provided in a manner consistent with sound scientific research, allowing for a physician's discretion.

Mr. President, every year 45,500 women are diagnosed with cervical and uterine cancers, and approximately 10,000 die from these diseases. Breast cancer afflicts even greater numbers of women. Each year 183,000 women are diagnosed with breast cancer and 46,000 die from it.

One in eight women will develop breast cancer in her lifetime, and it is now the leading cause of death in women between the ages of 35 and 54.

In my State of Alaska, we have a high incidence of these diseases. Breast cancer is the No. 1 cause of death in Alaskan women, while cancer ranked as the second leading cause of death in Alaskan men and second for both sexes nationally. In 1986 and 1987, Alaska was ranked 23d among all States in breast cancer mortality, and when analyzed by race, we tied with New York for the second highest rate of breast cancer mortality in Caucasian women.

While cervical cancer deaths have declined overall in the past 40 years, during the decade of 1980 to 1989, the rate of cervical cancer for Native Alaskan women was four times greater than the non-Native rate.

The American College of Obstetrics and Gynecology, the American Cancer Society, and other notable physician and scientific organizations, recommend annual Pap smears and pelvic examinations for women who are 18 years of age and older.

Further, Pap smears are inexpensive tests, particularly when compared with other cancer screening measures. When there are many cancers that physicians are not capable of detecting except through the most expensive tests, it seems appropriate that Congress would support, not limit, preventative screening measures, like Pap smears, that provide the most effective means of early detection.

I, and many of my colleagues, recently became concerned with the National Cancer Institute's change in position regarding mammography screening for women between the ages of 40 and 49. The National Cancer Institute no longer recommends that baseline mammography occur at age 40. Instead they believe age 50 is adequate. Yet, just last month, a study conducted at Case Western Reserve University found that younger breast cancer victims tend to have more aggressive and deadly forms of cancer. Those under the age of 45 were determined to have more rapid recurrences of the disease and shorter survival time. While there is some controversy surrounding age appropriate screening, what is not disputed is that mammograms are the only method available to detect breast cancer at the earliest stages when it is most curable and that mammography has been proven to reduce mortality for women when breast cancer occurs.

Mr. President, of course, these are not partisan issues. We may have our differences regarding the managing and financing of health care reform, but I think we all endorse accessible and affordable health care that preserves the patient's choice and the physician's discretion. For years, Members of both parties have supported increased funding for research, education, and preventative screening services for breast cancer and cervical cancer. My wife Nancy was the founding director of the Breast Cancer Detection Center in Fairbanks, AK, back in 1974, and both she and I continue to support this center's mission to provide free mammograms to low-income and underserved women in the interior part of Alaska. Our commitment to maintaining these services and expanding them to more remote areas of our State remains strong and is our objective.

As Congress pursues reforms on the health care system, it is of the utmost importance that we ensure appropriate screening for breast and cervical cancers and make it available to women when they want them or when their doctor determines they may need them.

So the purpose of this resolution, Mr. President, is not to mandate one service at the expense of another, but to simply express the sense of the Senate that it is not the role of the Federal Government to place artificial limitations on these services, particularly when physicians and scientific organizations do not concur with these limitations.

Again, the resolution simply states that any comprehensive health care reform measure passed by the Senate not

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

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establish artificial limits on early detection and preventive screening for breast and cervical cancers. Rather, screening should be provided in a manner consistent with sound scientific research, allowing for physician discretion.

I am pleased to include Senators COCHRAN, LUGAR, and STEVENS among the original cosponsors of this resolution.

TAXES AND THE URUGUAY ROUND TRADE AGREEMENT

Mr. MURKOWSKI. Mr. President, recently, the Wall Street Journal reported that the administration is considering proposing a series of tax increases to pay for the lost tariff revenues that will result as a consequence of the implementation of the Uruguay round GATT trade agreement.

According to the Journal, the following tax increases may soon be on the table: $4.8 billion from a 4-percent tax on radio and television stations and others for the use of the radio spectrum; $1.5 billion by reauthorizing the Superfund hazardous waste cleanup tax and using part of a surplus that has accumulated; $1.3 billion from changing the inventory accounting rules for retailers; $600 million from a gambling tax on gambling that exempts State lotteries; $500 million from taxing employer-provided parking, and we have had some experience with this in this body; $500 million from requiring companies that take advantage of the possession tax credit—section 936—to file quarterly taxes; and $200 million from taxing more chemicals as ozone depleting chemicals in that category.

In addition to the $9.4 billion in tax increases that will be needed over the next 5 years, the administration is considering cutting agricultural export subsidies by $1.6 billion and farm subsidy payments by $1.5 billion. It should be noted that these spending cuts are effectively mandated by the terms of the GATT agreement.

So what we have, Mr. President, really, is the specter of nearly $10 billion in tax increases that will be necessary to implement the GATT agreement. I question the wisdom of this approach.

In a letter President Clinton sent me on May 3, he stated: "This agreement will create hundreds of thousands of American jobs and new economic opportunities at home." According to a booklet the President included with his letter, the Uruguay round, when fully implemented, should add $100 to $200 billion to the U.S. gross domestic product annually. In addition, the Commerce Department's International Trade Administration recently estimated that over the next 10 years, the output of goods and services in the United States will increase by more than $1 trillion as a result of the GATT agreement.

Mr. President, there is little doubt in this Senator's mind that the GATT agreement will significantly benefit this Nation's economy because it will reduce barriers blocking our access to world markets and create a more fair and comprehensive set of world trade rules. If the administration is correct in its estimate that the GATT agreement will increase GDP annually by $100 billion, it is almost a certainty that increased Federal revenues from income and corporate taxes will far exceed the revenue loss that will result from the reduction in tariffs.

Currently, individual income and corporate income taxes are slightly more than 10 percent of GDP. This percentage is projected to remain fairly steady at 10.3 percent of GDP over the next 5 years. If, in the first few years of the phasein of the GATT agreement, our added GDP is merely $20 or $25 billion a year—not the $100 to $200 billion that the administration estimates after full implementation—individual and corporate tax revenues will easily offset the revenues lost by tariff cuts.

If we are to believe the administration's $100 billion annual GDP gain, corporate and individual income tax revenues would rise by more than $10 billion a year.

The reason the administration is scrambling to find ways to pay for the GATT agreement is because our budget pay-as-you-go rules require offsets when legislation reduces Federal revenues. Yet, I believe that we should not have to find new sources of revenue to pay for the GATT agreement because I believe it will bring in far more in income and corporate income taxes than will be lost through tariff cuts. If not, something is wrong and perhaps we better stop spending and cut spending in specific areas.

I hope that when the Congressional Budget Office estimates the effect that the GATT will have on Federal revenues, its analysis will reflect the economic growth that will surely result from implementation of the agreement. Narrow economic analyses that ignore such feedback to the economy should not be used as a basis to require unwarranted tax increases.

Clearly, I think all Americans expect that the increased trade resulting from GATT should be a sufficient stimulus to the economy which should more than make up for the cost of the lost revenues.

I thank the Chair, and I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey, under the order entered previously, is recognized now to speak for up to 20 minutes.

Mr. BRADLEY. I thank the Chair.

RACE FOR THE CURE OF BREAST CANCER

Mr. BRADLEY. Mr. President, breast cancer steals our wives, our mothers, our daughters, our coworkers, and our friends. For those who it does not kill, it changes forever.

I speak as the spouse of a wife who has experienced mastectomy and chemotherapy regimens. Once a family has brushed up against breast cancer, it is never quite the same. It is changed forever.

During 1994, an estimated 182,000 new cases of breast cancer will be detected in women. In New Jersey an estimated 6,800 cases will be detected. And this year 46,000 women will die because of breast cancer. And in my home State, approximately 1,700 women this year will die from breast cancer.

The 5-year survival rate—which includes all women living 5 years after diagnosis, whether the patient is in remission, disease free, or under treatment—for localized breast cancer is 93 percent. If the cancer has spread—usually meaning involvement with lymph nodes—at the time of diagnosis, the 5-year survival rate is only 72 percent, and for persons with distant metastases—meaning cancer has spread to other parts of the body—at the time of diagnosis, the 5 year survival rate is a terrifying 18 percent.

As a nation, we cannot afford to wait any longer to lead the battle against the primary killer of women ages 35 to 54. For in the year 2000, over half of the women in the United States will be in this age group. The Federal Government has the power and the responsibility to allocate the necessary resources to prevent and treat breast cancer. We have begun to make significant strides. Federal funding for breast cancer research has quadrupled since 1990. However, the $410 million we will spend on research pales in comparison with the billions of dollars of medical costs and personal anguish and suffering breast cancer will cause our Nation and millions of its citizens this year.

I am deeply committed to finding a cure for breast cancer. We cannot, however, simply sit back and wait for the cure. Each and everyone of us must help in the fight against breast cancer. One way to help in this fight is to participate in the fifth annual National Race for the Cure this Saturday, June 18. The purposes of the Race for Cure is to raise both money and public awareness about early detection and mammograms so as to increase the survival rate for breast cancer victims. Since the first race in 1990, this annual event has raised close to $2.5 million for breast cancer research, screening mammograms for low-income women; and public education programs.

The Race for the Cure is a unique opportunity to bring together women and their families and friends who have been affected by breast cancer. In the words of Ellen Barnett, founder of the Advocacy Committee for Breast Cancer survivors,

> Women who live with breast cancer every day of their lives know better than anyone

the importance of education, research and effective means of early diagnosis and treatment. Many breast cancer survivors live silently with their concerns, without the support and camaraderie available from being with other women with similar concerns. The public image of thousands of women survivors running together tells all women that they are not alone and they need not endure the trauma of the disease in silence.

I will join the estimated 20,000 runners, walkers, and wheelchair participants expected this year. I will join my family—my wife will participate—and my staff, those who choose to participate. I will join the survivors of breast cancer wearing pink visors. I will join the walkers and runners with pictures of loved ones they have lost to breast cancer pinned to their chests. And I will join those who have the names of survivors written on their backs to participate in the Race for the Cure of breast cancer that takes place this Saturday.

Mr. President, I encourage all of my colleagues in the Senate to enter the race. So far, nine Senators have said they will race for the cure. The Vice President will race for the cure. I urge all of them and their staffs to participate in an effort to help to find a cure for breast cancer. With all of our help and the help of the American people, this race will not only be the best ever, but it will also put us on the right track to finding a cure.

I yield the floor.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Let me wish the President pro tempore a good morning.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized for not to exceed 5 minutes.

RACE FOR THE CURE

Mr. DASCHLE. Mr. President, this weekend marks the 5th year that Washingtonians will participate in the Race for the Cure. I am informed that sponsors are expecting as many as 20,000 participants to commemorate this year's anniversary of Washington's first Race for the Cure to combat breast cancer.

In the past, the Race for the Cure has helped raise critical funding for medical research and for mammograms. Much of this money remains in the local area to support research institutions and provide mammograms for women who could not otherwise afford them.

The Race for the Cure is also an exceptional tool for raising public awareness about breast cancer and of alerting women to the importance of early detection measures.

Many of Saturday's race participants will actually be breast cancer survivors. Many more will be the spouses, the siblings, or the friends of both breast cancer survivors and, I am sad to say, the many women who have not survived their battle with this terrible disease. It is for all these individuals that we race on Saturday, and it is for them that we continue our efforts to support research and public awareness, in the hope that one day all women who face this disease will be survivors.

Although we have made significant strides in combating breast cancer, we are far from the finish line. Medical research into the causes, cure, and prevention of breast cancer is essential to this effort. I am pleased that President Clinton has expressed his commitment in this regard by including in his budget proposal a 4.7-percent increase for biomedical and behavioral research to be conducted by the National Institutes of Health. This funding will be targeted in part toward women's health and especially toward breast cancer research.

Public awareness and prevention efforts are also critical components of our battle against breast cancer. Today doctors strongly recommend monthly self-examinations to check for the early warning signs of breast cancer, but sometimes these early warning signs are not early enough. That is why it is so important for women at risk to have mammograms. A portion of the proceeds from the race this Saturday will be devoted to providing mammograms for women who would otherwise not be able to obtain them, and I am hopeful that one day we will be able to detect all breast cancer at an early stage.

But I am even more hopeful, however, that we will someday have a cure. Over 70 percent of all women who have breast cancer do not exhibit any of the known risk factors. This year, 182,000 women will be diagnosed with breast cancer and, unfortunately, 46,000 women will die from this terrible disease. So we must find a cure.

Sometimes the most effective movements are born of tragedy. The Race for the Cure is no exception. This race is a tribute to all women who have not survived their battle with breast cancer. It is in their memory that we continue our efforts to increase support for medical research and to raise public awareness about this important issue.

This race is also a tribute to all those women who are surviving their battle with breast cancer. It is in their honor that we stand with them, walk with them, and run with them—it is in respect that we race with them—to find a cure for breast cancer.

I yield the floor.

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Vermont [Mr. LEAHY] is recognized to speak for up to 15 minutes.

THE RACE FOR THE CURE

Mr. LEAHY. Mr. President, I appreciate the comments made by many of my colleagues on the Race for the Cure here this morning. Both my wife and I will take part in that this weekend. I think it is something extremely important.

LANDMINES

Mr. LEAHY. Mr. President, I want the Senate to know about a hearing I held on May 13. I held it under the auspices of the Senate Appropriations Committee, chaired by the distinguished President pro tempore, and in the Foreign Operations Subcommittee. We talked about landmines. In fact, this hearing was the first hearing on the problem of landmines in the Congress.

Among the witnesses was an American from Boulder, CO, named Ken Rutherford. Last year, he was working for the International Rescue Committee in Somalia. Ken was in Somalia on an errand of mercy. He was helping the Somali people rebuild their country after years of devastating war. And, on December 16, just a short while before Christmas, he was driving along a road, a road that looked safe, when the vehicle he was in exploded. It exploded from a landmine that was on that road. Ken's right foot was torn off. Part of his leg had to be amputated. In fact, his left foot was so badly damaged that it was saved only as a result of seven surgical operations.

Losing a foot is a horrifying experience for anybody. In his testimony, Ken said that in many ways he was lucky. He had a radio. He could call for help. He was airlifted to a hospital. He received excellent medical treatment. Insurance is going to cover about a quarter of a million dollars in the bills from this one incident.

Ken would agree that the hundreds of thousands of people who have had a leg or an arm blown off by landmines are rarely so lucky. Many of them bleed to death on the spot—especially, and tragically, more and more, they are children whose bodies are less able to survive the blast, because landmines are being used more and more as a weapon of terror against civilian populations.

Others who are injured by landmines are faced with trying to survive in places like Cambodia, Angola, and Nicaragua, where physical labor is a way of life. There is no welfare. There are no disability payments. Certainly, there is no insurance to pay the medical bills. In fact, oftentimes it is a society where the disabled are treated with loathing.

Landmines kill or maim over 1,200 people every single month of the year.

Most of the victims are innocent civilians. If a Somali had stepped on the mine that destroyed Ken Rutherford's leg, he or she would almost certainly have died.

Think of the number—1,200 killed or maimed each month. Patrick Blagden, a retired British general who heads the United Nations demining program, testified that every 15 minutes he hits his desk and thinks, "There goes another one."

Mr. President, I want to quote from Ken Rutherford's testimony, and let me tell you, when he said this, there was dead silence in that hearing room. He said:

> I looked down at my feet. I saw a white bone sticking out where my right foot used to be. My other foot was still attached. I had lost a toe and the top part of my foot, and like an x-ray, I could see the bones going to the remaining toes.
>
> I am lucky to be an American. To have the best medical care, therapy and prosthetics available. What about the Somalis who are hurt by landmines? Who will help them?
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> When I was helping the Somalis, I made a point to say that the money came from the American people. In the future, I would also like to say that we—
>
> Americans
>
> were instrumental in setting the standard in the fight against landmines.

Ken went on to tell us of sitting there with his foot in his hand trying to reattach it, and of the shock, the loss of blood and the pain. He had no warning there was a landmine or who put it there. In fact, to this day, he does not know who put the landmine there. But, really, what difference does it make? It is the horrible result that matters. Landmines are strewn by the thousands. They speak of sowing landmines as though it were a farmer in my own State of Vermont sowing a crop to feed people. They sow landmines by the thousands that kill and maim indiscriminately.

Mr. President, there are 100 million active landmines in over 60 countries—100 million landmines waiting to explode from the pressure of a footstep. What madness is this? Last year, the United Nations cleared a total of 75,000 landmines, at a cost of tens of millions of dollars. It also cost the lives of nearly 100 deminers who died in clearing those 75,000 landmines. Tens of millions of dollars, 100 people dead, 75,000 cleared, but in that same period, in the former Yugoslavia and Cambodia alone, over 2 million new mines were laid—over 2 million. It is like Sisyphus trying to stop this: We get rid of 75,000 and just two countries alone lay down 2 million more.

I have rarely met anyone as courageous and eloquent as Ken Rutherford. He suffered terrible injuries. He is going to live with these injuries for the rest of his life. But rather than lament his fate or harbor regrets, he asked us to act to save others from suffering the same fate.

At that hearing, we also heard testimony from the U.N. High Commissioner for Refugees; the head of UNICEF who testified that more children, far more children than soldiers, are killed and maimed by mines—children who pick them up and think they are a toy and then have their hand blown off or their leg or their arm or their face, literally their face.

We heard from an American veteran who lost his arm from an American landmine in Vietnam. I remember later watching part of the hearing on television when he said even if you survive, it stays with you forever, and then the camera moved down to the hook where his arm used to be.

Statements were submitted by U.N. Secretary General Boutros Boutros-Ghali, by former President Jimmy Carter, and by Elizabeth Dole, the president of the American Red Cross. Each one of them called for an international ban on antipersonnel landmines.

We cannot solve this problem by ourselves, Mr. President. But without U.S. leadership, we are going to continue to watch this slow-motion slaughter.

Last year, 100 U.S. Senators—Republicans and Democrats, conservatives and liberals—voted for my amendment for a moratorium on exports of antipersonnel landmines from the United States. I want to tell my colleagues in this body, all of whom on this floor voted for that, that we set a standard, and eight countries followed our lead and stopped exports: Germany, France, Poland, The Netherlands, South Africa, Belgium, Slovakia, and Greece. Four more—Canada, Taiwan, Peru, and the Czech Republic—are expected to soon, following the moral leadership of the United States. And because of our leadership, negotiations have started in Geneva to seek international limits on the production and use of these weapons.

This next year of negotiations is a crucial opportunity for the United States to show leadership. Over 50 countries produce landmines, some 10 million new mines every year. I will soon introduce legislation imposing a 1-year moratorium on the production of antipersonnel landmines by the United States and to authorize funds for technical assistance and equipment for mine clearing. It is far less than a total ban many are calling for. Nor does it seek to dictate what U.S. policy should be. That is going to be determined by our negotiators in Geneva. But my legislation will put the United States in a strong position to press other countries to follow our example. That is the only way we are ever going to be able to deal with a problem which the State Department has said may be the most toxic and widespread pollution facing mankind.

Mr. President, I ask unanimous consent that Ken Rutherford's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

GLOBAL LAND MINE CRISIS

(Testimony of Ken Rutherford, International Rescue Committee, before the Foreign Operations Subcommittee, May 13, 1994)

My name is Ken Rutherford. I am employed by the International Rescue Committee (IRC). My hometown is Boulder, Colorado. I am an amputee as a result of a land mine accident in Somalia.

First, I would like to thank you for your support for Operation Restore Hope. It did just that and more. It not only restored the hope of the Somali people, but also saved tens of thousands of their lives. For that many will be eternally grateful. No other country in the world's history has ever attempted such a humanitarian operation.

Second, I gladly accept your invitation to testify before you. I hope that I can accurately reflect the pain and suffering of tens of thousands of land mine victims, both dead and alive, around the world. Today, I will be expressing to you a real life land mine nightmare. I feel privileged to have this opportunity because I'm an American and alive. Unfortunately, all other Americans who hit land mines in Somalia are no longer with us.

You know the statistics. You know the facts. How long does the parade of victims have to be? Please help make the world safer for all of us. I hope that my loss prevents a similar story.

Last December 16th, my life was changed forever. We had received over 80 donkey cart applications at the Lugh credit union. We wanted to support the donkey cart operations since that is the main water supply. By funding these operations we hoped to reduce the price of water so that the recently returned refugees and poor would be able to afford it. The day before we had posted a notice in the town for all donkey cart applicants to come to the credit union at 8 a.m. the next morning, the purpose being that we wanted to match each application with the applicant and donkey cart.

The applicants came in slowly. The staff recommended that we wait longer since we would be causing more problems for ourselves by not allowing enough time for the other donkey cart owners to appear. To make good use of this down time, we decided to conduct site visits to the four approved lime producers whose manufacturing locations were several miles outside the town. The applicants got in the land rover back seat, while the union manager and Abdulahi Farah Ali got in the far rear seats. I sat in the front seat between my IRC driver and Duale, an IRC colleague.

About 10 minutes into our excursion, the land rover lurched forward a little, and the inside filled with dust. I slowly looked at Duale, whose face was covered with dust, then down to my feet. I saw a white bone sticking out where my right foot used to be. At first, I wondered if that was my bone or Duale's. It was mine.

My first instinct was to get out of the land rover. But, my lower legs were not working. I grabbed the steering wheel to pull myself out of the car hitting the ground with my back. The radio landed several feet from me.

Fortunately, before getting in the land rover at the credit union, I had attached my radio to my belt, rather than the usual practice of carrying it in my book-bag at the base of my feet.

I crawled for the radio, whereupon Abdulahi handed it to me. I said, "Kilo

Romeo for Kilo Tango" (Kilo Romeo was my call sign, while Kilo Tango is the call sign for Ken Turk, IRC Lugh Team Leader) "I've run over a land mine. I'm bleeding. I'm "O" positive. Send for an airplane."

I crawled the few feet back to the car and used my arms to place my legs on the seat. Abdulahi adjusted my legs on the seat then tied tourniquets around both my ankles. A bone was sticking out where my right foot used to be. The actual foot itself was hanging by stretched skin toward my knee. Twice I did a partial situp so that I could reach up and hit the bottom of my foot with the back of my hand hoping that it would flip up and over onto the protruding bone. It kept on falling back down.

My left foot was still attached. I had lost the fourth toe and top part of my foot. Like an X-ray, I could see the bones going to the remaining toes.

Abdulahi, unhurt, stayed with me the whole time. At the time I wasn't feeling any pain, just uncomfortable. I knew that I was in a serious accident and that my right foot was gone forever.

Up to this point I never thought about dying, but I was thinking what a blessed life that I've had. Great parents. The best of friends. The realization of a dream that I did the things that I wanted to do. And that even what I was doing in Somalia was a dream. How many people have the opportunity to do what they've wanted to do since being a kid? What could be a better feeling than helping and assisting people start their lives again after a civil war? I enjoyed having the opportunity to physically visit each applicant's project site, and help them. Some days I couldn't believe that I was getting paid for what I was doing.

Soon I spit up blood, and then I thought, due to possible internal injuries, I could be dying, and that every breath I took could be my last. The only sad thought I had was that I wouldn't be able to marry Kim, my fiance of two months. That we wouldn't have children, whom, I believe and hope, would make a positive contribution to this world. I then resolved in myself that if I could pace my strength, energy and mind until I reached medical care, then I would live. I started breathing slowly, and calming myself down.

I looked up at Abdulahi and my other IRC Somali staff and said that I had enjoyed working with them and that we did our best.

Help arrived 15–20 minutes later. The first "rescuer" down the ridge was Ken Turk. I asked him if he could put my right foot back on. I meant it in a humorous way because I already realized that it would be nearly impossible to have a normal foot again, and that it hurt too much to cry.

He and the Somali rescuers picked me up in a cradle position and, then, placed me in the back of a pick up truck with my head on the lap of an Islamic Fundamentalist soldier. He held my head and his machine gun at the same time. My left hand was held by another soldier sitting on the side of the pick up truck with both of us squeezing each other's hands. Ken was trying to keep my right foot on the leg while trying to maintain his balance in the bouncing truck.

I remember thinking how great it was that Somali Islamic Fundamentalists were trying to save my life. Only several hundred miles away, in Mogadishu,they were trying to kill Americans. Here they were going over the same road that I had hit a land mine on to get me to the hospital.

Once in the truck, the pain set in fast. The hospital room was full of Somali medical personnel and Tamera Morgan, an American nurse with extensive trauma experience. My forehead was being pressed down, and Somali men were holding down my arms in a cross position to keep me from moving to much. I kept struggling to deal with the pain and to try and raise myself up so that I could look at my mutilated feet. I couldn't believe that they were so destroyed.

About 30 minutes later I was taken back out to where the pick up truck had remained during my time in the hospital. Several men transferred me from the table to the truck. Before the transfer I could feel the large numbers of people that had crowded into the hospital courtyard and beyond. I told myself not to make a face of agony, pain, fear, or suffering, but to present an appearance that everything was OK—no problems. I didn't want them to think that I was just another American or international relief worker leaving out of fear or warning.

Before the accident I wanted to prove that Americans and Somalis could work, productively and cooperatively, together to provide many with a new start in life, and that the events in Mogadishu between Americans and Somalis have no influence on our work. I believed that it was important for me and other international relief workers, primarily Americans, to show that we were there to work shoulder to shoulder for long term and sustainable development.

Lying in the back of the pick up, I remember Somalis touching my legs and arms saying "sorry." I thought to myself "who is going to help these people? Who is going to continue the credit union work here? Is this the end? John Irons, my lone American IRC counterpart, can't do it all by himself.

During the flight to Nairobi, I almost died. To keep me alive both Tamera and a French doctor gave me blood from their own bodies to mine by direct transfusions. I only remember moaning and mumbling "Oh my god" so much from the pain that I thought the pilot must hate me since I was probably giving him headaches.

I started begging to save my right leg, knowing very well that it was gone but trying to protect my left leg. I figured that if I let my right leg go easily, then it would be much easier for them to cut off my left. I was twisting and struggling from the pain. The hospital staff then strapped both my arms stretched out to each side. The last thing I remember before the operation was a nurse apologizing as he cut away my maroon T-shirt—the one that I wore at the Somali going away party in Colorado that my family and friends had given me before my departure five months earlier.

I woke up with the doctor's hands holding down my shoulder explaining that they had to cut off my right leg to save my life. I asked him if I still had my left. When he said yes I started saying the first of my many thank yous to him and the nurses.

Before my departure, the nurse wheeled Dulae in. It was the first time that we had seen each other, at least consciously, since the accident. I stretched my left arm towards him for I couldn't roll over to give him my right. He took my hand, and we held each others' hands.

What I remember most about my post-operation was that whenever I woke up, there were IRC personnel by my bedside offering encouragement and support.

I was flown to Geneva on an SOS evacuation flight. In the plane, I was laid on a stretcher with sheets covered by a belt. Every three hours I was allowed a morphine shot. That last hour went by so slowly. The pain was incredible.

We stopped to refuel in Egypt, and I was looking out the plane window at some Egyptian soldiers. I was thinking "What am I doing? I'm on a plane in Egypt; I've lost my right leg; my left leg is in jeopardy * * * and yesterday I was working and fine. Our lives can change in a split second—anybody's.

The arrival in Geneva was at night. Out of my small window I saw Kim, my father, and Steve Richards, the IRC Executive Vice President, plus airport security guards and ambulance personnel. Once the door opened, Kim rushed onto the plane. As I saw her coming in the hatch, I took off the oxygen mask, then we hugged.

I was immediately taken in the ambulance to the hospital. My first memories of the hospital were getting X-rays of my foot, and then being put under. We didn't know if I would come out with one foot or not. This was the first of three operations in five nights in Geneva to save my left foot.

For the next five days, I was in tremendous pain and agony. My father, Kim, and Steve Richards, would visit several times each day. Yet, I was so tired, and trying to cover up the pain that I was feeling. Moans would unconsciously come out of me. I couldn't control them.

On December 22, 1993, I was flown to Denver, Colorado, then transferred by ambulance to the Institute for Limb Preservation at Presbyterian/St. Lukes Hospital. After reviewing X-rays of my foot, and the actual foot itself, the doctors were not optimistic. There was an 80 percent chance that they would cut off my foot, or that if they saved it, it would be so nonfunctional that I would request that they cut it off. One doctor said that it was the worst foot that he had ever seen still attached to a human body.

Over the next six days I had three more operations. The last one lasting 12 hours. The doctors had used my stomach muscle to replace the lost foot tissue. They sewed the blood vessels together. They also moved the pinky toe to the place of my missing fourth toe.

Thus far, I had been in four hospitals in four countries in one week. Within 12 days in three countries, I had had my right leg amputated and seven operations on my left foot.

I was transferred to my fifth hospital, Boulder Community Hospital Mapleton Center in mid-February. I remained there for three weeks. Since that time I've continued to visit Mapleton Center three to four times a week as a physical therapy outpatient. I am learning how to walk, move my foot, care for my stump, and get my body into shape. Initially, it took two physical therapists 15 minutes to stretch my legs since they were tight from being in a bed and in a wheelchair for so long. Now we work on strengthening the foot, massaging to reduce swelling, and working the toes. To date I can only move two of the remaining four. I also work with a therapist to strengthen my spine and torso to prepare me for walking. Recently, I've begun physical therapy in the swimming pool.

The doctors state that there is no question that I will require further operations. I broke, smashed, or lost 25 of the 26 bones in the foot. They would like to try to fill in the gaps and reset some of the bones. Additionally, the plastic surgeon would like possibly to reshape my foot, especially where the stomach flap is located. They say that I will have pain the rest of my life. To what level they do not know yet.

The good news is that I may be able to keep my foot. That I will have it the rest of

my life. I will no longer be able to run or jump, but I will be able to walk, play golf, and hike eventually.

But the point that I would like to make today is what about the other land mine victims? I am so lucky. I am lucky to be an American. To have the best medical care, therapy, and prosthetics available. Thus far, medical care costs are in the neighborhood of $250,000. What about the Somalis who are hurt by land mines? Who is going to help them? Who is going to pay for their care and therapy? There are thousands around the world in places where having one's legs and arms are key to economic survival. They are the farmers, herders, traders, merchants, who need their limbs to work. These people do not have access to any medical facilities, let alone the quality of medical care that we have here.

I was able to contact help by my hand held radio. The IRC had the organizational capabilities to get me evacuated to receive excellent medical treatment. Their support has been instrumental in my recovery. Most do not have such blessings. As you have learned, the medical consequences of my injuries requires prompt and repeated surgical care, not so readily available for civilians in the developing world.

The IRC has implemented land mine awareness programs in Thailand, Malawi, and Pakistan. Its purpose was to assist refugees in protecting themselves from land mine risks. However, it is clear, that the resources devoted to promote land mine awareness and demining programs are not sufficient to keep pace with the present deployment rate.

I make my living by using my head and not by my feet. My goals have always required the use of my head. I don't need my feet to make a living. What about the other land mine victims who do? With deaths or injuries of bread winners, their families are usually left destitute. Unfortunately, as you have heard today, land mines are not designed to target discriminately. In most cases, the victims are civilians.

Article 3(2) of the Land Mines Protocol prohibits the direct use of mines against civilians. The 1977 Additional Protocol I, article 50 states a "civilian is anyone who is not a member of the armed forces or an organized armed group of a party to the conflict." I have never been a member of the military or an armed group. Yet, unfortunately, due to the indiscriminate nature of land mines, this article of the Land Mines Protocol is violated on a regular basis. Thus, I received no protection or consideration.

The Protocol goes on to prohibit in Article 3(3) the indiscriminate use of land mines. This is also violated regularly. For example, I arrived in the Lugh area 18 months after the hostilities in the area had ended. Yet now, as evidenced by my accident, land mines remain even though they have outlasted their military functions.

It is obvious that the provisions of the Land Mines Protocol are not adhered to seriously. Only the institution of a complete prohibition can be effective. Thankfully, the United States, led by the strength and tenacity of Senator Leahy and others, are taking a leadership role in this area. I urge you to continue your good works.

From the moment my vehicle hit the land mine, I found myself in a position that is not familiar to me in my role as a relief worker. I had become a victim.

Like so many others who have been victimized, I found myself questioning. But, I have never been bitter or depressed about my condition. On the contrary, I am grateful to have had the opportunity to assist so many people to help start their lives again after the civil war. I chose to do what I loved: to assist refugees in getting on their feet again.

When processing and disbursing the loans to Somalis to assist them with their lives, I made it a point to say that may money came from the people of the United States of America. In the future, I would also like to say that we were instrumental in setting the standard in the fight against land mines.

Land mines are used as a destabilization weapon by mining areas such as agricultural fields and trading routes, making them economically unproductive for future generations. This leads to populations being permanently displaced, economic devastation, and political turmoil, all contrary to U.S. strategic foreign policy objectives.

Land mines maim and kill relief workers and their constituents all too frequently—in fact at least 1,200 people per month. The U.S. State Department estimates that there are some 100 million unexploded land mines in over 60 countries. Millions more are stockpiled in warehouses, waiting to be deployed. The State Department also emphasizes that land mines may be the most toxic and widespread pollution facing mankind.

In closing, I would like to say that there is something that you can do. Many have spoken on the horrors of land mines to civilian communities. Now it is for you to continue to set an example to the world.

As an American, I feel that we should promote and support a complete international ban on the production, and export, and deployment of land mines. It is a tremendous opportunity to confirm our humanitarian principles and leadership in the world.

In the interim, a permanent ban on all United States land mine development, export, and production sets the standards for the behavior of nation states. It will help bring international attention to the land mine problem and stimulate activity toward a complete international ban.

Thank you.

Mr. LEAHY. Mr. President, I will, during the coming weeks and months, speak again on this issue. I feel so very strongly about it. I felt that way the first time I met a victim of a landmine, a little boy who lost his leg in the jungle of Honduras, who was forever doomed to live on the handouts of others.

I started, with the help of the distinguished Presiding Officer and my colleagues on the Appropriations Committee, and others, a war victims fund to aid these people worldwide. It has been used in over a dozen countries.

We are aiding the victims—building artificial arms or legs or wheelchairs, or teaching them to walk again or help those who have been blinded. But, Mr. President, how much more we could do if we stopped it from happening in the first place.

This is not a new problem. There are parts of Europe today where people cannot walk because of landmines from the Second World War. But in Third World nations where it can cost hundreds of dollars to remove one of these $5 or $10 mines in a country where the per capita income is only a couple of hundred dollars a year, you see what we face.

So, Mr. President, I will continue to speak on this, and I thank those Senators who have joined me in trying to stop it.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER [Mr. KOHL]. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes, and I be allowed to speak therein for that period of time.

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

CHILD PORNOGRAPHY

Mr. GRASSLEY. Mr. President, two branches of Government have now spoken: The Justice Department's view of child pornography is wrong.

Last November, this body voted 100 to 0—just think of that, 100 to zero—to repudiate the Reno Department of Justice's interpretation of the Child Protection Act. The House of Representatives by an overwhelming majority agreed this spring. Last week, a second branch of Government, the Judiciary, unanimously rejected the Government's position.

The case of United States versus Knox was before the Supreme Court when the Clinton administration's Department of Justice changed its mind about what the Child Protection Act outlaws. Through their own administrative action, the Solicitor General overturned consistent 8-year interpretations of previous Justice Department interpretations of the statute. For the first time, Solicitor General Days argued in a turnaround that illegal child pornography required nude depictions of children who themselves intended to act lasciviously. Under Mr. Days' interpretation, Knox, twice convicted, would go free.

When the Supreme Court heard the argument, they remanded the case to the Third Circuit for consideration of the new position presented by the Clinton administration. Forty Members of this body and 194 Members of the other body joined an amicus brief urging that Knox's conviction be affirmed notwithstanding the Justice Department's changed position in the litigation.

In its decision, the Court flatly rejected the arguments invented—I wish to emphasize, invented—by Solicitor General Days and his team. First, the Court ruled that nudity or discernable body parts are not required for materials to constitute child pornography. The videos the Government sought to declare legal were described by the Court as "clearly * * * designed to pander to pedophiles."

In light of the statutory language and the harms caused to children who are subjected to production of these materials, because in 1984, we sought to

protect the young children of America, the Court found that clothed genitals fall within the statute. And that is what Solicitor General Days was trying to have the Supreme Court say was not covered. The Government acknowledged that its proposed standard would protect boys more than girls. Obviously, Congress, in 1984, adopted no such standard, and we reaffirmed this in that 100 to 0 vote last year.

Second, the Court rejected the Government's argument that child pornography requires the child to act lasciviously. The Court held, correctly, that the statute requires that the point of view of the pedophile to whom these videos are directed be the decisive one. Again, that is entirely within congressional intent, I can say, as I was involved in the writing of that legislation in 1984.

A spokesman for Attorney General Reno admitted that the Court rejected the Department's arguments. It was a total defeat for the arguments of the Clinton Justice Department and the Solicitor General, a total defeat. They struck out completely. The spokesman indicated that the Department has made no decision regarding a position to take if Knox again appeals to the Supreme Court.

I have cosponsored a resolution with Senator ROTH and Senator HEFLIN calling on the Justice Department to argue that Knox's conviction be upheld when he again petitions the Supreme Court to review his case.

I hope that the Department has now learned a lesson—that these videos fall within the child pornography laws, and that a broad reading of those laws satisfies the Constitution. Congress has acted to prohibit child pornography to the fullest extent allowable under our Constitution. The Justice Department should and has a responsibility to enforce that congressional policy.

I am astonished that there would still be any question in the Justice Department whose side to take on this appeal. Certainly, an administration that would adhere to the position that has been so thoroughly discredited by two branches of Government, I would have to assume was on a crusade for smut.

HOUSE AND SENATE CRIME BILLS

Mr. GRASSLEY. Mr. President, I expect that conferees will begin to meet soon to reconcile the House and Senate crime bills. In the past, the Senate has passed good and tough anticrime legislation, only to discover that what emerges from conference is weak and unworthy of the previous support we have given the bill. As a conferee this year, I do want to set straight my objections to various provisions in the House bill that I hope will not appear in the conference report.

The Racial Justice Act is at the top of that list. The Racial Justice Act will prevent the death penalty from being imposed without the imposition of racial quotas. The American Criminal Justice System is based on individual punishment. By contrast, the Racial Justice Act is premised on group rights and statistics. It is also premised on false notions about the way the death penalty is administered by our courts. We all support principles of nondiscrimination in applying the death penalty. The Racial Justice Act has nothing to do with those concerns. Instead, it is a way to abolish the death penalty in practice. The Racial Justice Act would do permanent damage to the Criminal Justice System. If it appears in any form in the conference report, I will oppose that conference report.

The House crime bill also added $10 billion in so-called crime prevention money. What it really did was fund all the social programs that have been on some people's wish lists for a decade. Spending money on infrastructure will not prevent crime. Nor will spending money on public works, lighting, self-esteem, and public transportation prevent crime. What passed the House is not the tough anticrime legislation the American people want and deserve. Spending money on these failed feel-good programs will not be tough and will not be smart.

There is nothing we can do to prevent crime more than building prisons to keep violent criminals off the street and to fund additional police.

If the crime conference report spends billions of dollars on pork barrel projects that have nothing to do with crime, I will not support the conference report. We have tried these kinds of programs before, going back to the Great Society days. These programs say it is society's fault that there is crime, not putting blame on the shoulders of the individual in America and making individuals responsible for their own actions.

We have been following the root cause theory since the 1960's, and we have had disastrous results from that philosophy. Crime rates rose as we stopped building prisons. They have stabilized as we have built more prisons. Unless the thugs are first removed from the crime-infested areas, social spending of the type contained in the House bill will be wasted.

We must do more to support law enforcement, and we must stop spending enormous sums on all sorts of projects that have nothing to do with controlling crime. The American people will be watching the actions of the conference committee, and they will be expecting a tough product from that conference.

I yield the floor.

I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MFN FOR RED CHINA: A TRAGIC MISTAKE

Mr. HELMS. Mr. President, President Clinton's decision to renew most-favored-nation trading status for Communist China is another tragic chapter in the President's foreign policy failures. Despite Red China's having deliberately flaunted the conditions laid out by Mr. Clinton himself for MFN renewal—through the May 1993 Executive order—the President is discarding what he once proclaimed to be steadfast principles. And he is doing it in a shameful kowtow to China's Communist emperors.

This latest foreign policy disaster should be no surprise. From the start, Mr. Clinton's China policy has been fraught with contradiction. As a candidate, Mr. Clinton viciously attacked George Bush for "coddling the dictators in Beijing" and publicly endorsed human rights conditionality for MFN. However, once in office, President Clinton preferred Mr. Bush's soft approach—and tried to adopt it in a very flawed way. Bill Clinton's attempt to reconcile his opposing positions has resulted in the worst possible outcome, today's ineffective policy of appeasement masquerading behind a human rights facade.

The basis of my criticism of Mr. Clinton is not partisan politics. I consistently and publicly expressed my disdain for President Bush's being soft on China. I voted to override the Bush veto of legislation I cosponsored—and Congress passed—conditioning China's MFN.

I therefore welcomed President Clinton's 1992 get-tough campaign rhetoric. It was a policy change long overdue. While I had hoped that nonproliferation and fair trade conditions also would be mandatory requirements for China's MFN renewal, I nonetheless supported President Clinton's Executive order which linked human rights progress to MFN as an encouraging first step in the right direction.

But, Mr. President, it is now clear that the Executive order turned out to be nothing but a bluff—and an amateurish one at that. By elevating human rights through this defective plan to the primary MFN renewal condition, all other concerns, including the equally important nonproliferation and unfair trade problems, have been cast aside receiving no attention at all. Assessing correctly from the beginning that despite all its human rights bluster the Clinton administration would not revoke MFN, China has balked at

improving human rights and has been let off the hook on every other issue thanks to the administration itself.

Mr. President, instead of recognizing this policy to be a failure, and changing course, the Clinton administration has turned to appeasement in a desperate attempt to get something—anything—from China. Knowing the administration needs some human rights gesture to justify MFN renewal, the Chinese have been able to extort—and get—whatever they want. The administration has succumbed almost daily to this blackmail. Oh, how the Chinese Communists must enjoy seeing the United States beg and grovel. How they must enjoy yanking the U.S. chain. It is humiliating.

Recognizing that the United States accounts for 40 percent of China's exports—96 percent of which are covered by preferential MFN tariffs—and that the United States provides Beijing with its only significant hard currency, MFN is a reward that the United States bestows upon China, not the other way around. How the Chinese must be relishing the irony of it all.

Mr. President, among some of the more blatant examples of appeasement, the administration has:

Weakened nonproliferation sanctions despite China's continued nuclear testing and lack of positive action on other nonproliferation concerns;

Failed to impose any penalties for China's gross violation of textile quotas;

Failed to even cite—let alone penalize—China for the piracy of intellectual property rights;

Failed to prosecute Chinese caught engaging in industrial espionage in the United States;

Upgraded military relations and offered Chinese military experts unprecedented access to America's most sensitive defense laboratories despite China's continued, aggressive military modernization and continued sale of weapons to brutal regimes like those in Burma and Iran;

Approved the transfer of new super computers and sensitive satellite launch technology that could be used to improve Red China's offensive, strategic nuclear missiles arsenal despite China's refusal to join the current nuclear testing moratorium or adhere to missile technology controls;

Sanctioned Taiwan—but not mainland China—for inadequate endangered species convention enforcement;

Insulted the democratically elected President of America's long-time friend and ally on Taiwan at the behest of the Communist Chinese ambassador in Washington;

And insulted the U.S. Congress—the elected representatives of the American people—in an effort to placate Beijing's dictators.

What has all of this gotten the United States? Nothing. Even on human rights, the one issue on which the Clinton administration staked its entire policy, the result is failure.

The State Department's own 1993 human rights report chronicles abuse after abuse by Beijing. China's human rights record has deteriorated further with the arrest and disappearance of many formerly free dissidents. According to Human Rights Watch, while China has freed 25 political prisoners over the past year—something the State Department highlights, the Communists have turned around and arrested over 100 more. Where I come from, that is known as regression, not progress.

In Tibet, Chinese colonization and the methodical destruction of Tibet's distinct heritage continue at full speed. Even after the Dalai Lama met the Chinese precondition for talks, namely that the Tibetans would not raise the issue of independence, the Communists still refuse to negotiate.

Yet, despite the obvious lack of significant, overall progress as called for in the President's own executive order, China's MFN is being renewed.

Mr. President, the manner in which the administration has pandered to the Communist Chinese is embarrassing and degrading to the United States. We are not eunuchs required to kowtow to every demand of the Chinese emperor.

The ramifications of this debacle go way beyond the Great Wall. Why should North Korea take seriously our threats of sanctions should they continue to refuse inspections of their nuclear facilities? It's no wonder two-bit generals in Haiti laugh at us. American credibility is being lost and I fear that the cost President Clinton will incur to regain respect is the unnecessary loss of American lives in some ill-defined military (mis)-adventure somewhere.

It is time for President Clinton to learn from mistakes and craft a more effective policy that recognizes China as the tough, Communist competitor that it is. Instead of allowing the Chinese ambassador in Washington to dictate our China policy, Foggy Bottom ought to stand up and fight for American interests. No relationship is too sensitive or fragile to be a fair relationship.

Truly successful Sino-American relations must be based on respect. Mr. President, how can the United States effectively pressure the Chinese to address satisfactorily unfair trade, nonproliferation and human rights concerns if we succumb repeatedly to Chinese blackmail and make hollow threats, like MFN revocation, for which we have no intention of carrying out? China will only start treating American interests with respect when this administration begins to act in ways that command respect. Renewing MFN under today's hypocritical standards is a poor way to start commanding respect.

TRIBUTE TO MR. LEE FLEETWOOD POWELL

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian, Mr. Lee Fleetwood Powell, who passed away April 6, 1994. Mr. Powell, a longtime resident of Paducah, KY, will long be remembered for his dedication to his community.

Mr. Powell's outstanding leadership qualities first became recognizable when he attended Abilene Christian University, where he played on the basketball team and served as captain of the 1932 football team. Throughout his life Mr. Powell continued to strongly support the university while pursuing a distinguished career with his family's business, Old Hickory Clay Co. of Paducah.

In 1963, Mr. Powell was named to the Abilene Christian College National Development Council and was honored as Outstanding Alumnus of the Year. He also served as president of the ACU Alumni Association, chairman of the ACU Advisory Board, and he received an honorary doctor of letters from the university in 1984. Two years later he was inducted into the Abilene Christian Athletic Hall of Fame. In 1993, following a gift from Mr. Powell to construct the 5,000 square-foot facility, the Lee Powell Fitness Center was dedicated.

Mr. Powell was also actively involved in athletics within the community. He served as a football and basketball coach in Texas and in Fulton, KY. Mr. Powell left coaching in 1935 when his father-in-law, Ralph Scott, asked him to take over Old Hickory Clay Co. After serving as president for a number of years, Mr. Powell sold the business to his children and grandchildren in 1988.

Mr. Powell gained respect in Paducah by offering his time and service to the community. He was appointed to the Paducah City School Board in 1939 and served on the board for 19 years, including 15 years as chairman. Mr. Powell was also active in the Paducah Chamber of Commerce, the Rotary Club, the Kentucky Council on Economic Education, and Lions Club, where he served as president. He was also a member of the Paducah Broadway Church of Christ, where he was an elder over 40 years and the church treasurer for 25 years.

Lee Fleetwood Powell was a man who strived to serve his community. He continuously offered his time and his resources, and his efforts have left a strong impression on the Paducah community. He was an outstanding leader, inspiration, and driving force in the Paducah economy and the community, and I commend him for his dedication and service.

THE DEATH OF MARY ELLEN MONRONEY

Mr. BOREN. Mr. President, in early May, the State of Oklahoma lost one of its finest citizens, and the U.S. Senate family lost one of its most beloved members with the death of Mary Ellen Monroney. For many of us from Oklahoma and indeed, for many Senators and their spouses, having Mary Ellen Monroney as a friend was like having a second mother in Washington.

She was the widow of the late Oklahoma Senator A.S. [Mike] Monroney who was for three decades an outstanding member of the Congress and the architect of the post World War II reform of this institution.

Mary Ellen Monroney was a remarkable person in her own right. She was a confidant and adviser to First Ladies, Presidents, foreign leaders, and diplomats. She set high standards for herself and never compromised them. She was full of courage, spirit, and determination. The trials of life never defeated her. Complete honesty was her trademark and to say that she was candid was an understatement. It is no wonder that young people especially were drawn to her and were inspired by her example, her standards, and her spunk. She was herself forever young, forever open to new ideas, forever curious and learning more each day.

I was deeply honored to be asked by her son, Mike Monroney, Jr., and her family to share a few words about her at a memorial service at the National Cathedral on May 10, 1994. Mr. President, I know that I speak for all Members of the Senate when I extend our sincere sympathy to the Monroney family and our gratitude for the friendship and life of Mary Ellen Monroney.

I ask unanimous consent that the text of my remarks at the memorial service be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR DAVID L. BOREN AT THE MEMORIAL SERVICE FOR MARY ELLEN MONRONEY, BETHLEHEM CHAPEL, WASHINGTON NATIONAL CATHEDRAL, MAY 10, 1994

We come together today to pay tribute to a truly remarkable person, Mary Ellen Monroney. We come to console each other especially Mike Jr., Michael, Erin, Alice, and Susanna, her son and grandchildren, all of whom she loved very much.

We will all miss her. To many of us, as DeVier Pierson told an audience in Oklahoma over the weekend, she was our second mother; our mother in Washington. We'll miss her terribly—her wit, her curiosity—her commentary on the world around us.

But, we also come today to celebrate. We know today that heaven is not a boring place with Mary Ellen there. We chuckle as we think that Our Heavenly Father had better not ask Mary Ellen's opinion on any subject if He isn't prepared to hear it straight out.

Recalling the special feature in the Readers' Digest, there are many who would say that "Mary Ellen was my most unforgettable character."

One of her closet friends, Mary Eddy Jones of Oklahoma City, said to me recently that Mary Ellen was teaching all of us how to die and she did by facing her last illness with courage, dignity, and incredible grace.

Above all, she taught us how to live. So many of us seem to keep waiting to live. We put it off. We plan to really live some time in the future. Mary Ellen always lived in the present. She found zest in every moment. She prepared for the future and she especially cared about young people, but she enjoyed the preparation itself.

Mary Ellen was adventuresome. I wasn't surprised to hear Michael tell the story of his grandmother's urging him to walk up the gangplank of a foreign ship to look around.

She was descended from pioneers who made the 1889 land run in Oklahoma. Mary Ellen had tremendous energy and a childlike curiosity about everything around her.

Who else would have taken an African safari at the age of 86?

Who else would have gotten a speeding ticket at age 85 for driving herself 90 miles per hour passing over the Italian Alps to visit her friend Lady Bird Johnson who is here with us this morning?

She lived an exciting life filled with the events of times. If she and her mother had not overstayed their time in Europe by shopping too long, she would have been a passenger on the fatal Titanic voyage on which she had a ticket. With Mary Ellen looking over his shoulder and giving him orders, the captain might never have hit the iceberg. She danced with Fred Astaire who complimented her as a dance partner. She was a frequent guest at the polo outings of Will Rogers. She was even offered a movie contract by Samuel Goldwyn. Hollywood would never have been the same had she accepted.

Mary Ellen had many wonderful qualities. She was determined. Having heard the former governor of New Hampshire, John Winant suggest to husband Mike that he should run for Congress, Mary Ellen didn't stop until he ran in spite of the fact that he had no intention of doing so. When he balked, she leaked his candidacy to the newspaper and got so many of his friends to ask him to become a candidate that he finally did so.

Her honesty was legendary. Senator Monroney once advised her merely to say "Indeed! Indeed!" when confronted with a controversial statement so that no one could quote her comment on either side of the issue. As we all know, Mary Ellen never said "Indeed! Indeed!" in her entire life.

Her openness was constantly refreshing. Once when she was in a dispute with a famous Washington hostess, Mary Ellen was in a group of women who were discussing the person in question in an unfavorable light. Finally one spoke up attempting to be somewhat kind and said "Well, the poor dear is her own worst enemy." To which Mary Ellen replied, "Not when I'm around she isn't."

She had high standards and was a perfectionist, whether she was giving a dinner party or learning all she could about an issue.

She was a loyal and caring friend driving friends to the hospital, visiting those who needed her and helping her former employees long after they had retired.

She could be very sensitive beneath her outward manner. Susanna talked about how her grandmother often squeezed her hand under the table at dinner parties and she felt her love and strength. We have all felt it in crucial moments.

She was a mentor to countless Senate wives and an advisor and confidant to many including First Ladies Bess Truman, Barbara Bush, and Lady Bird Johnson.

She took time for young people and always spoke to my college interns from Oklahoma each summer. Venturing into a controversial area, she would pause and say, "Well, I shouldn't tell you about that." The students would beg, "Oh please Mrs. Monroney, tell us!" She always relented.

And so today we celebrate the life of a truly unforgettable character—an unforgettable friend, mother and grandmother.

A person known as Mary Ellen, George Miksch Sutton, a professor at the University of Oklahoma, was a great ornithologist, scholar, painter, and poet. Near the end of his life, he wrote some words which I want to share with you:

A very little time shall pass—
A white-crowned sparrow's song or two, a rustle in the grass—
Ere I shall die: ere that which now is grief and sense of loss
And emptiness unbearable shall vanish
As curved reflections vanish with the shattering of a glass.

By the wind shall be scattered
Up and down the land,
By strong waves strewn along the farthest shore;
No part of the dear world shall I not reach and, reaching, understanding,
No thing that I have loved shall I not love and more.

No bird of passage shall fly north or south
Breasting the stiff wind or pushing through the fog,
But I shall be there, feeling the deep urge
That drives it otherwhere at summer's ending,
And otherwhere once more with spring's return;
No creature the world over shall experience love—
Drying its wings impatiently while clinging to the old cocoon,
Leaping the swollen waterfall, yapping to the desert moon,
Looping the loop above some quaking bog,
Pounding out drum music from some rotting log,
But I shall be there in each sound and move—
Now with the victor, now with the vanquished.
A thousand thousand times I shall suffer pain,
And that will be a mere beginning.
A thousand thousand times I shall die,
Yet never finally, never irrevocably,
Always with enough left of life to start again: to be born,
To grow, give battle, win, lose, laugh, cry, sing and mourn, to love,
Never quite losing the feeling of surprise
That it is good to live and die;
Learning to forget the word 'finally,'
Learning to unlearn the word 'ultimately,'
Learning, the long stretch of eternity having just begun.

In recalling George Sutton's words, we celebrate the fact that Mary Ellen will always be with us.

When we face a challenge, she'll be there saying, "Meet it! Don't give up!"

When we are tempted to compromise she will be there saying, "Keep those high standards!"

When we are truly happy, we will remember her zest for life.

Mary Ellen, we will love you—always.

AMERICA'S ROLE IN THE WORLD

Mr. HATCH. Mr. President, I wish to take a few moments to say a few words about the American role in the world. With the end of the cold war, many believed that the United States could stand down from its leadership in the world and that the burdens of our global responsibilities would diminish.

In my view, the cold war officially ended on Christmas Day in 1991, when the red flag of the Soviet Union was lowered for the last time over the Kremlin. Yet during the next 2½ years, the demands for United States leadership have not abated. In some respects, they have increased.

To be sure, the challenge is different. We are not faced by a global threat from an ideological rival. Instead, we face the challenge of increasing global disorder and political instability. The threat is not one of conquest and intimidation by a rival power. Instead, it is one of increasing regional and civil conflicts that will demand responses from the international community.

The world will become engaged in these conflicts not purely out of altruism. It will also do so because they will affect the interests of the international community. Conflicts can produce thousands if not millions of refugees, unleash militants willing to use terrorism to achieve their goals, create military threats to vital resources such as oil, breed drug trafficking in war-torn areas, and even lead to environmental terrorism as the world saw during the Persian Gulf war.

Because the international community will not be able to remain indifferent in the face of such threats, the question then becomes how the world will mount a response. I firmly believe that the world will not be able to mobilize an effective response without strong U.S. leadership.

As the world's only military, economic, and political superpower, the United States must lead. During the cold war, we wrote the book on leading as a superpower. Without such leadership, the international community will flounder in responding to the new challenges we face.

Some argue the United States should turn over the reins of leadership to the United Nations. We could make no greater mistake than to heed that advice. In fact, the two most egregious failures of policy over the last 2 years are largely attributable to the United Nations.

Mr. President, let us look at the example of the U.N. operation in Somalia. We went into Somalia on a humanitarian mission. Our forces were configured and equipped to perform that task. Yet, through the United Nations, our responsibilities expanded.

Within 6 months, the United Nations was declaring that our troops were also in Somalia to engage in nation building—that is, to fix Somalia's internal problems so that we would leave behind a stable and democratic government. But military forces are not suited to such a mission. Moreover, when the United Nations transformed our goal, it did not simultaneously transform the size and configuration of our forces.

Our mission and our forces were totally mismatched. In large measure, the subsequent disaster in Mogadishu was the result of ceding leadership over the Somalia mission to the United Nations.

An even more tragic example of muddled U.N. leadership is the situation in Bosnia. In 1991, when the dissolution of the former Yugoslavia began, the United States delegated its leadership role to its European allies and to the United Nations. We have all seen on television the tragic result of unchecked Serbian aggression and ethnic cleansing.

What went wrong? The United Nations opted for a course of action based on diplomacy unsupported by the judicious use of power. It imposed an arms embargo on all of the countries emerging from the former Yugoslavia and launched an unending series of negotiations among the combatants. However, because Serbia inherited the armed forces and munitions industry of the former Yugoslavia, the effect of the arms embargo was to keep the victims of aggression weak and to facilitate Serbia's aggression.

In addition, the United Nations unwillingness to recognize that negotiations alone would not stop Serbia was ruthlessly exploited by Serbian leaders, who feigned a desire to reach a settlement only to undermine any movement within the United Nations to take stronger action and to create a smokescreen for continuing aggression and ethnic cleansing.

The real tragedy was that this outcome could have been avoided through sensible policy. If the United States had exercised wise leadership, it could have lifted the arms embargo against Croatia and Bosnia—the victims of aggression—in order to create a balance of power on the ground. That, in turn, would have given the Serbs a genuine incentive to negotiate and reach a just peace settlement.

It is not too late to adopt such a course. But U.S. policy is hamstrung by its delegation of power to the United Nations, and the United Nations cannot lead because of conflicting views among its members and its continuing myopia about how to resolve the conflict.

Mr. President, the United Nations has not led effectively and cannot lead effectively in the future. Turbulent times in a changing world cannot be managed through leadership by committee. It is time for the United States to abandon its apparent belief that the United Nations can be the substitute for American leadership.

The issue of leadership would not matter if the stakes were small. But great opportunities will be forfeited unless the United States leads. In the former Soviet Union, 15 new countries are struggling to consolidate their independence and, in many cases, to develop working democratic institutions amid the economic ruins left in the aftermath of communism.

After the Soviet Union was dissolved in December 1991 and Yeltsin launched his reforms in January 1992, the United States and the West were shockingly complacent. It took more than 6 months before an assistance package was put together. What's worse, very little of the assistance was ever delivered. As a result, the opportunity to jump start free market economics and democracy in Russia might have been lost.

The failure of leadership was even worse with respect to the non-Russian states of the former Soviet Union. To this day, the West has not adopted an activist approach to help these new countries transform their economic and political systems and to provide for their own security.

To be sure, one of the problems is that there is no model for transforming a command economy into a free market economy. There is no road map for the policies that need to be adopted. However, without U.S. leadership, no creative effort to develop such a model will likely take place. The Europeans, whose economies are saddled with even more bureaucracy than ours, cannot preach what they do not practice. The Japanese are not trusted by the Russians. Only the United States can lead the way in this vital task.

It is vitally important that we do so because of the consequences should reforms fail. Russia could become a reactionary, expansionist power, as the recent parliamentary elections have suggested it might. Economic crisis in the non-Russian states could result in weak, vulnerable states along Russia's periphery. I cannot imagine any formula more certain to produce dangerous political and military instability in Eurasia, particularly after the feckless response to Serbian aggression in the former Yugoslavia.

Great opportunities and potential dangers also exist in Asia, where free-market economics have created the fastest growing economies in the world but where the lack of a security structure creates the threat of arms races and political rivalry. Every year, the amount of new GDP created by the growing economies of the Pacific basin is larger than the entire economy of Germany. Moreover, the successful developing countries of Asia can serve as models for market-driven development in other parts of the third world.

As these economies have grown, however, so have military budgets. East Asia exceeds any other region in the

world in terms of increasing defense spending. Countries that used to be minor players or weak regional powers will have the resources to play wider roles and to assert wider interests. As they do so, the potential for clashing interests will increase.

China is an example of the opportunities and dangers we face. The economic reforms adopted by China since 1978 have unleashed tremendous growth. Over time, the erosion of state control over the economy and erosion of the dependence of individuals and families on the state for basic necessities will open the door to peaceful political change in China.

Incidentally, that's one reason we should not revoke China's most-favored-nation trade status. To do so would undercut the very economic development that holds the greatest promise for the peaceful transformation of China's political system.

This economic growth has not only internal but also external political consequences. Regardless of our views of China's human rights record, we cannot afford to create irreconcilably hostile relations with a country whose foreign policies will be critical to long-term stability in Asia.

Today, China is a nuclear power, a major arms exporter, and a regional power. If China's growth continues, it will become the world's second largest economy in the next century and could well become the dominant military power in East Asia. Although we should speak out on China's human rights abuses, we must not hinge the entire Sino-American relationship on this issue. Too much is at stake in the long term to forfeit opportunities for cooperation and constructive engagement with China.

As the potential developments in East Asia show, those who say the end of the cold war means the United States can afford to put lower priority on security issues are wrong. We have vital interests at stake in Europe, East Asia, the Persian Gulf, and the Western Hemisphere.

Potential threats to those interests continue to exist. For example, Saddam Hussein's regime still poses a long-term threat to our interests in the Persian Gulf. His military capabilities were only partially destroyed in the gulf war. Iraq retains the ability to mount a nuclear weapons program. The economic embargo and no-fly zones imposed on Iraq cannot topple his regime. Since the international community's determination to keep these sanctions in place will wane over time, we must maintain the military capability to protect Western interests in the gulf.

In addition, I believe that we could do more to undermine Saddam's grip on power. We could tighten the sanctions by pressing Jordan to cut off commercial traffic to Iraq. We could build up the political stature of the Iraqi National Congress, the umbrella organization of the Iraqi opposition. We could provide the Kurds in the north and Shia Arabs in the south with arms for self defense.

In a broader sense, we have a vital interest in global stability. Total U.S. trade accounts for more than 35 percent of the U.S. gross domestic product, and international trade depends on stability. The enormous expansion of trade over the past 40 years was made possible by the security umbrella provided by U.S. global military capabilities.

Some say that in the future arms control alone can achieve such stability. I do not agree. Nations acquire arms to assert or defend conflicting interests, not because of the absence of arms control treaties.

During the cold war, no issue consumed more time on the part of American Presidents but produced fewer results than arms control. All the United States-Soviet negotiations and summit meetings produced agreements that only slightly altered the military spending and weapons procurement programs of the two countries. Once the cold war was over—that is, once the democratic revolution in Russia made Moscow a potential friend rather than an adversary—the major arms reductions under Start I and Start II become possible.

Thus, the lesson of the cold war is that it is not arms control but concrete political interests and relationships that will determine military spending and stability.

That has implications for many post-cold-war arms control issues. It would be a mistake, for example, to pursue a total ban on nuclear weapons testing. The fact is that we continue to depend on nuclear weapons as part of our military posture. As long as we do so, we must conduct sufficient tests to ensure the safety and reliability of those weapons.

Efforts to reduce the international arms trade must also be realistic. The problem is not the level of trading in military equipment but the effect of such sales on regional balances of power. There is nothing wrong with selling arms to Israel and other friendly and non-aggressive states. United States efforts to constrain the flow of arms should be focused on keeping weaponry and munitions out of the hands of international outlaws, such as Syria, Libya, Iraq, Iran, and North Korea.

Proliferation of weapons of mass destruction and the means to deliver them will become increasingly important. So far, U.S. policy has been short-sighted. Too often, we focus solely on export controls designed to block the acquisition of critical Western technologies by would-be proliferators. Export control is important, and the Clinton administration has erred in loosening export control in ways that will facilitate such evasions.

More important, vulnerable states can be persuaded not to develop or retain weapons of mass destruction by enhancing their security. Ukraine, for example, has been tempted to retain nuclear weapons because of the potential security threat from Russia. Therefore, the most effective route to ensuring that the democratic government of Ukraine forgo the nuclear option would be to develop policies and security relationships in the former Soviet Union that alleviate Kiev's potential fears.

The greatest problem is not proliferation by countries such as Ukraine but proliferation by rogue states that might actually use such weapons. North Korea comes to mind here. No one should underestimate the difficulty of controlling proliferation in such situations.

Although we should spare no political and economic instruments of power, we have very little leverage vis-a-vis North Korea. Even a total embargo will likely not be decisive against one of the most isolated governments in the world. The only viable option is to work with China, Japan, and South Korea to persuade and pressure North Korea to allow international inspections of its nuclear facilities that would prevent diversion of nuclear materials to a weapons program.

Beyond these security issues, the international community will face many problems related to unstable multinational states, ethnic conflicts, and containing interstate tensions. The progress in the Palestinian-Israeli peace process is encouraging. The democratic breakthrough in South Africa is hopeful but fragile.

In these and other cases, the United States should not be a passive observer but an active participant in advancing peaceful progress. It should do so because no other state has the standing and resources to play a positive role. It should do so most of all because the other side of the coin of progress is the potential for horrific violence, as we have witnessed in Bosnia and in Rwanda.

At the same time, the United States must lead if the international community is to address novel issues brought about by increasing international interdependence. These include international environmental issues, such as protection of endangered species.

It also includes developing concerted responses to international criminal organizations that are having an ever-greater effect on American life. Such organizations include not only drug cartels but also financial fraud operations and other types of criminal activity. The international community will never get a handle on this challenge unless the United States leads the way in developing strategies and

capabilities to neutralize these organizations.

Mr. President, I have outlined here some of the reasons why strong American international leadership is imperative. In closing, I would like to note one additional reason why only the United States can play this role: The United States is the only major power viewed around the world as an honest broker. Around the world, others come to the United States for assistance not only because of our power but also because they understand that our polices are guided in part by a sense of what's right and wrong. We often take that for granted, but historically American leadership—guided by idealism—is the exception but not the rule. In a turbulent world, it is a positive influence that the international community cannot afford to lose.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let's have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Tuesday, June 14, the Federal debt stood—down to the penny—at $4,605,761,962,704.33. This means that every man, woman, and child in America owes $17,666.16, computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

TRIBUTE TO LT. GEN. ROBERT A. TIEBOUT ON HIS RETIREMENT FROM THE U.S. MARINE CORPS

Mr. SASSER. Mr. President, today, I want to congratulate Lt. Gen. Robert A. Tiebout, Deputy Chief of Staff for Installations and Logistics, U.S. Marine Corps, on the occasion of his retirement from the corps.

During his 33-year career, General Tiebout has served in nearly every area of logistics throughout the corps and has distinguished himself as being the first marine engineer ever to achieve three star rank. He has been categorized as a marine's marine. His career has been marked by his dedication to country, corps and the marines and civilians serving our country. He practiced total quality leadership long before it came in fashion. He has commanded marines in peace and war at every rank from second lieutenant to major general.

Whether he was in the jungle of the Republic of Vietnam or directing procurement during Operation Desert Shield/Desert Storm, General Tiebout's leadership has been marked by honesty, integrity, and a common sense approach to every decision. His most recent assignment was in a position of great responsibility where many Senators and senior staff members had discussions with him regarding his testimony during hearings on subjects ranging from base closure to Marine Corps readiness. His credibility and devotion to duty are unsurpassed.

Mr. President, I ask our colleagues to join me in congratulating General Tiebout and his wife, Lil, on their transition to civilian life. I am pleased to note that they have chosen to return to Tennessee, where I know each of them will continue to contribute their many talents, but now for the people of Tennessee. I know all of us thank him for his dedicated, professional, and selfless service to the United States of America and to the men and women of our Marine Corps.

PAN AM 103

Mr. MOYNIHAN. Mr. President, I rise to discuss the supposed confession recently made by Youssef Shaaban, who claims to have carried out the 1988 terrorist bombing of Pan Am flight 103. Many understandably view this abrupt and unexpected confession with skepticism. We must of course fully investigate Mr. Shaaban's claims. As we should pursue every lead that might help bring to justice the criminals who murdered the Pan Am 103 victims.

In doing so, we must not let our investigation of Mr. Shaaban's allegations distract us from maintaining pressure on Libya to comply with extradition requests for the already indicted suspects, Abdel Basset Ali Megrahi and Lamen Khalifa Fhimah so that they may stand trial. Libya continues to twist and turn in their efforts to avoid complying with the Security Council's demands. Stronger sanctions—specifically, an oil embargo—are needed.

I note that during the debate on China's MFN status there were some troubling comments made concerning the Clinton administration's views on the use of sanctions generally, for instance R. Jeffrey Smith's May 31, 1994, article in the Washington Post. As chairman of the Senate Foreign Relations Subcommittee on Near Eastern Affairs I would like the administration to understand that there must be no blinking in using sanctions to force Libya to surrender the suspects in the bombing of Pan Am flight 103. This matters. Congress has not forgotten, nor have the American people. Nor shall we.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived and passed, the Senate will now resume consideration of S. 1491, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate resumed consideration of the bill.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

Mr. D'AMATO. Mr. President, yesterday on a straight party line vote, Senate Democrats trampled our constitutional responsibility to engage in meaningful congressional oversight of the executive branch of Government. During 12 years of Republican administrations, the Congress kept a bright spotlight of congressional oversight on the White House searching far and wide for any sign of potential wrongdoing. Well, yesterday, congressional Democrats voted unanimously to turn the lights out. Yesterday, 56 Senators abandoned a 200-year tradition of thorough and fair congressional oversight in favor of a new policy: See no evil, hear no evil, speak no evil.

When it comes to advancing the programs of the administration, it is fair to expect congressional Democrats to carry the President's water. But when it comes to our constitutional oversight obligations, the American people do not want Congress to carry his Whitewater, too. Make no mistake about it: yesterday, 56 Senators voted to place a short leash on the congressional watchdog and handed it over to the independent counsel. Never before has Congress stepped aside and abandoned or postponed its constitutional oversight responsibilities while an independent counsel conducted an investigation.

Never once in our history has Congress authorized an independent counsel, or anyone else, to dictate the scope or timing of congressional oversight activities—that is, never before yesterday.

Did Congress get permission from Archibald Cox or Leon Jaworski to hold Watergate hearings? No. Did Congress postpone Iran-Contra hearings because of concerns that hearings might interfere with Lawrence Walsh's ongoing investigation? Absolutely not. Yet, this is exactly what Senate Democrats have done in the case of Whitewater.

Yesterday, after Senate Democrats voted against my amendment for full and fair Whitewater oversight hearings, I began the process of giving our colleagues an opportunity to, at a minimum, authorize meaningful oversight activities. I plan to continue that process today by offering amendments that

would provide the same tools to the Banking Committee that were provided to countless other oversight committees in the past.

Under the amendment adopted yesterday, it would be impossible to conduct genuine oversight activities. Yesterday's amendment does not expressly grant authority to order Federal and State Governments to produce all relevant documents. Yet, this authority was given to the Senate select committee investigating Iran-Contra, the select committee to investigate Justice Department undercover activities, established in 1982, and the select committee investigating Watergate.

How is that? Why is that? Why was that authority necessary in those cases and yet explicitly deleted from yesterday's amendment? I will be offering an amendment asking for that same authority.

Yesterday's amendment does not expressly provide for access to any relevant evidence in the control of the Federal Government's agencies or departments. Yet, this authority was given to the Senate select committee investigating Iran-Contra, the select committee to investigate the Justice Department undercover activities, and the Senate select committee investigating Watergate. We are going to ask for that same authority.

Mr. President, there is an established procedure but we have trampled over it by providing such a limited scope to the hearings so that these hearings would be worthless.

Yesterday's amendment does not encourage the oversight committee to seek access to information acquired or developed by other investigatory bodies. Yet, when the Senate established a select committee on Iran-Contra, it included a statement encouraging that committee to obtain information acquired or developed by other investigatory bodies. That same methodology should be part and parcel of this committee and of all oversight committees undertaking these kinds of investigations.

Yesterday's amendment does not request the independent counsel to make relevant evidence available to the oversight committee to assist the Congress in conducting a thorough investigation in an expeditious fashion. Yet, it is interesting that there was such a provision in the resolution establishing the Senate Iran-Contra select committee.

Why have we not followed the normal prescription? How is it that we have now come to a point where we have stripped down and made impotent any hearings that could have a meaningful inquiry? After having insisted that the Senate wait to hold hearings until the independent counsel has completed its first phase of investigation, the amendment adopted yesterday fails to request that the independent counsel make available his evidence to the Whitewater oversight committee.

Why? What do we have to hide?

Mr. President, I will offer an amendment to address those obvious deficiencies in the legislation which is now being considered.

Mr. President, yesterday, one of my colleagues called the amendment supported by Democrats a "fig leaf." I think that was too generous for a transparent effort to prevent meaningful and fair congressional oversight of the Whitewater affair.

The American people can see right through that. I believe they will come to understand that that was not a bona fide effort to give people the hearings that they are entitled to.

AMENDMENT NO. 1782

(Purpose: To authorize hearings on the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1782.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the circumstances surrounding and the propriety of the committees-futures trading activities of Hillary Rodham Clinton.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask unanimous consent to proceed as if in morning business for not to exceed 6 minutes.

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

CRANBERRY WETLANDS

Mr. GORTON. Mr. President, shortly before the Senate left for the Memorial Day recess, the chairman of the Senate Environment and Public Works Committee announced that the Senate would soon consider legislation to reauthorize the Clean Water Act. In anticipation of the consideration of this legislation, I have been working with the chairman and ranking Republican member of the committee to address the unique concerns that cranberry growers have with the wetlands title in the committee's legislation.

Washington State is certainly not the largest of the cranberry producing States, but when the growers of my State asked for help in trying to make the Clean Water Act work for them, I listened to their concerns. I told the Washington State growers that I would do what I could to help them because I know that the jobs of the workers in cranberry processing plants, and the ability of individual growers to provide jobs and economic opportunities to families in committees along the coast of Washington State, depend upon making the Clean Water Act work for these growers. The growers and I have worked hard with the committee over the past several months in an attempt to develop a compromise that will address the concerns of cranberry growers. I continue to hope that a compromise can be worked out, but in the event that it cannot, I am prepared to offer an amendment on the floor on behalf of the growers of my State and of other States.

Mr. President, a few months ago several environmental groups sent a letter to Senators suggesting that cranberry wetlands were not "good" wetlands. The April 18 letter from the National Wildlife Federation is full of many inaccuracies on cranberry wetlands, and today I will clear up these inaccuracies and set the record straight.

Inaccuracy No. 1: The letter asserts that cranberry growers are seeking an exemption from the Clean Water Act.

After several discussions with committee staff it became clear that an exemption, while preferable to the growers, was of some concern to that committee—so the growers compromised. Today we are working with the committee to make nationwide permit 34, which has already been granted for cranberry growing operations, more workable for individual growers.

Inaccuracy No. 2: The letter falsely states that cranberry wetlands "degrade water quality * * * harm fisheries * * * and reduce water quantity."

A 1991 study by the Environmental Protection Agency and the Massachusetts Executive Office of Environmental Affairs on Buzzards Bay stated that the cranberry bog system "plays an increasingly important role in the preservation of open space, water storage and conservation, ground water recharge, and in providing wildlife habitat."

Those unfamiliar with cranberry growing operations may not realize that for every acre of active cranberry wetlands, a grower has an average of 10 acres of surrounding land that is not farmed, but left relatively untouched to support the cranberry wetlands.

I am continually amazed to read statements by environmental organizations that attempt to paint all of agriculture as destroyers of the land and

the environment. Nothing could be further from the truth. Cranberry growers—together with the rest of our Nation's agriculture community—have a vested interest in the land from which they make their livelihood. And, in the opinion of this Senator, to make statements to the contrary does a great disservice to the families across Washington State and the Nation who provide a great and important contribution to our Nation's economy and food supply.

Inaccuracy No. 3: The letter states that "cranberry growers already receive streamlined review for converting wetlands and streams into cranberry beds under nationwide permit 34."

Mr. President, if only this statement were true. In fact, cranberry growers cannot effectively use this nationwide permit because Federal and State agencies are not allowing growers to use it as it was intended. Consequently, growers are not seeking an exemption from section 404 permitting process, but rather a legislative solution to allow the nationwide permit to work in practical terms.

In fact, prior to the Memorial Day recess, EPA Administrator Carol Browner stated in testimony before the House Public Works and Transportation Committee that,

> The administration believes that the concerns of cranberry growers can be addressed without creating new exemptions from permitting requirements, and in ways that not only meet the needs of the potential applicants, but also provide for appropriate State roles and adequate environmental protection.

This is exactly what cranberry growers in Washington State want and need. I want to make clear that the legislative solution that the growers seek is not an exemption from section 404 permitting process, but rather a way to allow for modest expansion of existing operations, as allowed for under nationwide permit 34.

Mr. President, I hope that I have cleared up any misconceptions about cranberry wetlands that may have come about as a result of the letter from national environmental groups. Although both the growers and I would prefer to have this issue ironed out and included in a managers amendment to the committee's clean water legislation, I am prepared to offer an amendment on behalf of Washington State's cranberry growers, and those of other States, when the legislation comes to the floor.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the National Wildlife Federation, dated April 18, 1994.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL WILDLIFE FEDERATION,
Washington, DC, April 18, 1994.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We are writing you because we are deeply concerned that §404 of the Clean Water Act will be seriously weakened by exempting the conversion of wetlands into cranberry beds.

A statutory exemption for expansion of cranberry production would have devastating effects on the environment. Cranberry beds are so intensively managed that they are reduced to biological wastelands, virtually bereft of any flora and fauna beyond the cranberry vines themselves. In fact, most cranberry beds do not even meet the regulatory definition of wetlands. Furthermore, the impacts of converting wetlands to cranberry production can degrade water quality (adding sediments, nutrients, fertilizers and pesticides to downstream waters, sometimes in acutely toxic amounts); harm fisheries (altering cold water fisheries and impeding migration of anadramous fish); and reduce water quantity (by diverting flows from rivers, streams and wetlands).

This exemption would expose literally thousands of acres of wetlands to development with no environmental review. In just a seven-year period, from 1982 to 1989, the U.S. Army Corps of Engineers authorized the conversion of over 5,000 acres of wetlands to cranberry beds in Wisconsin alone.

Moreover, there is no need for a statutory exemption for expansion of cranberry facilities. Contrary to popular belief, cranberry beds do not need to be constructed in wetlands. A recent U.S. Fish and Wildlife Service study demonstrates that over 66% of the new cranberry beds constructed in Massachusetts between 1977 and 1986 were constructed on upland.

If cranberry growers are exempted from regulation under Section 404 of the Clean Water Act, many other industries and associations will demand similar treatment. In fact, the potential cranberry exemption has already sparked demands from such groups as the Texas Farm Bureau for statutory exemptions for rice and aquaculture.

Finally, it is important to note that the cranberry growers already receive streamlined review for converting wetlands and streams into cranberry beds under nationwide permit 34 (NWP 34). NWP 34 virtually automatically authorizes cranberry growers to convert up to 10 acres of natural wetlands and streams—the equivalent of 7 football fields.

A statutory exemption for converting wetlands to cranberry production would strip away existing state authority, under Section 401 of the Clean Water Act, to condition or deny water quality certification for NWP 34. The states' rights to act to preserve quality of their waters must not be abrogated by amending the Clean Water Act to exempt conversion of wetlands to cranberry production.

We urge you to oppose any amendments or bill provisions that would exempt conversion of wetlands to cranberry production. Such an exemption would undermine the effectiveness of the Clean Water Act and would harm the quality and quantity of the waters within your states.

Thank you for your attention to this matter.

Sincerely,

Terry Schley, Counsel, Fish & Wildlife Resource Division, National Wildlife Federation.
Ken Bierly, Wetlands Program Manager, Oregon Director of State Land.
Bob Adler, Senior Attorney, Natural Resources Defense Council.
Sally A. Zeilinski, Executive Director, Massachusetts Association of Conservation Commissioners.
Steve Moyer, Legislative Director, Trout Unlimited.
Pam Goddard, Legislative Representative, Sierra Club.
Carolyn Hartmann, Staff Attorney, U.S. Public Interest Research Group.
Dawn Martin, Director, Washington, D.C. Office, American Oceans Campaign.
Clark Williams, Legislative Representative, National Audubon Society.
Tim Searchinger, Attorney, Environmental Defense Fund.
Lisa Kahn, Legislative Representative, Friends of the Earth.

Mr. GORTON. Mr. President, I yield the floor.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes Senator DASCHLE.

AMENDMENT NO. 1783 TO AMENDMENT NO. 1782

Mr. DASCHLE. Mr. President, I have an amendment to the amendment offered by the Senator from New York, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for Mr. MITCHELL, proposes an amendment numbered 1783 to the D'Amato amendment No. 1782.

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

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

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. DASCHLE. Mr. President, this amendment is the same amendment offered by the majority leader yesterday. It passed, as we all know, on a party-line vote. It is an amendment that builds upon the legislation offered last March 17.

The amendment then offered by the majority leader is consistent and responsive, and I believe ought to be considered today as it was yesterday.

The resolution on March 17, just to remind my colleagues, stated that:

The hearings should be structured and sequenced in such a manner that in the judgment of the Leaders they would not interfere

with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. President, that is really the issue here. The issue was debated thoroughly yesterday. I suspect it will be debated again today.

Unfortunately, we are covering a lot of old ground with the deliberations once again before us, legislation frankly that keeps us from getting to the investigation we all say we want.

Under the majority leader's approach, approved yesterday by the Senate, hearings will commence on the first phase of the Whitewater matter in the Banking Committee approximately 30 days after the special counsel indicates that such hearings would not interfere with his investigation, or by July 29, whichever is earlier.

Let me repeat that, just to be sure everyone understands what we did.

The Senate hearings will commence on the first phase of the Whitewater matter in the Banking Committee, as we all have recognized has jurisdiction, approximately 30 days after the special counsel indicates that such hearings would not interfere with his investigation. If they have not commenced prior to July 29, they will commence on that date, regardless.

The President has moved forcefully to address questions which have arisen about the so-called Whitewater matter. He has faced questions from the media on several occasions, including a major press conference. He has reassured the American people. And he has taken necessary steps to assure that there will not be even the appearance of interference in the investigation by anyone in the White House. The First Lady has also addressed the matter in an unprecedented and extensive major press conference.

Just this past Sunday, the President answered special counsel Robert Fiske's questions, under oath, for 90 minutes, and Mrs. Clinton answered Mr. Fiske's questions, also under oath, for about an hour. According to press reports, the questioning was limited to first-phase matters.

So the investigation by the special counsel is underway; it is continuing. It is doing what we hoped it would do when we called for the special counsel several months ago.

It is a serious matter. It is being conducted by a serious man. Mr. Fiske, as everyone in this room has attested, is a man of unquestioned ability and a very strong prosecutor. He is a Republican. He was named pursuant to the request led by congressional Republicans for a special counsel.

His appointment was applauded by virtually every single Senator in this body. The junior Senator from New York, for example, stated:

> Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity. He will unearth the truth for the American people.

79-059 O—97 Vol. 140 (Pt. 9) 31

Unearth the truth, that is what we are really trying to do here. If we are to unearth the truth in a meaningful way, in a way that is subject to some process, then we have no choice but to let Mr. Fiske do his job. That is what we said last March 15; that is what we said again yesterday, as we confirmed the scope of the inquiry by the Senate Banking Committee.

Many of the same Republicans who called for a special counsel unfortunately shifted partisan gears just as soon as he was named, and began calling for congressional hearings. Even in the face of that very counsel's opposition to such hearings, they continue to demand that the Congress go forward in a way that risks damage to the investigation, which we all state we want done. Even as we move carefully and deliberately toward congressional hearings which do not interfere with the investigation, now they complain that we are not moving fast enough; that we are stonewalling. This willingness to demand public hearings at any cost seems to me, Mr. President, to be further evidence that the purpose of all of these calls by some is merely political.

The special counsel wrote on March 7 of this year to the chairman and the ranking member of the Senate Banking Committee. In that letter, he made a very specific request. That request in part was, and I quote:

> That the committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving fairness, thoroughness, and confidentiality of the grand jury process.

He further stated:

> We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough and impartial investigation. Inquiry into the underlying events surrounding MGS&L, Whitewater, and CMS by a congressional committee would pose a severe risk to the integrity of our investigation.

So that was a letter directed to the chairman and the ranking member of the Senate Banking Committee asking for time, asking for an opportunity to do the work that we asked them to do, asking for the credibility to be protected, asking for the ability for him to sort fact from fiction, and give us an honest, complete, and thorough investigation in a timely manner.

And then, on March 9, in a public press conference, Mr. Fiske stated his position that once his investigation into communications between White House officials and Treasury Department or Resolution Trust Corporation officials about Whitewater-related matters and his investigation into the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster is complete, he would have no objection to congressional hearings on those matters.

In other words, Mr. President, what he was saying is that there are phases here that we have talked about now at some length. The first phase would be completed, upon which he would turn to the second phase.

At the press conference related to that second phase, he said:

> [T]he position that I've expressed in the letters and in the meetings has been fairly consistent, that we are concerned about the impact of congressional hearings on the investigations that we are conducting as long as those investigations are in progress. [As] you know, there are really two separate investigations. There's the one that I started with [at] the end of January that's reflected in the regulation that was drafted, which is looking into the activities in Arkansas in the 1980s relating to Madison, Whitewater, and Capital Management, and then here in Washington * * * inquiring into all of the circumstances relating to the death of Vincent Foster.
>
> The disclosures in recent days about the meetings between the White House officials and the Treasury officials led us to initiate an additional investigation into the circumstances surrounding those meetings, but I think that that investigation relating to those meetings is separable from the other investigations that we started with in January. And I have told Senator Riegle and I've told Senators D'Amato and Cohen that when we are finished with the White House, which I'm quite confident we can be finished with considerably faster than we can the underlying investigation, we would have no objection to congressional hearings at that point so long as something can be done to protect against having the contents of the RTC referrals themselves come out in those hearings.
>
> * * * * *
>
> But with respect to the underlying investigation, the one that we started with, we are concerned about the impact of congressional hearings on that investigation.

Mr. President, it is very clear that Mr. Fiske over and over and over again has demonstrated his conviction in writing, in statements to the media, and in his comments to each of us that it is very critical he be given the opportunity to continue and to finish his work; that there is a sequencing here that is very important to the legal as well as to the legislative process.

The bipartisan leadership of the House of Representatives met with Special Counsel Fiske on Thursday, May 26. At that meeting Mr. Fiske stated that by the latter half of June, barring unforeseen developments, his office's inquiry into three matters, the first phase of the Whitewater matter, will be completed: Communications between White House officials and Treasury Department or Resolution Trust Corporation officials about Whitewater-related matters; the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

These are the matters which the Senate yesterday voted to authorize the

Banking Committee to begin hearings on; in other words, the first phase of the investigation will begin in July, as we stipulated in the resolution passed yesterday.

The majority leader, as we debated that resolution, made it very clear and emphasized in both public and private statements that he and the Senate are and have been firmly committed to meeting the obligation that is represented in those hearings, a constitutional obligation to conduct proper oversight. We are determined to conduct that oversight in an appropriate way which will avoid interfering with the investigation now being conducted by Special Counsel Fiske that he has so adamantly asked us to do.

Efforts to go beyond this and, frankly, artificially impose timetables for additional hearings concerning the matters which are subject to the underlying investigation, clearly run counter to Mr. Fiske's requests in his letter of March 7. They run counter to his statements in news conferences and in meetings with Senators and Congressmen alike. They are counterproductive, they are political, and they obfuscate our opportunity to provide a clear answer to the outstanding questions relating to this matter.

So, Mr. President, I certainly hope at some point on this day we can resolve these issues, that we can finally get on with it, that we can recognize that we have a job to do, a constitutional responsibility to conduct oversight hearings in a proper way, recognizing the authority of the special prosecutor, recognizing his unique need to finish his work first.

That is what this debate is all about.

So, as we continue today, I hope people will come to that conclusion and share with us a determination to do our work and to do it properly.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. FAIRCLOTH].

Mr. FAIRCLOTH. Mr. President, will the Senator from South Dakota yield for a question?

Mr. DASCHLE. I am happy to respond to a question.

The Senator from North Carolina has the floor, so it is not necessary for me to yield. But I would certainly answer whatever question he may propound.

Mr. FAIRCLOTH. If Mr. Fiske has no objection to hearings on the commodity trades, would the Senator be willing to go immediately into Banking Committee or special committee hearings on the commodity trades? I mean immediately, if Mr. Fiske has no objection?

Mr. DASCHLE. The commodity trades are not a direct result of the Whitewater investigation. There is no connection between commodity trades and the Whitewater investigation.

The issue before us has to do with the Whitewater investigation. It has to do with coming to grips with our constitutional responsibility to directly involve ourselves with proper oversight.

I do not know whether the Senator from North Carolina has ever participated in commodity trades. He certainly would have a right, as any American has, to participate in commodity trades. I do not believe, if he were to do so, that he would feel it necessary for the Senate to oversee his transactions in any personal way.

It is certainly the right of the Senate to get involved in transactions if they perceive there to be some wrongdoing. But there has been no wrongdoing in this matter. I suspect that it would be appropriate for us to do as the prosecutor has suggested, which is to stay with the issue, to get on with the investigation, and to conduct our oversight in a meaningful way. I think that is what the Senate will do.

Mr. FAIRCLOTH. Has the Senator ever dealt in commodity trades?

Mr. DASCHLE. I would answer the Senator that I have not.

Mr. FAIRCLOTH. I would answer that I have, and that is the exact reason that I feel the dealings with Mrs. Clinton are so in need of investigation. And I think anybody that has ever had any connection with the commodity market would have extreme suspicion from her trades. It is an impossible thing to believe.

Mr. President, the U.S. Senate needs to examine the Whitewater affair. The amendment the Senate adopted yesterday was a total sham.

I have a letter from Mr. Fiske saying that he has no objection to the Senate looking into Mrs. Clinton's commodity trades. I would hope that we could get on with that immediately. He says he has no objection.

But the commodity trades are just one aspect of a convoluted trading and dealing that went on during this time period we are talking about.

"Whitewater" is a term which not only describes a failed land development. It has also come to describe a web of interconnected scandals involving personal and political friends of the President.

Lurid tale after lurid tale has emerged. They involve a mind-boggling range of subjects, from drug dealers, to insider trading, to document shredding, and more. One subject might seem to have nothing to do with the other, except for one thing—the same names keep popping up in story after story.

We are frequently told that while these things do not look too good, we have to understand that is the way things are done in Arkansas. Everyone knows each other, everything is connected to everything else. Nothing is wrong, it just looks bad.

Yet the very same people who say "everything is connected" in Arkansas to excuse the likes of Patsy Thomasson working for a drug dealer on one day, and in the White House on the next, want to limit the Whitewater hearings. They do not want the U.S. Senate to look into the interconnected scandals which have collectively come to be known as Whitewater.

Mr. President, the examples of the interconnected scandals which require that the Senate hold full—not limited—Whitewater hearings are legion.

For instance, we now know that the drug dealer Dan Lasater, did much more than just give Clinton's half-brother Roger a job. We also know that Dan Lasater did much more than hold fundraising parties for Bill Clinton, fly the Clintons around in his jet, and fly celebrities to Hillary Clinton's charity parties.

We now know that Dan Lasater told the FBI that he had paid off Roger Clinton's drug debts—after Roger told him that cocaine dealers were, "putting the heat on him and something might happen to his brother and his mother."

You may recall that Lasater had first met the mother of the Clinton brothers, the late Mrs. Virginia Kelly, at the horse rack track in Hot Springs, AR.

We now know that Federal and State law enforcement documents describe widespread cocaine use among Lasater, his employees, business associates, and friends. Some of Dan Lasater's employees, business associates, and friends now occupy high places in this administration.

Those same law enforcement documents describe parties at which vials of cocaine were distributed as party favors. Ashtrays filled with cocaine were spread among the hors d'oeuvres, and cocaine was served on the Lasater corporate jets.

Yet after Bill Clinton was reelected to the Governor's mansion, despite the fact that Lasater had been censured by the Arkansas State Securities Commissioner and by the National Association of Securities Dealers, Lasater was put on the select list of firms eligible to underwrite State of Arkansas bonds. That designation made millions for Dan Lasater.

The most infamous bond underwriting issue that Lasater did for Governor Clinton was $30.2 million issue for a new State Police radio system. That contract alone earned Lasater $750,000 of taxpayer's money.

What many have not heard is how Lasater got the contract. He began by arranging a partnership with another brokerage house that had recently pled guilty to a multimillion-dollar check kiting scheme in New York. Then he went to his friend Bill Clinton.

In fact, FBI documents obtained by the Los Angeles Times quote one of Lasater's partners, a retired Democrat State Senator, as crediting Lasater's political support for Clinton for winning the State bond contract.

In May 1986, a board made up of Clinton appointees awarded the contract to Lasater. A week later, however, a joint committee of the Arkansas Legislature balked. With the project hung up, Bill Clinton became personally involved.

At least three Democrat Arkansas State legislators have said that they were personally lobbied by Clinton on behalf of the Lasater partnership. One said, "I remember he lobbied all of us on this," and then credited Clinton with switching his vote. In June, Dan Lasater was awarded the contract.

But the story does not end there. In fact, the next phase of the story actually began 5 years earlier, in 1981, when the President's half-brother Roger was arrested for selling drugs to an undercover police officer. Roger Clinton pled guilty to conspiracy to distribute cocaine.

After his guilty plea, Roger Clinton was sentenced to 2 years in prison. It was a reduced sentence, which he received for agreeing to testify against a boyhood friend named Sam Anderson.

Sam Anderson was tried in February 1985. Testifying on his own behalf, Anderson said that Roger Clinton had told him that he had been approached by State police investigators and that he was, and I quote "Very, very frightened * * * totally frightened to death." He said that Roger had informed him that the investigators had told him that they wanted to set up three people for drug arrests, including Dan Lasater.

The director of Bill Clinton's Arkansas State Police sent an investigator to interview Lasater at that time—the same time that the Arkansas State Police Commission was considering Dan Lasater's bond proposal. According to State and Federal documents, Lasater told the investigator during that interview that he had used cocaine.

But despite the fact that Dan Lasater had just confessed to the investigator sent by the director of the State police that he was a cocaine user, he was awarded the contract to finance the Arkansas State Police radio system.

Six months after he was awarded the bond contract, Dan Lasater formally became the target of a joint State-Federal drug task force investigating cocaine distribution in Little Rock. FBI documents show that he later confessed to using cocaine, and to giving it away to friends, employees, and business associates on more than 180 occasions.

It has now been revealed that during this investigation, which ran through the spring and summer of 1986, Col. Tommy Goodwin, Bill Clinton's director of the Arkansas State Police, was routinely briefing the Governor on the investigation.

Bill Clinton, who had been bankrolled by Lasater, who had been flown around Arkansas on the Lasater jet, and whose brother's drug debts had been paid by Lasater, was now receiving confidential briefings on the Lasater criminal investigation.

Mr. President, Colonel Goodwin says he only did it because Bill Clinton was curious, not because he had any special interest in the case. We do not know.

But what we do know is that—from Tommy Goodwin and the Lasater case, to Roger Altman and the RTC criminal referrals—it seems that Bill Clinton has a special fondness for private heads up from supposedly independent agencies.

In October 1986, Dan Lasater was indicted for possessing and distributing cocaine. The U.S. attorney said that Lasater and his associates were blatant in their drug use. Lasater maintained a supply of cocaine in his pockets and even snorted it at his office.

He pled guilty, and as part of his plea he agreed to make detailed statements about his cocaine use. He also agreed to identify the people he gave cocaine to during parties, during business meetings, and as part of his business entertainment.

Mr. President, there are many people in high places in the White House who associated with Dan Lasater. The public should also know that after all this time, many top people at the White House still have not yet gotten national security clearances—another brewing scandal. In light of that fact, the U.S. Senate should have Dan Lasater's cocaine list now.

Mr. President, I would like to stop this sorry tale right there. But one more point has to be made.

Dan Lasater is out of jail. He is not just a free man. He is a pardoned man. Mr. President, the man who admitted to carrying pockets full of cocaine was pardoned by Bill Clinton.

In his application to Bill Clinton for a pardon, Dan Lasater excused his criminal behavior, saying that the cocaine was used in social situations. He compared it to—and I quote—"paying for dinner and drinks for my friends."

And, as you know Mr. President, a pardon is necessary before any convicted felon can apply to get a firearms license. So Dan Lasater went on to say that he wanted the pardon to restore his rights to carry firearms, so that he could teach his sons—and again I quote—"the skills of the woods."

Mr. President, Bill Clinton—the leader of the free world, and the man who says that he wants to get firearms out of the hands of criminals—issued a pardon to a man who gave out vials of cocaine as party favors, and who told him in advance that he wanted the pardon so that he could get a gun.

Mr. President, this is shameful. I was not in the Senate in the 1980's. I do not know, and I do not care, how many times the Democrats investigated the Republicans. Frankly, that is ancient history.

But if this Senate does not have full Whitewater hearings, hearings that get to the bottom of the Dan Lasater mess, the Travelgate mess, the commodities trading mess, and all the other fiascos that have been transplanted here to infect our Nation's Capital, then the American people will cry cover up. And they will be right.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from New York.

Mr. D'AMATO. Mr. President, let me speak to the amendment.

First of all, let me thank my colleague for touching on matters that might create some consternation with some people. These matters focus on: Lasater and his dealings, Patsy Thomasson, who ran Mr. Lasater's company for 2 years when he was not present, and the manner in which that company operated.

The amendments to be submitted are necessary because for too long these matters have been shrouded. Certainly, it would seem that this is the intent of the underlying legislation: To keep us from examining these issues so the people can see what is taking place.

I find it rather disconcerting that Patsy Thomasson, who ran Mr. Lasater's company for 2 years while he was in prison, is the Director of Administration at the White House. I find it incomprehensible, to be quite candid with you. I am shocked to have that kind of situation and I wonder how that came about.

Having said that, I would like to turn to the amendment that I offered. This amendment would give us the opportunity and the ability to look into the commodities trading activities that led to Mrs. Clinton making a profit of $100,000.

There is nothing wrong with making $100,000. But there seems to be some very real question as to how, on the initial day when she deposited $1,000 into her account, she sold short 10 cattle futures contracts worth $220,000. That is on the very first day of trading.

The margin requirement at that time for one cattle contract was $1,200. To make that initial trade, Mrs. Clinton would have needed to have $12,000 in her account. I think it is very fair to ask: If the margin requirement for one contract, valued at $22,000, is $1,200, how could she buy even one contract with $1,000 on margin, let alone 10. How did that happen?

If you were a good customer, and if you had good financial resources and capabilities, you would have to have a minimum of $12,000 in order to be able to make that purchase. Who put up the money? Did Tyson Foods take the losses, and this particular account take the wins? Are we entitled to that information? Of course we are.

The majority has repeatedly argued that we cannot look at this issue until the special counsel does his work. Well,

I spoke to the special counsel. As a result, he sent Senator RIEGLE and me a letter dated May 26. He wrote:

I have no present objection to any hearings which Congress might wish to hold on the subject * * * talking about the commodities transaction.

Let me read further:

I am responding to the two questions raised in your letter of May 23.

On May 23 we wrote a letter. And, among the other things, we raised the question of whether or not he would have any objection to us looking into this matter.

Mr. Fiske wrote:

The commodities transactions of Mrs. Clinton occurred during the period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would, nonetheless, make this trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on the subject.

So I have to ask why this second-degree amendment would make it impossible for us to go forward? Why? I have to say, Mr. President, it is because this amendment's intent is to avoid looking at anything that might prove embarrassing to the administration. It is an attempt to circumscribe and to keep a committee of Congress from doing its job. That is just simply intolerable. It is wrong. That is why we cannot accept the proposed methodology of going forward. That is why I said that Congress has really done itself a great disservice by negating a 200-year tradition of thorough and fair congressional oversight hearings, notwithstanding our tradition over the years.

We are attempting now to offer amendments that would deal with the deficiencies. One such deficiency is that there is no provision in the legislation providing us with the ability to look into the commodities trading. I would daresay any fair-minded person would say that we should examine these trades.

Did Tyson Foods, by the way, deduct losing trades illegally after a possible allocation of trades by the broker? I do not know. But I think we are entitled to those records to see exactly where the moneys came from.

This is just one illustration. There are many others. The fact is that on the very day of inception there was an account of only $1,000, and that this account, which could not even buy one futures contract, bought 10. It cannot be done. It absolutely cannot be done. We are not talking about a corporation of great wealth saying, "Don't worry. We will send you the money later." We are talking about $1,000 from someone who admitted they did not have great resources. This was all the account had. Yet on the first day cattle futures contracts worth $220,000 were traded, which would have called for a minimum margin requirement of $12,000. Where did the money come from? Where did the profit come from? Did Tyson Foods, on that day, absorb a loss? Did Tyson buy on both sides? Were the profits then assigned to the account? Did they take writeoffs on this? Did the Clintons come into Whitewater to shelter the income that they made from the commodities transaction? It has been suggested that that may have been one of the reasons they initially went into Whitewater, as a means of sheltering the profits from the commodities trades. How much of the income from the commodities trading was sheltered by way of Whitewater? I do not know.

But again, Mr. Fiske indicated that his investigation did not encompass the commodities trades, and as a result this is an area that the committee can and should be investigating.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate vote on the Mitchell amendment No. 1783 at 2:30 p.m.; that upon the disposition of that amendment, the Senate vote on Senator D'AMATO's amendment No. 1782, as amended, if amended, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Do I hear objection? Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that pending amendments be set aside so that I may offer an amendment.

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

AMENDMENT NO. 1784

(Purpose: To authorize hearings on the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association)

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

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1784.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1785 TO AMENDMENT NO. 1784

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for Mr. MITCHELL, proposes an amendment numbered 1785 to amendment No. 1784.

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

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

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, I believe I have a pending amendment

that has been second degreed by my friend from South Dakota, the floor manager.

I would like to speak on my amendment.

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 1784

Mr. MURKOWSKI. Mr. President, the amendment I am offering would expand the scope of the Banking Committee's jurisdiction to include an examination of the Resolution Trust Corporation, or the RTC, and its handling of criminal referrals relating to the failure and the ultimate taxpayer bailout of the Madison Guaranty Savings & Loan Association.

The failure of Madison has cost the American taxpayer at least $47 million, and estimates are now that that could exceed $67 million. I think the American people are entitled to know why Madison failed. Why Madison was allowed to stay open as long as it did, and why there was a failure to bring civil or criminal charges in connection with this failure, recognizing that there are oversight responsibilities associated with the operation of any financial institution by appropriate State and Federal authorities. So it is legitimate that we seek these answers.

It has been 5 years since the Federal Savings & Loan Insurance Corporation was appointed conservator of Madison, and yet 5 years later the American people still have no answers concerning its failure.

Further, it was suggested yesterday by our majority leader, as well as some of my colleagues on the other side of the aisle, that the requests that we have had for hearings are designed for raw, partisan politics. It was further suggested that some on our side, the Republican side, want to hold these public hearings because we do not have a program for economic growth and we do not have a program for health care reform. In fact, many who listened to my colleagues from the other side of the aisle speak yesterday might be led to believe that the House and Senate have not considered health care and economic reform on either floor because the Congress has been tied up with Whitewater.

Mr. President, you and I know that nothing could be further from the truth. Let us set the record straight. Republican requests for Whitewater hearings have had nothing to do with the failure of the Senate or House to consider the President's health care reform.

Here is the President's health care proposal, 1,363 pages of fine print. The majority leader can bring this bill up at any time. He can add it as an amendment to this bill or any other bill, for that matter. But we all know why we are not considering the President's health care bill. It is because it cannot command a majority of Democrats, much less a bipartisan majority of Democrats and Republicans. So, in reality, the fact is the President's bill as it is structured in the 1,363 pages, is dead. So is the employer mandate. And everybody knows it.

Moreover, the suggestion that Republicans do not have a program for health care is simply not true. Senator CHAFEE has introduced legislation that has both Republican and Democratic support. Senator NICKLES has introduced health insurance reform legislation. The House Republicans have introduced similar health insurance reform bills. It is just not true to state the Republicans do not have a program for health insurance reform now.

I suggest there is a bit of disarray on the other side of the aisle with regard to their uniform position on health care reform. Whitewater has nothing to do with the inability to move on health care. Whitewater and that whole issue are separate.

During the last 24 hours, on three separate occasions, the majority leader has succeeded in thwarting the efforts of Senator D'AMATO and other Republicans to broaden the scope of the Whitewater hearings. Under the majority leader's amendment, the Banking Committee would hold oversight hearings on only three issues relating to Whitewater—only three issues. One of those would be communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to Whitewater and Madison Guaranty; second, the Park Service investigation into the death of Whitehouse Deputy Counsel Vincent Foster; and, third, the way in which White House officials handled documents in Foster's office at the time of his death. That is it.

This committee will not be able to answer such questions as whether federally insured deposits at the failed Madison Guaranty Savings & Loan Association were diverted to Governor Clinton's 1984 campaign, nor will it be able to determine whether federally insured Madison deposits were diverted to pay the Clintons' share of their Whitewater debts; nor will it be able to determine, when the Madison institution became insolvent, whether favoritism, conflict of interest, or false financial audits were presented to State regulators by the Rose law firm which permitted Madison to remain open; nor will the committee be able to inquire as to whether or not Governor Clinton applied pressure to encourage the Small Business Administration to grant a loan that was not permitted to be made by the Small Business Administration.

In fact, the committee will not be able to ask a single question concerning the underlying issues surrounding the Whitewater and Madison cases. Not one single question. The committee can only examine issues, under the majority leader's proposal, relating to communications that the White House had, not the underlying fact questions relating to Whitewater. For the underlying facts, the nuts and bolts of Madison Guaranty's failure, the American public is going to have to wait 6 months, perhaps a year, 2 years, or as long as Special Prosecutor Fiske takes to complete his investigation.

It is unprecedented for the Congress to defer oversight investigations because of concurrent investigations being performed by a special counsel. We held hearings simultaneously with the independent counsel when investigations involved Anne Burford and the EPA Superfund. We all recall that. We held simultaneous hearings involving Michael Deaver and Iran-Contra. We all recall that. We held simultaneous hearings at the time independent investigations were to be conducted into the affairs of the BNL Bank and the BCCI.

So, if there is some partisan politics being played in this institution, I suggest perhaps it comes from the other side. As previously shown, we Republicans have demonstrated a willingness to support oversight hearings when they related to matters affecting a Republican administration, as I have just cited. But in the case of Whitewater, oversight will be deferred—perhaps months, perhaps years. I think it is fundamentally wrong to proceed in such a narrow fashion when the public is entitled to full disclosure.

One aspect of Whitewater that I believe must be investigated immediately relates to the RTC's handling of criminal referrals concerning Madison. I want to emphasize that this aspect of the oversight investigation will cover RTC's activities under both the Clinton and the Bush administrations.

The underlying amendment will enable the committee to investigate whether the RTC had appropriate procedures in place to refer possible criminal conduct involving Madison Guaranty and whether it had appropriate procedures in place to follow up on any criminal referrals made.

Mr. President, since the RTC was established to resolve failed institutions in 1989, we have seen the RTC resolve some 700 individual cases in some 700 institutions.

One of the greatest tragedies of the savings and loan crisis was the cost to the taxpayer. The RTC has estimated that the cost of resolving some 700 failed institutions has been over $81 billion. Many savings and loans, such as Madison Guaranty, failed because of criminal misconduct by insiders. Part of the RTC's duties include making referrals to appropriate criminal authorities to apprise them of possible wrongdoing.

The American taxpayer, who has so far paid some $81 billion to resolve these failed savings and loans, basically has a right to know whether the

RTC's internal procedures regarding criminal procedures have been carried out in an adequate and prudent manner.

The taxpayer also has a right to know specifically what transpired with respect to the criminal referral involving Madison. Did the RTC have adequate procedures in place to deal with criminal referrals? Were these procedures followed in the case of Madison Guaranty? It is appropriate that we have the right and the opportunity to ask these questions.

Mr. President, on September 2, 1992, the RTC made a criminal referral alleging a $1.5 million check kiting scheme among Madison, Jim McDougal, and entities under Jim McDougal's control. The referral was sent to the U.S. attorney for the Eastern District of Arkansas.

This is material that has come out of the investigation so far. I think it is germane to the authority of the committee to expand and ask these pertinent questions, and others.

About 6 months after the referral was sent to the U.S. attorney for the Eastern District of Arkansas, in March 1993, the RTC senior investigator of Madison was informed that the U.S. attorney in Arkansas had sent this initial Madison criminal referral to Washington because the referral was politically hot.

What does that mean? We ought to know precisely what that means.

Remarkably, when the RTC investigator attempted to determine the status of the Madison criminal referral, she was told by the U.S. attorney's office that there was no record of the referral in the Arkansas U.S. attorney's office. So it took until May 1993 to determine where the Arkansas U.S. attorney had sent the referral to Washington, DC, claiming that he felt it was a conflict of interest. The main Justice Department in Washington ultimately returned the referral to Arkansas deciding there was "no basis for recusal of the U.S. attorney," and lack of conflict of interest.

Were the RTC criminal referrals regarding Madison pursued by the Justice Department? Well, in October 1993—October 8, to be exact—the RTC sent nine additional referrals to the U.S. attorney and the FBI. Two weeks later, the new Clinton-appointed U.S. attorney, Paula Casey, wrote to the RTC to indicate the referrals had been declined.

These matters involve critical questions about the RTC procedures and the manner in which criminal referrals were handled at the Justice Department.

So it remains unclear what the timing was of the Justice Department's decline of the Madison-related criminal referrals.

The committee—once the committee is established and functional—simply must investigate these matters; some of them are new, some of them have been around—and report to the American taxpayers about how criminal referrals are handled by the RTC and the Justice Department and whether they were handled properly in the Madison case.

The American taxpayers should not have to pay one more dollar than necessary to bail out the savings and loans, and until we get the hearing process up and operational and have it broad enough so that we can address questions that will come up as a consequence of new information that comes about from the testimony of various witnesses, anything less than that is subterfuge of the investigative process with which we have an obligation to proceed.

So I urge my colleagues to reflect on the significance of my amendment to provide the American public with answers to questions that are out there. Until this body initiates a hearing process that is open and broad enough to obtain the type of information that the American public is going to demand, why, we are simply going through a meaningless process.

I urge my colleagues to support the amendment and recognize the significance of what we are attempting to do here, and that is get this entire issue resolved and behind us so that we can proceed with the public business at hand.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from South Dakota.

Mr. DASCHLE. Madam President, the Senator from Alaska made reference to what he argued was the need for broader scope in this whole affair. I would differ with the Senator from Alaska in that it is not a matter of scope, it is a matter of timing; a question of timing. That is really what a lot of this debate has been about: What is the appropriate timing?

We can get into matters of scope at some point, as we will perhaps be required to do. But as we consider what is appropriate for us now, if we are to follow the advice given us by the special prosecutor—who, again, as I indicated earlier, in his news conference earlier this spring, noted how important it was that we respect his prerogatives as an investigator, we must understand the importance of timing.

Again, let me relate to our colleagues what Mr. Fiske said:

> We should be very concerned that so long as something can be done to protect against having the contents of the RTC referrals themselves come out in hearings, we need to protect scope.

That is really what this issue is all about. It is protecting the scope of the investigation so as to enable him to complete his work, that we may later do ours.

Let me relate our response to Mr. Fiske's specific concerns, outlined in as many ways as possible in the text of the amendment that is now in the nature of a second degree to the amendment offered by the Senator from Alaska.

That amendment, which we have voted on before and on which we will do so now again, says:

> In lieu of the matter proposed—
>
> By the Senator from Alaska.
>
> * * * in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate on a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.
>
> (2) Any additional hearings should be structured and sequenced in such a manner that, in the judgment of the two leaders, they would not interfere with the ongoing investigation of the Special Counsel Robert B. Fiske, Jr.

Madam President, in essence, the amendment in the second degree to the amendment offered by the Senator from Alaska is the same amendment, the same intent, the same desire, the same hope, that has been expressed by Special Prosecutor Fiske that we do things in a timely way; that we take on the responsibilities that we agreed were necessary yesterday; that we follow through with the actions in the Banking Committee in July as we agreed yesterday; and, that any additional hearings, any additional scope, any other questions of timing relating to anything related to this issue come at a time after that. That is all we are asking—proper timing in accordance with the special prosecutor's request.

Let there be no doubt about what it is we have to do as a result of the actions taken yesterday. The majority leader's amendment lays out precisely what our responsibilities are: that hearings and oversight ought to take place regarding, first, all communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corp. and the Madison Guaranty Savings & Loan Association; second, the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and, third, the way in which the White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

We related further in the authorizing resolution yesterday that the committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct a hearing specified in this section. It is authorized to exercise all powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act to issue subpoenas for the attendance of witnesses or the production of documentary or

physical evidence before the committee.

We make reference to the fact that the committee shall procure temporary or intermittent services of individual consultants and organizations; to use other governmental department personnel to report violations of any law to the appropriate Federal, State, and local authorities; to expend the extent to which the committee determines necessary and appropriate any money that will be made available to such committee by the Senate to conduct these hearings; to require by subpoena or order attendance as witnesses before the committee or at any deposition persons who may have knowledge or information concerning matters specified in this section to take depositions under oath; to issue commissions; and to notice depositions for staff members.

Madam President, my point is that we have very specifically delineated what the investigation ought to entail, and we have given extraordinary powers to the committee to do so —to do its work in proper sequence with proper appreciation and sensitivity to the ongoing investigation by Mr. Fiske.

That is what he asked for. That is what we agreed to do last March 17 on a unanimous vote. That is what we again reaffirmed in our vote yesterday—to do this with proper timing, to do this with an appreciation of our responsibilities for oversight and an understanding that we cannot and shall not interfere with the ongoing investigation by Mr. Fiske.

So, Madam President, we really have no choice here. Our work is very clear. Our responsibility is very clear. The amendment in the second degree gives us the opportunity to expand that responsibility should we see fit at some point in the future.

So I would hope that we all understand what is going on here. Madam President, this is not a question of scope. If anything, I think this amendment would slow down our work, confuse our work, obfuscate our responsibilities. It is important for us to understand that, with a clear delineation of scope, with a clear understanding of the authority now given to the Banking Committee, we have every opportunity to do our work in a meaningful way.

I hope Senators will recognize that at the appropriate time when we vote.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank the Chair.

Madam President, I listened to my good friend from South Dakota as he indicated the issue of scope versus timing. I think we ought to reflect a little bit on the record. What did we do basically in this body on March 17 when we voted 98 to 0 to initiate an action by this body to proceed on the Whitewater issue?

I quote from the RECORD, Madam President.

> The majority leader and the Republican leader should meet and determine the appropriate timetable, procedures, and forum for an appropriate congressional oversight including hearings on all——

The word all, a-l-l.

> matters related to Madison Guaranty Savings and Loan Association [MGS&L], Whitewater Development Corporation, and Capital Management Services, Inc. [CMS].

As we talk about timing and scope, let us look at the authority that we invested in that vote. It was an authority covering all matters. Yet, the majority leader and the Democratic majority have seen fit to indicate that somehow we should start off with a very narrow scope limited to the areas that I have outlined in my comments.

It is rather inconsistent with the procedure to get the answers so the American public can understand the facts that we should limit the scope of this.

Let us talk a little bit more about consistency. The amendment that is pending for a vote at 2:30 by Senator D'AMATO would authorize the investigation of commodity trades by Mrs. Clinton.

My colleague from South Dakota says that this is not the time that this amendment or my amendment should be taken up.

I ask unanimous consent that a letter from Robert B. Fiske, Jr., independent counsel, dated May 26, 1994, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, May 26, 1994.

Hon. ALFONSE M. D'AMATO,
Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR D'AMATO: I am responding to the two questions raised in your letter of May 23, 1994.

The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would nonetheless make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

The White House review of Treasury documents relating to contacts between the White House and Treasury officials involves a small number of documents which will not take anyone very long to review. Because of the risk of such documents becoming public prior to the completion of our investigation, I would prefer that you defer obtaining those documents at this time. I am confident that following that procedure will not cause any delay in any hearings you may decide to hold.

Respectfully yours,
ROBERT B. FISKE, Jr.,
Independent Counsel.

Mr. MURKOWSKI. Madam President, I think this letter clearly counters the position taken by the Senator from South Dakota relative to the objection and inappropriateness of proceeding when special counsel is still working.

I read the second paragraph:

> The commodity transactions of Mrs. Clinton occurred during a time period which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would, nonetheless, make that trading relevant to our investigation.

Here is the part which I think points out where we have this inconsistency.

Mr. Fiske's letter reads further:

> I have no present objection to any hearings which Congress might wish to hold on that subject.

So there, Madam President, you have the answer. Clearly, the independent counsel does not object to holding hearings on the matter which is the pending D'Amato amendment.

So I think we clearly have a legitimate question of when is the timing going to be right? Well, those on the other side can suggest at some point in time when the special counsel proceeds with more activity. But it is clearly not a pattern of the U.S. Senate to suggest that it cannot hold hearings while special prosecutors do their job. As I have noted time and time again, we have had simultaneous hearings going on while special prosecutors do their work.

So I just do not accept the explanation given by the Senator from South Dakota as this being a rational reason to limit the scope to the three areas that the majority leader has recommended to this body.

I encourage my colleagues to continue to ask the question: If the time is not right now to pursue the hearings in the broadest scope, and if indeed the special prosecutor cites by letter that he has no objection to proceeding with an investigation relative to hearings that Congress might wish to hold on that subject, what in reality is the argument that my colleagues on the other side continue to proclaim as justification for not expanding the hearings to include those items that the special prosecutor has no objection to. That is one of the votes we are going to take today at 2:30.

I encourage my colleagues to ask themselves whether the American public is going to be fooled by this charade—the charade is limiting the scope of the investigation—using the excuse that we cannot do anything because the special prosecutor has not completed his investigation.

I urge my colleagues to again examine what we are doing here. Just how long is the American public going to put up with this kind of activity that does not present the facts to them?

I urge, Madam President, that we ask ourselves the question of scope versus

timing and conclude it with: If not now, when?

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. DASCHLE], is recognized.

Mr. DASCHLE. Madam President, I will not belabor the point, but I think a couple of comments in response to the distinguished Senator from Alaska may be required here.

First, the Senator from Alaska made reference to our vote on March 17. While he talked about the first section of that particular resolution regarding the obligation of Congress to conduct oversight matters relating to all operations of Government, he failed to address the last section, which I am told happens frequently in reference to this particular resolution in comments made by Senators on the other side. Let me read for our colleagues that particular section, because that is really the essence of the concern expressed so often by Members here.

The hearings should be structured and sequenced in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of special counsel Robert W. Fiske, Jr.

That is the final section. That is the section that I addressed as I expressed my concerns a moment ago about timing and sequence and scope. Obviously, the scope is a very important matter.

Relating to a second concern expressed by the Senator from Alaska, which is that somehow it is relevant for us to be considering expanding the scope to issues completely unrelated to Whitewater, I suspect that Mr. Fiske understood that when he responded that he had no objection because there is no relevance. Obviously, it is not difficult for him to express himself in that manner; that is, that he has no objection to things that are irrelevant. I am sure if we were to ask him today, given the revelation that Mrs. Clinton made yesterday that she once attempted to get into the U.S. Marines and was turned down, were we to want under the scope of this investigation to find out the reasons why the Marines turned down Mrs. Clinton's application for membership in that distinguished organization, we could find out. I will bet you anything that if we were to ask Robert Fiske, "Do you have any objections to our query about the rejection by the Marines of Mrs. Clinton in 1975," he would probably write back, "No, go ahead." But what relevance does that have to Whitewater? What relevance does that have to the real intent we have all so consistently expressed about our desire to get to the bottom of the questions that are pending relating directly to the Whitewater investigation? I could come up, in 5 minutes, with a number of different opportunities for us to have oversight investigations on any one of a range of things, because that is our prerogative and we can do so. But the question is: How does that affect the scope of this matter? How does that go directly to the questions that we have before us relating to Whitewater?

The closer they get to Whitewater, the more importance that last section has with regard to timing. If it is a Whitewater issue, Mr. Fiske said, "I then become very concerned about what you do. I want you to take notice about my concerns, and I hope you will consider timing." So the reference in our second amendment really is to timing and the importance of sequence.

So I hope our colleagues will not be confused, Madam President. Any references to investigations unrelated to Whitewater certainly will expand scope, but they do not have any effect on the quality or the manner with which we ought to be conducting ourselves relating to Whitewater. I hope that these amendments and the opportunity to vote on them later this afternoon will make that clear, as well.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Madam President, I further ask unanimous consent that I may be permitted to speak for up to 10 minutes, as if in morning business.

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

Mr. SPECTER. I thank the Chair.

LINE-ITEM VETO

Mr. SPECTER. Madam President, I have sought recognition to comment about a very interesting and important hearing in the Judiciary Committee Subcommittee on Constitutional Law relating to the line-item veto, which I believe may soon be coming before the full Senate. It is worthy of a few comments at this time to summarize some of the testimony from a very distinguished panel of constitutional law experts.

The resolution which I had introduced calls for a sense of the Senate to encourage the President to exercise the line-item veto on the legal proposition that the President currently has authority to exercise the line-item veto. That follows an interpretation of the Constitution which has been endorsed by a number of prominent legal scholars, one of whom is Prof. Forrest McDonald from the University of Alabama, who has written extensively and persuasively on the subject.

Professor McDonald is a leading constitutional expert, historical expert, who has recently published a book on the Presidency which has been widely acclaimed. It is his analysis and the analysis of others, in which I concur, that the key clause, article I, section 7, clause 3 of the U.S. Constitution gives the President currently line-item veto.

That clause was extracted from the Massachusetts Constitution, which has as its origin the effort of the Massachusetts lawmakers, the constitutional authorities, to limit excessive spending. And clause 3 follows clause 2, which is the President's general veto authority. So that, as a matter of constitutional interpretation, this clause was added to give the President the authority to exercise the line-item veto.

In this morning's hearings, there were a number of authorities who testified on both sides of the issue, as you might expect on a controversial constitutional question. It is well known that there are splits of authority on issues like this, with the Supreme Court of the United States very frequently dividing on a 5-to-4 basis.

We know a very distinguished former Chief Justice of the Supreme Court of the United States, Charles Evans Hughes, made one of the statements which has been frequently referred to, that the Constitution is what the Supreme Court says it is. It is not quite that broad. The Supreme Court cannot pull an interpretation from the air. But there are many clauses in the Constitution which are subject to various interpretations, and when that occurs the frequent course of action is for a test case to be brought. It is my hope that we will have a test case brought and that a sense of the Senate, saying to the President we submit there is a constitutional basis for exercising the line-item veto, would be most appropriate.

For those who may be listening on C-SPAN and for those in the gallery—there are not too many Senators on the floor, only two of us; you, Madam President, presiding, and I, speaking—the line-item veto is the authority which would give the President power to strike a given line from the appropriations bill and strike a given line on any legislation which passes the Congress.

Frequently, the President of the United States will receive appropriations bills, sometimes in an omnibus appropriations bill, in the form of a continuing resolution which sometimes is a foot thick. Some of our viewers may recall one of President Reagan's State of the Union speeches, where he was complaining to the Congress about receiving enormous appropriations bills, which gave him the Hobson's choice of either signing the entire bill, where there were many provisions which he did not like, or vetoing the entire bill, which would have brought the Government to a close.

I recall one speech of the President to a joint session of the Congress,

where he had legislation which was about a foot thick, balanced—I thought precariously—on the edge of the podium. And I was worried because I thought—and probably many others watching television were worried—it was going to fall. Then I got the point. President Reagan was keeping us in suspense. He was a master of that. And he had control of that hefty pile of papers. But he was illustrating the point about a massive appropriations bill: He should not have to, in effect, take it or leave it all.

Since that time, the Congress has been better in submitting 13 separate appropriations bills. But, still they are very thick and they contain many, many spending items. It is my view, and the view of many, many others, that at the time when we have a national debt of $4.5 trillion, and last year had a budget deficit of $255 billion, and knowing the ways of the Congress in including many items which are excessive expenditures—the one referred to very frequently in today's hearing was a major appropriation for a tribute to Lawrence Welk—which hardly warrant borrowing.

There are many items, and Members do what they think is in the interests of their own constituents—in the House, their own districts; in the Senate, their own States—where the appropriations simply do not measure up to a standard of national importance, sufficient to borrow money on. I think that is the standard which we have to apply when we pass bills. Is this item, is this appropriation, sufficient for us to borrow money? Because, when we have a budget of $1.5 trillion—and those are astronomical figures, hard to really quantify or understand what they mean—but against a budget of $1.5 trillion, when the deficit is $255 billion, that means we spend $255 billion more than we take in in revenues—the question has to be asked, is a given item worth borrowing money for? I think, if we put it to that test, many times if we had this isolated, we would say that it was not worth paying for.

There have been many efforts to have a constitutional amendment for a line-item veto. Those efforts have failed because you have to come to a two-thirds vote. But I do think that if we voted on these items individually—some of the constitutional amendments proposed that if the item was vetoed on a line item by the President, they would come back and would have to be overruled only by a simple majority as opposed to two-thirds—I think many of those items, if exposed to that kind of specific vote, would not survive. But even if you have the line-item veto interpreted under the existing clause of the Constitution, that the Congress can still override the President's veto if we felt strongly about it. But I think many, many of those items would not be overridden on a congressional vote.

The specifics, for just a minute, on the legal interpretation, turn on the Massachusetts Constitution of 1780, adopted some 7 years before the U.S. Constitution. That Constitution had a provision which was first implemented in 1733, to give the Governor a check on unbridled spending by the Colonial Legislature which had put the Colony in serious debt. It sounds very much like the United States of America today.

That clause was lifted totally, article I, section 3, clause 7, and put in the U.S. Constitution. There is history in the Federalist, comments by Alexander Hamilton, who wrote that the constitutional provision tallies exactly with the revisionary authority of the Council of Revision in New York, which, according to Professor McDonald, had the power to revise appropriations bills very similar to the line-item veto.

James Madison noted the comments of Roger Sherman, of Connecticut, that "The only purpose of article I section 7, clause 3, was to take money out—was to eliminate votes which took money out of the Treasury." So that, unless clause 3 had the intent of being a line-item veto, authority for the line-item veto, there would be no purpose for the clause, clause 3, in addition to clause 2, which provided for the President's general veto power.

Madam President, I had an opportunity to discuss this issue with President Bush and urged him to exercise the line-item veto. President Bush said that his lawyer told him he did not have any authority. When he said that, I made the suggestion that he change lawyers, then I added not to tell the bar association because that might not be too good, one lawyer commenting about another lawyer and some of the rules of our profession.

I had the chance to bring the issue up with President Clinton. I wrote to him on the subject, provided an authority, got a nice reply back where President Clinton said he did not think it appropriate to exercise the line-item veto and, in fact, a representative from the Attorney General's office testified today, Assistant Attorney General Walter Dellinger, head of the Office of Legal Counsel testified that he thought the President did not have the line-item veto authority. But Professor Dellinger did say that it was a matter of which reasonable minds could differ. It would be pretty hard for him not to say that, considering the fact Senator THURMOND testified in favor of it and I testified in favor of the line-item veto and a number of others had said there was constitutional authority for the line-item veto.

So it is not a matter which has a foregone conclusion, but in the context of the very serious deficit which we have and in the context of the very major national debt which we have in this country, that there is sufficient authority for the line-item veto.

So I submit that it ought to be exercised by the President and there ought to be a court test case.

Madam President, although I have introduced this into the RECORD before, I think it is worthwhile at this point not to submit all of the documents, but to submit the article by Prof. Forrest McDonald setting forth the constitutional authority for the line-item veto so that those who read the CONGRESSIONAL RECORD will have a fuller statement as to the constitutional authority of the President to exercise the line-item veto. I ask unanimous consent to print that article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FRAMERS' CONCEPTION OF THE VETO POWER

(By Prof. Forrest McDonald)

I must begin by making a couple of demurrers or disclaimers. I am by no means an expert on budgetary processes. And I have no policy recommendations to make.

What I can claim some expertise in and what I propose to address is how the Framers thought, what was going on in the eighteenth century, and what their conceptions of a number of subjects were, including the veto. When we speak of the veto power, historically and at present, we are actually dealing with two different subjects—closely, intimately related, but still different subjects. The one is executive control over spending; the other is the executive share in legislation. Historically, these were two different things.

The Framers were learned in history. They knew from Roman history of models of a veto that were derived from the ancient tribunes. But for the most part when they talked of vetoes, when they thought of the subject, they thought of British history. How things had evolved in England, how things had evolved in their own colonial experience and, to a lesser extent, their more immediate state experience since 1776, made up their thinking about vetoes.

In England, the king always had a veto, which was in the form of his power to say no. If he said no or if he didn't approve of a proposed body of legislation, it was not enacted. Thus did he exercise a share in, and a control over, the legislative power. The veto did not, however, extend to spending bills. It did not extend to spending bills because of the peculiar nature of taxation and appropriation.

Sir William Blackstone had clearly defined taxes as they had come to be understood in the English-speaking world, "Taxes," he said, "are a portion which each subject contributes of his property in order to secure the remainder." Thus, taxes in the Anglo-Saxon scheme of things, were held to be a voluntary gift from the people to the sovereign. It made no sense, therefore, for the king to have a veto power over the gifts that the subjects were giving to him. What he did have, however, was total discretionary power as to how to spend it.

As to the veto of legislation, again, Blackstone makes clear what it meant: "We may apply to the royal negative what Cicero observes of the negative of the Roman tribunes, that the Crown has not any power of doing wrong, but merely of preventing wrong from being done." That remains the way to think of a veto. In England, however,

by the eighteenth century, the veto had become pretty well obsolete. The last king actually to exercise it on a large sale was King William in the 1690s. Queen Anne vetoed one measure and that raised such a storm of protest that it nearly disappeared.

But interestingly enough, what came along in lieu of it was the Crown's control over spending. The Prime Minister, as evolved in the eighteenth century, was always a member of Parliament who, if he was in the House of Commons, was Chancellor of the Exchequer; if he was in the House of Lords, he was the Lord Treasurer. By their use of the appropriations which came into the treasury, they influenced legislation—usually in a highly corrupt way to which most Americans eventually objected. Beyond the development in England, in the colonies there was direct experience with the veto in three different ways. To understand the colonial experience, one must remember that there were different kinds of colonies; proprietary, corporate, and royal.

Two colonies, Pennsylvania and Maryland, were proprietary colonies. The Penn family and the Calvert family owned the land, and the government was whatever government they established. Two other colonies, Connecticut and Rhode Island, were "corporate" colonies; self-governing entities. The other nine colonies were royal colonies; ruled by the Crown through his agents. The governors of those colonies were always agents of the king.

Now, to some extent the experience was different in each of the three types of colonies. The royal governors did not exercise a veto at all, except in one respect, and that was then the lower house of the legislature nominated or actually appointed the members of the upper house of the legislature. The upper house was sort of a combination of today's presidential cabinet and the Senate, an upper house as well as an advisory executive council. The royal governor had a veto—line-item veto, as it were—over any one of those appointed. The royal governors were not required to accept or reject the whole slate. If there were fifteen names on a list, they could eliminate one or more.

The second kind of veto development in the proprietary colonies. Originally, under the charter of government (the Charter of Liberties) which William Penn granted to the prospective citizens or subjects of Pennsylvania, the veto was a direct copy of the ancient Roman system. In ancient Rome, the senate legislated, and the people, through the tribunes, had the veto power. Penn and his advisors proposed legislation. It went out to the people (through their tribunes, in effect) and if the people accepted it, it was law; if they did not accept it, it was not law.

By the middle of the eighteenth century, this system had changed. The Penn family, as colonial governors, or their designates as colonial governors, had come to have and to exercise repeatedly a line-item veto. They could take out a particular comma, a particular passage, a particular appropriation. The veto in Pennsylvania by then applied to both appropriations and to normal legislation and was selectively applied. It was, in other words, a line-item veto, though the phrase had yet to be coined.

In 1696, His Majesty's Privy Council created an administrative body called the Board of Trade, which came to exercise the third kind of veto. The Board of Trade reviewed all legislation passed by the colonies from 1696 to 1776. During the course of that eighty-year period the Board reviewed 8,563 pieces of legislation. The members made clear almost from the beginning, in 1702, that the veto that they were exercising in the name of the Crown was a selective veto, a line-item veto. They vetoed all or part 469 pieces of legislation in the eighty years in which the Board of Trade oversaw the colonies.[1]

The period after 1776, however, is the period of greatest interest in understanding the veto power that came to be part of the Constitution. In regard to government spending, from the very beginning and growing out of colonial experience, appropriations were always made by legislatures. But appropriations were always permissive, not mandatory. A legislature voted a sum, and the governor, or whoever was charged with spending it; but he spent it at his discretion, so there was, built into the appropriations process, a kind of selective veto. Normally, the constitutions of several states indicated that expenditures were to be disbursed at the disrection—the sole descretion—of the governor.

Francis Newton Thorpe's seven volumes of colonial charters and state constitutions provide an absolutely crucial set of documents for understanding this formative period. For instance, North Carolina's first state constitution, that of 1776, made it explicit that no money could be taken out of the public treasury except at the discretion of the governor. The Virginia constitution of 1776 said the same thing. The Pennsylvania constitution, the Massachusetts constitution of 1780, the New Hampshire constitution of 1784, and so on, all made that clear.

In practice, legislatures made large, lump-sum appropriations. Appropriations that were made by the state legislatures of Virginia, North Carolina, and New York during this period, 1776 to 1787, each had a maximum number of nine headings. That would be for the civil list and for paying veterans' bonuses or invalid veterans' pensions and the like. Still the funds were allocated in broad, blanket grants of money, and it was left to the executive authority, usually the governor, to spend as he pleased within the legislatively established limits.

In regard to the veto power over legislation, the experience of the states in the early years ran as follows. Most states were loath to provide a veto because of the reaction against executive power that was built into independence itself.[2] Two states did, however, provide a veto power—New York and Massachusetts—and both used the word "revision." The word "revision" is significant because the American conception of the veto power was originally a revising power, not merely a nay-saying power.[3] It is also significant because in *Federalist No. 69*, Hamilton describes the presidential veto as differing from the "absolute negative of the British sovereign"; rather, its power "tallies exactly with the revisionary authority of the council of revision" of New York.

The New York Council of Revision consisted of the governor of the state and certain judicial officers, and together they reviewed all legislation that came before, or that was passed by, the New York Assembly. In fact, they reviewed it twice. The legislation was proposed, and lest anybody act hastily, it had to be read three times. Then it went to the Council of Revision, and the Council looked it over selectively, and sent it back to the legislature, not approved or disapproved in total, but with recommendations for revision. Normally the legislature would then take the proposed revisions into account and enact the bill into law. After it was enacted into law, it would come back to the Council of Revision, and now the Council had a selective veto, a line-item process.

The Massachusetts case is rather more interesting, and here one sees the background of the now famous Clause 3 of Article 1, Section 7 of the United States Constitution. In 1721, the legislature of Massachusetts, seeking to get around the prospective veto of the Board of Trade, had made its appropriations for the year by resolution, not by act. The Board of Trade was empowered to review all acts of colonial legislatures, but a resolution, said the House of Representatives, was not an act. They made appropriations that way—and got away with it—until 1729, when the Board of Trade said that was unacceptable.

The House then decided to do it a different way. Rather than pass any resolutions, they undertook to pass "votes," to make appropriations by votes. And in 1730 and 1731, the Massachusetts legislature made appropriations through votes, and significantly, it also disbursed the funds by votes, getting around the royal governor as well as the Board of Trade.

Then an interesting thing happened, as always happens when legislative spending has no effective external restraint. The public debts of the colony of Massachusetts became absolutely intolerable. The colony was going broke, and by 1733, the House of Representatives decided to give the governor a check. Throughout the remainder of the colonial period, the finances of the colony of Massachusetts were kept under control because the legislators had had this earlier experience; they had learned that when legislatures are left to spend freely, they go beserk.

This background makes it easier to understand the veto provisions of the Constitution. During the Constitutional Convention of 1787, various proposals were made. Some people, Alexander Hamilton for instance, indicated early on that they wanted an absolute veto; others, Benjamin Franklin in particular, opposed any kind of veto. The Convention decided on a qualified veto. Then, on August 14th and 15th, the delegates got around to the phraseology of the veto. There was some confusion on the 14th, and on the next day, Governor Edmund Randolph of Virginia made a proposal, essentially taken from the Massachusetts constitution of 1780, to incorporate the language dealing with resolutions and acts. The idea was to control the Congress by providing for a veto against resolutions as well as acts.

The language of Article I, Section 7, Clause 3, like the first clause of the section, is taken directly from the Massachusetts constitution. Both paragraphs, like their Massachusetts prototype, were designed to prevent the Congress from running amok, to make responsibility lie in the presidency.

During the course of the contests over ratification of the Constitution, interestingly enough, there was very little comment about the veto in any way. Two Anti-Federalist tracts against the Constitution objected to the Constitution, among other reasons, because Article I, Section 7, Clause 3 made too strong a line-item veto in the hands of the President.

The only Federalist speaking in a ratifying convention who addressed the subject was Governor James Bowdoin of Massachusetts. Bowdoin spoke in favor of the veto in such a way as to suggest that he understood it to be a power of revision and, therefore, a selective power. He did not say so explicitly, but it is clear in light of the Massachusetts experience.

When the government was formed under the Constitution in 1789, and for the first two or three years, the Congress followed the

same procedure that had been followed by the colonies and by the several state governments, that is to say, it voted general, lump-sum appropriations under headings of three or four departments. The veto power was assumed to have a dual nature. One was the power of revision of regular legislation, the other the power to control or prohibit spending in particular areas. The dual nature of the veto experience of the Americans was sometimes separate, sometimes the same; but in both areas, the experience was that the negative was essentially a line-item, a specific thing.

Secretary of the Treasury Alexander Hamilton and President Washington both took the position that appropriations were, again, permissive, not mandatory. They often shifted funds around and there were considerable hassles on occasion over such shifting. Indeed, the Anti-Federalists, who now were calling themselves Republicans in opposition to the way Hamilton was running the Treasury Department, began to make investigations. They argued that Hamilton was improperly transferring funds. But Hamilton had always gone to Washington for approval. There was only one very sticky time when Washington could not remember that he had given the approval to Hamilton; but the point is that it was assumed that Washington, as President, had the power.

More interesting is the experience of Thomas Jefferson. By 1801, line-item appropriations had become something like the norm. Jefferson himself had an interesting conception of what his veto power and what his powers were in relation to finances, and it was clearly a line-item power.

In one famous instance Jefferson announced that he refused to spend $50,000 on gunboats as appropriated by Congress. There was a good reason for Jefferson's decision in that instance. We were expecting war with Spain when the appropriations were made. Then, things cooled off. To Jefferson's way of thinking there was no longer any point in building the gunboats. That was not, strictly speaking, a reversal of the policy of Congress. It was merely a matter of seeing that the circumstances had changed and assuming that Congress would have changed also had it been in session.

On another occasion, Jefferson again used a line-item veto to refuse to expend money. This he announced in his first annual message to Congress in 1802. Congress has appropriated a considerable sum of money to build various fortifications. Nothing had changed, as it had in the other example, but Jefferson thought the fortifications unnecessary, a wasteful use of public funds. So he announced to Congress that he had decided to "suspend and slacken the expenditures." He changed Congress' policy in this regard. Jefferson sent the legislation back to Congress to be reconsidered. During this time, he held it up; he refused to spend the money for a year. Congress did not reappropriate the money. The point is that Jefferson, in his sole discretion as President, assumed he had the power to decide whether the appropriated monies should be spent or not.

It is not just at the national level where we see the original understanding behind the veto power. The experience of the states after the adoption of the federal Constitution is important to understanding the experience of the federal government for two reasons. First, what the states did immediately after the adoption of the federal Constitution is an indication of their understanding of what the veto power was and what, particularly, Clause 3 meant. A number of states, upon the ratification of the Constitution, adopted constitutional amendments to make their constitutions square with the new federal charter. Several states adopted new constitutions from scratch. Georgia did in 1789, Pennsylvania in 1790, and Delaware in the early 1790s. Kentucky's first constitution was in 1792. Vermont revised its constitution. Tennessee got a new one, and so on. In each case, they adopted the phraseology of Article I, Section 7 and the governors began immediately to exercise the veto in a line-item fashion. That was their understanding of what Article I, Section 7 meant when they incorporated it into their own constitutions.

The second reason that the experience of the states is important is that in the states the real spending occurred. The volume of expenditure by government in the United States through the late eighteenth and throughout the nineteenth centuries was not overwhelming; the big bucks were spent at the state and local levels. As late as 1990, for example, state and local expenditures were ten times that of the federal government. In the middle of the nineteenth century, they would have run twenty or thirty times as much. Thus, if we want to know how the people and governmental institutions coped during the early years with the problem of big spending or excessive spending or whatever, we must turn to the state experience.

By the 1820s and 1830s, spending at the state level had become enormous. It had gotten out of hand because legislators had the capacity to collect taxes on a sufficient scale to spend on boondoggles—all kinds of public and quasi-public projects—and governors, except in the few states which had adopted the equivalent of the federal Constitution's line-item veto, were powerless to cope. There was a collapse cycle in government spending in the United States throughout the nineteenth century. After each major financial panic—1837, 1857, and 1873—states found themselves virtually bankrupt because of overspending, and each time this happened, there would be a new round of constitutional checks on the legislative power to spend.

One of the things that most of the states adopted at some point was a requirement that a bill which becomes an act must have only one subject.[4] Some of them went so far as to declare that every bill had to have a title, that everything in the bill must pertain to the title, and that anything not pertaining to the title was automatically annulled.

Several states required that any appropriations for what was called the civil list (the government payroll for ordinary, full-time employees) must be made in lump sums but that everything else had to be in separate and single bills. By the 1840s, the idea of a line-item veto to control fiscal irresponsibility in the legislatures was coming to prominence. It did not originate in the Confederate constitution as some have suggested. There were three Northern states which had already adopted the line-item veto before the Civil War.[5] It became very common after the Civil War.

The lesson that was learned in the states during the early years of the Republic was the lesson Alexander Hamilton had endeavored to teach in one of the Federalist essays. The more people there are involved in the decision-making process, the less responsible any one is, and a legislature, being a numerous body, in the nature of things, cannot restrain itself. It is so numerous as to be politically blameless. It ceases to be responsible because no one is accountable. It ceases to exercise control over a budget. It appropriates in vague and general terms. And, while the people will eagerly vote out of office those elected representatives of the people who tax to an extreme, they will not vote them out for spending excessively.

The only way effectively to check the excessiveness of a legislature at any level, national or state, is to have responsibility vested in one person so that that one person takes all of the heat if things go out of control. That is the essence of accountability; that is the fount of responsibility.

Let me close with a quotation from Alexander Tytler, an obscure but perceptive figure in the Scottish Enlightenment. (He had a relative who was the sole author of the second edition of the Encyclopaedia Britannica, but he himself was a quite secondary figure.) Tytler expressed a thought which every American in the founding generation would have shared, because they knew their history.

"A democracy cannot exist as a permanent form of government. It can exist only until a majority of voters discover that they can vote themselves largesse out of the public treasury. From that moment on, the majority always votes for the candidate who promises them the most benefit from the public treasury, with the result being that democracy always collapses over a loose fiscal policy."

This is the lesson we most need to remember today.

FOOTNOTES

[1] Notice—8,563 pieces of legislation. That's all of the laws enacted by nine legislatures in the course of 80 years. That comes out to be 80 a year; that is nine laws per year. This is significant. The Framers' concept was that legislation was a simple, clear, direct and straightforward thing. It was limited. That generation did not have such things as omnibus bills.

For example, the State of Virginia ordered a man named Hening to pull together all of the statutes that had been enacted by Virginia since 1607, nearly 200 years. It took only 13 small volumes to print all of the laws of 200 years. Today, statutes coming out of Congress tend to be long, complicated and detailed.

[2] Though, in the Declaration of Independence, after the Preamble and when it gets down to all of the "he hases," most of the accusations against George III stemmed from the King's failure to exercise the veto power when he should have. In the Declaration, Jefferson took George III to task for vetoing certain legislation, but also for not vetoing other or parts of other pieces of legislation.

[3] As for the use of the word "revision," see the constitutions of New York, 1777, §III; Massachusetts, 1780, ch. 1, art. III, §1; Georgia, 1789, art. II, §10 and 1798 art. III, §10; Vermont, 1793, ch. II, §16.

[4] Some states had adopted such provisions from the beginning; see, e.g., the Maryland constitution of 1776.

[5] New Jersey Constitution of 1844, art. V, §7; Ohio Constitution of 1851, art. II, §16, P3; Kansas Constitution of 1859, art. II, §14.

Mr. SPECTER. I thank the Chair and yield the floor. And in the absence of any other Senator on the floor, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have spoken on occasion before about the question of Whitewater and the appropriate way that the Senate should proceed with respect to it. I have some observations to make again today as we find ourselves at a point of impasse.

I hope that the Senate can move forward on this. I think it is not particularly productive for the institution or for the country to have us tied up in the kinds of procedural wrangling that is going on at the moment. I want to make clear my position with respect to this whole question.

First, I will summarize again my overall view of the entire Whitewater question. I know that staff has been digging very assiduously into the past in an effort to come up with all of the details of what happened with respect to Madison Guaranty and the Whitewater investment, what the participation of the Clintons were, what was the participation of the McDougals, et cetera, et cetera, et cetera.

I could rehearse all of those details here, and I suppose they will be rehearsed at one point or another as this thing goes on. I am not sure that is particularly useful, although I understand why people do it.

For me, the whole Whitewater thing has come down to two basic questions. The first one—a troubling one that has been raised in the press, perhaps not in this distinct a fashion but overall—has to do with the behavior of the administration of the State of Arkansas during the period of time that Bill Clinton was the Governor.

Very specifically, the question is this: Was the governorship of Arkansas for sale during the period of time that Bill Clinton held it? Or, as some of my friends have suggested, maybe not for sale, just for rent. That is a matter of degree.

Did special interests decide to take advantage of their relationship with the Governor of Arkansas to their own benefit in such a way that would be considered unfair or improper? And was the currency with which the purchase may have been made in the form of favors for investment opportunities or, as has been raised in the case of Mrs. Clinton, investment advice?

I do not know the answer to that, Mr. President, and I am not prejudging the case, but I think it is a serious question that needs to be examined and needs to be answered.

We have in the legal system in this country two levels of proof: The first before a grand jury, the level of reasonable suspicion of wrongdoing, and the second level, the removal of reasonable doubt. They are two steps. It is easier to get an indictment than it is to get a conviction. I think that is appropriate.

I am not suggesting, as some of my friends in the media have, that the President and his wife are due for a conviction. I think it is very clear that any case that would answer the question—Was the governorship of Arkansas for sale?—has not been answered to the point of reasonable doubt. But I do think to the grand jury threshold of whether or not there should be an investigation of that first question, enough has been raised to justify going forward.

A special counsel, independent counsel, has been appointed to go forward to examine these details out of which we can get, perhaps, the ultimate answer to the question: Was the governorship for sale?

There are those who say until the special counsel reports, the Congress has no responsibility at all to investigate this matter. And that is the crux of what it is we are debating today and have been debating for past days and perhaps will continue to debate until we can arrive at some kind of solution to this situation.

If we frame the question in the overall manner that I have proposed here, there are some aspects of this that do not fall within the purview of the independent counsel.

Very specifically, the question of Mrs. Clinton's profits in commodity trading fall outside of the jurisdiction of the special counsel.

I have a letter which was addressed to Senator D'AMATO, the ranking member of the Banking Committee, signed by Robert Fiske, the special counsel or independent counsel, in which he makes it clear that that issue falls outside of the purview of his investigation. He says:

> The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would, nonetheless, make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

I ask unanimous consent that the entire letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, May 26, 1994.

Hon. ALFONSE M. D'AMATO,
Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR D'AMATO: I am responding to the two questions raised in your letter of May 23, 1994.

The commodity transactions of Mrs. Clinton occurred during a period of time which is outside the applicable statute of limitations. We do not preclude looking into those transactions if circumstances develop during our investigation which would nonetheless make that trading relevant to our investigation. I have no present objection to any hearings which Congress might wish to hold on that subject.

The White House review of Treasury documents relating to contacts between the White House and Treasury officials involves a small number of documents which will not take anyone very long to review. Because of the risk of such documents becoming public prior to the completion of our investigation, I would prefer that you defer obtaining those documents at this time. I am confident that following that procedure will not cause any delay in any hearings you may decide to hold.

Respectfully yours,
ROBERT B. FISKE, Jr.,
Independent Counsel.

Mr. BENNETT. Mr. President, there are those who say the statute of limitations has run. Why therefore should Congress look at it?

I return to my earlier question. Was the governorship of Arkansas for sale or for rent to special interests during the period of time when Governor Clinton held it? In that context, the commodity transactions of Mrs. Clinton are very relevant, and they are relevant today. They may not be available for any kind of disciplinary action be taken against her or her broker if indeed anything went wrong or anything was improper. But that is not the point. They are appropriate in answering the overall question because, if indeed the governorship of Arkansas was available to be purchased, this might have been the currency that was used to make that purchase. I stress again the words "may" and "might" because nothing has been proven, and we are not in any way to the point of making conclusions beyond a reasonable doubt.

Mrs. Clinton herself recognized the appropriateness of public interest in this issue when she went before the Nation in a press conference, and answered any and all questions with respect to this. She believes that her answers were sufficient that the matter should now be closed. I respect the way in which she handled herself. But I have read carefully the answers that she gave. And I think there are still areas that for her own benefit need to be illuminated further. If they cannot be illuminated in a press conference, it is appropriate that they be illuminated in a congressional investigation.

As I have said on this floor before, there is a second question which arises with respect to this. So what? Why does it concern the U.S. Senate if the governorship of a single State was handled in a way that may have transcended certain boundaries some years ago? What is the legislative purpose on the part of the U.S. Senate to investigate these kind of things? And I recall the comments that have been made in the past with respect to Senate investigations to the effect that we

should not engage in any investigation that does not have a clear legislative purpose. Indeed, there were those who tried to discipline Senator Joseph McCarthy when he was conducting his investigations by saying these may produce interesting information, but they do not lead to legislative action. And, unless a Senate investigation leads to a legislative purpose, it is not sanctioned under the rules of the Senate.

I would be happy to live by that rule if indeed it had not been repealed by precedent. In the Congress of the United States long since the time of Joseph McCarthy, the standard has been changed over and over again by precedent the Congress has demanded and exercised the right to go beyond legislative purpose in its investigation.

The most egregious example of that, which I hope we would not ever return to, was the investigation into the so-called October Surprise where millions of dollars of taxpayers' money was spent trying to find out whether or not George Bush was in Paris on a certain date. Since he was under Secret Service protection at the time as a candidate for the Vice-Presidency, it would seem to me a very simple matter to determine by asking the Secret Service to produce their logs. But the Congress in its wisdom decided that was worthy of a full investigation, and they went forward and conducted the investigation. By allowing that to happen along with other investigations that we have seen documented here on the floor in great detail, we have by precedent changed the rule.

I think it inappropriate for Members of this body to now say that since the individual who would be investigated under the rule established by the precedents happens to be a Democrat, we must go back to the old rules and say no, that is out of bounds. Once a precedent has been established, it is lived by. And I believe that the Congress under the precedent established here in the Senate and in the House over the last 10 to 12 or 15 years clearly has an appropriate role to play in this circumstance.

There is a second question which arises out of the first. Has the Clinton Administration used its position to prevent examination of the first question? As I say, the first question is: Was the governorship of Arkansas for sale or rent? Now the second question: In an effort to discourage people from answering the first question, has the Clinton administration acted improperly? Now we go to the questions that the independent counsel is examining. That is what has produced the subpoenas, the depositions, and in some cases the resignations that have occurred within the White House staff.

There are those who say it is clearly improper for Congress to examine any of that because that is within the purview of the independent counsel. I believe you cannot cut this seamless web. If you are going to conduct a complete investigation, you must do it on the basis of both questions, keeping them linked as they inevitably must be, and examining them in the proper way.

So, Mr. President, I rise in support of the amendment of the ranking member of the Banking Committee, Mr. D'AMATO, who is saying let us move ahead with at least an investigation of the details of Mrs. Clinton's commodity transactions in an effort to get to the bottom of this affair.

We make a few observations about those transactions which I think will come as no surprise to anyone who is familiar with the commodities market. This also goes to why I think Mrs. Clinton's press conference, admirable as it was, falls short of the full disclosure that I think the American people were seeking when they tuned in on that Friday afternoon.

I have been involved in commodities transactions myself. I found them much too rapid for my stomach to handle. I have invested in the stock market most of my life. I bought some bonds. I dabbled in real estate. I tried commodities I think for about 2 or 3 weeks. I decided this is too fast a game for me. I am going to go back to the relative quiet of the stock market because the commodity market moves so rapidly. The margin requirements are such that you can lose everything in a matter of a few minutes. It is not something that I want to undertake on a part-time basis.

I have talked to people who have made their living in the commodities market. Indeed, they have come to me voluntarily. They have said, Senator, we believe it is highly unlikely to the point of being impossible for someone to do what according to the press Mrs. Clinton was able to do on a part-time basis reading the Wall Street Journal and making up her own mind.

The White House and Mrs. Clinton have subsequently changed the initial report that she did it all by herself. That is "no longer operative," to quote one White House staffer. But even so, in the minds of those familiar with the way the commodities market works, there is a lingering suspicion that there is still something that we have not been told. As I say, reading the answers Mrs. Clinton gave at her press conference, I find that that suspicion does not go away. Am I accusing her of illegal activity? No, I am not. I am suggesting, however, that she and we would benefit from a further airing of all of the circumstances. It is very simple, Mr. President, to get that airing, because these transactions do not take place in a corner, as it were. They take place in an atmosphere of documentation and preservation of archives.

I understand that the people at the Chicago Mercantile Exchange, where these transactions took place, have maintained full records of every one of the transactions. People at the Chicago Merc have been asked to provide those records to the members of the Banking Committee. They have responded that they cannot do so, under their regulations, without the permission of the individual involved. I can understand that, and I can applaud that. I think it is appropriate that we have that degree of privacy for individuals involved in financial transactions. But if indeed the desire stated by Mrs. Clinton at her press conference, which was to put this matter entirely behind her, what better way to do it than to produce not her spoken version of what happened, but the available written confirmation of what happened? And if it happened and she remembers that it happened, the written confirmation will prove that. If it happened in a slightly different fashion, I am willing to grant her that her memory could be faulty this many years later, and any kind of innocent deviation between the written record and her spoken record would, in my view, be completely understandable.

However, the refusal to provide any of the written record does leave in the minds of some the suggestion that the written record might indeed be damaging to her overall case. If I were advising Mrs. Clinton, I would say: You do not want to leave that impression in anybody's mind. Review the written records yourself first, by all means, but then if indeed they correspond to what you have said to the American people, make them available to the American people, and make them available in the forum that will give you the highest credibility, which is the Senate Banking Committee. The request has been made; the request has not been responded to.

I respectfully suggest that the way to see that it is responded to, for Mrs. Clinton's benefit, as well as the country's, is for the amendment offered by the Senator from New York [Mr. D'AMATO], to pass and for the Banking Committee to be allowed to pursue its request for these written records.

Mr. President, that is really all I have to say about the substance of the matter. I cannot resist, however, since I have the floor, making a somewhat more whimsical comment in this circumstance out of a personal observation here.

I am one of those who cannot really begin the day without visiting the comics page and getting my fix from "Calvin and Hobbes" and "Doonesbury." "Calvin and Hobbes" is currently in remission, if you will, the author of that strip being on extended sabbatical and recycling old strips, all of which I have read. And so I turn to "Doonesbury" for my daily dose of humor.

Unfortunately, "Doonesbury" is spending its time these days talking

about medieval church documents relating to marriage ceremonies. I regret the fact that Mr. Trudeau's politics prevents him from treating this matter with the same sense of humor that he brought to Vice President Quayle's experience with the National Guard, or President Bush's membership in Skull and Bones at Yale. Can you imagine how much fun we would have with "Doonesbury" if Webb Hubbell had been named Ed Meese, or how much delight we would have about the actions of Mr. McDougal, if indeed his name had been Neil Bush? I can only speculate as to how much fun "Doonesbury" and his characters would have with the White House if Nancy Reagan had fired the chief usher and the chef.

I would hope that at some point soon we would have a Republican administration so that "Doonesbury" can once again start dealing with political matters instead of spending all of his time in medieval marriage ceremonies. I would hope that Mr. Trudeau would somehow find it in his heart to at least see some humor in the way this whole thing is playing out instead of giving us a complete blackout of his ability to skewer the important and the mighty.

I realize as I say this I run the risk of being skewered myself as Mr. D'AMATO has been, but I take solace in the fact that I am neither as important nor as mighty as Senator D'AMATO and it will take me some years before I rate any kind of a mention in the "Doonesbury" strip.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am advised by my staff that this has been cleared, and they have been advised by Republican staff that this has been approved.

Mr. President, I ask unanimous consent that upon the disposition of Senator D'AMATO's amendment No. 1782, the Senate vote on Senator MITCHELL's amendment No. 1785; that upon the disposition of amendment No. 1785, the Senate vote on Senator MURKOWSKI's amendment No. 1784, as amended, if amended, with the preceding all occurring without any intervening action or debate.

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

Mr. MITCHELL. Mr. President, this means that there will be two rollcall votes beginning at 2:30, on the second-degree amendment which I have offered to Senator D'AMATO's amendment, and the second-degree amendment which I have offered to Senator MURKOWSKI's amendment. My hope is that if our colleagues have additional amendments, they will present them and we can put those in line for a vote as well at 2:30.

We are making little progress on this bill, and I merely repeat what I said yesterday afternoon, that we will be in session this week until we complete action on this bill and on the legislative appropriations bill and, hopefully, on one or more nominations. It appears now that it will require a very late session this evening, at the rate we are proceeding on this bill, and a very late session tomorrow evening, and all during the day on Friday. I hope that does not occur, but I want everyone to be aware of that so that they can adjust their schedules accordingly. Finally, I encourage our colleagues that if they have amendments, it is better to offer them during the day and get some work done during the day, rather than wait and have so many amendments and votes in the evening.

So I encourage our colleagues, who I am advised do have other amendments, to come forward and offer them, and let us debate them and vote on them.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PRYOR. Mr. President, it is not appropriate for a Senator to stand on the floor of the U.S. Senate and to specifically address those in the gallery. But I do think, Mr. President, it is appropriate and I think justifiable that a Senator stand on the Senate floor and explain to those watching this performance of the U.S. Senate this afternoon and to educate the citizenry on exactly what is taking place in the greatest deliberative body in the world.

What we have before this body this afternoon is an amendment offered by some of our colleagues on the Republican side of the aisle. The contents, or 98 percent of the contents, of this particular amendment have already been dealt with and basically disposed of in another amendment offered by the Senator from New York [Mr. D'AMATO].

After his amendment basically went down, our colleagues on the other side of the aisle devised a way to basically stop all legislative business from being conducted by the U.S. Senate, attempting, second, to embarrass the administration, and, third, to make certain that no legitimate business, such as welfare reform and health care and appropriations measures that we do have an obligation to attend to, to make certain, Mr. President, that none of those important matters that truly affect every American in this country are considered by the U.S. Senate at this time.

Well, under the rules of the Senate, as the distinguished Presiding Officer fully knows, any Senator basically can stop this body in its tracks, not only with a filibuster but also with the threat of a filibuster. That is known. That is a part of the rules of this body. Whether we like them or not, whether we agree with them or not, that basically would be the rules of the U.S. Senate.

Mr. President, this is a different situation from that. Here we have our colleagues on the other side of the aisle offering a series of amendments to take up the Senate's time, to waste the Senate's time, to waste the taxpayers' time of this body, and to make certain that we do nothing which is meaningful and constructive for this country.

The Senator from New York [Mr. D'AMATO], our good friend, our distinguished colleague from New York, has stated that this is not the only amendment that is going to be brought up in this manner; that he might have—and I think I am quoting correctly; I was not here earlier in the day—but I think Senator D'AMATO is intimating that he may have from 44 to 45 or 46 variations of this amendment.

Well, once again, for the benefit of the public, so that they will know what our rules of the Senate are, we have, Mr. President, for their information, a 15-minute rollcall vote. That is how long we have to get from our committees and our offices and our other functions and duties from around the Capitol and on Capitol Hill or our homes or wherever we might be. We have to come to the floor and we have 15 minutes to answer our name or we are marked absent.

So if the Senator from New York has 45, let us say, amendments remaining, one, I wish he would be here and offer them so we would know what they would be. Second, I wish the Senator from New York would be here this afternoon with the rest of us—there is only 1 percent, by the way, of the U.S. Senate in the Chamber at this time; the rest are gone. But Senator D'AMATO and his friends should be here, I think, offering amendments, debating amendments, talking about what he wants to do or does not want to do.

But he is absent without leave. He is a.w.o.l., Mr. President. He is gone. He has fled.

What we have here is a vote coming up at 2:30, and another following that. And then we only assume that the Senator from New York, or other of his colleagues, will start offering 44 or 45 other amendments, at 15 minutes each. At 15 minutes each on a rollcall vote, Mr. President, it does not take a rocket scientists to figure out that, from that point forward, when those amendments are offered, we are going to see the Senate in a state of total and complete paralysis. We will be doing nothing but voting. We will be voting all night and all day and all night and all day; and, Mr. President, the business of the country, the real business of the country, will be suffering.

Mr. President, what is this amendment all about and why is this amendment being offered?

It is being offered basically to delay. It is being offered by those on the other side to prevent us, as I have said, from doing anything constructive. But, more importantly, it is being offered in an attempt to embarrass this administration and to elongate this process, this very complicated process, of the Whitewater investigation.

Once again, Mr. President, for the benefit of all of us, we should all know that on March 17, by a vote of 98 to nothing, this Senate adopted a resolution which proclaimed without one dissenting vote that we were going on record in cooperating with Mr. Fiske, the special counsel in the Whitewater investigation; that we were in good time going to have a hearing and that that hearing would be one that would completely and totally comply with the other aspects of this investigation.

The reason that this side of the aisle wants to make certain that compliance is made available to Mr. Fiske and his staff is because, hopefully, we have learned lessons from the past. Those lessons from the past were that our country, even trying to exert our good intentions, even though trying to find facts and bring evidence to the forefront, actually did damage to several legal processes in the past.

I think the majority leader, in his very eloquent manner, has succinctly stated what this issue is all about. This particular issue today that we are debating is an issue that reflects a total lack of a policy or a program on the economy, on the appropriations measures that will be coming before the U.S. Senate, on health care, on welfare reform, on crime—a total lack of a policy or a program, as the majority leader has said. The only program at this point that is forthcoming from the other side is Whitewater. Whitewater. Whitewater.

How many times over the past several months have we heard Whitewater on the floor of the U.S. Senate? I am sure we will hear it a lot more. I am sure in the next days and nights of long and perhaps all-night sessions when our colleagues on the other side bring forth their 40-some-odd amendments, that we will hear a lot more discussion about Whitewater.

Mr. President, I think today we should set the record straight as to what this debate is all about, why it has been instigated, why we are here this afternoon basically doing nothing, treading time. We are talking on a treadmill, hour after hour after hour. I am afraid we are not getting any results or any advantages from it.

I hope we can talk our friends on the other side into basically a limitation of some amendments so we can pass this bill. This, by the way, Mr. President, as all of us know, is the airport bill. There are a lot of issues encompassed, embodied in this particular legislation that affect many of the Nation's smaller airports—our communities. I am sure they are anxiously awaiting us to complete this basically nonsensical parade of amendments that have been and will be offered to this legislation so we can get on with the substance of what the U.S. Senate ought to be attempting to accomplish.

Mr. President, in just a moment, I am going to come back and seek recognition and make a very, very brief announcement. Until that time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HONORING THE ARKANSAS RAZORBACKS

Mr. PRYOR. Mr. President, this is a very brief announcement for the benefit of our colleagues in the Senate. It gives me great pleasure on behalf of my senior colleague, Senator DALE BUMPERS, and myself, to announce that the Members of the U.S. Senate are invited at 4:30 p.m. this afternoon to room S-146 to receive and to mix and mingle with and to meet the national champion basketball team, the Arkansas Razorbacks. In S-146 we will be honoring the Razorbacks. As we speak now, the Razorbacks are attending a function, being honored by the President and Mrs. Clinton at the White House. And at 4:30 they will be here and we cordially invite all of our colleagues to come by and meet those great champions.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. STEVENS. May I inquire, is it proper for me to introduce a bill at this time, Mr. President?

The PRESIDING OFFICER. It will require unanimous consent as in morning business.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to introduce a bill and make a 30-second comment about that bill at this time.

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

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 2191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I rise to make several observations concerning the so-called Whitewater investigation that we are now considering before the Senate.

One is my real disappointment in the tactics that are employed by the majority leader to prevent consideration of Republican amendments, amendments that are offered on this side. Basically, most all of these amendments are to expand the very narrow scope of the investigation that is now proposed by the majority leader.

The majority leader has only three narrow areas that can be investigated. The Senator from New York has proposed 17 areas. We have amendments that would allow two additional areas to be examined by the investigation.

I have looked into a little bit of history and find that almost all the investigations that we have had and the hearings that we have had in the past have been fairly broad, as they should be. Really, when you begin an investigation, you do not know where it is going to lead, but to have one so conscripted as to not allow you to get into basic issues and answer basic questions, I think, is misleading the American public.

I think it is trying to say, yes, we are going to have hearings but, in reality, the hearings proposed by the majority leader are so narrow in scope that I do not even know why we would bother.

I have looked a little bit into hearings. I notice when we had the ABSCAM hearings, investigations, when we passed a resolution calling for it, it said "such other related matters as the Select Committee deems necessary in order to carry out its responsibilities."

In looking, in addition, to the Senate Iran-Contra Committee, the committee was given authority to,

> * * * investigate and study any activity, circumstance, material or transaction having a tendency to prove or disprove that any person engaged in any illegal, improper, unauthorized or unethical conduct in connection with the shipment of arms to Iran or use

of the proceeds from arms sales to provide assistance to the Nicaraguan rebels.

The Senate Watergate Committee was specifically authorized to,

* * * investigate any activities, materials or transactions which have a tendency to prove or disprove that a person engaged in illegal, improper, or unethical activities in connection with the Presidential election of 1972.

In other words, there was very broad discretion given to the committee to investigate the allegations. That is not the case in the so-called Whitewater investigation resolution proposed by the majority leader. It is conscripted, very narrow, very defined, very limited and does not allow the committee to go into other areas.

Now, some people might say this is a witch hunt but far from it. I am looking at several items, a couple of the amendments that we have pending, one of which is RTC's internal handling of Madison criminal referrals. Why should not Congress look at that? Why in the world would we even say that we are going to have Whitewater hearings if we cannot look at RTC's referral of criminal investigations?

I think that the Mitchell resolution is a sham. I think it is a coverup. I am really disappointed.

I might just mention a couple of things. One, I do not know that one party or the other party is going to maintain control of the Senate. I have only been in the Senate for 14 years. I have been in the Senate when Republicans have been in control, and I have been in the Senate when Democrats have been in control. But I cannot recall any time where we have tried to restrict an investigative committee or hearings and limit their scope as so narrowly proposed by the majority leader.

I look at other things the Senator from New York suggested we look into: The relationship between Madison and other federally insured institutions and Whitewater Corp.

Now, people are calling this the Whitewater hearings or investigation, but why can we not look at the relationship between Madison Guaranty and Whitewater?

Madison Guaranty lost millions of dollars and the taxpayers had to bail it out. I am not sure exactly how many millions but I have heard $50, $60-some million—millions of dollars. They lost a lot of money. They were involved in financing Whitewater. President and Mrs. Clinton owned half of Whitewater, but yet we are precluded from looking into Madison Guaranty and their operation and their connection with Whitewater? We should not call them Whitewater hearings if we are not going to investigate some of the facts pertaining to Madison Guaranty and Whitewater Corp.

As a matter of fact, in the resolution the majority leader has proposed, there is almost no mention of Whitewater. I am looking at Senator MITCHELL's resolution. It says, "Whether improper conduct occurred regarding communications between officials of the White House and the Department of Treasury or RTC regarding Whitewater and Madison" but not really did Madison bail out Whitewater.

What happened to those millions of dollars? Were there some illegal activities? Were campaign contributions made from Madison Guaranty to President Clinton's campaign? Can those be investigated? Not under the majority leader's resolution.

There have been a lot of allegations. I am not going to repeat all the allegations. I am not saying they are substantiated. But certainly they should not be precluded from the investigation. Possibly the investigation would clear up a lot of the allegations that have been made favorably to the Clintons. They should want that to happen. We should want all the facts to be made known, be made public and really get this issue behind us. We cannot do this under Senator MITCHELL's resolution.

There are several other questions. Should we investigate the management and business activities of Whitewater including personal, corporate and partnership tax liability? Should we investigate conflicts of interest and cost controls in the representation of the RTC and other Federal banking agencies or other regulatory agencies? That is a legitimate oversight responsibility of Congress, and yet we are going to be precluded from asking questions about RTC and their oversight and possible conflicts of interest? How can we call this a hearing? I think we should be ashamed if we have so-called Whitewater hearings but we are going to have the scope so narrowly defined as proposed by the majority leader.

A couple other comments, Mr. President, I want to make and that concerns the tactics which are now employed by the majority leader in preventing Members of this side of the aisle from offering amendments. The majority leader right now—and I wish to be corrected if I am incorrect—has offered the same amendment three or four times as a second-degree amendment to whatever first-degree amendment the Senator from New York or the Senator from Alaska or a Member from this side of the aisle have offered.

The amendments that have been offered on this side of the aisle have been to expand the scope of the investigation, so it would not be a sham, it would not be a coverup. But in every case the majority leader has offered amendments that strike whatever amendment is offered on this side and inserted new language, and that new language is the same language we have already passed. And it basically says let us have the hearings, let us have them at the end of July, let us have them conclude no later than the end of this session, and let us keep them narrowly focused to these three items. In other words, no expansion whatsoever in the hearings.

So by the majority leader doing that—he has proven he has the votes. He has had 56 votes on 3 or 4 occasions already—he is precluding this side from offering any amendment.

Now, I have been here 14 years, and I know that both sides have played the game. They will have a first degree and maybe a second degree to get a vote on their amendment. Well, the majority leader is precluding us from any votes, period. And he is using a so-called policy of prior recognition of the majority leader. I do not think that is a rule. I might mention to the Chair and I might inquire later of the Parliamentarian if that is a Senate rule. I think it is more of a Senate custom.

I will make a parliamentary inquiry. Is it a Senate rule that the majority leader is automatically recognized or is the Senate rule such that the President of the Senate would recognize whichever Senator seeks recognition first?

The PRESIDING OFFICER. The Chair responds to the Senator from Oklahoma by telling the Senator that if recognition was sought simultaneously, then the majority leader would be recognized first. Otherwise, the Senator who seeks recognition is given recognition by the Chair.

Mr. NICKLES. I thank the Chair, and that is my recollection, too, that whichever Senator seeks recognition first should be so recognized by the Chair.

I might mention I am not sure that is what is happening right now. I might also mention to my colleagues, a couple of whom are on the opposite side of the aisle and may wish to speak on this issue, that they should remember a couple of things. If the practice that the majority leader is trying to follow—and I hope not successfully—should be extended to this and other issues, then the minority party has no right to offer any amendments, or has no right to have their amendments considered because the majority will come in and offer second-degree amendments which strike or strip the first-degree amendment.

Now, that in its most narrow interpretation means, minority, you cannot offer an amendment because whatever you do, we are going to offer a second-degree amendment, even if we have to pass the same amendment 10 times or maybe 17 times. Or the Senator from New York has 47 amendments. Maybe we are going to spend 3 weeks on this bill because the majority leader wants 47 votes on his amendment. But some of us feel very strongly. We think it is important to have a Whitewater investigation. We think it is important to have a decent investigation, not a

coverup or a sham and have it have some authority to look into serious issues.

But I will tell my colleagues that I think it is even more important that we have the minority rights respected and not have a parliamentary procedure where basically, if you are in the minority party, your amendments are not going to be recognized.

I mention this for a couple of reasons. One of my colleagues on the other side may well be in the minority. I happen to be one who kind of believes in fighting for the rights of the minority. It is one of the good things about being in the Senate. This is not the House of Representatives. I do not want it to be the House of Representatives. The minority has very little authority or very little opportunity to offer amendments in the House. I think that maybe should go under review. They are looking at trying to get us to change our rules concerning extended debate. I think they might look at their rules and allow the minority to offer some amendments.

But that is not my purpose in speaking today. My purpose is to say: Wait a minute. We should not get into a procedure where we allow, in effect, the majority to automatically recognize themselves for the purpose of offering second-degree amendments, precluding the minority from offering and having votes on their amendments.

Some of us, I might mention, are going to be willing to spend a little time to try to protect minority rights so we can offer amendments. It may be on this bill. It may be on some other bill. But we should not find ourselves in a situation where no matter what the amendment is, no matter how meritorious, we are not going to get a vote on it because the majority leader or his designee says no, we are not going to have a vote on that; we will just have a vote on our second-degree amendment.

I think if we fall into that pattern, that is a serious mistake and a real loss to the Senate as an institution, as a legislative body. I just hope we do not allow that to happen. I hope we do not set the precedent for that happening on this particular issue.

One final comment. I see two of my colleagues wish to speak. Whitewater is important. It is important that we get the facts out. It is important that we have the hearings and we get all these issue resolved. There is no way in the world we can get it resolved with Senator MITCHELL's resolution. I hope the press has a chance to look at what little his resolution calls for as far as the investigation. If they can call that an investigation in good conscience, I think they are sadly mistaken are or misled.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

Mr. President, I was listening intently to my good friend, Senator NICKLES from Oklahoma. If my memory serves me correctly—I think it does, and I hope it will—last week, in negotiations with the Senator from New York [Mr. D'AMATO], with regard to a potential series of amendments that would be offered by the Senator from New York and/or Senators from the other side of the aisle relative to the Whitewater investigation, it is this Senator's understanding that the Senator from New York was offered the opportunity—I repeat, that the Senator from New York was offered the opportunity—by the majority to have any and all of the amendments that he would bring forth before the Senate to be disposed of by an up-or-down vote. He had one amendment, according to good information, that encompassed everything, and that he is now bringing separate, I say before the Senate at this time.

So Senator D'AMATO from New York had an opportunity to have an up-or-down vote.

Mr. NICKLES. Will the Senator yield?

Mr. PRYOR. I will be glad to yield.

Mr. NICKLES. To get a definitive answer, I think you may need Senator MITCHELL and Senator D'AMATO. It is my understanding that Senator D'AMATO was not offered the opportunity to have a vote on his amendment without it being subject to second degree by the majority leader, and also was not offered the opportunity to have individual second-degree amendments to expand the scope of the investigation.

Mr. PRYOR. Mr. President, let me respond to my friend from Oklahoma. Fine; if we want to get any confirmation from the majority leader and the Senator from New York, that is fine. It is my understanding that the proposal was put to Senator D'AMATO that if there was a resolution considered, if a resolution were considered, that there would be an up-or-down vote on the resolution offered by the Senator from New York.

To me, this is a very fair balance. It was something the majority offered to the Senator from New York. The Senator from New York turned this proposal down. Therefore, it only makes sense that every time the Senator from New York now offers an amendment which takes out one little segment at a time—we understand he has 45 amendments left to go—that it is only natural that from this side of the aisle, we would attempt to second-degree these amendments.

The Senator from New York had that opportunity. He turned that opportunity down, and therefore put himself and the Senators on the other side of the aisle in the condition or in the predicament, you might say, that the Senator from Oklahoma is now referring to.

Mr. President, we are going to vote, I understand, in about 5 or 6 minutes. But on a related matter, the Senator from Oklahoma was talking about a huge loss by the Madison Guaranty. I think the loss, Mr. President, was $46 million. To me, that is a huge loss. That is a lot of money. No one is proud of that loss. But I say to the Senator from Oklahoma that if he wants to investigate Madison Guaranty for a $46 million loss, then why do we not go ahead and investigate all of the S&L's in the State of Oklahoma that lost 100 times that much? Why do we not just include those in the resolution, and investigate those criminal referrals, if they were, and all of the activities surrounding RTC and the failed S&L's in the State of Oklahoma?

I think that might be a fair proposition. What is good for the goose is good for the gander.

So if we are going to enlarge the scope, let us go ahead and go full blast with it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was presiding for an hour and listening to some of the discussion on the floor. When people talk about minority rights in the Senate, I would observe for all who watch the Senate proceedings that the minority rights include the ability since last Thursday, and now it is Wednesday, to prevent the Senate from doing virtually anything. For those who wonder what the Senate is doing, it is considering a bill reauthorizing the FAA, which has to do with building airports. But is that what we are discussing since last Thursday? No, we are not. The minority has the right to do what they are doing.

So when someone stands up and says somehow minority rights have been abrogated, I think what a lot of nonsense. The minority rights have not been abrogated. We are tied up precisely because they are exercising the right they have on the floor to prevent the Senate from moving on the bill that is on the floor.

I said last week—and I think it bears repeating—that we live in a time when scandals are jet propelled. Any scandal gets wings of its own through the media and through the political system. We have a sophisticated political system now in which its participants understand it is far easier to motivate people to be against something than for something. What is happening—and it is happening with this discussion about Whitewater—is that we use careless language; we use innuendo. Mark Twain once said, "A lie travels halfway 'round the world before the truth gets its shoes on."

I think we ought to figure out what the facts are on Whitewater. We have a special counsel appointed, a Republican, investigating Whitewater. We have agreed to hold hearings on Whitewater. None of that is an issue. That is not what this is about. This is about politics out here on the floor of the Senate for 5 days, holding up the important business of the Senate.

Lest anybody wonder, may I remind some of where we are in this country? There are 23,000 murders a year; 110,000 rapes in a year; 1.1 million aggravated assaults in America in a year. We have 10 million people out of work and 25 million people living on food stamps. We have 35 to 40 million people with no health insurance. We have 4 million babies born a year in this country, and 1.25 million are born without two parents present.

Does anybody think much about these problems which we face? Or are we going to be content to tie this body up in knots over Whitewater?

I would not encourage those who say, well, Whitewater is unimportant and we have too many important things to consider. It is not unimportant. But that is not the way it is being treated. We have a special prosecutor. And we have agreed to hearings.

Let us not use Whitewater as a political circus to obscure and delay dealing with all of the other issues that confront us in this country. Let us get to the facts and get to the bottom of Whitewater—and we will, and we should. But let us also get to the business of the U.S. Senate in dealing with some of the other crucial problems we face in this country.

I inquire of the Chair, is the vote on hand at 2:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I yield the floor.

VOTE ON AMENDMENT NO. 1783

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1783 offered by the Senator from South Dakota [Mr. DASCHLE] for the majority leader.

Mr. PRYOR. Mr. President, I ask for the yeas and nays on amendments numbered 1783 and 1785, en bloc.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—56

Akaka	Boxer	Byrd
Baucus	Bradley	Campbell
Biden	Breaux	Conrad
Bingaman	Bryan	Daschle
Boren	Bumpers	DeConcini
Dodd	Kerrey	Nunn
Dorgan	Kerry	Pell
Exon	Kohl	Pryor
Feingold	Lautenberg	Reid
Feinstein	Leahy	Riegle
Ford	Levin	Robb
Glenn	Lieberman	Rockefeller
Graham	Mathews	Sarbanes
Harkin	Metzenbaum	Sasser
Heflin	Mikulski	Shelby
Hollings	Mitchell	Simon
Inouye	Moseley-Braun	Wellstone
Johnston	Moynihan	Wofford
Kennedy	Murray	

NAYS—44

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	

So the amendment (No. 1783) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1782, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment numbered 1782, as amended, offered by the Senator from New York [Mr. D'AMATO].

The amendment (No. 1782), as amended, was agreed to.

AMENDMENT NO. 1785 TO AMENDMENT NO. 1784

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment numbered 1785 offered by the Senator from South Dakota [Mr. DASCHLE] for the majority leader, Mr. MITCHELL].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—55

Akaka	Dorgan	Kohl
Baucus	Exon	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Boren	Ford	Lieberman
Boxer	Glenn	Mathews
Bradley	Graham	Metzenbaum
Bryan	Harkin	Mikulski
Bumpers	Heflin	Mitchell
Byrd	Hollings	Moseley-Braun
Campbell	Inouye	Moynihan
Conrad	Johnston	Murray
Daschle	Kennedy	Nunn
DeConcini	Kerrey	Pell
Dodd	Kerry	Pryor
Reid	Sarbanes	Wellstone
Riegle	Sasser	Wofford
Robb	Shelby	
Rockefeller	Simon	

NAYS—44

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	

NOT VOTING—1

Breaux

So the amendment (No. 1785) was agreed to.

VOTE ON AMENDMENT NO. 1784, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question recurs on amendment No. 1784, as amended, offered by the Senator from Alaska [Mr. MURKOWSKI].

The question is on agreeing to the amendment.

The amendment (No. 1784), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand there are some other items about to take place. I will not take long with my colleagues.

A friend called me last night from Vermont and asked: "What in heaven's name is going on in the U.S. Senate? I watch this march up the hill, down the hill, up the hill, down the hill on the same issue over and over again."

He said does anybody think that they are getting some kind of credit with the public by constantly raising the issue of Whitewater when they know that there is a special prosecutor looking into this subject, when they know there is going to be, by resolution, that we voted 98–0 for oversight hearings.

We are going to have such a hearing. We are going to have such an investigation. He said, "Could it possibly be that there are some who do not want you to reach debates on bills involving the airports in the United States, appropriations bills, health care, or other issues?"

He said, "What in heaven's name—what is this costing?"

I said, "Well, actually hundreds of thousands of dollars by the time you figure in the cost of everybody from staff to those who run the Senate to the printing of the RECORD to say the same thing over and over again."

He said, "Frankly, it makes very little sense."

I mention this, Mr. President, because my friend is a Republican and a partisan Republican. He cannot see why in heaven's name this constant drumbeat on the attack of the President on an issue that is going to be determined one way or the other goes on at a time when we ought to be carrying out the real business of this country: health care reform; vote for it or not. We hear some say they intend to filibuster any kind of health care reform. He is frankly very disturbed by this.

It is kind of manufactured gridlock. He said we may disagree on certain issues, and he and I disagree on a lot of issues, but vote them up or down. One side wins, they win; one side loses, they lose. But this manufactured gridlock is what it is; it is a partisan manufactured gridlock and, frankly, in my 20 years here with five different Presidents—Republicans and Democrats—with the Senate controlled at one time by Democrats and at another time Republicans, I have never seen anything like this in 20 years where you have manufactured gridlock day after day after day after day.

We are here to be the conscience of the United States. Being in the Senate should be a great honor. We ought to be able to rise above petty partisan politics and do the Nation's business. We are given 6-year terms. There are only 100 of us to represent 260 million Americans. Frankly, to use the Senate not to do the Nation's business but to try to score incremental, petty, picayune, partisan points does nobody any good. It does not do the Senate good. It does not do the country good. We ought to stop this baloney and get on with the Nation's business. I have respect for the special prosecutor, a well-known Republican. Nobody questions his integrity. And frankly, as a former prosecutor, if I was in that position as an investigator, I would not want a legislative body muddying up the waters while I am trying to figure out what is going on.

Mr. President, we ought to call it for what it is. It is a partisan charade that has gone on, frankly, long enough. And the American people ought to ask each one of us which one of us is willing to go forward with the Nation's business. Lord knows, there is plenty of that business to do.

I thank the distinguished Senator from Kentucky, who stepped aside for me to be recognized, and I yield the floor at this point.

AMENDMENT NO. 1786

(Purpose: To require Whitewater hearings to begin no later than July 15, 1994)

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1786.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 15, 1994.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1787 TO AMENDMENT NO. 1786

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1787 to amendment No. 1786:

The amendment is as follows:

Strike the matter proposed and insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation, whichever is the earlier.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I had discussed privately with the distinguished Senator from Mississippi the possibility of a time agreement with respect to a vote, and I inquire is the Senator prepared to do that now or would he prefer to wait for a moment?

Mr. LOTT. If I may respond to the majority leader, we do need to make just a couple checks. I think that is a reasonable time. As I indicated, I would be happy to agree to that. I think 4:15 would be fine. But we would like to make a couple checks, and maybe we could make that request in just a few minutes.

Mr. MITCHELL. I thank my colleague.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. A question was asked, what are we doing here? I think that is a legitimate question. I would like to know that. I do not think it is necessary for us to be here having these amendments one after another. What we want is a reasonable agreement of how and when hearings will go forward on the so-called Whitewater matter. That is what the Senate voted on March 17, 98 to 0. We said we would have hearings and that our leaders would meet, respective leaders of our two parties, and try to work out the details.

Well, they did, over a long period of time, but no agreement was reached. No agreement was reached over, I guess, approximately 100 days. That is how we got to this point. In fact, I guess you could say that something has already been accomplished in that there will be some kind of hearings based on what Senator MITCHELL offered and on what the Senate voted. But I am not sure there would really be any hearings under the resolution passed. We cannot participate in a charade, a sham, that so tightly constricts what the scope of these hearings would be, so limits who the witnesses could be, so compacts the time that would be available for these hearings. That is not a logical solution.

I agree we should not be here. Our two respected leaders should get together off the floor of the Senate and come to an agreement with which we all can live. It would be very easy. I suspect there are a lot of Senators on both sides of the aisle who are scratching their heads thinking, yes, I think maybe they could come to some agreement.

Now, I do not propose this as a solution, and I know there are a lot of ramifications involved, and I realize there are some rights that Republicans would like to have that are just fundamentally not going to be given to us, but could we at least agree on a couple of things? Could we at least agree that the scope has to be broader than the very narrow three points included in the majority leader's resolution? We have talked about this a great deal, but it limits what the hearing could do to only three areas: Communication between officials of the White House and the Department of Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings & Loan Association. That is (A). (B), the Park Service Police investigation into the death of the White House deputy counsel Vincent Foster. And (C), the way in which White House officials handled documents in the office of White House deputy counsel

Vincent Foster at the time of his death.

That is it. The argument would be, well, that is all the special investigator or prosecutor, Mr. Fiske, is working on now and we could not get into these other matters because at some subsequent point he may get in some of these other matters. Maybe he will be through with these three and we could have a very tight, limited, narrow hearing on just these points because maybe he will be doing some other things and we will not want to in any way get in his hair with his investigation.

Time and time and time again the Congress has summarily rejected that sort of thing. We have had and we could have a hearing that would not interfere with Mr. Fiske's investigation. There are many areas that could be covered. He has already specified—in an earlier vote today—on getting into the question of the cattle futures investment by the First Lady. He has indicated he was not going to be investigating that.

It would be OK if some legitimate questions were asked about that. But, oh no, the majority said you cannot ask questions about that. Just now the Murkowski amendment—it looks to me like his amendment which was once again defeated basically on a party line vote—clearly, it looks to me like what he was asking for was covered under the resolution we passed March 1994, March 17, 1994. That resolution said 98–0 that leaders would get together on appropriate timetable procedures and forum for an appropriate congressional oversight including hearings on all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc.—"all" matters related to, not so tightly defined in scope as those in the majority leader's resolution.

Senator MURKOWSKI had an amendment that would authorize hearings on the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings & Loan Association, clearly, within the scope of what the resolution said we passed on March 17, 1994, 98–0. Should we not at least be able to or are we not expected to ask questions about what happened to criminal referrals? Why would they be dealt with over weeks and months? At a minimum, we should be allowed to do that. But, no, no, the Senate is not inclined to go along with that either.

So leaders clearly have not reached an agreement with regard to scope. This has got to be greatly expanded. We are dealing with grown men and women here, my colleagues. The Banking Committee or whatever respective committee will do a responsible, fair, and reasonable job. I am astounded that we would say in the Senate that we are going to limit it to only one committee. What about the jurisdiction of the Agriculture Committee? What about the jurisdiction of the Small Business Administration Committee?

There have been allegations—mind you, only allegations—but allegations which should, must, and will be investigated in hearings at one committee or another. But are we all just abdicating our constitutional responsibility? No hearings in the Small Business Committee, no hearings in the Agriculture Committee, no hearings, no hearings on Whitewater anywhere but in Banking, and, oh, by the way, only in these three narrow areas?

The American people see through this. This is a stonewall. This is a requiem for a stonewall. This is how you design in advance the death music of a hearing. That is what is involved here. This is an effort to guarantee that there will never be full hearings into the Whitewater-related matters. So far it has been successful.

But surely leaders could get together and say, look, this scope is too narrow. It will take time to get into it. You cannot begin a hearing—you cannot say we are going to have a resolution passed today, we will begin it next week. It takes time to get into it. You have to have staff. You have to talk to Fiske. You have to get a lot of investigation, a lot of paperwork. It takes time. But you have to get started. We are not started.

Expand the scope, No. 1.

No. 2, allows enough time for a somewhat reasonable job to be done. This resolution does not do that. It does not. It is a prescription for the death of a very brief hearing.

As I understand the language in the leader's resolution that passed—it was added to this bill—on the timing, this is what it says:

> The hearings authorized by this title shall begin on a date determined by the majority leader, in consultation with the minority leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

I think what that says is maybe sometime between June 29 and, the truth of the matter is, August 1 these hearings will occur. You might say, wait a minute. It says July 29. Let us just look at July. July 29, red letter day under this resolution. It is a Friday. How many here think that we will begin hearings on a matter of this importance on a Friday? It is not going to happen.

I heard it used a couple of days ago, I believe on the floor of the Senate: Well, it would begin not later than July 30. A Saturday? When is the last time you remember a Senate committee having a major hearing on Saturday? Maybe they did during the October Surprise—that was important—or Iran-Contra. But that is not very likely.

What you are really talking about is August 1. That is the goal. That is the plan. These hearings will begin, if ever at all, on a very limited scope on August 1. So I will come back to that in a moment.

The leader might say, well, maybe it appears that Mr. Fiske is getting at the end of this phase of the investigation. He is taking sworn testimony from the President and the First Lady. And it looks like maybe he is wrapping it up. Maybe he will wrap it up by, I do not know, another week or so. Then within 30 days after that, let us just say maybe he wraps it up next week, the 22d or the 24th. I guess conceivably you could get to the hearings sometime around the 25th or 26th of July. I think it is very unclear. I mean Mr. Fiske is taking his time. That is the way it should be. He has a job, an important job, a serious job. We do not want to rush him too much. But we have a job to do, too. We can do our job without interfering with his job.

But if the leaders would sit down and agree to a reasonable amount of scope and for an earlier time for this matter to begin, we could get an agreement that would be acceptable, we could go forward with the hearings, and we would go forward with this bill.

But it has gone on too long now. I fear that the true intent is to have no real hearings, only a little 2-week period on phase 1. And the truth of the matter is we will not get to the second phase of the hearings. I will talk about that with the use of the calendar here in a minute.

Let me quote from a great American with regard to another hearing but one that I think is applicable here. Upholding a standard of congressional hearings that are thorough and fair is not new. When the hearings were held on Iran-Contra, this is what Senator MITCHELL, the majority leader said:

> We have a solemn responsibility to present all the facts, to bring the full truth to the American people as thoroughly and as fairly and as promptly as possible. It is now time to begin the process for laying the facts before the American people. If when we finish these facts and these hearings they know the truth, we will have been successful.

I think that applies here. We have been dithering around on this for months now. Nothing has happened—no hearings, even very few normal oversight hearings. It is time—now, not in 6 weeks—to begin the process of laying the facts before the American people. I really think the President is entitled to that. Let us get this matter investigated and get it over with.

If we finish the hearings and the American people know the truth, then we will have been successful. We have a constitutional responsibility to go forward with this, and we have not been doing it.

My amendment is very simple. It would just require Whitewater hearings

to begin no later than July 15, 1994. Why can the leaders not get together and agree? That is the reason we are going through this exercise, because they will not come to a reasonable, responsible agreement. They could end this any time they want to, if they will get together and make that decision. Let me go back over the calendar and make my point about what is really going on here.

This is not a new issue. Whitewater and all of its tentacles has been talked about, discussed; the American people have heard a lot about it. Whitewater has become a watchword for a lot of things not even in Whitewater. It has been around a long time. Under pressure, the Senate did vote on the resolution March 17 and said we were going to have hearings on all related matters, and our leaders were going to get together and agree on procedures, time, and so forth, and the committee will do it. It was 98–0.

What happened after that? The leaders, I guess, talked a little bit and exchanged some letters. I do not know what they said. It is not my place to know. I am sure they were working in good faith but just could not come to an agreement. So the rest of March went by.

April. Nothing. No red-letter days in April, no agreement, nothing.

May. No agreement.

By the way, for those saying this is interfering with the business of the country, we were working all along. The Senate has not been doing anything on Whitewater hearings. We have been having legislation right along. But again, in May, no agreement.

Finally, in frustration, the ranking Republican on the Banking Committee said, "We have to bring this thing to a head. There has to be an agreement." That is why we are right here on June 15. It has been 3 months since that vote of 98–0—March, April, May, and halfway through June. Nothing is scheduled in June. No hearings. No preliminary preparation. No staff arrangements. No hearing room. No hearings—that is the plan—or very limited ones.

So are we finally going to do something? Well, we will have the Fourth of July work period. We will all be home for our Fourth of July events.

Finally, it may be earlier, but not later than July 29 when the hearings will begin. That is the end of the month of July, 6 weeks from now—6 weeks from now—they will supposedly start to get ready, or maybe they will begin hearings. Maybe Fiske will have gotten through earlier and they will have started preparations. But my guess is that there will be no real hearings before the week of August 1. That is very significant. Not only have we now compressed the scope to three narrow areas; we are now compressing the schedule to no more than 10 days. Maybe you can say 2 weeks, but the truth of the matter is it would be the 1st through the 5th and 8th through the 12th—2 weeks, a very limited, narrow scope, very little time to prepare for getting into the serious questions that are hanging out there as allegations. And then on August 12, the Senate, the Congress, will go out for the August recess period.

We will be out the rest of August, and the first 11 days of September. Supposing we are going to come back in on the 12th, but we have a religious holiday on the 15th, so it is going to be pretty hard to see much happening in there. And so you only have 3 weeks before we are scheduled to adjourn for the year for the elections. So even if they were going to have some more hearings after the August recess period, again it is limited to probably somewhere around 3 weeks. And then what happens? That is it. Elections are the 8th. Are we going to have a lame duck session and come back to have hearings on Whitewater? I do not think so.

And then also the majority leader is going on his great reward. He will not be here next year. When he said yesterday, well, look, this is just the first round, it is limited in scope and it will only be these three areas. So we will not interfere with Fiske, and we can have hearings limited in those three areas, and after that, we will have a second round of hearings.

When? When are we going to do it? Is the second round going to come in September? If it is, that means that the first round will have been completed in only 10 days, the first 2 weeks in August. So the idea is to do that in 2 weeks there, and to have a second round when Mr. Fiske completes all of the rest of his work. Will he be through in September? If he is not, we are not going to have a second round, not this year. And the majority leader will be gone next year—I am sure having a grand time doing a great job at whatever he is doing.

So I fear that this is a requiem for the death of real hearings. This is a prescription for 2 short weeks of limited scope, and that is it. Will we ever get to the second round? Will there ever be full, complete hearings on a number of other related matters, as described in the resolution that was passed March 17? I do not think so.

Believe me, I am not advocating this, but I look at the calendar and the resolution, and I do not see how they fit, how we can do it. We have all these issues the leader wants us to take up. We have five or six appropriations bills that we need to do before the Fourth of July period; we have striker replacement legislation pending; we have a telecommunications bill pending; we have a water resources bill pending; we have defense authorization pending; we have health care and welfare, all of them. They are good and important issues that we ought to take up and get done. In fact, some of them we must get done. All of the appropriations bills and defense authorization and, hopefully, a number of others.

So I do not see how it happens. That is why I offered my resolution. I hope that the leader will, in his generosity—and he is always very cooperative, and I mean that sincerely—say that is not a bad idea. Let us just back it up a couple weeks and get the ball rolling. The chairman of the Banking Committee and the ranking member can tell you that you could not start from ground zero in a week or two. With the resolution we pass and the narrow scope, nothing is going to happen. It would be such a restricted sham of an exercise, people are not going to participate, because they know how restricted and how limited it really is.

So could we not at least back it up a couple of weeks? Just a couple of weeks. I am not asking for the Moon. I am just asking for instead of 2 weeks right before the August recess, right when we always break out in a sweat because it is hot and humid outside, but also because we have a lot to do and little time to do it, with appropriations bills one right after the other, let us back it up to the 15th of July.

That would give us this 2 weeks in late July and the first 2 weeks in August for the first phase, but a first phase certainly broader than what is in this limited resolution we have.

Now, I hope there will be a second phase. Perhaps that could come in September. Maybe we could go ahead and agree on that. We will have the first phase the last 2 weeks in July and the first 2 weeks in August, and we would go to the second phase as soon as we come back in September.

But that is all I am really asking. When I look at the resolution and I look at the calendar, it is obvious to me what is afoot here. Limit the scope, limit the time, and hope that the issue will just die and wither away.

We do have a constitutional responsibility. The time is now to begin to exercise it. I think it ought to begin, really, June 15, today, June 15. But let us give it a month to get ready, to get the leaders to agree on all the details, to let the committee begin to get their staff lined up, and to allow Mr. Fiske more time to wrap his work up and report. So I am trying to be reasonable and fair, but to guarantee we have at least a month to work on this issue.

Again, I invite the distinguished majority leader and the Republican leader to take this cup from our lips, get together, and come to an agreement. Let us do this thing. Let us do it now. Let us not wait a month or 2 months or forever.

Mr. President, I see the leader is on his feet, and I am sure he has lots he would like to respond to, so I will yield the floor at this time.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the Senator from Mississippi has spoken for 25 minutes and has had no response from our side. If we were to have a vote at, say, 4:20, may I ask that that time be divided, 8 more minutes to the distinguished Senator from Mississippi and 20 minutes on our side, giving him a total of 33 minutes and us a total of 20 minutes?

Mr. LOTT. That sounds all right. We have checked and there is no objection to getting the vote at a specified time. I think 4:20 would be fine.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that a vote on the Mitchell amendment now pending occur at 4:20 p.m.; and that immediately following that vote, without any intervening action or debate, a vote occur on the underlying amendment, as amended, if amended; and that the time between now and then be divided, 8 minutes under the control of the Senator from Mississippi and 20 minutes under my control or that of my designee.

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

Mr. MITCHELL. Mr. President, Senators should be aware, and I ask the staffs on both sides to notify Senators' offices, that a vote will occur at 4:20.

Mr. President, I would like to make a few comments in response to the Senator's remarks, which I found very interesting.

The first point to make is that all of this supposed rush to get hearings by the Republican Senators is inconsistent with the delaying tactics they are using. We were ready to vote on this matter last Thursday, and although the Republican Senators proclaimed loudly that they want to have a vote on Whitewater and they want to have hearings on Whitewater, they prevented a vote from occurring for 5 days. If they had not engaged in the delaying tactics in which they are now engaging, we could have voted on this matter last Thursday and the Banking Committee could be getting ready for hearings. They would have been under instructions to do that which the Senator from Mississippi says he wants them to do, or that which he is preventing them from doing by participating in what is obviously a filibuster by amendment.

So what we have on the one hand is a group of Republican Senators saying over and over again they want to have hearings on Whitewater, and then doing everything possible to prevent the passage of the legislation that would permit the preparation for the hearings and require the hearings to be held.

Why is that, one would ask? Why would Senators say one thing and do another?

That is because what they say is not what they really want. They are not interested in hearings. They are not interested in serious investigation. They are interested in a forum to attack the President and Mrs. Clinton. They are interested in creating a political circus to inflict as much political damage as they can on the President and the First Lady of the United States.

The American people know that. The polls show consistently that more than two-thirds of Americans, as many as 70 percent, believe that the Republicans are doing this for political purposes. There is no serious intent here, and what is happening in the last 5 days demonstrates that. We have had 5 votes spread over a couple of days on the same issue over and over and over again, trying to delay that which they say they want done.

Now, I listened with amusement to the remarks of the Senator from Mississippi about the upcoming recess. A neutral observer might have understood that to be a complaint about so many recesses. But from my experience, the Senator from Mississippi has been a very vigorous critic whenever I have suggested delaying recesses or staying in session during otherwise scheduled recess periods to do the business before us. And so we can get this done in a proper, orderly way, if our Republican colleagues will stop stalling, let us have a vote. Let us get the hearings on track.

On March 17, the Senate voted 98 to 0 to conduct hearings in such a manner. It said:

> The hearings should be structured and sequenced in such a manner that in the judgment of the leaders, they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

That is what the timing in our resolution does. It sets up the hearings so that they will occur in a manner not to interfere with the special counsel's ongoing investigation.

We have been advised that the special counsel expects to complete his investigation in the first phase this month. So what our resolution provides is that the hearings in the Banking Committee will begin within 30 days after the special counsel completes his investigation but, in any event, no later than July 29.

So the hearings will occur, if our Republican colleagues will stop stalling and let us vote on a resolution that will direct the hearings to occur. But every American should understand that the very people who are saying let us begin the hearings are the people who are preventing us from voting on a measure to require hearings. In other words, their words are inconsistent with their deeds. What they are saying is the opposite of what they are doing.

Of course, that is what has occurred throughout this process. First, they called for the appointment of a special counsel, and a special counsel was appointed. The special counsel is a Republican, a lifelong Republican, of high integrity and great experience. Five minutes after he was appointed, they reversed their field and began demanding a congressional hearing, even though the special counsel, appointed upon their request, himself a Republican, requested that hearings not be held at a time and under circumstances which would undermine his investigation.

But, once again, one would ask how is it our colleagues will take one position 1 day and then another position another day? The reason is obvious: That there is no consistent principle behind what they are doing. All they have in mind is to damage the President and the First Lady of the United States. That is the only objective. And so, if it takes a zig to bash the President, they will zig. If it takes a zag to bash the President, they will zag. If it takes a flip to bash the President, they will flip. If it takes a flop to bash the President, they will flop. Zig and zag, flip and flop, so long as they can bash the President; bash the First Lady; try to inflict damage upon them.

That is what is going on here. The American people know it, and it is obvious a clear majority of the Senate knows it.

This amendment, I say to my colleague with all due respect, is inconsequential. The hearings are going to begin sometime in July, and they are going to begin hopefully after the special counsel has completed an investigation, and with time for the Banking Committee to prepare.

But, I will say again to my colleagues, we need to pass the resolution to give direction and authority to the Banking Committee to conduct the hearings. And the longer our Republican colleagues stall and obstruct and delay, as they are now doing, the less time the Banking Committee will have to prepare for the hearings that our colleagues say they want.

So what they should do is to stop the delay; stop the obstruction; stop acting in a manner inconsistent with their words. Let us vote on this; let us pass it; and let us tell the Banking Committee to get going to prepare for these hearings.

That is the obvious course. But, of course, that is not the political course of action and, therefore, I do not expect my colleagues to leap to agreement with the suggestion.

But, we have already voted five times on the same issue. So there is no reason why we cannot vote another five times on the same issue if that somehow pleases our colleagues or makes them think that they are gaining some kind of a political advantage here.

We will just keep going. We are going to stay steady on course. We are going to get through this. We are going to

pass the airport improvements bill. I know my friend from Kentucky, the manager of that bill, would like to see it passed and may have a few words on that. We will stay in session tonight for as long as it takes to get it done.

I thank my colleagues, and I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I would like to comment further on some of the remarks of the distinguished leader.

First of all, I heard it several times stated that, "Oh, it was just Republican Senators that called for a special counsel."

Yes, Republican Senators did, a number of them. But I was there. I remember also some Democratic Senators said that they thought there should be a special counsel. I remember specifically the Senator from New York, Senator MOYNIHAN, on one of the Sunday morning talk shows said he thought absolutely we should have one. I could be wrong, but I thought the Senator from New Jersey made a similar call.

So it was not just a partisan call. Although the leader has said several times it was Republican Senators that called for a special counsel, well, yes; so did some Democrats. But there was no deal there that if you had a special counsel that the Congress would then abdicate, totally abdicate, its responsibility, its role, to have appropriate hearings into a number of questions that have been raised.

Now, as far as bashing the President and the First Lady, you have not heard me say anything against either one of them.

All I am saying is that there should be a hearing, a fair, open, complete hearing and get this matter behind us.

I remember other hearings. I remember how quickly we had complete, total, full hearings on Watergate, Irangate, the October Surprise. Then it was fine to go forward and have these complete hearings. But now, "Oh, wait a minute here. We don't want to have complete hearings this time."

Now it is political. Boy, I have heard it all. It is political because we say that there ought to be some hearings, but it was not political all the hearings we have had over the past 20 years, especially that ridiculous thing we had called October Surprise in 1992. That was the most blatant, partisan political thing I ever saw in my life.

So, now the shoe is on the other foot. When we say we ought to have full, open, fair hearings, "Oh, you're political."

The temerity of the assertion that it is political when we say let us have hearings—not an inquisition, not a trial, but hearings—on laws that may have been broken, agencies or departments that may have been abused.

We are not alleging who might have done that. But we are saying that there are so many questions out there, so many violations that have been suggested, that they should go forward.

So, I do not believe the American people are going to buy this deal that now it is political, but all these other hearings, oh, they were not political. Baloney.

Now, look. We may be a little slow. Just because you got the cheese sitting out there in the trap saying, "Come on, let's us go forward; let's have the hearing; come on in here," you do not think we are going to look at the trap.

Here is the trap—a mechanism that guarantees there will not be real full hearings. That is the trap.

The leader says, "Oh, yes, you Republicans, if you really want a hearing, let us have a hearing. But we are not going to allow but one committee to be involved. No extra staff, no subcommittee involvement, no Senators from other committees with related jurisdiction, no other committee with jurisdiction, one committee, the Banking Committee, that is all. And we are going to fix it where, more than likely, it is going to last 2 weeks, maybe. And we are going to limit the scope to three narrow slivers of jurisdiction."

My colleagues, this is a guarantee that there will be no real hearings. That is what is involved here. Why, this is a total sham, and we know it.

That is why I keep urging the leaders to get together and come up with a serious agreement that we can go forward with. We are not going to walk into this trap and be told, "Oh, we will have a hearing, but you are going to do it our way and that is all."

We cannot even call witnesses. Well, you say, oh, well, Republicans have never been given the ability to call witnesses, to have subpoena power. How in the world are we ever going to get our witnesses before the committee? Do you think the majority is going to give it to us? Do you think the chairman is going to give it to us? No.

I will tell you one other fundamental difference. This time the White House, where the allegations are lodged, and the House and the Senate are controlled for the first time in a long time, except for the 4 years in the late 1970's, by the same party.

How do you get a full, fair investigation if you cannot even subpoena witnesses? None. Senator D'AMATO will not be able to call any witnesses. Who believes that? Is this going to a fair hearing? Is this going to a real hearing? Absolutely not.

We want to pass this bill. We want to have a fair hearing. We are willing to make a reasonable agreement. Let us do it.

The allegation is made that we do not want real hearings—we want a circus. I think our integrity is questioned here.

And do not question the motives for trying to block total, fair, and open hearings.

I know what is going on. But if we try to get hearings that are structured in such a way that we could get in all the scope of what is involved in this issue and call witnesses and have adequate time for the hearings—oh, you want to make it a circus.

I agree. Let us begin the hearings now. There is nothing to prevent the committee from going ahead right now and getting ready for these hearings. If they really want to have full-blown hearings, they could be doing that while we debate this issue.

This is a process to guarantee that there are not real hearings. There should be an agreement on that.

We are not going to give up on this issue. We have no choice. We cannot agree to hearings that will not be hearings, that will be a total sham.

In the alternative, if we do not use whatever mechanisms we have to try to get a reasonable, responsible agreement, once again, we are abdicating our responsibility.

I urge my colleagues to talk to our leaders and let us get a real hearing agreed to. I think we can do that. And then we can get on with the other business.

But we are using this vehicle because we have no other. This is the only way we can get a hearing. This is the only way we can point out to the American people that there will never be real hearings.

And there are a lot of people—I mean, I do not know exactly what the polling numbers are on it; I am not alleging that you have people running all over our State saying, you know, you must have hearings on this—but there are a lot of people that want to know what really is going on.

My question is: What is going to be the process to find out and when will it be? It will not be this year under this process.

I yield the floor.

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

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator's time has expired.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized. The Senator has 10 minutes and 54 seconds.

Mr. FORD. Mr. President, I am not a lawyer and I take the advice of my father that a little knowledge of the law is dangerous, so get you a good lawyer and stay with him.

That is what I thought occurred when Mr. Fiske was named as the special counsel. I did not know Mr. Fiske. I know a little bit more about him today than I did early on. But I could not understand the euphoria from my Republican colleagues about the appointment. They beat their chests. What a great fellow he was.

Now they have a special counsel, he is one of theirs, he is a Republican. We

found that he was fair, a lot of integrity, and that was significant, I think. But Mr. Fiske's approval came basically from the Republican side of the aisle. So I felt maybe we had been reasonably fair in the selection of the special counsel.

I do not think anyone yet has said Mr. Fiske is not a good attorney, not a good prosecutor, not a man of integrity. All those things he is.

That got me back to what my dad told me: Get a good lawyer and stay with him.

So now we have Mr. Fiske attempting to do the kind of job that he was requested to do and he would be expected to do by all of us. We, those Members in the leadership, discussed with Mr. Fiske—regarding his ability to do the right thing to complete the job in the manner that would be expected of him—on how best to proceed.

Mr. Fiske suggested that the Senate not hold hearings, nor the House hold hearings, until such time as he could complete phases of his investigation. And only when he completed a phase would he suggest that we hold hearings because it would be detrimental to him in his process. With 23 FBI agents and I do not know how many lawyers working to do all of this, that it would be detrimental to his ongoing investigation if we brought witnesses into the hearing room and to question them publicly before he had a chance to complete his job.

That is all he has ever asked. In spite of that, the man who was approved by my colleagues on the other side, a man who has a wonderful reputation of being able to do a thorough and good job, his opportunity is now being jeopardized by those who are trying to make political capital.

Do not tell me you are not trying to damage the President and First Lady. You say I know what is going on. We know what is going on, too. That makes both sides know what is going on, so that kind of makes us equal.

But the process that we have now guarantees hearings based on the recommendation of the special counsel that was approved by the Republican side of the aisle. What is wrong with that? I do not think anything. We asked for a reasonable, responsible agreement. I think the special counsel has to be a part of that agreement. He has made his views known—privately and publicly: Do not question the witnesses in public before I have an opportunity. Do not delve into areas until I complete my job, because when I complete it, I want it to be a good one, I do not want it to be jeopardized. And now we are trying to jeopardize it.

But we have before the Senate a procedure to guarantee hearings. If he says tomorrow—tomorrow is the 16th—that he is completed with this phase and you can go and have your hearings in that area, that means it will be somewhat earlier, it will be the 16th of July instead of the 29th. So it could come sooner than later.

What we are hearing now is speculation—his interpretation, my interpretation. We are asking for a hearing in conformance with the special counsel's request. I think that is a fair way to do it, because we see what we did in previous major open hearings; immunity was given and those who were convicted, by a technicality are not serving their convictions. So we have to be careful, if there are to be convictions, if there are to be trials, that we do not jeopardize the ability to do it.

Mr. President, I am chairman of the Aviation Subcommittee on the Committee of Commerce, Science, and Transportation. My colleague from Mississippi is on that committee. Last November we reported out of that committee an Airport Improvement Reauthorization bill for 3 years. For the last 8 months I have been trying to work out the ability to bring that piece of legislation to the Senate floor and get it passed. Many of my colleagues on both sides of the aisle have been accommodated in that bill so we might do what we feel is in the best interests of everybody. Sure, there are going to be some things some people do not agree with. We are not perfect, so therefore we do not produce perfect products. There is only one person who is perfect and we try to be like him.

So here we stand now for 5 days, delaying me from getting this bill passed. I had to introduce an interim piece of legislation so we could get funding to the States for their airport improvements so we would not lose a construction season. We worked closely with the presiding officer, the distinguished Senator from Colorado. We were able to work out, in this bill, something that has been going on for 4 years. Only because he was willing to sit down—and others—do we have an agreement in this bill.

It has been held up. Last year the State of New York, for instance, got $81 million based on Airport Improvement Trust Funds on their allocations and discretionary funding. When this bill passes I have to take it to conference with the House, get it back, get it passed and to the President so we do not lose the rest of the construction season.

Already this year under the interim bill that expires June 30, New York has received $12.5 million. I picked out New York because the propounding of these major amendments have been carried on by the distinguished Senator from New York. The entitlements that New York will have are now held in abeyance: $25 million this year, $25 million next year, and $25 million the next year. They are being held up. And the good citizens of New York, who are now paying their taxes, cannot get their money to improve their economic development because we are here arguing about Whitewater, whether we have a hearing on July 15 or July 30. And we are holding up this bill.

There are only three or four more amendments before I can get the bill passed. I have labored hard, Mr. President, and others on my subcommittee and the full committee have labored hard to try to make things work. But we run into something called Whitewater, that does not amount to a hill of beans to the people wanting new airports in their community or an expansion of their airport or to do the things that are in the best interests of this country and what the flying passengers in this country have paid for. So now they are being held up.

I do not know what else to do. They keep bringing up these amendments. There has not been but one vote change in the last five or six votes, and that was because one Senator was necessarily absent. He was not here, today he is back, and the votes have not changed one iota. And they are not going to change.

Whatever it takes, we will work it through. But I want you to know, and I want my colleagues to know, that they are holding up an important bill. If you hold it up much longer I have to have another interim piece of legislation to try to help the States so they will not lose this construction season as it relates to their airport improvements.

Airports may not be too important to people. Maybe political damage to the President and the First Lady is more important than doing things for your States. Maybe that is true. But I just want you to know I have worked hard and I want this bill passed. If it takes all night tonight, all day tomorrow, all night tomorrow night, all day Friday, all night Friday night, all day Saturday—I am ready to stay. If they take my advice, I would say get out the cots and the blankets because it is about time we stopped these charades and we stayed here until we got it done.

I do not imagine I will prevail, but if I had my way about it, we would stay here until we finished it. Maybe that is the reason they did not want me over here leading this side. I would just say, "Let's get the cots out." And get the cots out we will, if I have something to do with it, and we will get this thing over with. One of these days they will want to go home, and we will just stay here until it is over.

Mr. President, I see you picking up the gavel and time is about to expire. But I wanted you to know that there is more here than Whitewater amendments that is the same vote time after time after time. There is an underlying bill that is being delayed, and construction and help for all 50 States in this bill has already been delayed 5 days.

I yield the floor.

VOTE ON AMENDMENT NO. 1787 TO AMENDMENT NO. 1786

The PRESIDING OFFICER. Under the previous order, the hour of 4:20 p.m. having arrived, the question occurs on agreeing to amendment No. 1787, offered by the majority leader.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1787. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—56

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—44

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	

So the amendment (No. 1787) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment numbered 1786, as amended.

The amendment (No. 1786) was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am advised by our colleagues on the other side of the aisle that they have another amendment but it is not quite ready; that the Senator who is to offer it is detained for a few moments.

Therefore, I ask unanimous consent that the Senator from Washington be recognized to address the Senate as if in morning business for up to 7 minutes.

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

Mr. MITCHELL. I anticipate that by that time our colleagues will be ready with another vote.

The PRESIDING OFFICER. The Senator from Washington is recognized for up to 7 minutes.

Mrs. MURRAY. Thank you, Mr. President.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 2193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

AMENDMENT NO. 1788

(Purpose: To authorize hearings on the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1788.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

AMENDMENT NO. 1789, TO AMENDMENT NO. 1788

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1789 to amendment No. 1788.

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. MITCHELL. Mr. President, may I inquire of the distinguished Senator from Pennsylvania, through the Chair, whether it is agreeable to have a time limitation for debate on the amendments just offered and a vote on the second-degree amendment?

Mr. SPECTER. Mr. President, I would be glad to enter into a time agreement.

Mr. MITCHELL. Might I suggest 5:30?

Mr. SPECTER. That is acceptable to this Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that a vote on the pending Mitchell amendment occur at 5:30 p.m. today, and that the time between now and then be equally——

Mr. SPECTER. Reserving the right to object, I have been advised that there may be a problem on our side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I withdraw my request, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be 45 minutes for debate on the amendments offered by Senator SPECTER and myself, equally divided between Senator SPECTER and myself; that at the conclusion of that debate, the two amendments be set aside and that Senator BOND or his designee be recognized to offer an amendment; that immediately upon the reporting of Senator BOND's amendment, I be recognized to offer a second-degree amendment to that amendment, and that there then be 45 minutes for debate on those two amendments, equally divided and under the control of Senator BOND or his designee and myself; that at the conclusion of that time, or rather, that at 6

p.m. the Senate vote on the pending Mitchell amendment in the second degree to the Specter amendment; that following disposition of that amendment without any intervening action or debate, the Senate proceed to vote on the Specter amendment, as amended, if amended; that upon disposition of the Specter amendment, that the Senate then without any intervening action or debate vote on the then-pending Mitchell amendment to the Bond amendment; that upon the disposition of that amendment, the Senate proceed to the disposition of the Bond amendment, as amended, if amended, again without any intervening action or debate.

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

Mr. MITCHELL. Madam President, then for the information of Senators, there will now be a period of 45 minutes for debate on the amendments offered by Senator SPECTER and myself at which time that will be set aside. Senator BOND or his designee will then offer another amendment. I will then offer a second degree to that. Those will be debated for 45 minutes, and at 6:30 p.m., there will occur two rollcall votes. Senators should be prepared for that and should adjust their schedules. So there will be two rollcall votes at 6:30 p.m., this evening. There will be no rollcall votes between now and then.

By that time, it is my hope that we will have been able to discuss and work out a procedure for the time immediately following those votes with respect to the offering of amendments, debate, and votes.

Madam President, I thank my colleague for his cooperation, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, for those who might be watching on C-SPAN and those in the gallery, you have just heard a unanimous consent-agreement which predicts a second-degree amendment to the Bond amendment. For those who might not understand the legalese of the Senate procedure, the distinguished majority leader has already stated in advance without having seen the Bond amendment that there will be a second-degree amendment to it, which follows the pattern on the second-degree amendment to my amendment which will, in effect, nullify under the majority leader's efforts the thrust of my amendment and what is anticipated to be whatever may be in Senator BOND's amendment.

My amendment is an effort to broaden the scope of the investigation into Whitewater to conform with a 98-to-0 vote taken by the Senate in March and try to set the stage for an appropriate Senate inquiry into what has happened in Whitewater and related matters.

It is unfortunate that the Senate is now engaged in a series of amendments and debates which are highly charged and highly partisan, with all the Democrats lining up on one side and all of the Republicans lining up on the other side.

That does not give a very good impression for the American people as to what is going on in the U.S. Senate which is touted or perhaps which touts itself as the world's greatest deliberative body when there is so much of the Nation's business to be accomplished and there appears to be a wrangling approach to what is a very, very important matter of public policy.

As I say, I regret that, and we are searching for some way to accommodate the public interest in a nonpartisan or bipartisan way to get to the underlying facts of Whitewater which everyone concedes is a matter which requires a mandate urgently necessary for this investigation and congressional hearing, as evidenced by the March vote which was all encompassing on a resolution for all matters relating to Whitewater.

And then when Senator D'AMATO had offered an amendment with a broad sweep, the distinguished majority leader, Senator MITCHELL, came back with an amendment which was carried on a party-line vote which very drastically limits the scope of the Senate inquiry to three very narrow items.

The importance of the congressional inquiry—House inquiry, Senate hearings—goes far beyond the import of a grand jury investigation, which is now being conducted by independent counsel, also known as the special prosecutor, Mr. Fiske.

The purposes of a grand jury are totally different from a congressional inquiry. A grand jury focuses on allegations which may lead to indictments on criminal conduct, and those hearings are conducted in secret, and they are not available for the public interest.

Contrast that with a Senate inquiry or a House inquiry or a joint congressional inquiry which goes into matters in a public way with a public disclosure inquiring that the matter of broad public policy and broad public policy interests as to what happened on the savings and loan investigation, on a savings and loan matter which amounted to billions of dollars in losses to the American taxpayers.

I have offered an amendment today which would broaden the scope of what the distinguished majority leader has very narrowly circumscribed in the provision of his amendment which is as follows, "Communications between officials of the White House and the Department of Treasury or Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association," to a broader statement to have an inquiry "into, study of, and hearings on all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency."

The difference in those approaches is obvious on their faces, where the amendment that I am offering is much broader and in line with the amendment in March which the Senate approved on a 98-to-nothing vote.

There was disclosed in the press in late February or early March the details of a meeting between members of the White House staff and officers of the Resolution Trust Corporation, which led me to write to the President asking him to terminate the employment of the individuals who were involved in those discussions unless his personal inquiry satisfied the President, as I say, personally that there was no impropriety involved, and if he made that determination, then I asked the President to make a disclosure as to what those extenuating and exonerating facts should be.

When the RTC and officials of the Department of Treasury are involved in an investigation, it is absolutely, positively inappropriate for them to brief members of the White House staff on that matter. The investigators or those privy to an investigation should absolutely not have contacts or make disclosures to any individuals who may be the subject of an inquiry. That is a very, very basic rule of investigations which requires a little elaboration about not talking to those who are subject to an investigation because that compromises the investigation.

And it seemed to me that those individuals ought to be summarily fired. Before asking the President to summarily fire them, I included an escape clause that if he was satisfied that there was some extenuating circumstance which exonerated them from what appeared to be a total cause for firing, so be it. The President is their chief and if he makes that decision and makes a disclosure of his reasons, then we would take the matter from there.

As of this moment, some 3 months later, I have not had any reply to my letter of March 3, and later in the course of this amendment, I will read the letter and put it into the RECORD.

But on the face of this matter, the limitations which are contained in the amendment offered by Senator MITCHELL are much too restrictive on their face, and the broader scope of this amendment I think would provide the public with the kind of assurance and confidence that the matter would be investigated in an appropriate way.

On the second-degree amendment offered by the distinguished majority

leader, it simply says that there will be further inquiry, or may be a further inquiry, as the majority leader and the Republican leader may agree to. And that says nothing, because without the agreement of the majority leader, there is going to be no further inquiry.

Based upon the scope of the investigation which is contained in his amendment, the inquiry is very, very sharply circumscribed as to be virtually meaningless. It is for that reason that I have offered this amendment.

I might say, Madam President, I have no illusion about the outcome of the vote, considering the party-line result. But, when there is an impasse of this sort between the Democrats and the Republicans, this is our only course. It is unfortunate that this is tying up an important airport bill which really ought to proceed in the public interest and be disposed of.

But the fact is that the only available pressure point for Republicans in Washington, DC, today in the Federal Government is the ability of 44 Republicans, if we are sufficiently united with 41, to stop legislation from moving through this body. I hope that that will not be necessary, because gridlock works to the disadvantage of the American people and it gives a big black eye to the Senate of the United States.

So it is my hope that, when we discuss these matters, flush them out and talk about the scope of the investigation and the reasons for it, we will find some accommodation in this Chamber so that we can proceed to transact the business of the country.

Madam President, I inquire as to how much of my time remains.

The PRESIDING OFFICER. The Senator has 11 minutes and 45 seconds remaining.

Mr. SPECTER. I thank the Chair.

I yield the floor and reserve the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I thank my colleague for his comments.

What is occurring is the following: Senator D'AMATO offered an amendment dealing with the so-called Whitewater matter and included in his amendment a very broad description of the proposed subject matters of a congressional hearing.

It is our view that the broad interpretation in that amendment directly contradicts the request of the special counsel and also directly contradicts the Senate's previous action when, on March 17, the Senate voted 98 to zero to have congressional hearings structured and sequenced in a way that does not interfere with the special counsel's investigation.

We believe that the appropriate course which will permit the Senate to meet its constitutional and legal responsibility and permit the special counsel to go forward with a meaningful and effective investigation is to conduct hearings on the first phase of the special counsel's investigation when he completes that first phase, but in any event the hearings would begin no later than July 29 of this year, and then to conduct hearings on the remaining phases of his investigation when he completes those remaining phases. That is the special counsel's request. That is consistent with what the Senate has voted 98 to zero on March 17.

When Senator D'AMATO offered his amendment and then I offered an alternative amendment, I proposed to Senator D'AMATO and our Republican colleagues that we take them up separate from any other bill—freestanding, in the jargon of the Senate—and that we debate them and we vote on both of them; that there would be a vote on my amendment and there would be a vote on Senator D'AMATO's amendment. The Senate would be then in a position to express its will on which of the competing procedures it wished to adopt. That request was rejected by Senator D'AMATO and our Republican colleagues.

He then offered it as an amendment to the airport improvements bill. Of course, this subject has nothing to do with the airport improvements bill. Many Americans will no doubt wonder why we are debating Whitewater in connection with a bill that is to provide funds for airport improvement. The rules of the Senate permit that, of course, since there is no restriction on the right of amendment.

Following his offering of the amendment, I offered mine as a second degree to his. The Senate then effectively chose mine over his by adopting mine by a vote of 56 to 43.

Subsequently, what has happened is our Republican colleagues are taking each of the individual provisions in Senator D'AMATO's amendment and offering them as separate amendments. That is the amendment we have before us.

In Senator D'AMATO's amendment, for example, in section—and this is hard to follow because of all the numbers and letters—but it is 1(b)1(A). That was offered as a separate amendment and the Senate rejected it by adopting an alternative. The same is true of subsection (F), subsection (G) of that amendment, as well as subsection (N) of that amendment.

And now we have before us what is a verbatim copy of subsection (E) of the D'Amato amendment.

So, in effect, the Senate is debating the same issue which it has debated on five previous occasions and votes, the first being the broader amendment as to the scope and then following that a series of amendments dealing with individual provisions in the broader D'Amato amendment.

So, while the language of this amendment is different, reflecting a subsection that is different from those previously pending, the issue is the same. The issue is: What should the scope of the congressional hearings be at this time?

And there it is our view that, consistent with both the Senate's resolution of March 17 and the request of the special counsel himself, the hearings by the Senate now should be limited to those subjects that are to be completed in the first phase of the special counsel's investigation. And the special counsel has been quite clear and consistent in that request, both in writing and orally in meetings with Members of the Senate and in other public statements. His concern is that hearings that go beyond the first phase now will undermine his investigation into the remaining matter.

So, while the words are different from the previous amendment, the issue is identical to those of the previous amendment, except for the immediately preceding amendment which dealt with the date on which the investigation or the hearings will begin.

Madam President, I would like, if I might, to take a moment to respond not to the remarks of the Senator from Pennsylvania but rather to remarks made earlier by the Senator from Mississippi when we dealt with his amendment. That has to do with what he called whether there is going to be a free and fair hearing.

The implication of his remarks is that the procedure contained in my resolution will not permit a free and fair hearing and we would have to adopt procedures of Senator D'AMATO's resolution to have such a hearing. I suggest the opposite is the case.

First, the procedure set forth in my resolution is that the hearing be held, as are all Senate hearings, in accordance with the rules, practices, precedents, and procedures of the Senate.

Today, this very day, committees of the Senate held hearings under those rules. I know of no one who has suggested that those hearings were not free and fair or that there is some reason to think that we cannot have free and fair hearings under the Senate's rules.

The one difference is, of course, the limitation on the scope to accommodate the request of the special counsel.

Now, the procedure proposed in Senator D'AMATO's alternative resolution, by contrast, is one that has no precedent in the more than 200 years of Senate history. We are presented with, as an alternative, a procedure which has never occurred.

I have asked Senator D'AMATO and others in our staff, and we can find no precedent for it. It establishes a process that is outside the rules of the Senate, that is not consistent with the prior practices and procedures of the

Senate, and that creates certain powers in certain members of the special committee that are without any precedent in the Senate.

So I did not have a chance to respond earlier and I want to make it clear, lest there be any misunderstanding, the way to have a proper and thorough hearing consistent with the Senate's practices and consistent with the request of the special counsel is to do what the Senate has already done. That is, to adopt the resolution which I have proposed and to reject the alternative which has been proposed by Senator D'AMATO, as the Senate has done.

So, Madam President, I urge my colleagues to vote for the substitute amendment which tracks the previous substitute amendments and makes clear that we are going to have hearings and we are going to do them in a manner that is consistent both with the Senate's resolution adopted 98 to 0 in March and the request of the special counsel, and in addition, the practices and procedures of the Senate.

Madam President, I yield the floor and I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader has 11 minutes and 5 seconds remaining and the Senator from Pennsylvania, 11 minutes and 45 seconds remaining.

Mr. SPECTER. Madam President, I believe the amendment which I have just offered is substantially different than anything which has been discussed heretofore because of the very substantial factual background leading to this amendment. These are materials provided, some from hearings and some from media accounts, and I believe they are accurate, but they are subject to that limitation. But the information is that on September 28, 1993, Treasury general counsel, Jean Hanson, briefed White House counsel Bernard Nussbaum on the RTC's plans to make a criminal referral to the Justice Department relating to the failure of Madison Guaranty Savings and Loan Association and reportedly told Mr. Nussbaum that President Clinton and First Lady Hillary Clinton would be mentioned as potential beneficiary of Madison's failures.

There was later a meeting on October 14, 1993, among Treasury and White House officials in Mr. Nussbaum's office. There was later, on February 2, 1994, a meeting initiated by Mr. Roger Altman, and Miss Jean Hanson with Mr. Nussbaum to "describe the procedural reasons for the then impending February 28th deadline as far as the statute of limitations was concerned." And a few days following the February 2 meeting, Mr. Altman discussed his possible recusal with Mr. Ickes in person, Mr. McLarty by telephone.

The Office of Thrift Supervision Acting Director Jonathan Fiechter and acting general counsel Carolyn Lieberman allegedly turned down a request of the senior lawyer in the Midwest region who would handle the OTS investigation of Silverado Savings & Loan to open a formal investigation into Madison. The decision not to pursue the investigation was reportedly made by senior political appointees at Treasury. However, Mr. Fiechter has stated that he had "no involvement in the matter and that neither he nor OTS staff had consulted with Treasury Department officials on enforcement matters."

If I might have the attention of the majority leader? On the amendment which I have offered, I have included the Office of Thrift Supervision, which I think is a very important agency, which is not mentioned in the amendment of the majority leader.

I ask the majority leader what reason he would have for excluding the Office of Thrift Supervision from being specified as an Agency whose conduct ought to be subject to investigation?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, we believe the resolution we presented is precisely consistent with the request of the special counsel and the previous action by the Senate; that it embraces those subjects which should be covered now; and that will not interfere with the special counsel's investigation.

Mr. SPECTER. If I may pursue this with the majority leader, in the timing which the majority leader has established, procedures are designed to allow the special counsel to proceed. I disagree with that. I think you can have an investigation, an inquiry by the Senate, without interfering with special counsel.

But assuming the majority leader has his way on it—which appears to be the case with 56 votes on his side of the aisle—what harm is there in including the Office of Thrift Supervision within the scope of that paragraph of his scope of investigation?

Mr. MITCHELL. Madam President, my understanding is that the allegation of improper conduct related to the Resolution Trust Corporation and not to the Office of Thrift Supervision. I think if we said we were going to include that, there would, of course, be no limitation on any agency or office which could be included.

Mr. SPECTER. Madam President, I do not think that is true. If you specify the Office of Thrift Supervision, it is just that.

I would like to know what other agencies may be involved. In the course of an inquiry it is entirely possible that other agencies may be mentioned. We just do not know. So that is why there is a catch-all provision in my amendment. But with respect to the Office of Thrift——

Mr. MITCHELL. If I may just comment on that?

Mr. SPECTER. I will be glad to yield.

Mr. MITCHELL. To follow that argument to its logical conclusion—although there is no evidence involving anyone in the Office of Thrift Supervision, the Senator says they should be included because something might develop about them. We could put the entire Federal Government into this. We could say, well, even though we have no evidence of improper action by a particular agency—let us say the Department of Defense—we ought to include them in it because there might be some evidence that would be developed, implicating them.

I do not agree with that.

Mr. SPECTER. The majority leader misunderstands me. You may not have heard my reference because you may have been conversing at that point before I specifically attracted your attention. But I had referred to the specific of the Office of Thrift Supervision Acting Director, Jonathan Fiechter, and Acting General Counsel Carolyn Lieberman had allegedly turned down a request from a senior lawyer in the Midwest region to open a formal investigation into Madison.

So there are specific factual allegations in the public domain involving the Office of Thrift Supervision. It seems to me that even under the narrowest of interpretations, which I submit the distinguished majority leader has in his resolution, the Office of Thrift Supervision ought to be included.

Mr. MITCHELL. Madam President, the alleged contacts which are the subject of the first phase of the special counsel's investigation, involved contacts in Washington and do not involve matters outside of Washington.

If and when those are the subject of the special counsel's investigation, and he completes that investigation, then I believe it will be appropriate to have a hearing on that matter.

I believe we should limit the hearings to those matters which are embraced in the first phase of the special counsel's investigation, so, in his words, as to not to take any action which would undermine or interfere with his subsequent investigation.

Mr. SPECTER. I am delighted, Madam President, to join issue specifically with the majority leader on that point, because I think that illustrates the fallacy of the limited scope, the fallacy of limiting our inquiry, the Senate's inquiry, into what the special counsel has to work on.

There is no magic as to what occurs in a Washington investigation contrasted with what occurs in an investigation outside of Washington.

When the Office of Thrift Supervision in the Midwest region has made an inquiry into an Arkansas transaction and all the indications are that it is directly related to even the matters which the majority leader would have

subject to investigation—what has been done with the Resolution Trust Corporation and the officials of the Department of Treasury—I think it shows the inappropriateness of having such a narrowly circumscribed inquiry.

When the majority leader talks about not including other Federal agencies, like the Department of Defense, I think that is unanalogous. You have agencies like the Department of Justice, which I would not want to name specifically because we do not know what may or may not have been involved, but there are contacts from the Department of Justice, and if some of the leads move in that direction, there ought to be breadth of scope so that you can pursue that.

When investigations are conducted by grand juries or investigations are conducted by congressional committees, there is characteristically a sufficiently broad mandate to pursue matters without having it specified and coming back to the originating body.

I know very well that the distinguished majority leader is experienced in this field. He has been an assistant U.S. attorney. He has been a Federal judge. He has participated in congressional investigations.

Mr. MITCHELL. I just correct the RECORD at one point—U.S. attorney.

Mr. SPECTER. What did I say you were?

Mr. MITCHELL. Assistant.

Mr. SPECTER. I did not mean to demote Senator MITCHELL. I stand corrected.

Mr. MITCHELL. A small point, but I am proud to have served.

Mr. SPECTER. If you called me U.S. attorney, I would have interrupted as well. I was a district attorney. Sometimes precision can be added, and I thank the majority leader. But the substantive point remains that you have such a tightly drawn charter and here you have a situation where there are specific matters in the field in the Office of Thrift Supervision, and a Senate hearing may come upon a matter which is directly related to the Office of Thrift Supervision.

Who knows, some Senator who might be sitting on the right side of the aisle may ask a question and the chairman may say, "I'm sorry; that is out of order. We have an amendment from Senator MITCHELL here which precludes it."

We talk about a lot of generalized matters which are a little hard to follow in the public arena. But I raise this issue because there is specific information involving the Office of Thrift Supervision which touches these matters directly and that seems to me ought to be at least within the scope of what would be agreed to by the majority leader.

Mr. MITCHELL. Madam President, has the Senator concluded his remarks?

Mr. SPECTER. I have.

The PRESIDING OFFICER. The Chair will tell the Senator from Pennsylvania, he has 26 seconds remaining. The majority leader has 11 minutes and 1 second remaining.

Mr. MITCHELL. Would the Senator like a few more minutes of my time?

Mr. SPECTER. I thank the majority leader for that offer. It depends on what happens.

Mr. MITCHELL. Madam President, let me make a couple of points.

First, so there can be no misunderstanding in the Senate about the fact that we are voting on the same thing we have previously voted on, I want to read the paragraph of this amendment and then read the paragraph of the D'Amato amendment which the Senate has previously debated and voted on, and by adopting the alternative rejected. Just so all Senators understand that.

Here is what this amendment says beginning at line 4, after appropriate introductory language, in referring to the committee:

> * * * conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

The language of the D'Amato amendment is:

> * * * conduct an investigation into and study of all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

A listener will note they are identical. So we are debating and voting on an amendment which we have already debated and voted on as part of a larger amendment.

Second, the Senator has focused on and has raised a good point on the Resolution Trust Corporation, but his amendment also includes the words, "other Federal regulatory agencies, banking agencies, and any other Federal agency." That is a license for an unlimited fishing expedition.

"Other Federal regulatory agencies, Federal banking agencies and any other Federal agency." It seems to me those words make clear that the purpose here is to permit inquiries into any subject involving any Federal agency.

And so while the Senator argues—and I respect him and his point of view—that my resolution is too restrictive, I do not share that view. I respectfully disagree. I would argue that this amendment is way too broad. That is the problem. That is the disagreement we have.

Our colleagues want right now to have hearings that will get into every conceivable aspect of this matter and be able to involve any Federal agency.

We want to heed the request of the special counsel to limit the hearings to those subjects which are involved in the first phase of his investigation so as not to undermine the remainder of his investigation. That is the point that is at issue, and that has been at issue from the beginning of this discussion.

The Senator suggests that, in his words, there is a fallacy in the argument that we ought to limit it to those matters being covered in the first phase of the special counsel's investigation. I disagree, again, respectfully, but I note that if there is a fallacy, it is a fallacy adopted by the Senate by a vote of 98 to 0 in March. I do not know if the Senator was present then, but if he was, he voted for it. And it says, in subparagraph D:

> The hearing should be structured and sequenced in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

So the Senate, by a wide vote, expressed itself clearly on the Record as not wanting to conduct hearings in a manner that would interfere with the special counsel's investigation.

Mr. SPECTER. Will the distinguished majority leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. SPECTER. I was present, and I disagree with the interpretation to this effect: That as you have structured your amendment, you have done so in a way calculated not to interfere with the special counsel's inquiry. I do not think it has to be, but you have done that.

My point is, why not add the Office of Thrift Supervision? When you talk about the Washington matters, I believe that that relates to matters which occurred during the term of President Clinton's occupancy in the White House, as opposed to something which is geographical in nature.

When I refer to the Office of Thrift Supervision and what happened in the Midwest branch, it is not a matter of geography, it is a matter of timing; that those matters occurred, as I understand it, while President Clinton has been in office.

So that would be comprehended within the Washington phase of the inquiry. Although the Senator may disagree with the Federal banking agencies, Federal regulatory agencies, and other Federal agencies, because that reaches every conceivable aspect of the matter, it seems to me that is exactly what we are trying to do, is reach every conceivable aspect of the matter so long as we are investigating the matter.

But why not at least—and these are my questions—why not at least include the Office of Thrift Supervision within the confines of the Senator's parameters? The second question is, is it not appropriate to include matters which occurred, although geographically in the Midwest, in time when President Clinton was in office, which is the substantive designation of the Washington scope?

Mr. MITCHELL. Madam President, if I might respond, it was the special counsel himself who stated that his investigation had two phases, one being a Washington phase and one being a so-called Arkansas phase, and that the Washington phase embraced those matters which he identified and on which our resolution is based.

Mr. SPECTER. Was not that based upon matters, the Washington phase, when Mr. Clinton was in the White House, when William J. Clinton was President? The Office of Thrift Supervision matters occurred while he was President as opposed to being linked to his activities while he was Governor in Arkansas.

Mr. MITCHELL. Right. But my point is that we are honoring the request of the special counsel, and we have accepted his description of the subject matter that is the first phase of his investigation and his request not to go beyond that.

Mr. SPECTER. But as I understand it, he has not asked us to stay out of what happened with the Office of Thrift Supervision in the Midwest region.

Mr. MITCHELL. That is true. He has not asked us to stay out of offshore drilling in California. He has not asked us to stay out of whatever. We had this debate earlier in connection with another amendment. We are stating it in the affirmative in accordance with what the special counsel indicated is in the first phase of his investigation.

Now, we had an earlier amendment dealing with Mrs. Clinton's commodity trading, and the same argument was made: Well, Mr. Fiske did not object to that.

Of course, he did not. It has nothing to do with it. And I think the comment was made, well, Mr. Fiske did not object—he did not say he objected to congressional investigation into Mrs. Clinton's attempt to join the Marines. Does that mean we do it here?

I think we approach it from a different context. We are not saying that merely because Mr. Fiske did not object to something it ought to be included in the hearing. There is a universe, almost infinity of things that Mr. Fiske did not object to, but what we are saying is that we are taking those things that he has affirmatively stated constitute the subject matter of the first phase of his investigation.

Mr. SPECTER. But has not——

Mr. MITCHELL. Let me finish the sentence. And we are including those in the first phase of the congressional hearings. And then when the second phase of his investigation is completed, it would then be, in my judgment will be appropriate and mandatory that the Senate conduct hearings on the remaining matters that are the subject of the remainder of his investigation.

Mr. SPECTER. But has not Mr. Fiske said that the first phase of his investigation is the Washington phase, meaning what happened while the President was in office? And is not the incident of the Office of Thrift Supervision that I referred to part of the first phase so that it ought to be included even within the limited scope of what the majority leader has proposed?

Mr. MITCHELL. No, I do not agree with that.

Mr. SPECTER. Why not?

Mr. MITCHELL. I do not think it should be included because it is not included in the first phase of his investigation. So we are limiting ourselves to those matters which are in the first phase of his investigation. And if that is a subject of the second or later phase of his investigation, then, of course, we will have hearings on those matters after he has completed that phase of his inquiry.

Mr. SPECTER. If I am able to satisfy the majority leader——

The PRESIDING OFFICER. The Chair will announce that the majority leader has used his time, and the Senator from Pennsylvania has 26 seconds remaining.

Mr. SPECTER. I am ahead of the game.

Mr. MITCHELL. I will give the Senator a final word.

Mr. SPECTER. If I may finish the question to the distinguished majority leader. If I am able to show the Senator factually that the matters related to the Office of Thrift Supervision are a part of the first phase of Mr. Fiske's investigation, would he be willing to amend the charter to include the Office of Thrift Supervision?

Mr. MITCHELL. I will listen to anything the Senator has to say and review it carefully and seriously, as I do all matters that he suggests. I do not make a commitment to what course of action I might take.

Mr. SPECTER. I take that as a qualified yes.

Mr. MITCHELL. That is not a qualified yes. It is an agreement to hear what the Senator says.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. I ask unanimous consent that the letter I wrote to the President dated March 3, 1994, be made a part of the record.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 3, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I noted media reports of meetings between Treasury Department and White House personnel concerning the investigation of the Madison Guaranty Savings & Loan.

Given the facts surrounding that investigation, there is a strong inference that those meetings have compromised the investigation and have obstructed the investigation of a financial institution in violation of federal law.

Unless your personal review clears the parties of wrongful conduct, then I call upon you to terminate their employment forthwith without awaiting any criminal investigation by the Special Prosecutor.

If you do not terminate their employment, I ask you to advise me of the specifics of precisely what occurred in all meetings and conversations between the Treasury Department and White House personnel concerning the Madison investigation.

Sincerely,

ARLEN SPECTER.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Under the previous order, it is my understanding that Senator BOND was going to be present with his amendment or he was going to have it available for Senator SPECTER or another designee to offer. And I inquire through the Chair of the Senator from Pennsylvania if he is prepared now to offer Senator BOND's amendment or if he would like a brief quorum call while he reviews that?

Mr. SPECTER. If I may respond, I do not have the information. I think Senator BOND may be on his way over. So I think the appropriate course would be to have a quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1790

(Purpose: To authorize hearings on the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association)

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

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1790.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1791 TO AMENDMENT NO. 1790

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1791 to amendment numbered 1790.

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

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

The amendment is as follows:

In lieu of the matter proposed, insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. MITCHELL. Madam President, as the Senator from Missouri may be aware, under a prior agreement, we will debate this amendment until 6:30. I, therefore, ask unanimous consent that the time between now and 6:30 be for debate on the amendment offered by the Senator from Missouri and the amendment offered by myself with the time equally divided between the Senator from Missouri and myself.

Mr. BOND. That is agreeable. I have no objection.

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

Mr. MITCHELL. Madam President, I inquire whether the yeas and nays have been ordered on my amendment to the preceding Specter amendment.

The PRESIDING OFFICER. They have not been.

Mr. MITCHELL. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Madam President, if it is in order, I ask for the yeas and nays on my amendment just offered to the Bond amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. I thank my colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, since it is likely, given what we have seen in the past, that we will be blocked out from having a vote on the amendment which I just offered—this is the practice that we have gone through—I thought it would be helpful for my colleagues and those who are interested in this to know specifically what we are attempting to examine, and the vote which will occur along straight party lines, if the past is prologue to the history, and if prologue will prevent our consideration.

The amendment I sent to the desk, which has a second degree, would simply authorize the committee to investigate the Justice Department's handling of the RTC's two sets of criminal referrals involving Madison Guaranty. Many savings and loans, such as Madison Guaranty, failed because of criminal misconduct by insiders. Part of the RTC's duties include making referrals to criminal authorities to apprise them of possible wrongdoing.

Congress also expects RTC criminal referrals sent to the Justice Department to be thoroughly and expeditiously reviewed. The American taxpayers, who so far have paid approximately $81 billion to resolve failed savings and loans, should be confident that the Justice Department is pursuing criminal referrals received from the RTC. The taxpayers also have a right to know specifically what happened to the RTC criminal referrals involving Madison that were sent to the Department of Justice in 1992 and 1993.

Did the Department of Justice have adequate procedures in place to deal with criminal referrals it received from the RTC, and were those procedures followed in the case of Madison Guaranty?

(Mr. CONRAD assumed the chair.)

Mr. BOND. On September 2, 1992, the RTC made a criminal referral to Justice alleging a $1.5 million check kiting scheme among Madison, Jim McDougal, and entities under Jim McDougal's control. The referral was sent to the U.S. attorney for the Eastern District of Arkansas. About 6 months later, in March 1993, the RTC senior investigator of Madison was informed that the U.S. attorney in Arkansas had sent this initial referral to Washington because the referral was a politically hot one.

Remarkably, when the RTC investigator attempted to determine the status of the Madison criminal referral, she was told by the U.S. attorney's office that there was no record of the referral in the Arkansas U.S. attorney's office.

Something happened. Do we in this body not have a right to ask what happened? Why not?

It took until May 1993 to determine that the Arkansas U.S. Attorney had sent the referral to Washington, DC claiming that he felt there was a conflict of interest. The main Justice Department in Washington ultimately returned the referral to Arkansas, deciding there was no basis for recusal of the U.S. attorney and a lack of conflict of interest.

Documents reveal there were no specific procedures in place at the Justice Department to monitor the disposition of RTC's criminal referral, nor does Congress know whether the Justice Department has specific procedures in place for criminal referrals it determines are politically hot.

Mr. President, I asked questions of the RTC about similar referrals, and what they did with politically hot cases, when the RTC was before the Banking Committee. I got a misinformation answer the first time, and as part of the result of that question and that answer, we got 10 subpoenas to the White House. But we have not had an opportunity to ask the Department of Justice similar questions.

This seems to me to be just another classic example of the stonewall, this time on behalf of Congress. Did the Justice Department adequately review the RTC criminal referrals regarding Madison?

On October 8, 1993, the RTC sent nine additional referrals to the U.S. attorney and the FBI. Two weeks later, the new Clinton-appointed U.S. attorney, Paula Casey, wrote to the RTC to indicate that the referrals had been declined.

In that declination letter Paula Casey also indicated that the matter was concluded before she began working in this office. It is unclear who at Justice reviewed the RTC criminal referrals relating to Madison, and at what point the decision was made not to pursue the referrals.

Mr. President, these matters involve critical questions about the Justice Department's procedures for handling criminal referrals from the RTC. It also remains unclear what the timing was of the Justice Department's declination of the Madison criminal-related referrals.

I believe that for a thorough investigation of this matter, we must make a determination and report to the American taxpayers about how the criminal referrals are handled by the Justice Department and whether they were handled properly in the Madison case. The American taxpayers should not have to pay one more dollar than necessary to resolve Madison Guaranty. This clearly relates to the Washington phase of the investigation. We are apparently, based on the discussions previously, going to be precluded from asking the Department of Justice about this case on the theory that the special counsel did not look into it; therefore, we cannot look into it. Well, the only reason we got the special counsel into it in the first place was that we had officials before the Banking Committee who represented the RTC and Treasury, and we were able to ask the questions. Sometimes asking questions and exposing these materials to the light of day can bring some amazing consequences.

Are we to be shut out from asking how the Department of Justice handled this, and how all of the appointees of the Clinton administration handled them? Well, if the second-degree amendment by the majority leader is adopted, we will not even get a chance to vote on this issue.

Mr. President, I suggest that the American people ought to sense that somebody has a real desire to keep Congress and the American people from knowing what went on. We have seen in the past in this body vigorously pursued investigations of the administration, the executive branch, when it was in Republican hands. Somehow that zeal for investigation has waned with the change of party in the White House.

I urge my colleagues to disapprove the second-degree amendment, to show some courage, and to say that, yes, we would like to know whether the Justice Department acted properly in handling these referrals, and whether they had any contacts, communications, or other transactions with the White House during the time that these criminal referrals were under consideration, and afterward.

Mr. President, these are very serious matters. The American people have a right to know, and I think we can do better than stonewall them and say: You cannot ask the Department of Justice anything, because the special counsel, Mr. Fiske, was not involved in investigations of the Justice Department.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I ask unanimous consent that the time be equally charged to both sides under the quorum call.

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

Mr. BOND. I ask how much time is remaining.

The PRESIDING OFFICER. The Senator's side of the aisle controls 5 minutes 15 seconds, and the majority side has 16 minutes 30 seconds.

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, the issue before us is once again identical to the issue which we have previously debated and voted on in the Senate over the past few days. I believe this will now be the sixth or seventh vote that will deal with the same issue.

As I stated earlier, Senator D'AMATO offered an amendment which attempted to establish a broad scope for the hearings far beyond that of the subjects covered in the first phase of the special counsel's investigation.

I believe his amendment directly contradicts the action taken by the Senate by a vote of 98 to 0 in March, and directly contradicts the request of the special counsel that the hearings to be conducted at this time be limited to those subjects which are covered in the first phase of the special counsel's investigation.

I offered to our Republican colleagues to have a vote on Senator D'AMATO's amendment and one on mine. They refused that. Therefore, Senator D'AMATO offered his amendment to the airport improvements bill, and I then offered mine as a second-degree amendment to his.

The Senate adopted my amendment by a vote of 56 to 43, thereby rejecting Senator D'AMATO's amendment.

Now what has happened is our colleagues have come in and are offering as separate amendments individual provisions out of Senator D'AMATO's amendment, and this is, I think, the fifth or sixth time they have done that.

The amendment offered by Senator BOND appears at page 4, lines 8 through 11, and page 6, lines 4 through 9, of the D'Amato amendment. That is to say, it is virtually word for word lifted out of an amendment that the Senate has already rejected in a manner identical to that pursued in the previous amendment by Senator SPECTER, and by the various other amendments offered earlier.

So there really is not much to say. We are now having the same debate for the seventh time, and we will have the same vote for the seventh time. And I guess we will have it as long as our Republican colleagues want to continue to offer amendments in the same pattern and debate the same issue and vote on the same issue.

Let me, if I might, in just a few minutes explain again what I believe the proper course of action should be.

A special counsel was appointed to investigate the so-called Whitewater matter. The special counsel is himself a Republican, a life-long Republican, a man of experience and integrity, whose appointment was praised by Republican Senators.

He has requested in writing and in meetings with Senators and other public statements that the Senate not conduct hearings which could interfere with or undermine his investigation, and he has specifically requested that since his investigation is being conducted in two phases, the Senate's hearings be conducted in phases, and that the first phase of the Senate hearings be limited to those subjects covered in the first phase of his investigation.

The amendment offered by Senator D'AMATO, already rejected by the Senate, specifically contradicts the special counsel's request by attempting to have the hearings now go far beyond the subjects covered in the first phase of the special counsel's investigation, and also contradicts the vote in the Senate in March where, by a vote of 98 to 0, the Senate voted:

> The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

In the amendment preceding this one, a new twist was given to the matter. It was suggested that since the special counsel had not specifically objected to a certain subject, it ought to be included in this investigation and, therefore, the preceding amendment permitted an inquiry into Federal banking authorities, Federal regulatory authorities and, in the words of that amendment, any Federal agency.

I think that demonstrates the extreme nature of the unlimited fishing expedition that is being proposed here. There is an almost infinite and unlimited number of subjects to which the special counsel has not specifically objected. If we adopt that line of theory, we could have a hearing that could investigate the subject of gravity, offshore drilling for oil off California, Mrs. Clinton's childhood schooling—almost anything.

The real issue is, are we going to conduct a serious and responsible investigation that will, in fact, be consistent with both the actions taken by the Senate in March by a vote of 98 to 0, and the specific written and oral requests of the special counsel that our hearings not delve into matters beyond the scope of the first phase of his investigation.

That is really the issue. It has been the issue all along. The Senate has already voted on it several times.

I urge my colleagues to again reject the approach contained in this amendment, and I hope at some point we will be permitted to proceed and get on with the Senate's business. We are now in the 4th full day of this matter, stretching over a period of 6 calendar days, and I think that we have an important bill, the airport improvement bill, which provides funding for airports all across the country. This has nothing to do with that.

I proposed that we take this matter up freestanding and unrelated, and that we have a vote on the Republican amendment and a vote on mine, and our colleagues rejected that offer and insisted instead that it be offered as an amendment to an unrelated bill, thereby delaying the airport improvement bill, and I think unwisely and needlessly delaying the Senate.

We have now been 4 full legislative days debating the same issue, voting on the same issue, over and over and over again, and the Senate has expressed itself clearly and consistently.

I hope that the Senate will do so again in the case of these two amendments.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require.

I would like to ask if the distinguished majority leader would be willing to answer several questions I have, to help me understand his position.

Mr. MITCHELL. I apologize. I was discussing another matter with my staff.

Does the Senator seek my attention? Certainly.

Mr. BOND. I thank the majority leader.

Mr. President, I ask the majority leader, since the special counsel is not investigating contacts by the Department of Justice, under the second-degree amendment offered by the distinguished majority leader, would I be allowed to ask the Justice Department officials about how they handled the referral under his amendments?

Mr. MITCHELL. The Senator would be permitted to ask questions that are related directly to the subjects covered in the first phase of the special counsel's investigation.

I will, in just a moment, if I can, get a copy of the amendment in my hand and read those to you.

Page 2 of the amendment includes the following matters which are concurrent with the subjects of the first phase of the special counsel's investigation. They involve:

First, communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corp. and the Madison Guaranty Savings & Loan Association; second, the Park Service police investigation into the death of White House Deputy Counsel Vincent Foster; and, third, the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death.

Any questions that are reasonably related to those subject matters would obviously be permitted.

Mr. BOND. Mr. President, I would ask the majority leader, since the White House special counsel's investigation is not relating to the Department of Justice contacts, and since, as I laid out on the floor yesterday four specific requests I made of the RTC and they said that any questions about this matter must come from the Department of Justice, why will we not be able to ask those questions under the amendment proposed by the majority leader, why will we not be able to ask about the activities of Mr. Web Hubbell, Mrs. Paula Casey, and why we should not be able to do so under our general oversight authority?

Mr. MITCHELL. Mr. President, I will be pleased to answer that question again. I have done so several times over the past few days.

The special counsel has made clear that it is his desire that the hearings conducted at this time be limited to the subjects of the first phase of his investigation.

Now, it is quite clear, and we have a respectful disagreement, that my colleague and our Republican colleagues want to go beyond that. In fact, the amendments offered would permit inquiries into virtually any subject involving any Federal agency and involving a wide range of subjects that we believe do not have anything to do with this matter; that the purpose is to engage in a fishing expedition for political reasons.

Now, that is what we have discussed. That is what we have debated. That is what we voted on. We can debate it and ask and answer questions from now, in the colloquial phrase used in Maine, until the cows come home, but it is not going to change the issue.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader has time remaining.

Mr. MITCHELL. I will be glad to yield some of my time to the Senator from Missouri if he wants to take a few more minutes.

Mr. BOND. I appreciate that generous offer. I had just a few more questions to ask the majority leader and I would be honored to do so on his time.

The majority leader referred to a broad fishing expedition. The amendment I offered relates to the full facts about the Department of Justice's handling of the Resolution Trust Corporation criminal referrals relating to the Madison Guaranty Savings & Loan Association. To me, this is not a broad fishing expedition.

But, is it not the case, I would ask the majority leader, that Congress traditionally has the right to ask questions about any area of Federal Government activity? I ask that as the first question.

The second question is: When the special counsel has not begun any investigation into the Department of Justice contacts, why would Mr. Fiske want to preclude us from asking questions? The questions that we asked in the Banking Committee of the RTC started this investigation. We might be able to bring more light on the subject through questions.

I would ask if there is any specific indication the majority leader has had from the special counsel that we should not pursue questions that are not the subject of his investigation?

Mr. MITCHELL. Mr. President, I have had no discussion or contact whatever with the special counsel, so my impression of his position is drawn from his public statements and documents.

We have made a complete circle and we are right now back at the beginning. This is almost word for word the discussion I had previously with Senator SPECTER. I respect the fact Senator BOND was not here then, but we have been through the same discussion.

The approach taken by the Senator in his question is that if the special counsel has not objected specifically to a subject, we ought to get into it. This came up earlier today when we had an amendment asking for an investigation into some transactions that Mrs. Clinton engaged in 10 to 15 years ago. He has not objected to that because it has nothing to do with this.

The comment was made then, not by me but by someone else, well, the special counsel has not specifically objected to the fact that Mrs. Clinton tried to join the Marines. And I suppose, under the Senator's reasoning, we should now have an investigation of her efforts to join the Marines.

We approach it from the opposite point of view; that is, from the affirmative point of view. And it is that these hearings should be conducted in a manner that they are structured and sequenced so as not to interfere with his investigation and be limited to the subjects of his investigation. That is what we have done.

Now, we are really right back at the beginning where the Senator wants to

79-059 O—97 Vol. 140 (Pt. 9) 32

get into other matters. We have amendments here for any Federal agency, all banking authorities, all regulatory authorities.

We just disagree. I understand the Senator's desire that it ought to go broader.

Let me say finally, because our time is up and we are going to vote in just a minute, that the Senator just made a point that the Banking Committee previously conducted the hearings into this matter. I know the Senator from Missouri is a member of that committee. And it affirms my point in another difference between us on where these hearings should be conducted.

We think the Banking Committee is the appropriate committee. According to the Senator's own assertion, it has previously held hearings on this matter. Unfortunately, our colleagues do not want it held in the Banking Committee and under the established rules, practices, and procedures of the Senate, but want to create an entirely new committee, one without precedent in the Senate, and want to invest powers in the minority members of the committee that have never been granted to minority members in the more than 200-year history of the Senate.

I appreciate his comments with respect to the Banking Committee, because I interpret them—although I understand he may have not intended them that way—as supportive of the position we have taken on another major difference between us; that is to say, that these hearings ought to be conducted in accordance with the rules, the practices, and the procedures of the Senate. That is what we have proposed.

We have a committee which has jurisdiction over these matters which, according to the Senator from Missouri, is the committee which has held previous hearings on the matter and, according to him, has developed valuable information in the conduct of that hearing.

Now along come our colleagues who say, "We do not want the hearings to be held there. We don't want it to be held in accordance with the regular rules, practices, and procedures of the Senate. We want to create this whole new mechanism which is without precedent, and we want to create new rules and create new powers which have never existed in the more than 200 years of the Senate's history."

That is another major difference between us.

I thank the Senator for his comment.

Mr. President, has my time expired?

The PRESIDING OFFICER. The Senator has about a minute remaining.

Mr. MITCHELL. Well, I will conclude, Mr. President, by repeating for the umpteenth time—I threatened earlier that since all of these amendments say essentially the same thing, and since the debate is the same thing, and since I have said it so often, that to test my memory, I am going to recite this statement backward at one of these points, because we really have here the same issue that has been discussed, that has been debated, and that has been voted on by the Senate.

It deals with the proper scope of the investigation. I understand the arguments made by my colleagues. I respectfully disagree. I think that the resolution which the Senate has already voted on is the proper way to proceed, consistent with the Senate's rules, consistent with the Senate's practices, consistent with what the Senate has already done on this subject, and consistent with the Senate's vote in March, and consistent with the special counsel's request.

By contrast, our colleagues propose a procedure that is inconsistent with all of the above: inconsistent with the Senate's rules, inconsistent with the Senate's practices and procedures, inconsistent with the Senate's previous vote, and inconsistent with the special counsel's request.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on amendment No. 1789 offered by the majority leader. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

The result was announced, yeas 55, nays 44, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—55

Akaka	Feinstein	Mitchell
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boren	Heflin	Nunn
Boxer	Hollings	Pell
Bradley	Inouye	Pryor
Breaux	Johnston	Reid
Bryan	Kennedy	Riegle
Bumpers	Kerrey	Robb
Byrd	Kerry	Rockefeller
Campbell	Kohl	Sarbanes
Conrad	Lautenberg	Sasser
Daschle	Leahy	Shelby
DeConcini	Levin	Simon
Dodd	Lieberman	Wellstone
Dorgan	Mathews	Wofford
Exon	Metzenbaum	
Feingold	Mikulski	

NAYS—44

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	

NOT VOTING—1

Harkin

So the amendment (No. 1789) was agreed to.

VOTE ON AMENDMENT NO 1788, AS AMENDED

The PRESIDING OFFICER. Next we will vote on the underlying Specter amendment, amendment No. 1788, as amended.

So the amendment (No. 1788), as amended, was agreed to.

VOTE ON AMENDMENT NO. 1791 TO AMENDMENT NO. 1790

The PRESIDING OFFICER. Under the previous order, amendment No. 1791 is now in order. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—55

Akaka	Feinstein	Mitchell
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boren	Heflin	Nunn
Boxer	Hollings	Pell
Bradley	Inouye	Pryor
Breaux	Johnston	Reid
Bryan	Kennedy	Riegle
Bumpers	Kerrey	Robb
Byrd	Kerry	Rockefeller
Campbell	Kohl	Sarbanes
Conrad	Lautenberg	Sasser
Daschle	Leahy	Shelby
DeConcini	Levin	Simon
Dodd	Lieberman	Wellstone
Dorgan	Mathews	Wofford
Exon	Metzenbaum	
Feingold	Mikulski	

NAYS—44

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	

NOT VOTING—1

Harkin

So the amendment (No. 1791) was agreed to.

Mr. MITCHELL. Mr. President, am I correct that under the previous order the Senate will now vote on the underlying amendment, as amended?

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The question occurs on the underlying amendment.

The amendment (No. 1790) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, the Senate has now debated and voted on the same issue about seven times. I do not know how many more times the Senate will be asked to do so. My hope is that, given the fact that the Senate has already voted on the same issue seven times and voted clearly and consistently in the same manner, the Senate can proceed to complete action on this amendment, which would establish the authority for the hearings our colleagues say they want and then would permit us to complete action on the very important bill dealing with airport improvements, which will provide funding for airport improvements around the country.

As I have previously indicated, the Senate will remain in session this week until we complete action on the airport improvement bill and on the legislative appropriations bill, even if that requires a very late night tonight and a very late night tomorrow night and a very long day on Friday.

We are soon reaching the point where the press of business on the Senate will be immense. We are required by law to act on 13 appropriations measures prior to the end of the fiscal year. Those are the essential work of the legislative branch of Government, and we are going to begin the first one tomorrow, if we can finish this bill this evening.

I recognize that there is a difference of opinion on this, but I believe we have now reached the point where a continuation of this practice of offering amendments, which are obviously going to be defeated, which are clearly repetitious of the subject previously debated and decided, is unjustified and wasteful of the Senate's time and the money it costs to operate the Senate.

Obviously, under the rules of the Senate, any Senator can offer any amendment any time he or she wants, and we have now become accustomed to the tactic of effectively filibustering by offering an unlimited number of amendments. But I think there is not even a pretense here, since the amendments deal with essentially the same subject that has been discussed, debated, and voted on so many times.

I hope very much that we can complete action. I regret the inconvenience to Senators that we will have to remain in session as late as we are now and will have to later this evening. But I simply state that, if we are going to keep having these amendments, we are going to keep voting.

It is not my intention that there be unlimited delay without votes. Several Senators, both Republicans and Democrats, have commitments in the evening and have asked for a period of time within which no votes will occur, and I have assured them and advised the minority staff, so they have advised Republican Senators as well, that there will be no votes this evening prior to 8:30. That is to say, Senators may be assured that for the next 1 hour 15 minutes there will not be any votes. The next vote may not occur at 8:30; it may be later than that. I hope that we can, as we have this afternoon, have amendments called up, debated, and have two or three votes stacked at a time certain, and that will make it less inconvenient for Senators who are engaged in other matters this evening.

I have asked that our colleagues on the other side, who indicate they have amendments to offer, be prepared to do so during this period. In the meantime, the Senator from Washington has an important matter that he wishes to address the Senate on.

I ask unanimous consent that Senator GORTON be recognized to address the Senate as in morning business for 10 minutes, following which I hope we will be prepared to proceed with one or more amendments, and at that time I hope to set the schedule for the next vote or votes in the Senate.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Washington is recognized for up to 10 minutes as in morning business.

THE UNITED STATES-CANADA PACIFIC SALMON TREATY

Mr. GORTON. Mr. President, my colleagues are well aware of the important place that the Pacific salmon occupies in the economy and culture of the Pacific Northwest. I have spoken often on this floor about our difficult struggle to enhance declining salmon runs without devastating families and communities, many of which have come to depend on the same water and habitat as the salmon.

I have discussed this issue over the years with a myriad of fisheries experts within the region. Many have differences on individual recovery measures, but nearly all agree that it is critical for the United States and Canada to manage effectively the harvest of each other's native salmon stocks. In fact, the recovery team commissioned by the National Marine Fisheries Service to draft a recovery plan for threatened and endangered Snake River salmon stocks identified reducing Canadian harvest as a high priority.

Since 1985, this harvest has been managed under the provisions of the United States-Canada Pacific Salmon Treaty. I played a role in negotiating and implementing this treaty during my first term in the Senate, so it is particularly disappointing to me that negotiations on annexes to the treaty have collapsed. Canada has walked away from the negotiating table, asserting that the United States has not bargained in good faith with regard to equity—a seemingly simple principle of the treaty that in reality is highly complex.

Among other things, Canada wants a reduction in the United States harvest of Canadian fish in Puget Sound and southeast Alaska. The United States wants to reduce the Canadian take of fragile coho and chinook runs that originate in Washington, Oregon, Idaho, and California. There are numbers of ways by which we can reach these goals, but they must all eventually be determined at the negotiating table.

Canada cannot and should not expect to reach agreement with the United States by going outside the treaty process. But that is nevertheless what Canada has announced it will do—and is now doing.

United States net fishermen were outraged to learn last week that Canada intends to charge each American vessel $1,100 to travel through the Canadian Inside Passage on its way to Alaskan fishing grounds. This action seems clearly to be a violation of international law, and imposes a severe safety hazard on those boats that choose not to pay the fee and instead travel to Alaska through the dangerous open waters west of Vancouver Island.

Arguments about the United States-Canada treaty are best left for the negotiating table—that is where they belong. The outrageous decision taken by the Canadian Government does not facilitate those negotiations, it is not consistent with the long tradition of peaceful and amicable relations between our nations; it is unworthy of the government of Canada.

It divides us. It tears apart our fishing communities, and makes it more difficult for us to resolve the highly complex problem of jointly managing our salmon fisheries.

It is also dangerous. I have received news in the last several hours that Canada has seized one or more American vessels and is holding them in Canadian ports. Rumors are rampant in the United States fishing community, and tempers are flaring.

Mr. President, nothing good can come of this. Some have said that it is not time to point fingers at the Canadians. I disagree. Canada has implemented a policy that the United States State Department has determined to be illegal. Canada has seized at least one United States vessel. While it is certainly not time for irresponsible action, it is time for strong action. The President must take a leadership role.

I am therefore about to introduce a resolution to protest the transit license fee. The resolution calls for U.S. fishermen to be reimbursed for payment of the fee from the fishermen's protective fund, and calls for the Fishermen's Protective Act to be amended so that vessels do not have to be seized to permit reimbursement.

The resolution also calls on the President to provide for the safety of

the United States fishing fleet, and to take actions necessary to encourage Canada to discontinue the transit license fee.

Finally, the resolution calls on the President to redouble his efforts to negotiate an agreement with Canada that provides for appropriate management and conservation of both countries' fisheries.

We need the hand of presidential leadership to steer us toward a resolution of the issues. Only the President can speak for all of the United States. Only the President can express our deep concern with the grave and provocative actions of the Canadian Government. The President must act now.

This resolution now represents my views and those of Senator STEVENS, Senator HATFIELD, Senator MURKOWSKI, Senator PACKWOOD, Senator CRAIG, and Senator KEMPTHORNE. We will defer the introduction of the resolution, however, to secure more and bipartisan sponsorship up and down the Pacific coast, and in order to seek the unanimous consent necessary to pass the resolution promptly, support which we urge from all of our colleagues.

The resolution demonstrates that Washington, Oregon, Idaho, and Alaska will not be divided by punitive illegal measures such as the transit license fee that endangers U.S. citizens. We are united on this matter and will work together to ensure this outrageous policy and the seizures are reversed.

The resolution also makes it absolutely clear it is at the negotiating table and not anyplace else that Canada and the United States can make a deal on the Pacific Salmon Treaty that will protect salmon for both countries.

I ask my colleagues for their support of this resolution and ask for its prompt consideration.

I thank the majority leader for his courtesy in granting me the time.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, the distinguished Senator from Missouri and I have discussed how best to proceed now, and I merely wanted to confirm our understanding that he is going to speak for some minutes and then offer an amendment. Am I correct in my understanding?

Mr. BOND. Mr. President, that is correct.

Mr. MITCHELL. Mr. President, at that point I will put in a quorum call and be prepared with a second-degree amendment, and I will appreciate the Senator notifying me when he gets to the point where he intends to do so.

Mr. BOND. Mr. President, I will be happy to consent to that for the convenience of the majority leader.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Thank you very much, Mr. President.

Mr. President, we discussed at length some very important matters in the debate on the last amendment, and I thought it might be helpful to go over the status of these discussions, where they are, and how we got to this point.

The majority leader made a very eloquent argument against the D'Amato amendment. But the amendment that was essentially vitiated by his second-degree amendment was not a broad fishing amendment. It was not designed to go far afield. In fact, as I stated at the time, it said that the committee should conduct an investigation into, study of, and hearings on, matters having a tendency to reveal the full facts about the Department of Justice handling of the Resolution Trust Corporation criminal referrals relating to Madison Guaranty Savings & Loan Association.

My point was that this was clearly relevant to the issues of what was done in Washington by this administration with respect to the activities in Arkansas generally lumped under the category of Whitewater. This was a very specifically targeted amendment dealing with what had gone on with the Department of Justice. The majority leader's second-degree amendments and proposals have specifically excluded inquiry into the activities of the Department of Justice.

As I understood the majority leader to say, number one, this was somehow outside the scope of the resolution adopted by this body 98 to 0 on March 17, 1994.

So I went back to get a copy from the CONGRESSIONAL RECORD of that resolution. It says in part (B):

> The majority leader and the Republican leader should meet and determine the appropriate timetable, procedures, and forum for appropriate congressional oversight, including hearings on all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc.

And I end my quotation of that resolution.

My amendment was not a broad fishing expedition. It was not an attempt to go beyond the Washington activities related to Whitewater and Madison Guaranty Savings & Loan Association. It specifically asked that we be allowed to question representatives of the Department of Justice about whether they knew about Whitewater, what they did about Whitewater, who did they discuss the Whitewater investigations with, the Madison Guaranty Savings & Loan Association, and other activities.

The first set of criminal referrals to the Department of Justice arrived sometime in September 1992.

Now the President's very close friend and confidant, Webster Hubbell, arrived at the Department of Justice with the new administration early in 1993. Are we to believe that he did not know anything about a criminal referral potentially involving the President in his prior capacity? If he knew, did he, in fact, take any steps with respect to that referral? Did he, in fact, advise the President of it?

I understand that the President said the first he learned about the possibility of criminal referrals was sometime in the fall of 1993. This may be true but, Mr. President, I think there are some very legitimate questions we ought to ask. It was pursuing questions like this that we uncovered the contacts between the RTC, the Treasury, and the White House which led to the subpoenas and led to significant inquiries.

These are legitimate questions that we need to know the answers to in order to determine, in our role of congressional oversight, whether there was any wrongdoing with respect to the handling by this administration of the matters relating to Whitewater.

As a result of the second-degree amendment which was adopted on a party line vote, we will be precluded from asking the questions and the public will be precluded from hearing the questions and the answers.

Now, we further understand from the statements of the majority leader that he has not spoken to Mr. Fiske about these amendments being offered today and the previous days on this measure, the D'Amato amendment. Therefore, I can assume it is from information, press statements, and letters. We have not been advised of any directive from Mr. Fiske saying that he has any objection to our questioning the Department of Justice about their handling of these matters.

My amendment to expand the majority leader's narrow scope at least to include the Department of Justice's handling of the RTC criminal referrals on Madison was defeated based on what I guess we can call intuition as to what Mr. Fiske wants or does not want.

This is beginning to be a transparent charade.

No. 1, we are to limit hearings to things Mr. Fiske is finished with without even knowing what he is doing. No.

2, we are then to limit the hearings to those things he addresses in phase II. And, three, somehow we are never allowed hearings on things that Mr. Fiske does not address.

Now, we talk about unprecedented activities. To say that Congress, in its oversight role looking at the activities of the administration of the Federal Government, is somehow limited to doing a review and grading of the special counsel's work is, I think, a novel precedent.

Our oversight is supposed to be limited to what the special counsel is investigating for criminal wrongdoing? I think not. I think there are many other questions that we could and should and must address.

My amendment was very specifically targeted to those questions from the Department of Justice that could be relevant.

Yesterday, I discussed at some length my questions to the RTC. The questions which brought about the subpoenas revealed the contacts between the RTC and the Treasury and the White House. I subsequently submitted written questions to the RTC.

I asked, first, is it normal RTC practice to send additional investigators for further investigations on a matter before hearing the status of the first referral?

The answer to that by the RTC: "There is no standardized procedure in this regard. Any questions concerning responses from the Department of Justice should be directed to the Department of Justice."

Further questions I addressed to the RTC focused on a March 19, 1993, memo from the criminal division of Justice, concluding the initial RTC criminal referral on the Madison probe did not appear to warrant initiation of criminal investigations. I asked: "A, how was this decision made in terms of the decisionmaking procedure and the underlying legal theory and, B, who is responsible for communicating these decision?"

The RTC response to me was: "A: This question should be directed to the Department of Justice. B: This question should be directed to the Department of Justice."

I then asked the question about press reports that the local Federal attorney in Little Rock was concerned that in 1992, because Bill Clinton was included in a referral of the decision to pursue, the case should be made in Washington. And he sent an urgent letter on October 7, 1992, asking for assistance. I asked, "Are the press reports accurate?" And the answer to this one was, "The question should be directed to the Department of Justice."

I further asked about Attorney General Barr in the previous administration, his concern that pursuing the case 1 month before the leaks would look as if the Justice Department was being politicized. So he sent the referral to career people. I asked the RTC, "Is this the RTC's understanding of the events? If not, what is your understanding?" The answer was, "These questions should be directed to the Department of Justice."

Now, Mr. President, these are questions that we have been told by the RTC, whom we sought to question before the Banking Committee and in written questions following up on their testimony, these are questions the RTC said can only be asked of the Department of Justice.

As I understood the distinguished majority leader in his response to my questions, I would not, under his proposal, be permitted to ask the Department of Justice about these specific items to which I was referred by the RTC for the very strange and unusual reasoning that they were not included in the special counsel's investigation.

This is absurd, Mr. President. Congress is supposed to hold oversight hearings to ensure that programs are running fairly, that people are not abusing the power they hold, that special favors are not being handed out to the select.

Now we are told: Too bad if it turns out that the Department of Justice grossly misused its powers in this case; too bad if it turns out that Webb Hubbell or others misused their authority to protect the President; too bad if the politically powerful got special favors from the Department of Justice. Congress is not going to be allowed to ask questions because Mr. Fiske, an appointee of the Justice Department, says so. To me this is an outrage.

These facts, more than any others, show why this entire hearing proposed by the Democratic majority is a charade and a political sideshow.

The majority leader has now come out and said he does not believe a 98-to-nothing resolution, which says all matters relating —and this is the test he created, one that has taken 4 days of debate to ferret out—and that is, if Mr. Fiske does not care, the majority does not care; and if Mr. Fiske is not finished, Congress cannot start.

I have introduced this amendment and I will shortly propose another amendment dealing specifically with the items in that 98-to-nothing resolution of March 17. Because if the limited scope of hearings proposed, and reiterated and reiterated and reiterated by the majority leader, is not changed, there will be no ability to ask these very relevant questions relating specifically to the Washington phase of the Whitewater investigation.

I do not intend to submit my list of questions to Mr. Fiske to get his approval. I also expect that we will have an opportunity to address those questions.

I have been taken with the compelling nature of several quotations which we have previously brought to the floor. A very thoughtful statement in 1991 on the need for congressional hearings on a proposed October Surprise:

> We have no conclusive evidence of wrongdoing, but the seriousness of the allegations, and the weight of circumstantial information, compel an effort to establish the facts.

And the powerful statement came from the majority leader and the Speaker of the House.

Another statement on November 22, 1991, in this body said:

> That is what this inquiry is intended to establish. I think it raises a question, a fundamental question, in everyone's mind. If one is so opposed to trying to find out the facts, the question arises: What are they trying to hide? Why are they so afraid of an inquiry? What is it that they are trying to conceal?

Those were made by the distinguished majority leader on November 22, 1991, in a floor speech on the October Surprise.

Mr. President, I think those questions are very appropriate questions to raise now.

AMENDMENT NO. 1792

(Purpose: To authorize hearings on the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corp.)

Mr. BOND. Now, to accommodate the majority leader, I have assured him that, as we just discussed, there will be an opportunity to follow the procedure which we have developed, with which I do not agree, but that is the procedure that we are following.

I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WOFFORD). The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1792.

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

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

The amendment is as follows:

> At the appropriate place, insert the following:
>
> Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1793 TO AMENDMENT NO. 1792

Mr. MITCHELL. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] proposes an amendment numbered 1793 to amendment No. 1792.

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

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

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. MITCHELL. Mr. President, I would like to direct a question to the Senator from Missouri through the Chair.

Did I understand that the Senator has a second amendment which he will offer?

Mr. BOND. Mr. President, one of my colleagues has an amendment. We have not been able to reach him. He was planning to be here by about 8:30. We are attempting to contact him to see if he has that amendment ready. I am not at this point able to produce that amendment. I apologize, but I have not been able to reach him.

Mr. MITCHELL. Mr. President, I am trying to reduce the inconvenience to other Senators, and my effort is to have two amendments debated and then have those votes stacked in succession to give those Senators who are not present and attending to other duties a longer opportunity to do so.

What I would like to suggest is that we agree on a time limit on the amendment of the Senator from Missouri of 30 or 40 minutes, equally divided, and then at or before the expiration of that time, if the Senator would be ready either on his own or in behalf of another Senator with a second amendment, we could have that amendment presented and debated for a similar length of time and then vote on both of those at about 8:45 to 9.

I wonder whether that is satisfactory to the Senator?

Mr. BOND. Excuse me, Mr. President, I was conferring with some others. I did not get the full import of the majority leader's statement.

I would agree to 45 minutes, equally divided, which would put us at 8:30, when my colleague would be ready to offer his amendment.

If the majority leader wishes to set a later time for the vote on the two amendments, I at this point know of no objection on our side. If the majority leader wishes to do that, I will look for any contrary indication.

At this point I seem to see none.

Mr. MITCHELL. Mr. President, in order to accommodate the largest number of Senators, what I will do momentarily is to propose that we do 40 minutes, equally divided, on our amendments, at which time another Senator or designee be recognized on that side to offer an amendment which would also be the subject of a 40-minute agreement, and then Senators would have the assurance that there would be two votes after the expiration of the 80 minutes.

Is that agreeable? May I have some assurance that there will be a second amendment after the 40 minutes of debate on this amendment has expired?

Mr. BOND. Mr. President, I am advised that the Senator from Kentucky, Mr. MCCONNELL, will have an amendment and will be ready to proceed about 8:30.

I will certainly do all I can to see that that amendment proceeds in an expeditious fashion.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Then, Mr. President, I ask unanimous consent that there now be 45 minutes for debate on the amendments offered by Senator BOND and myself with the time equally divided between us; that at 8:30 p.m., the Bond amendment and my amendment to that amendment be set aside and that Senator MCCONNELL or his designee be recognized to offer an amendment, that I or my designee be recognized to offer a second-degree amendment to that amendment, and those amendments then be debated for 40 minutes and that at the completion of that 40 minutes, or at 9:10 p.m. this evening, the Senate vote on the pending Mitchell amendment; following the disposition of that amendment the Senate vote on the underlying Bond amendment as amended if amended; that following the disposition of that the Senate vote on the Mitchell amendment to the McConnell amendment; and that following the disposition of that amendment the Senate vote on the McConnell amendment as amended if amended; all of the above to occur without any intervening action or debate after 9:10 p.m.; and that the time, the 40 minutes of time for debate on the McConnell amendment and my amendment to his amendment, be equally divided between the Senator from Kentucky or his designee and myself or my designee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the benefit of Senators who are not present—and I assume some in their offices have been watching this—we now have pending an amendment by Senator BOND and my amendment to it. We have an assurance that Senator MCCONNELL or his designee will be here at about 8:30 to offer another amendment and I or my designee will offer an amendment to that. That debate will go on until 9:10. So Senators should be notified that we now expect two votes to occur at 9:10 p.m. And that following those votes, if there are to be more amendments on this bill, then we are going to stay in session and consider those other amendments and have additional votes.

I thank my colleagues.

Does the Senator now wish to address his amendment? I will be pleased to yield the floor to him.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, for the RECORD, let me explain what my amendment, were it not to be second-degree, would do. This amendment is one very directly relating to the issues surrounding Whitewater. As the terms of the March 17, 1994 resolution, adopted 98 to 0, say, we shall have hearings "on all matters related to Madison Guaranty Savings and Loan Association, Whitewater Development Corporation, and Capital Management Services, Inc."

This is the Capital Management Services, Inc. portion of the request. This amendment expands the scope of the investigation to include matters relating to the sources of funding, the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation.

This amendment would authorize the committee to investigate all transactions involving David Hale and his SBA-licensed small business investment company, which is Capital Management Services, Inc., including the circumstances involving Mr. Hale's recent plea bargain with Special Prosecutor Fiske. David Hale, a former Arkansas municipal court judge, appointed by then-Governor Clinton, controlled Capital Management Services, Inc. Capital Management was a special small business investment company authorized to make loans to businesses at least 50-percent owned, controlled, and managed by socioeconomically disadvantaged individuals.

Judge Hale allegedly made a $300,000 loan to Master Marketing, a company owned by one of the principals of Whitewater, one Susan McDougal. Part of the loan's proceeds may have been used to fund Whitewater-related activities.

On September 15, 1993 the SBA placed Judge Hale's company, Capital Management Services, in receivership for capital impairment.

Why is this of interest to this body? Why is this of interest to the people of America? Because the SBA, on whose oversight committee I happen to serve—the Small Business Committee—the SBA estimates that Capital Management's insolvency will cost the American taxpayers $3.4 million. The taxpayers will have to pay the $3.4 million cost of Capital Management's failure, and they have a right to know whether loans were improperly made and whether certain loan proceeds were used to fund Whitewater activities.

One of the questions involving Capital Management and David Hale that taxpayers need an answer to include: Were federally guaranteed SBA loans made directly or indirectly to fund Whitewater-related activities?

In March 1986, Whitewater entered into a contract to purchase an 810-acre tract of land south of Little Rock from International Paper Realty Co. One month later, in April of 1986, Capital Management made Susan McDougal's company, Master Marketing, a $300,000 SBA-backed loan. According to a document provided by David Hale, $193,000 of the $300,000 loan to Susan McDougal was intended to be used to develop the land Whitewater had just purchased from International Paper.

Judge David Hale allegedly claims that Bill Clinton and James McDougal pressured him into making the $300,000 loan to Susan McDougal. The $300,000 loan to Susan McDougal's company was never repaid, and the SBA closed Capital Management in 1993.

To lay out the facts raises the kind of fundamental questions in everyone's mind that we in this body have sought to answer in previous congressional investigations of the executive branch. What I want to know in the offering of the second-degree amendment which is designed to wipe out and preclude the Banking Committee from asking these Whitewater-related questions of the SBA and others is, what is the amendment trying to hide? Why are its proponents so afraid of an inquiry? What is it that they, in this instance the majority, are trying to conceal?

If past practice is indicative, there will be a party-line vote to adopt a second-degree amendment that will wipe out all of the questions that I just asked.

These questions were questions that were initially approved by this body in the March 17, 1994 resolution which said that we should look into all matters relating to Whitewater and the Capital Management Services. These are questions that I think must rightfully be asked. I think the people of America have the right to expect to get clear answers from those who were involved, those who put taxpayers' money at risk and those who caused a loss to taxpayers.

Mr. President, I yield the floor. I suggest the absence of a quorum and ask that time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, the Senate will now debate and vote for the eighth time on the same issue. The Senator from Missouri used three words that I think represent the best description of his amendment better than any I could use, and I will quote them: Absurd, charade, sideshow.

The Senate has now reached a point of an absurd charade that is a sideshow. We are now on the fourth full legislative day, stretching over 6 calendar days debating and voting over and over and over and over and over and over again on the same issue. This is a waste of time. It is a waste of taxpayers' money. It subjects the Senate to the kind of ridicule to which, unfortunately, the American people have become so accustomed.

An American citizen watching the Senate over the past several days might well ask: "Is this all they have to do? Do our Senators in Washington, DC, our Nation's Capital, have nothing better to do than to debate the same issue over and over and over again eight times and vote on the same issue over and over and over again eight times with the same result eight times?" And they would be right.

Let me go back and set the context of this amendment.

Earlier this year, our Republican colleagues requested the appointment of a special counsel to investigate the so-called Whitewater matter. A special counsel was appointed. He is a Republican, a lifelong Republican whose appointment was praised by our Republican colleagues. We were told by them that he is a man of experience and integrity, and they applauded his appointment.

Following his appointment, that special counsel, a lifelong Republican whose appointment was applauded by Republican Senators, requested in writing on his own initiative that the Senate not conduct hearings into matters that were the subject of his investigation because to do so might undermine his investigation and might make it impossible for him, if he finds wrongdoing, to prosecute and punish those responsible for the wrongdoing.

But immediately after the appointment of the special counsel, our Republican colleagues completely reverse their course and begin calling for precisely those hearings which the special counsel asked not occur.

Why, Americans might ask, would they do such a thing? Why would they completely reverse their position on this matter after having gotten the appointment that they said they wanted of a person who is a member of their party and whose appointment they praised?

The answer has become clear in the subsequent events. They are not interested in a serious investigation. They want a political circus in which to attack and demean and harm the reputation of the President of the United States and the First Lady of the United States. That is what this is all about, and the American people know that.

Consistently, month after month, public opinion polls have reported that a large majority of Americans believe that the Republicans are doing this only for political purposes. What has happened in the last few days provides overwhelming evidence that the American public is right.

After they requested immediate hearings, contrary to the stated desires of the special counsel, whose appointment they initially praised, the Senate debated and discussed the matter. On March 17, the Senate voted by a vote of 98 to 0 that there would be hearings. "The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr." That was the Senate vote.

Now, along come our Republican colleagues, having voted for that resolution, and completely reverse their position again. They are demanding that hearings occur structured and sequenced in a way that would directly interfere with the investigation of the special counsel—another complete reversal of position.

In behalf of the Republicans, Senator D'AMATO offered an amendment to conduct hearings way beyond what the special counsel requested.

He asked that since his investigation is divided into two phases, the hearings conducted by the Congress be divided into two phases. And that when he finished the first phase of his investigation, the Congress hold the first phase of its hearings. And that when he then finished the second phase of his investigation, the Congress have hearings on the second phase.

The amendment offered by Republican colleagues did not do that. It wanted all of the subjects included in the first phase of the hearings, exactly what the special counsel asked not be done.

I then offered an alternative amendment which was consistent both with the Senate's vote of March 17 and with the special counsel's request, and I offered to our Republican colleagues to

bring the matter up as a separate bill and to let them have a vote on their amendment and we would have a vote on my amendment, and whatever the Senate voted would be accepted.

They rejected that offer. They did not accept an agreement under which they would get a vote on their amendment and we would have a vote on my amendment as a separate bill unrelated to other legislation.

Instead, they chose to offer their amendment to an unrelated bill, an airport improvements bill. I then offered my amendment as a second-degree amendment to theirs. We were ready to vote on it last Thursday. But after they, for weeks, said we want a vote on Whitewater, we want hearings on Whitewater, when we were ready to vote, they would not vote. They delayed a vote for 4 days, prevented a vote from occurring. The reason, when we got to the vote, was obvious. Their amendment was decisively rejected, and the alternative, which I proposed, was accepted.

Now what has happened since then, having lost on their amendment, they have now taken each paragraph of their overall amendment, lifted them out and offered them as separate amendments. That is to say, a subject which the Senate has already debated, voted on and rejected, is now being raised in separate, individual amendments for the obvious purpose of delay and obstruction.

The amendment which the Senate has already approved provides that we will have hearings on the subjects that are the first phase of the special counsel's investigation. That is what we voted to do in March, and that is what the special counsel has requested.

Our colleagues, by contrast, have come in here—this amendment is a perfect example—and sought to include in the first phase of the hearings the very subjects which the special counsel has said he does not want included in the first phase of these hearings because they are involved in the second phase of his investigation.

Now, over and over again our colleagues, and the Senator from Missouri himself, have called the proposal that I have made a sham. He has used that word several times.

Mr. President, just a few moments ago the bipartisan leadership of the House of Representatives has agreed to conduct hearings under an agreement which is virtually identical, almost word for word, with the proposal that I have made and the Senate has adopted.

Is it the Senator's contention that the House Republicans are participating in a sham? This agreement exposes our Republican colleagues in the Senate as engaging in obstruction, in absurd practices, solely for the purpose of delay and solely for the purpose of attacking the President and First Lady of the United States. That is their motive.

They have now had 4 days of flinging accusations at the President, some—and not the Senator from Missouri; I wish to make it clear—some making reckless, unsubstantiated, unproven allegations trying to link the President and Mrs. Clinton to lurid activities. So we heard here on the Senate floor in the course of this debate there have been four verified attempts on a person's life. We heard here on the Senate floor during this debate about "money laundering," and a number of other lurid accusations that are unsubstantiated, that there is no relationship whatsoever to the President and First Lady of the United States, but tossed out there in a classic example of innuendo.

All Americans have heard the word innuendo. Some may wonder what it actually means. The dictionary describes it as a veiled attempt to injure a person's character or reputation. That is what we have seen out here during the course of some of this debate by some of our colleagues.

Mr. President, we ought to get on with the business of the Senate and the country. The House Republicans and the House Democrats have reached an agreement to hold hearings that are in a form virtually identical to that which I have proposed and which the Senate has adopted. Why then, I ask, are our Republican colleagues in the Senate engaging in such obstruction and delay, wasting time, wasting taxpayers' money for no useful purpose, in a manner inconsistent with the vote of the Senate itself, for which our colleagues themselves voted, and inconsistent with the request of the special counsel?

Mr. President, lest there be any doubt about the actions of the House, I am going to read the statement from the joint leadership of the House. I ask my colleagues to compare it with the words of my amendment which the Senate has already adopted.

The bipartisan House leadership has reached agreement on holding several days of public hearings on three aspects of the so-called Whitewater investigation now being conducted by Special Counsel Robert B. Fiske, Jr. This agreement is consistent with the provisions of H. Res. 394, adopted by the House on March 22, 1994, which states that any hearings conducted by the House committees should be structured and sequenced so that they will "not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr." and is based on Mr. Fiske's statement to the bipartisan leadership that his review of those three areas is very close to conclusion and that Congressional inquiry into those three areas, once he has completed investigation into them, will not impede his overall investigation. Mr. Fiske has specifically asked the bipartisan leadership to refrain from Congressional inquiry into the other aspects of his investigation for now.

The three subjects of the public hearings will be: the White House contacts with Treasury/RTC officials about "Whitewater"-related matters; whether the death of Assistant White House Counsel Vincent Foster was a homicide or a suicide; and the White House's handling of the contents of Foster's office during the investigation into Foster's death.

The bipartisan leadership has agreed that hearings on these three areas will be held by the Committee on Banking, Finance and Urban Affairs and that all Members of the committee will have timely, equal access to necessary documents and may be assisted by staff of other committees of the House.

The hearings will begin within 30 days of notification by Mr. Fiske that he has completed his investigation into these three areas.

Mr. President, I repeat. This is almost exactly what I have proposed, what the Senate itself has adopted, and which our Republican colleagues in the Senate simply will not accept. Instead, after first clamoring for a vote, when confronted with the reality of a vote and the prospect of defeat, they delayed it for 4 days. And now that the vote has occurred, with an outcome contrary to their wishes, they have engaged in obstructionist tactics, wasting time, wasting money, wasting effort. For what end? The only end is to attack the President and Mrs. Clinton.

Well, I say to my colleagues that 4 days to attack the President and Mrs. Clinton, I think, is about enough. Why do we not pass the resolution that we have already voted on? The House Democratic and Republican leadership have completed agreement on it. They are going to proceed as I have suggested. If it is such a bad idea, why did they accept it in the House by the leadership of both parties?

Let us get on to complete action on this. Let us pass the airport improvement bill. Let us get to the rest of the work of the Senate. The American people expect us to do our work. We have to do 13 appropriations bills before the end of this fiscal year. I hope to start on one tomorrow.

We have to do health care. We have to do welfare reform. We have to do a crime bill. They did not send us here to debate and vote on the same issue 8 or 18 or 80 times. In their lives and in our Nation's business, when we make a decision, we make a decision, and we accept it and we go on. But we have made a decision, and I urge our colleagues to accept it. We have had the vote. In fact, we voted eight times, the same subject. Now we are going to vote on it two more times at 9 p.m. and 10 p.m. We will vote the 9th and 10th times on the very same issue.

Mr. President, I hope our colleagues will agree that 10 times voting on the

same issue is enough, and that we not waste any more of the Senate's time, that we not waste any more of the country's time, that we not waste any more of the taxpayers' money, that we complete action on this, that we emulate the House leadership and act in a responsible and reasonable way—not try to engage in a political circus, but act in a responsible and reasonable way to get this investigation underway, to get this bill behind us.

Mr. President, I yield the floor.

I reserve the remainder of my time.

I ask unanimous consent that the statement issued by the House of Representatives entitled "House Hearings on Whitewater" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE HEARINGS ON WHITEWATER

The bipartisan House leadership has reached agreement on holding several days of public hearings on three aspects of the so-called Whitewater investigation now being conducted by Special Counsel Robert B. Fiske, Jr. This agreement is consistent with the provisions of H. Res. 394, adopted by the House on March 22, 1994, which states that any hearings conducted by House committees should be structured and sequenced so that they will "not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr." and is based on Mr. Fiske's statement to the bipartisan leadership that his review of these three areas is very close to conclusion and that Congressional inquiry into these three areas, once he has completed investigation into them, will not impede his overall investigation. Mr. Fiske has specifically asked the bipartisan leadership to refrain from Congressional inquiry into the other aspects of his investigation for now.

The three subjects of the public hearings will be: the White House contacts with Treasury/RTC officials about "Whitewater"-related matters; whether the death of Assistant White House Counsel Vincent Foster was a homicide or a suicide; and the White House's handling of the contents of Foster's office during the investigation into Foster's death.

The bipartisan leadership has agreed that hearings on these three areas will be held by the Committee on Banking, Finance and Urban Affairs and that all Members of that Committee will have timely, equal access to necessary documents and may be assisted by staff of other committees of the House. The hearings will begin within thirty days of notification by Mr. Fiske that he has completed his investigation into these three areas.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Missouri.

Mr. BOND. Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, several items that were raised by the distinguished majority leader I think merit some comment. He was correct saying that I did use the terms "absurd", "charade", "sideshow." I think I probably even used "fig leaf" and "sham." Those were all terms that I believe I applied to the effort to second-degree all of the amendments offered on this side which are designed specifically to get at information which I believe this body has an obligation to explore because they relate to very clear potential acts of misdoing, wrongdoing by the administration.

I could not say it any better than the majority leader said it when he was arguing for investigations of the "October Surprise," and other things.

I call to my colleagues' attention that even when there were Republicans in the White House and Republicans in control of the Senate, we led full investigations on Iran-Contra, John Fedders at the SEC, Charles Wick at the USIA, and William Casey of the CIA. We were even able to walk and chew gum at the same time because we held concurrent investigations with the independent counsel and Congress. It is possible. We can do two things at once in this town. The EPA Superfund and Anne Buford were investigated by both an independent counsel and Congress. So was Michael Deaver, and so was Iran-Contra.

So it is quite possible that we can go forward with investigations even though the special counsel has undertaken investigations.

Let me be clear on one thing. The very first call, I believe, from our distinguished Republican leader, Senator DOLE, on December 21, 1993, was for full congressional hearings on the Whitewater matter. When the Department of Justice acted subsequently to appoint a special prosecutor—and certainly I was one who said, from everything I had heard about his reputation, that he is a very qualified person—when they appointed a special prosecutor to pursue and ferret out potential criminal wrongdoing, we thought that was a good step. But it did not change in any way the obligation that this body has to conduct oversight hearings into agencies over which we have authorizing legislative authority and appropriations authority. We have already set out in a number of instances why and where we believe that improper actions were taken in Washington, DC.

The majority leader has just developed a very powerful argument against an amendment I did not raise, against charges that I did not make. The special counsel did not look into contacts between the Department of Justice and the White House with respect to the criminal referrals or any of the matters relating to Whitewater. I believe that we have a responsibility to ask those questions. The special prosecutor has not been involved in those areas, to my knowledge.

To my knowledge, he certainly has not asked me, and according to the majority leader, he did not ask him not to hold investigations which question the Department of Justice, its officials, or former officials. That special prosecutor who said no when we asked, "Mother, may I?" does not work for the Department of Justice investigations. The special prosecutor does not have any veto over what we can look into.

The majority leader makes much of the actions he reports from the House of Representatives. So be it. If that is what that body wishes to do, that is fine. I believe that we have a responsibility to ask other questions. And that is why I have proposed an amendment, which was just second degreed out of existence, to interview the Department of Justice to look into their activities and now to get into what the SBA was doing with respect specifically to Capital Management Services.

When we look at the money the taxpayers lost, it was not only through the federally insured savings and loan, it was also through an SBA-backed firm called Capital Management. It was not until the spring of 1993 that SBA determined the extent of problems that existed within Capital Management, and an internal investigation was begun of David Hale's practices.

On May 20, 1993, the SBA inspector general made a criminal referral on Capital Management Services to the Justice Department which then initiated an investigation. On July 20, 1993, the FBI received approval of a search warrant, and on July 21, they raided CMS and seized a series of loan files. Among the loan files seized was Master Marketing, the firm operated by Susan McDougal. Then on September 15, 1993, the SBA placed Capital Management Services, Inc. in receivership because of capital impairment. On September 23, David Hale was indicted for fraud.

What is important and relevant about these events? Why do we believe they should include a thorough review of David Hale and Capital Management Services? Well, Mr. Hale has claimed that the President's business partner in Whitewater Development, Jim McDougal, approached him about making a $150,000 loan from CMS to McDougal. He then claims that shortly after that conversation, in early January 1986, he bumped into then-Governor Clinton and was asked by the Governor if he was going to be able to "help Jim out." Mr. Hale stated publicly that he was told that these funds were needed by McDougal to handle some irregularities which would otherwise show up in the next savings and loan audit of Madison Guaranty.

The Federal Home Loan Bank Board audit was due to occur in the March-April time period of 1986, and it became the audit which caused McDougal's ouster from the S&L and led, eventually, to the entire board being removed, as well as a series of prosecutions in which the head of Madison's

board pleaded guilty to falsifying loan records. Hale also claimed that in mid-February of 1986, he received a call from McDougal asking whether he would meet with him and then-Governor Clinton. Hale states that he met with them and was urged to help them out by making the loan.

It seems to me that as we try to get to the bottom of the case, Congress should have the right to ask questions about those alleged meetings and conversations. Criminal prosecutions have already gone forward in those areas. We are not looking at areas which might interfere with the special prosecutor's investigation because criminal charges have already been brought. The statements by Mr. Hale have been disputed both by the White House and McDougal. Thus, it makes sense to have an opportunity and a forum in which to lay out the claims and sort out the truth.

While there may be disputes about who talked to whom, there is no dispute as to what occurred next. On April 3, 1986, CMS loaned the $300,000 to Susan McDougal. It was the largest loan made in the 7 years of CMS's existence, twice the size of previous loans. It was a 12-percent promissory note for $300,000, a payment of interest only of $36,000 for the first and second years, then $14,000 a month, including interest, in subsequent years.

The check was deposited into a McDougal account at Madison Guaranty and, within days, over $150,000 was drawn out to pay other McDougal land deals. We believe that $25,000 was used as a downpayment on a second Whitewater Development Corp. land purchase south of Little Rock, and that over $111,000 was transferred into another McDougal project called Flowerwood Farms. None of this money went to the working capital of Master Marketing.

All of this leads to questions about the SBA and their activities. Note very clearly that this is a question that goes to the functioning of the Small Business Administration. How can an SBA program designed for one purpose be allowed to go so far afield? Should the SBA tighten up its regulation and supervision of the small business investment companies? I believe Congress clearly has an interest in reviewing and potentially revising the way this program is administered.

Mr. President, it is important to realize that the $300,000 loan made to Master Marketing was improper in just about every way.

One, the recipient was clearly not disadvantaged.

Two, the money was not used for its stated purpose.

Three, the money was used for real estate purchases, which violates the prohibition on the use of SBIC funds for real estate.

Four, it was never repaid.

Fifth, the Federal Government and the U.S. taxpayers ended up holding the tab.

This means, once again, that the taxpayers were paying the tab for activities in the Whitewater field. I believe the number of questions all this raises, once again, shows why hearings are so important and why the Mitchell second-degree amendment, with its narrow scope, designed to preclude our inquiry into these matters, is totally off the mark.

Mr. President, the people of the United States have the right to get some answers, and I do believe it is a sham and a fig leaf to keep blocking the inquiry, or even a vote on these questions, by offering the same second-degree amendment. These are issues that will be explored; these are issues that need to be brought out; and I cannot understand, in light of the very strong commitment of the majority leader, shown in investigating acts of wrongdoing or potential wrongdoing in previous Republican administrations, why they should be so objectionable and so feared that they need to be second degreed out before this body can vote on them.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. How much time is left on each side?

The PRESIDING OFFICER. One minute 40 seconds on each side.

Mr. FORD. Does the Senator want to finish his 1 minute 40 seconds?

Mr. BOND. I will yield first to my colleague from Kentucky.

Mr. FORD. I thought so.

Mr. President, let me make two quick points, if I may. We have heard these arguments over and over again. They are getting so repetitious that we know them by heart now. So it does not take long to just keep on, keep on, keep on. What we are doing is seeing that this side is beginning to get pushed into a corner. Even the joint leadership in the House have agreed basically to what we are trying to do, which the special counsel has said is basically fair and meets his goal.

So now we find that everybody, basically, except this group—and maybe they will keep right on—has seen that this is the best route to go in fairness and in completion and in competent investigation.

Mr. President, we have had eight votes, I believe, and we are getting ready to have two more, and probably some more before the night is over, and we are delaying millions and millions of dollars that ought to be going to every State to build airports, to help their airways, to see that those people who paid a 10 percent tax on their airline ticket—their money that has gone into entitlements, any airport improvement, and many other things in the bill. But we are delaying and preventing the construction season to get underway. We are preventing the people from taking advantage of the tax dollars and the time.

So, Mr. President, I hope they get off this bill, let me get it passed so I can go to conference and have it done before July 1.

Mr. BOND. Mr. President, with respect to the votes that we have had here, we have attempted to focus an investigation that we believe is in the best interest of the American people. We have seen millions of dollars lost. There have been substantial indications of lax practices by agencies, financial agencies in the Treasury, the RTC, perhaps even wrongdoing in the Department of Justice or failure to follow procedures.

Certainly, in the amendment before us right now we have practices by the SBA, the Small Business Administration, which are not defensible.

I simply ask our colleagues to allow us to ask questions in this Whitewater-related matter that would help us determine whether there are changes that need to be made in the SBA.

House Republicans were forced to accept a very limited scope amendment. Of course, they were. Everybody knows that the Rules Committee in the House does not allow the minority party to have votes or to conduct investigations.

In the past, this body has on a Democrat and Republican basis had the opportunity to debate issues on a much broader basis, raise questions and generally to get an up-or-down vote. We are being denied an up-or-down vote. But the people of America should know that a vote for the second-degree amendment is a vote not to investigate the SBA and Capital Management Services just as a vote for the second-degree amendment on the last issue was a vote not to look into the Department of Justice contacts with the White House.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the junior Senator from Kentucky was to be recognized.

Mr. FORD. Mr. President, since obviously the junior Senator from Kentucky is not now present in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, has the Bond amendment been temporarily laid aside?

The PRESIDING OFFICER. It has. The bill is open to amendment.

AMENDMENT NO. 1794

(Purpose: To authorize hearings on any issues developed during, or arising out of, the Whitewater oversight hearings)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1794.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about any issues developed during, or arising out of, the hearings conducted by the Committee on Banking, Housing, and Urban Affairs under this Act.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1795 TO AMENDMENT NO. 1794

Mr. FORD. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. MITCHELL, proposes an amendment numbered 1795 to amendment No. 1794.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment to dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

Mr. FORD. We have already voted on it nine times.

The PRESIDING OFFICER. The Senator from Kentucky has 17½ minutes.

Mr. MCCONNELL. Mr. President, the underlying amendment that I sent to the desk continues our rather lengthy discussion about the appropriate way in which the Congress and particularly the Senate should exercise its oversight responsibility in what has been widely described as the Whitewater affair.

Mr. President, at this rate the big scandal voters will take into the voting booth with them this November, I fear, is not Whitewater but whitewash. Operation Whitewash. The congressional coverup.

Understandably, members of the President's party, and the White House, would like to sweep it all under the rug, pretend Whitewater never existed, deride as politics any effort by Republicans to explore the matter in a congressional forum. That is, Mr. President, as if politics was somehow an alien presence in this place.

Not that politics had anything to do with the 25—I repeat—25 congressional investigations of administration matters during the Presidencies of Ronald Reagan and George Bush. Twenty-five times, Mr. President, 25 times during those 12 years frustrated Democrats hoped in vain that each was political manna. Oh no, it was said, those were instances where Congress needed to "do its job," protect the American people, it was said, air the issues, explore the charges, conduct oversight on behalf of the American people.

That is what was said by our friends on the other side of the aisle when it was a Republican in the White House, Mr. President. We are just trying to make the point here that what is good for the goose is good for the gander, and it is pretty hard to explain away those 25 congressional investigations in terms of what has been happening here when the occupant of the White House happens to be of a different party.

Mr. President, I do not think the whitewash will wash with the American people. Congressional Democrats can delay, dawdle, deny, dither, and detour ad infinitum—because they run this place. All of it—the House and the Senate. But do not think people will not sit up and take notice.

Democrats hold the keys to open the door to the truth. But at most, at least so far, they are willing only to put the keys in the door after they are darn sure the deadbolt and chain have been firmly put in place.

The voters, Mr. President, want us to kick the door in, all the way in, wide open. They want the whole truth. They want it all out on the table where everybody can take a look at it. They want to judge for themselves, Mr. President, whether it is all political, whether it is all media hype, as our friends on the other side contend. Americans are tired of the spin. It is not enough to hold rigged hearings, carefully crafted to avoid airing troublesome issues contained under the Whitewater umbrella.

Now, Mr. President, the underlying amendment which I have sent forward assures that when hearings are held—it is a very simple amendment—when hearings are held, whether according to the Democrat or Republican blueprint, if any new issues develop during the hearings or arise out of them, the oversight committee could pursue them.

Let me repeat, Mr. President. It is not complicated here.

In fact, I suspect it is the way every congressional hearing we have ever had around here has been conducted; that is, if any new issue arose, no matter which set of guidelines were adopted, a majority set of guidelines for the hearings or a Republican set of guidelines for the hearings, no matter which set of guidelines we were pursuing, if a new issue developed, the oversight committee would be free to pursue them.

I suggest, Mr. President, that no other approach to the matter makes any sense whatsoever. For any committee investigating any subject to conclude in advance that some new item brought to light by testimony before the committee had to be ignored is utter nonsense.

So what I am suggesting, Mr. President, in the underlying amendment is that the committee, no matter which set of guidelines the Senate ultimately adopted to pursue the oversight hearing, be free to go into any matter brought to light by the hearing.

That is why we have hearings—to learn. Frequently in public hearings, as a matter of fact, virtually all of the time in a public hearing around this place or any other legislative body, new things come to light. That is why we have hearings.

So I want to make it clear, Mr. President—and I would hope the Senate would share that view—that no matter what the parameters of the hearings in the beginning, that any new matter brought to light could be pursued. This would at least, Mr. President, partially loosen the straitjacket that the majority leader's proposal seeks to put the committee in. Bear in mind, the Democratic leader, the majority leader's proposal, puts the committee in a straitjacket, allows it to pursue only certain items.

I am sure it will be discussed here on the floor tonight that the House Republicans have essentially agreed with the majority over in the other body to the same stipulations that the majority leader is offering us here.

I would say that this is not the House. This is the Senate. And, of course, the minority in the House is in a very poor negotiating position. As we all know, the House of Representatives is largely like a triangle. At the top of the triangle is the Speaker and the chairman of the Rules Committee, and they can run the place because House rules simply do not allow the kind of latitude, either to individual House Members or to the minority party, that you have here in the Senate. So the poor House Republicans have to take the best deal they can get and are not in a position, under the rules of the House, to leverage anything better. So the House Republicans speak for themselves on this matter. We all understand the constraints within which they operate because of House rules.

Here in the Senate, it is different. There are some levers available to the minority, one of which we have been pursuing over the last week or so, to try to get an open, objective evaluation of what may or may not be a problem with regard to the Whitewater matter.

Now the independent counsel, Mr. Fiske, was given more latitude and authority than the congressional oversight committee is granted under the majority leader's proposal that we were discussing, and a similar one the House Republicans acceded to on their side because of their rules. The independent counsel was given a mandate to investigate allegations or evidence "developed during, connected with or arising out" of his primary investigation.

Mr. President, if the independent counsel is given this authority, the Senate certainly ought to be provided the same latitude. Our opportunities under the proposal by the majority leader are considerably more circumscribed than that of the independent counsel. It seems to me a most unfortunate restriction.

Let us not forget that public knowledge of the White House interference with the ongoing RTC investigation of Madison Guaranty arose out a routine oversight hearing earlier this year. That sort of illustrates the point I am trying to make here with my amendment, Mr. President; that you cannot entirely anticipate what is going to come up in a hearing. You have witnesses who come before it. Are they going to tell the truth? Senators are going to ask questions in a variety of areas. You cannot just decide in advance that you are going to ignore new information that may arise.

So the purpose of the underlying amendment that is at the desk is to give the committee the authority to pursue any new matter which might arise during the course of the hearing, regardless of what kind of blueprint for the hearing was adopted in the beginning.

It would be ludicrous, perfectly ludicrous, Mr. President, to confine a committee, any committee, in its investigation of Whitewater. That is why, as I said earlier, it could be rightly construed as whitewash. If you have such a narrow line of inquiry that it simply hogties the committee and allows it not to pursue legitimate areas of inquiry, one could only call that whitewash.

Mr. President, I am afraid that is what it would come down to if we pursued this matter with these kinds of rigid guidelines. The main issue is, are we going to pursue the truth, or are we going to maintain some kind of coverup here by so restricting whatever committee is ultimately established in the inquiry?

At this juncture, Mr. President, I think it is important to remember that Whitewater, if it is a problem, is the President's problem. If the Congress, and in particular if the Senate, continues to stonewall over full and fair hearings, then whitewash will be the problem of the Senate. Whitewater will be the President's problem; whitewash will be our problem.

It seems to me, Mr. President, regardless of party affiliation, the last thing the Senate would want to engage in is drawing itself into this Whitewater matter by engaging in activities that the public could rightly construe as whitewash. We do not make Whitewater any better by having whitewash here in the Senate.

In closing, I am reminded of the countless times we have heard from people on both sides of the aisle here, mainly on the other side. I remember, during the Reagan and Bush years I used to hear, "What are the Republicans afraid of?" "What are the Republicans afraid of?"

I think it is fair to ask folks on the other side, our good friends: What are the Democrats afraid of? What is the White House afraid of? If there is no problem here, Mr. President, why do we not go ahead and have the oversight hearings?

We did it 25 times. Twenty-five times during the Reagan-Bush years we had oversight hearings. I do not recall any of them being restricted. I do not remember every single one of them. I did not serve here all of that time, but I remember many of them. They ranged far and wide and made a legitimate attempt to get all the questions out there and to get as many answers as they could get.

So, Mr. President, I hope that we will allow the kind of inquiry that the American public demands. And, just because the administration may have a Whitewater problem—may not; we do not know yet—let us not create a whitewash problem for us here in the Senate.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, how much time does each side have left now? We vote at 9:10; is that correct?

The PRESIDING OFFICER. The Senator is correct, 9:10.

The senior Senator from Kentucky has 17 minutes and 20 seconds, and 3 minutes and 50 seconds remain for the other side.

Mr. FORD. Mr. President, I find myself in an awkward position, since all these lawyers get up and argue all the many proposals and ways of doing things. They are pretty good word merchants—pretty good word merchants. It is difficult for me, sometimes, to try to find a way to express myself that would be sufficient for the general public to understand what I am honestly trying to do and what I think is honestly trying to be accomplished here.

The amendment that we have before us, the underlying amendment, is perhaps the classic example of the process the Senate has been going through, that has been ongoing for the last several days. I would have to ask the lawyers. My dad always said a little knowledge of the law is dangerous. Get you a good lawyer and stay with him—or her. But as I read this amendment, you can do anything, anytime, anywhere that you want to. This is not limited to anything. It is wide open. It just says they authorize hearings on any and all issues.

They did not say limit it to Whitewater. It does not say limited to X, Y, or Z. But the amendment says "to any and all issues that might arise."

I do not know what issues are going to arise. They do not, either. But, boy, it sure does give them a broad door to go through. And I do not think that that is what we are trying to do.

So I hope what we are trying to do here is not make the mistakes of the past, but to be sure that what we do in our hearings just does not jeopardize any prosecution in the future—which we have experienced in the past. What you see in the amendment of the majority leader that I sent to the desk reflects that March 17 resolution. Full hearings will be conducted. I do not think there is any doubt about that, that full hearings will be conducted. But they will be done in phases. I think that is proper. The special counsel has said: This is what I would like for you to do in order for me to conduct a complete and thorough investigation. If I find wrongdoing, proceed to the courts.

I think that is straightforward. We will have full hearings and they will be conducted, but they need to be conducted in phases to be sure we do not jeopardize the special counsel's pursuit of information.

This amendment would authorize hearings on any and all issues that might—that might—arise, as the Senate conducts its hearings, with no limit, with no necessary reliance on anything that is before the Senate as a resolution, to get into whatever is there. Broad. Get in. Reach. The special counsel has asked us not to do that.

We have been going for some time and I guess we are getting ready to vote the 9th and 10th times on the identical language. As I said earlier, there has only been one vote different, and one Senator was necessarily absent from the Senate Chamber and that Senator did not vote, so that was one change. That Senator is now back and the votes, I believe, are identical. They have been that way for every vote.

I have worked since last November to put together an airport improvement reauthorization bill that has many things in it for many States. Every State in the Union will have entitlements. Every State in the Union will

be entitled to discretionary money. Since the junior Senator from New York has been the leader in this, I have tried to explain to him that last fiscal year, New York received $81 million from this bill and next year it probably will be more; that he is now stopping the entitlements that are due that State under the law—$25 million this year, $25 million next year, and $25 million the year after that. All States have that. That is in this bill.

I could go down the line. I think I have tried to accommodate in this bill every Senator on both sides of the aisle. In fact, we had one come tonight who wanted a colloquy, wanted to get it in. We read it, improved it, changed a word or two. I am ready to get it in. I guess I could do it now, but it would get all mixed up in this debate that has been going on, now, for days.

I would like to get the bill behind us. It seems to me we have been repeating and repeating and repeating and repeating the same thing. If you think the House is the House and the Senate is the Senate, and the House over there, they have it under control and forced the Republicans into doing something—I have never known the Republican leader in the House, BOB MICHEL, to be led into anything—let alone NEWT GINGRICH. If you forced NEWT GINGRICH to stand up in front of the press over there and agree with the Democrats when he does not want to, that is not the Congressman from Georgia I know.

So when they agreed to it, and come publicly with it, that tells me that this is on the right track. The majority leader's amendment, the majority leader's suggestion, is on the right track.

You can say this is the Senate and that is the House. But I still go back to the fact when the Congressman from Georgia, Congressman GINGRICH, stands up and says something, that he was forced to do it just does not wash with this Senator. And I do not believe it washes with those on the other side.

So it is getting down to a point where everybody, basically, is beginning to agree we are on the right track. We are agreeing with the special counsel. We vote and vote and vote, and delay and delay and delay. After 8 months of hard labor, it is tough to stand here and see this happen on a piece of legislation that helps all of the Senators, helps all the States.

Do you want to know something? The bill that they are delaying is a jobs bill. It is a jobs bill because every airport that is built, every runway that is expanded, everything that is done creates jobs for our people back home. But we have stopped it for days and days and days, and it appears they are going to continue to do that. Every day we miss on the construction season is a job lost back home. Keep on losing jobs for American people, but standing up here and filibustering by amendment. You just say to the American people that we do not want you to have jobs; we do not want you to get your airport fixed.

After 8 months of hard work and putting it all together and getting basic agreement, you are getting ready to pass it with two or three amendments and then, bam, all of a sudden you get these amendments day after day after day. And that money put there by the taxpayers to help the airways and improve the economic conditions—the best economic development tool you have in a community is an airport, for those blue chippers to fly in there and not have to be driven for an hour or 2 to see your industrial site.

So, Mr. President, I hope sometime soon the shackles can be taken off of this piece of legislation by those who are trying to not vote on what they have asked for; not vote on what they have asked for all these weeks.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER [Mr. SIMON]. The junior Senator from Kentucky has 3 minutes and 50 seconds.

Mr. MCCONNELL. Mr. President, the resolution we passed, I believe it was by 98 to nothing, back on March 17 of this year, indicated that the procedure, in terms of matters allowed to be inquired into, would involve—and this is a direct quote from the resolution of March 17, 1994—"hearings on all matters." So the proposal of the majority leader at this juncture is a step back, as I understand it, from the March 17, 1994, 98-to-0 resolution which authorized hearings on all matters to limit that to three: Vince Foster's suicide, White House handling of Foster documents, and White House-RTC contacts regarding Madison Guaranty.

So what we have had here, Mr. President, is a further narrowing of an original 98-0 Senate vote which anticipated hearings on all matters—all matters.

Let me just say further, it seems to me it would be without precedent—maybe it has happened some time in the history of the Senate—it seems to me it would be without precedent for a hearing to be proceeding and for a Senator to ask a follow-up question and for the gavel to come down somewhere, "Oh, you can't answer that," and the chairman sits there and reads some prescribed parameters that seem to prevent a logical inquiry into a new fact that arose during the hearing. That is what the underlying amendment is about.

It is simply making the point that if everybody is sitting there listening to the witness and he brings up some new area, that regardless of what the original prescription for the hearing was, like on every other hearing conducted around here on every other subject since time began, the Senator would be free to ask and the witness would be free to answer any question on any new area that might arise during the course of the hearing.

To do anything other than that, Mr. President, I would argue can only be called a whitewash. Why do we want to have a scandal here in the Senate? I do not even know if the administration has one. There has been a lot of talk about Whitewater. I personally have no preconceived notions about it at all. I assume the President is not going to put it on his resume when he runs in 1996. Beyond that, we do not know if this is a scandal or not. We cannot even ask any questions.

There were 25 investigations during the Reagan-Bush period into every conceivable newspaper allegations of impropriety, and here we have what appears to be at least a legitimate inquiry on the part of the Congress carrying out its oversight responsibility, and the majority wants to so restrict the inquiry that it can only be concluded by any reasonable person taking a look at the facts to be a whitewash.

Why in the world the Senate would want to taint itself by restricting its inquiry in such a manner is beyond me.

The PRESIDING OFFICER. Time of the Senator from Kentucky has expired.

Mr. MCCONNELL. So, Mr. President, I hope the second-degree amendment will not be approved and the underlying amendment will be. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. FORD. Mr. President, it is always uncomfortable to be on the other side of my colleague. It does not bother me a whole lot, but it makes me uncomfortable. And when he uses terms that really are not comfortable for the institution, talking about fraud, a scandal here when we are just debating an issue, is part of the innuendoes we have been hearing now for several days.

We talked about and he referred to the March 17 resolution that was voted 98-0. There is one paragraph that I think is pretty straightforward:

> The hearings shall be structured and sequenced in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

That is all it is.

What this amendment does is it is opened up to everything. Somebody said, "Well, I went over and smoked at Lizard Lounge with John Jones and he told me so and so." Well, that leads into something else.

I just think this is too broad. But my colleague said that the resolution said that it shall look into all matters, include hearings on all matters. That was a good statement. He forgot to say, "related to."

That is what happens after you have been in politics for a while. They take your statements out of context, and he

just did not finish the sentence. All hearings, but he forgot to say "related to." That is in the resolution, that 98 of us voted for; 98 to zip—98 to zip.

So, Mr. President, sure, that is what it said, but you have to finish the sentence. You have to add those other two words to make it whole. What we had was a statement that was not quite completed: all items related to; including all matters relating to. And they set those out.

There is an honest difference here, regardless of what you say, whether the Democrats will not let Republicans do it, Republicans are trying to get the Democrats, or we are trying to do this or we are trying to do that.

One thing for sure, I have never heard a man more complimented than Robert B. Fiske, Jr. when he was appointed or selected than from the Republicans. And in 24 hours, they turned on him through this process on the Senate floor. That process we have seen today and yesterday and the day before of on and on and on.

So I think it will be seen for what it is, regardless of the sound bites that might come out of here. The sound bites are always good, but we get tired of them. They may come back to haunt you.

Congressman Udall made the statement—and I have to watch myself quite often; I get worked up about these things and I should not do it—but Congressman Udall said, "Dear Lord, make my words soft and sweet for some day I might have to eat them." Therefore, I have to be very careful.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. FORD. I do not know that I ought to. I think I will just keep the time and try not to get into anything more.

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

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes and 52 seconds remaining.

Mr. FORD. Mr. President, let me just encourage my colleagues on the other side—I see the distinguished ranking member of the Commerce, Science, and Transportation Committee who has worked very hard on airport improvement in his State, particularly in the city of St. Louis. We included a whole bill in this particular piece of legislation, and I hope some others believe we worked very hard. We have the airport reform bill after that in case we made some mistakes, we can clean them up.

Mr. President, this is a jobs bill that is being held up—the construction of new airports, the construction of new runways, the roads that lead in, the sewers, the lighting. All these things are important to communities.

It is a jobs bill, and we are stopping a jobs bill and we are costing millions of dollars. Just look at the pages, at $480 a page that is being printed, that costs just to debate. I wonder how many dollars just in print for the legislative RECORD we have cost the taxpayers over eight consecutive votes. Now we are getting ready to have number 9 and number 10, and we have voted on the same thing for days.

So I implore my colleagues, let us get on with the business of the people here, and let us get this piece of legislation out. If we do not and it goes past July 1, everything ceases.

We do not have any entitlements for the States. They stop. We do not have any funding for airports. We do not have any funding for various and sundry items. We do not help the trucking business. We do not help the airline industry. We do not do these things; we are just delaying.

And so, Mr. President, I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on amendment 1793.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1793, offered by the majority leader. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—56

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—43

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	
Faircloth	McCain	

NOT VOTING—1

Chafee

So the amendment (No. 1793) was agreed to.

The PRESIDING OFFICER. The question occurs on amendment No. 1792, as amended.

The amendment (No. 1792), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, have the yeas and nays been requested?

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

Mr. MITCHELL. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on amendment No. 1795 offered by the majority leader.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—56

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boren	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—43

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	
Faircloth	McCain	

NOT VOTING—1

Chafee

So the amendment (No. 1795) was agreed to.

The PRESIDING OFFICER. The question occurs now on the amendment No. 1794, as amended.

So the amendment (No. 1794), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and Senator DURENBERGER to respond to discussion that occurred late last week on the Senate floor concerning a proposed new airport at Minneapolis-St. Paul, MN.

Our colleagues from North Dakota, South Dakota, and Nebraska have recently expressed concerns that a new hub airport for the Minneapolis-St. Paul area could have adverse impacts on the air service and air travel costs to their States. These Senators wrote to the Administrator of the Federal Aviation Administrator [FAA] and to Minnesota's Metropolitan Airports Commission [MAC] to convey their concerns.

We would like to take this opportunity to assure all of our colleagues that neither MAC nor the State legislature has made the decision that a replacement hub airport is needed. The legislature established a dual-track planning process to investigate whether the existing hub airport should be expanded or whether construction of a replacement airport will be necessary. The legislature is not scheduled to make any decision on this matter until 1996 at the earliest.

Before any recommendation is made to the legislature, there will be exhaustive efforts, including public hearings by MAC and other State agencies to consider all views on both of these options. Again, this process is a technical evaluative one and neither choice is preordained. The FAA will be undertaking its own environmental impact statement to assure that any State decision fulfills the requirement of the Federal environmental laws.

MAC Chairman Richard Braun recently responded to the letter of our colleagues and indicated MAC's willingness to consider the views of all interested parties, within and outside Minnesota, on the potential impacts of any new replacement hub airport. Mr. President, I hope that in clarifying MAC's position in this matter, I can also reassure our colleagues that no new hub would be built without first considering the spokes.

Mr. KOHL. Mr. President, once again I would like to commend the leadership of my esteemed colleague from Kentucky, Senator FORD, chairman of the Senate Subcommittee on Aviation. As you know, Mr. President, the Airport Improvement Program [AIP] is a valuable source of much needed funds for airport construction and maintenance. And when it looked as if other political issues might stall passage of this bill and obligation of these much needed funds, Senator FORD moved swiftly to develop and pass a 60-day extension bill. The bill allowed approximately half of the total fiscal year 1994 funds for the Airport Improvement Program to be obligated to states during the 60-days after the bill was signed. In Wisconsin, this extension was particularly important because our short summers only allow for a limited construction season. The longer AIP funds are delayed, the more narrow that window of opportunity becomes.

Let there be no mistake, however, Mr. President, that the 60-day extension only released half of the funding, and many airports are still waiting for vital funding. Yet here I stand, speaking on behalf of quick consideration of the bill, while many of my colleagues are engaged in debate on an entirely unrelated issue. Mr. President, I am not commenting on the importance of the Whitewater issue. Some Wisconsinites and Americans are concerned about this issue, and they are asking that the facts be made clear. If my colleagues want to debate this issue on the Senate floor, let them. But I ask that they not do it at the expense of airports and air passengers.

Therefore, I join the majority leader in asking that the Whitewater issue be resolved—one way or the other. If it must be considered now, then let us vote on any proposals; otherwise, let us consider this issue after work on the Airport Improvement Program legislation is completed. Either way, let us do what is right for airports and air passengers across the country—let us release the Airport Improvement Program funds and get on with the business of improving the lives of Americans.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that it be in order at any time to proceed to the nomination of Lauri Fitz-Pegado, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service, Ex. Cal. 899, that the Senator from North Carolina [Mr. FAIRCLOTH] be recognized to offer a motion to recommit the nominee to the Committee on Banking, Housing and Urban Affairs, that there be 2 hours for debate on the motion to recommit, to be divided as follows; 1 hour controlled by the chairman of the Banking Committee and the chairman of the Commerce Committee, or their designees, and 1 hour under the control of the Senator from North Carolina [Mr. FAIRCLOTH] or his designee, that following the conclusion or yielding back of time, the Senate vote on the motion to recommit without out any intervening action; that if the motion is not adopted, the Senate then vote on the nomination, without any intervening action or debate; that if confirmed the motion to reconsider be laid upon the table and the President be notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object, and I shall not object but I need to make one additional inquiry before I can withdraw the reservation.

Mr. MITCHELL. Mr. President, I withhold my request and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I withdraw the reservation.

Mr. MITCHELL. I renew my request.

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

Mr. MITCHELL. Mr. President, I discussed with the distinguished Republican leader and the distinguished majority whip the best way to proceed with respect to the pending bill and the matter that we have been discussing today. I have concluded that it would be best to proceed as follows.

The agreement just obtained provides me with the authority to proceed to the nomination of Lauri Fitz-Pegado at any time and it is my intention to proceed to that nomination at 9:30 a.m. tomorrow. That nomination will be the subject of debate for 2 hours and then, at 11:30 a.m. tomorrow, the Senate will vote on a motion to recommit that nomination.

Following that vote, the Senate will return to consideration of the airport improvement bill for the purpose of considering amendments which are unrelated to the Whitewater matter. There are several such amendments which Senators have indicated they intend to offer and Senator FORD will manage the bill at that time in an effort to complete action on all amendments pending to the bill which are not related to Whitewater. The understanding which the distinguished Republican leader and I have reached is that as those amendments are considered there will not be any Whitewater-related amendments.

Senator DOLE has requested the opportunity to meet with his colleagues

for purposes of discussing how they deem it best to proceed, and of course as always I wish to accommodate him and during the day tomorrow there will be a Republican caucus for that purpose as we are considering the remaining amendments to the bill that are unrelated to Whitewater.

During that time, following their caucus, Senator DOLE will advise me of their intentions with respect to the Whitewater matter, and we will then proceed to complete action on the airport improvement bill either with or without further Whitewater-related amendments. That would depend upon the discussion that occurs tomorrow.

As I have stated previously, we will remain in session this week until we complete action on this bill, however long that takes, and on the legislative appropriations bill, however long that takes. It is my hope and expectation that it will not take a great deal of time to consider and complete action on the legislative appropriations bill. Of course, I hope the same is true with respect to this bill, although as I said, that will depend upon the caucus of our Republican colleagues tomorrow.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, in any event, there will be no further rollcall votes this evening. The next vote will be at 11:30 a.m. tomorrow on the motion to recommit the Fitz-Pegado nomination, and then I expect there will be several votes during the day on the non-Whitewater-related amendments to the airport improvement bill.

I do want to state that we will remain in session this week until we complete action on this bill, however long that takes—Thursday, Friday, Saturday—whatever it takes, and on the legislative appropriations bill.

I hope and expect that it will not take those days and that we can complete action on it tomorrow. But we simply are going to have to complete action on it before we recess for the week.

Mr. President, I would like to invite the distinguished Republican leader to comment, first to correct me if I misstated any portion of our discussion, or to make any other comments that he wishes to make.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I say to the majority leader, I think he accurately reflects our discussion. I think there is one additional thing. If we should have some further negotiations on our side tomorrow after completion of the non-Whitewater amendments, it might be possible to take up legislative appropriations so we would not be losing any time. I think we discussed that also.

So I think the majority leader has indicated he will stay here tonight, through Friday, whatever, until action is completed on the bill and that will be conveyed at our conference which we hope to convene—we have not yet cleared it with the conference chairman, Senator COCHRAN—we hope to convene the conference at 1 o'clock.

Mr. MITCHELL. Mr. President, I thank my colleagues. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair has an announcement.

Mr. MITCHELL. I withdraw my request.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and after consultation with the Republican leader, pursuant to Public Law 102–375, as amended by Public Law 103–171, appoints the following Senators as members of the Policy Committee to the White House Conference on Aging:

The Senator from Arkansas [Mr. PRYOR], from the Special Committee on Aging;

The Senator from Maryland [Ms. MIKULSKI], from the Committee on Labor and Human Resources;

The Senator from New York [Mr. MOYNIHAN], from the Committee on Finance; and

The Senator from Maine [Mr. COHEN], from the Special Committee on Aging.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. MURKOWSKI. I ask unanimous consent that I be allowed to speak in morning business for no more than 4 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2191 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, I inquire of the Chair, are we in morning business?

The PRESIDING OFFICER. We have before us the pending bill.

Mr. FORD. I ask unanimous consent there now be a period for morning business with Senators allowed to speak therein up to 3 minutes.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: calendars numbered 852, 853, and 965 to and including 974. I ask further unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation the motions to reconsider be laid upon the table en bloc; the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1994.

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1997.

THE JUDICIARY

Robert M. Parker, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Diana Gribbon Motz, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

Denise Page Hood, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Richard A. Paez, of California, to be United States District Judge for the Central District of California.

Paul L. Friedman, of the District of Columbia, to be United States District Judge for the District of Columbia.

Gladys Kessler, of the District of Columbia, to be United States District Judge for the District of Columbia.

Emmet G. Sullivan, of the District of Columbia, to be United States District Judge for the District of Columbia.

Ricardo M. Urbina, of the District of Columbia, to be United States District Judge for the District of Columbia.

William F. Downes, of Wyoming, to be United States District Judge for the District of Wyoming.

NAVY

The following-named captains in the line of the United States Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Timothy Robert Beard, 294–38–3629, U.S. Navy

Capt. David Lawren Brewer, III, 578-64-8778, U.S. Navy
Capt. Stanley Walter Bryant, 380-46-0482, U.S. Navy
Capt. Toney Michael Bucchi, 420-60-9527, U.S. Navy
Capt. Robert Stanley Cole, 165-32-2293, U.S. Navy
Capt. William Winston Copeland, Jr., 253-70-7826, U.S. Navy
Capt. John Wilbur Craine, Jr., 229-58-9037, U.S. Navy
Capt. James Beaty Ferguson, III, 488-44-7664, U.S. Navy
Capt. Edmund Peter Giambastiani, Jr., 110-38-8318, U.S. Navy
Capt. John Joseph Grossenbacher, 326-42-5514, U.S. Navy
Capt. James Bruce Hinkle, 217-44-6582, U.S. Navy
Capt. Gordon Stallings Holder, 264-74-2235, U.S. Navy
Capt. Richard George Kirkland, 552-72-0635, U.S. Navy
Capt. Peter Avard Chipman Long, 541-50-9560, U.S. Navy
Capt. Martin Jules Mayer, 138-36-0493, U.S. Navy
Capt. Barbara Elizabeth McGann, 038-28-1961, U.S. Navy
Capt. Patrick David Moneymaker, 569-72-5495, U.S. Navy
Capt. Charles William Moore, Jr., 457-74-5696, U.S. Navy
Capt. John Bernard Nathman, 551-70-6751, U.S. Navy
Capt. William Lund Putnam, 560-62-6795, U.S. Navy
Capt. Thomas Russell Richards, 103-38-7138, U.S. Navy
Capt. David Putnam Sargent, Jr., 026-32-1082, U.S. Navy
Capt. William Robert Schmidt, 409-74-6316, U.S. Navy
Capt. Donald Alan Weiss, 501-50-7917, U.S. Navy

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. John Anthony Gauss, 029-38-5672, U.S. Navy
Capt. Thomas John Porter, 478-50-4481, U.S. Navy

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Robert Wayne Smith, 452-72-6697, U.S. Navy

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

Capt. Harry Winsor Whiton, 022-34-2916, U.S. Navy

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

Capt. Lowell Edwin Jacoby, 219-48-4376, U.S. Navy

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

Capt. Paul Golden Gaffney, II, 282-42-0479, U.S. Navy

STATEMENT ON THE NOMINATION OF WILLIAM F. DOWNES

Mr. SIMPSON. Mr. President, I would make a comment with regard to calendar item No. 973, the nomination of William F. Downes to be U.S. District Judge for the District of Wyoming.

This is a very excellent nomination by the President. I have known Bill Downes for many years. He is a splendid man. He will do a very fine job. It is very pleasing to the bench and bar and citizens of Wyoming as he now will take up his residence in Casper, WY, where we have prepared the facilities, remodeled the district court, very beautifully done.

It was done several years ago to accommodate a judge in that area of Wyoming. Bill Downes will now be the Federal District Judge in the Federal courthouse in Casper, WY, and he will serve with great distinction and do as fine a job on the bench as he has done during his practice of law. He and his wife, Cathy, are splendid people.

I am very pleased to see this result for our citizens of Wyoming, for the attorneys, and others of the bar and the bench in Wyoming.

Thank you very much.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MESSAGES FROM THE HOUSE

At 5:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4301. An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4506. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that pursuant to section 202(b)(3)(D) of Public Law 103-227, the Minority Leader appoints Mr. GOODLING of Pennsylvania to serve on the National Education Goals Panel on the part of the House.

MEASURES REFERRED

The following measure was read the first and second times by unanimous and referred as indicated:

H.R. 4506. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4301. An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2805. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on programs to counter terrorism; to the Select Committee on Intelligence.

EC-2806. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Egg Products Inspection Act to recover the full costs for inspection of egg products performed at times other than an approved primary shift; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2807. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2808. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require meat and poultry slaughter and processing establishments to pay the full cost of Federal inspection for extra shifts; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2809. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Packers and Stockyards Licensing Fee Act of 1994"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2810. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Livestock Dealer Trust Act of 1994"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2811. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 93-01; to the Committee on Appropriations.

EC-2812. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of a technical violation of the Antideficiency Act in the Administration for Children and Families' Children and Families Services Program appropriation; to the Committee on Appropriations.

EC-2813. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-80; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 222. A concurrent resolution authorizing the placement of a bust of Raoul Wallenberg in the Capitol.

S. Res. 196. A resolution to authorize the printing of additional copies of a Senate report entitled "Developments in Aging: 1993".

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 224. An original resolution to amend the Standing Rules of the Senate for the use of the recording studio and mass mailings with respect to uncontested elections.

S. Res. 225. An original resolution relating to the purchase of calendars.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Bonnie O'Day, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 1995.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be admiral

Adm. Charles R. Larson, 505-42-6639, U.S. Navy.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. GORTON):

S. 2191. A bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen who must pay in advance what the United States considers an illegal fee to navigate waters; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT (for himself, Mr. SASSER, Mrs. FEINSTEIN, Mr. WOFFORD, Ms. MOSELEY-BRAUN, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. SPECTER, Mr. SIMON, Mrs. BOXER, Mr. KENNEDY, and Mr. BOND):

S. 2192. A bill to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 2193. A bill to amend the Fishermen's Protective Act of 1967 to require the Secretary of State to reimburse owners of certain fishing vessels for certain fees paid by such owners to governments of foreign countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MIKULSKI (for herself, Mr. REID, Ms. MOSELEY-BRAUN, Mr. LIEBERMAN, Mr. GRASSLEY, and Mr. SARBANES):

S. 2194. A bill to require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 2195. A bill to direct the Federal Communications Commission to require the reservation, for public uses, of capacity on telecommunications networks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE (for himself and Mr. BURNS):

S. 2196. A bill to assure fairness and choice to patients and providers under managed care health benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 2197. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 224. An original resolution to amend the Standing Rules of the Senate for the use of the recording studio and mass mailings with respect to uncontested elections; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 225. An original resolution relating to the purchase of calendars; from the Committee on Rules and Administration; placed on the calendar.

By Mr. GORTON (for himself, Mr. STEVENS, Mr. MURKOWSKI, Mr. PACKWOOD, and Mr. HATFIELD):

S. Res. 226. A resolution expressing the sense of the Senate relating to negotiations under the Pacific Salmon Treaty; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. GORTON):

S. 2191. A bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen who must pay in advance what the United States considers an illegal fee to navigate waters; to the Committee on Commerce, Science, and Transportation.

THE FISHERMEN'S PROTECTIVE ACT AMENDMENT OF 1994

Mr. STEVENS. Mr. President, Canada has announced a $1,500 license fee for United States fishermen to transit through the Inside Passage off the Pacific coast of Canada. This action is a clear violation of international law, including the U.N. Conventions on the Law of the Sea. Senator MURKOWSKI, Senator GORTON, and I are introducing this bill to amend the Fishermen's Protective Act of 1967 to allow United States fishermen to be reimbursed if they pay this illegal Canadian fee in advance.

The Fishermen's Protective Act of 1967 provides for the reimbursement of fees paid by U.S. fishermen to secure the release of a vessel which has been seized. The act does not, however, allow fishermen to be reimbursed for fees paid in advance to avoid seizure. United States fishermen whose boats are seized for failure to pay this illegal fee will face significant expense and delay because the fee may only be paid in two ports on the Pacific coast of Canada, which means that they will have to travel from the point of seizure to those ports.

The bill we are introducing today—the Fishermen's Protective Act Amendment of 1994—would allow U.S. fishing vessel owners to be reimbursed for fees paid in advance to a foreign government to avoid seizure. The fees would be reimbursable if the United States considers the foreign government's fee to be inconsistent with international law. Because the State Department now agrees with my analysis that the Canadian fee violates international law, our fishermen would be reimbursed under this bill.

We need to act quickly to pass the amendment. Fishermen who cannot afford to pay the Canadian fee, and whose safety depends on access to the sheltered Inside Passage off British Columbia, need our immediate help. I hope that other Members will join in cosponsoring this bill to reimburse United States fishermen who are forced to pay this illegal Canadian fee.

Mr. MURKOWSKI. Mr. President, earlier today, I joined with Senator STEVENS and Senator GORTON in sponsoring a bill to amend the Fishermen's Protective Act of 1967. This bill would allow the Secretary of State to reimburse fishermen who are, as a consequence of Canadian action, now forced to pay a transit fee for moving fishing vessels through the inland passage of British Columbia, that portion of Canada on the West Coast that separates the Puget Sound area in the State of Washington and southeastern Alaska.

It is the opinion of the Senator from Alaska that this action is illegal and discriminatory.

Mr. President, as you may or may not know, Canada, as of yesterday, required an $1,100 fishing vessel transit license for United States fishing vessels engaged in innocent passage through Canadian waters. The Canadian action was taken to try and force the United States to agree on a Canadian fisheries proposal that would be contrary to the best interests of our

Nation and, again, in the opinion of the Senator from Alaska, this is a flagrant discriminatory violation of international law and serves only to discourage rational debate on important conservation issues.

I have called for strong reaction by the United States Government, our State Department, including, if necessary, the use of the United States Coast Guard, to protect American fishing vessels transiting that area.

Let me note that I do not like the idea of our Government agreeing to this type of an outrageous charge which is, as I have said, a challenge to the free flow of navigation, traditionally in waters that have always enjoyed access by U.S. fishing vessels.

Such a fee is strictly illegal, as I have said, and I am confident that Canada is going to have to ultimately accept this fact and will be required under law to reimburse any person who is forced to pay it. However, the important thing right now is to avoid disruptions in our U.S. fisheries. I recognize as well that the United States Government is in a better position, perhaps, to recover these inappropriate charges from the Government of Canada than are the individual fishermen. Hence, the amendment of the Fishermen's Protective Act of 1967 which, as I indicated earlier, has been introduced earlier today by my colleague Senator STEVENS and Senator GORTON.

This amendment to the bill would allow for the Government of the United States to bear the responsibility if, indeed, a U.S. vessel is stopped from entering Canadian waters and seized or otherwise issued a violation.

So it would put our Government as the intermediary, if you will, Mr. President, between the actions of the Canadian Government and our individual fishermen rather than our Government, and I think it is appropriate that this action be taken on the basis which I have outlined because clearly it puts a government-to-government negotiation where it belongs to resolve this unfortunate action taken by the Government of Canada.

Now, the main goal of the Canadian strategy is to attempt to limit negotiations on the Pacific Salmon Treaty. It has announced it will begin taking a series of steps that will be, in the words of the Canadian Minister of Fisheries, to the advantage of Canada and United States disadvantage.

I would hope, Mr. President, that the Canadian Fisheries Minister will reconsider that statement if, indeed, that is his statement because clearly this matter can only be resolved by negotiations at an appropriate level and not by taking unilateral actions such as have been taken.

Further and finally, the transit license to which this bill responds, as I have indicated, is a violation of international law which protects the right of innocent passage. It very well could endanger the lives of Americans who would, if barred from sheltered waters of inside passage, have to take their small boats into rough, unpredictable and dangerous open ocean around Vancouver Island.

So for that reason the bill has been amended. I would call on my colleagues for their support and again repeat my call on Canada to abandon its efforts to coerce an agreement from the United States. If Canada wants an agreement, it must return to the bargaining table and negotiate in a responsible manner government to government.

I thank the Chair. I yield the floor.

By Mr. BENNETT (for himself, Mr. SASSER, Mrs. FEINSTEIN, Mr. WOFFORD, Ms. MOSELEY-BRAUN, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. SPECTER, Mr. SIMON, Mrs. BOXER, Mr. KENNEDY, and Mr. BOND):

S. 2192. A bill to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE UNLISTED TRADING PRIVILEGES ACT OF 1994

• Mr. BENNETT. Madam President, I introduce a small but important piece of legislation: the Unlisted Trading Privileges Act of 1994. This bill bears testimony to the fact that when the Government and the private sector work together, we can produce positive, helpful legislation. The Unlisted Trading Privileges Act strikes at the heart of two issues that I promised my constituents I would address when I came to represent them in Washington, DC—regulatory relief and capital formation.

I am pleased to take a moment to clarify the background and intent of this legislation which reforms a procedure that has been in place since 1934 and has stifled competition in the sales of initial public offerings. I would like to take a moment to pause and thank the parties that have been involved in creating what I believe to be a singularly well crafted piece of legislation. Through the long and dedicated work of the New York Stock Exchange, the Securities and Exchange Commission, and the Regional Stock Exchanges, the Philadelphia, Chicago, Boston, and Pacific, we were able to create a bill that is acceptable to all of them. In this regard I would like to give special thanks to SEC Chairman, Arthur Levitt whose staff reflects his strong commitment to honor his Commission's mandate to, in his own words, "see to it that competition works not just for the benefit of a particular institution, but protects the interests of the investor."

Through many months of hard work, and over 20 different drafts of this legislation, the Securities and Exchange Commission worked in conjunction with a bipartisan congressional staff and the representatives of the New York Stock Exchange and the Regional Stock Exchanges to create a bill which will remove outdated regulatory barriers which currently prevent an open and more liquid market by giving the SEC the authority level the playing field in the sale of securities.

This bill will amend section 12(f)(1) of the Securities and Exchange Act of 1934 to revise the conditions under which exchanges extend unlisted trading privileges to most registered securities, a procedure which can often take many weeks under the current system, with absolutely no benefit gained by anyone associated with the transaction. The new section 12(f)(1) will enhance the opportunity for competition among exchanges by removing regulatory delays caused by exchange application, notice, and Commission approval requirements.

The maintenance of orderly markets is the central issue contained in this legislation. This bill charges the SEC with the creation of such regulations as are appropriate to allow the earliest possible national trading of a security, while maintaining fair and orderly markets and protecting investors and the public interest.

Since its inception it has been the SEC's mission to foster competition in the marketplace and eliminate all exchange rules and procedures that impose unnecessary burdens on the creation of competition. It is in the spirit that this bill allows every attempt to expose orders and order flow to the best existing market at the earliest possible time.

The current procedure inhibits some markets from effectively entering the competition. It causes decisions regarding the direction of order flow to be made without the benefit of the best suited market. And while, once made, the order flow decisions can be changed, the damage will have been done in the first few days of trading when the volume is historically at its peak.

In the end, it is the public/customer who is at risk in having orders exposed to trade in markets that are not as competitive as they could otherwise be. By allowing all markets to compete effectively, at the earliest possible time, the public/customer has more opportunity to receive the best price in his trades.

The current rules impair the ability of the regional specialists to compete in a timely fashion. They also cost nonmembers of the primary markets the added expense of executing their orders. All of this is contrary to the progress that has been made so far toward the development of a national market system.

My bill will accomplish three basic goals. First, it improves liquidity in

the markets by allowing greater access to floors on which each stock can be traded. Second, it creates five specialists in each stock issue instead of one. Finally, it increases competition in per-share pricing for brokers and therefore creates a more competitive environment in which brokers can pass savings on to their customers.●

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 2193. A bill to amend the Fishermen's Protective Act of 1967 to require the Secretary of State to reimburse owners of certain fishing vessels for certain fees paid by such owners to governments of foreign countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FISHERMEN'S PROTECTIVE ACT

Mrs. MURRAY. Mr. President, we have a wild salmon crisis in the Pacific Northwest. Not only are we facing declining wild salmon stocks, and an emergency closure of salmon fishing off of the Pacific Coast due to El Niño, we also are facing a breakdown in negotiations with Canada over the Pacific Salmon Treaty.

As a result of this impasse in the negotiations, the Canadians announced last week that they would start collecting a fee from United States fishing boats sailing through the Inside Passage off the west coast of British Columbia. As of midnight last night, all commercial United States fishing boats sailing through Canadian waters will now have to pay about $1,100 each way.

The State Department has said they believe the fee is illegal. However, while the legal issues are debated, United States commercial fishing boats will be required to stop and pay the fee before sailing through the Inside Passage. I am introducing a bill today to help provide relief to these commercial fishing boat owners.

Mr. President, many of the fishing boats traveling through the Inside Passage are from my home State of Washington. The fishers have families depending on their ability to catch fish for their livelihoods. It is not fair that they should be fined for trying to make a living. They did not break off the negotiations, and they should not have to pay.

The Bellingham Herald reported yesterday that one Washington State skipper sold 8,500 pounds of halibut in Canada, so he could head back to Alaska without paying $1,100 to leave Canadian waters. He had intended to sell the fish to his long-time customers in the Bellingham area—something he has been doing for the past 10 years. He told the newspaper that he was afraid the situation was deteriorating and he did not want to get caught up in a struggle between the two countries. He was afraid he would lose a week of sockeye fishing if he risked going back to Washington State, and then was unable to get back through Canada.

Mr. President, it certainly is not a good message to send to hardworking people in my home State, that the United States and Canada cannot agree on fish policy.

Our commercial fishers need to know that there is some immediate relief, and they need to know that the Clinton administration understands the importance of this issue to people in the Pacific Northwest and in my state. I plan to do two specific things in this regard:

First, I am introducing a bill that will provide relief to commercial fishermen. I am committed to working with my colleagues in both Houses of Congress to move this bill through the process as quickly as possible. The bill amends the Fishermen's Protective Act to allow the United States Government to reimburse fishing boat owners who pay fees to Canada under protest. In turn, the United States Government will recover the fees from Canada when the treaty negotiations resume. This seems to be the first short-term solution to a larger problem.

I do not believe we should punish fishermen—many of whom come from Seattle, Port Angeles, Bellingham, Everett, and other Washington State cities along the coast.

Second, I believe it is time to move this issue to a higher level. I have asked for a meeting with Vice President GORE on this issue, because I firmly believe this issue should be on the front burner in the Clinton administration. If we are to come to agreement with Canada on the Pacific Salmon Treaty, it may have to be done on the President to Prime Minister level.

Mr. President, we do not want a fish war or a boat war with Canada. What we really need is for all parties to come back to the negotiating table, so they can come to an agreement. Charging the fishermen who travel through the Inside Passage is not going to solve the larger problem.

I am aware that a similar bill was introduced today by several of my colleagues from the Pacific Northwest and Alaska. The only real difference in the bills is that my bill does not include findings which lay blame on Canada. This is not the time to point fingers at each other. The most important thing now is for the parties to return to the bargaining table and conclude an agreement. I will continue to work with my colleagues to achieve that goal.

I ask unanimous consent that my bill as introduced be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT AND RECOVERY OF FEES.

(a) IN GENERAL.—The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

"SEC. 11. (a) Subject to subsection (c), the Secretary of State shall reimburse an owner of a commercial fishing vessel of the United States for the amount of any fee described in subsection (b) that is collected from the owner.

"(b) Subsection (a) applies to any fee collected from an owner of a vessel referred to in that subsection by the government of a foreign country in order to permit the vessel to navigate in waters of the country that connect with waters of the United States if—

"(1) the owner pays the fee under protest; and

"(2) the Secretary determines that the collection of the fee is contrary to applicable international law.

"(c)(1) An owner of a commercial fishing vessel seeking reimbursement for the amount of a fee under this section shall submit to the Secretary a request for reimbursement of the amount of the fee.

(2) The request shall include any information with respect to the payment of the fee that the Secretary determines appropriate, including—

"(A) a copy of the receipt indicating payment of the fee; and

"(B) an affidavit attesting that the owner paid the fee under protest.

"(3) The owner shall submit the request not later than 90 days after the payment of the fee.

"(d) The Secretary shall take any actions that the Secretary considers appropriate in order to recover from a foreign country the amount of any reimbursement made by the Secretary under this section with respect to a fee collected by that country.

"(e) For purposes of this section—

"(1) The term 'commercial fishing vessel of the United States' means any vessel of the United States engaged in commercial fishing activities or operations.

"(2) The term 'owner', in the case of a commercial fishing vessel, includes any charterer of the vessel.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect on June 15, 1994.

(2) An owner of a commercial fishing vessel who pays a fee referred to in subsection (b) of section 11 of the Fishermen's Protective Act of 1967, as added by subsection (a), during the period beginning on June 15, 1994, and ending on the date of the enactment of this Act shall submit to the Secretary of State a request for reimbursement for the fee under such section 11 not later than 90 days after the date of the enactment of this Act.

By Ms. MIKULSKI (for herself, Mr. REID, Ms. MOSELEY-BRAUN, Mr. LIEBERMAN, Mr. GRASSLEY, and Mr. SARBANES):

S. 2194. A bill to require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes; to the Committee on Government Affairs.

ARCHITECT OF THE CAPITOL HUMAN RESOURCES ACT

● Ms. MIKULSKI. Mr. President, I introduce the Architect of the Capitol Human Resources Act. Introducing this legislation with me today as cosponsors are Senators REID, MOSELEY-

BRAUN, LIEBERMAN, GRASSLEY, and SARBANES. This legislation is also being introduced today in the House of Representatives by Congresswoman NORTON along with her cosponsors Representatives MFUME and WYNN.

The Architect of the Capitol employs 2,300 employees who maintain our buildings and our grounds. For years these employees have complained to me and to others about the appalling conditions—truly a plantation mentality—under which they must work.

I want to relate a story, Mr. President. We will never forget the week in the spring of 1992 when riots swept Los Angeles following the verdict in the Rodney King beating trial. That week, a very agitated member of the Senate plumbing shop came to see me in my office. He told me that when he reported to work, he found a hangman's noose in the locker room. When he reported it to his supervisor, he was told that "some of the guys" were joking around. Several days later, another hangman's noose was found in the Senate paint shop.

Other employees have told me and my staff of working 23 years with no promotion or opportunity for promotion, of employees being sexually and racially harassed, and of a climate of fear.

I have heard from many employees who seek to be promoted based on merit and their job performance, but have not been able to do so because the Architect's office doesn't operate that way, they say. They say you get promoted only if you are friends with the supervisor or if you have accrued a lot of unused vacation and sick leave. What kind of standard is this for promotions?

Many are the employees who have shared their stories to me. And, I have heard some terrible stories.

Employees tell me that when they go to see their supervisor to tell him there's a problem, they're told: You're the problem. And because you're the problem, we're going to make sure you never create more problems. And by doing that, we're going to make sure no other employee ever creates a problem again. Because of reports like these, of a racially charged atmosphere, a hostile working environment and a work force in fear of reprisal, I asked the General Accounting Office to review the Architect's operations.

On Friday, April 29, the GAO issued its report on the Architect of the Capitol's personnel system. I have read that report, and, I've made it clear that I am appalled at GAO's findings.

I have appreciated GAO's continuing assistance with the drafting of this legislation. I'm pleased that this legislation will address each of the shortcomings identified in the GAO's report.

This legislation requires the Architect to establish and maintain a personnel management system that: ensures that hiring, promotions, and assignments will be based on merit and fitness and will include open competition for all employees; creates a formal performance job evaluation system based on objective criteria—something which these 2,300 employees do not have now; establishing an equal opportunity program that ensures an affirmative employment program for employees and applicants; creates a solid training program for Architect employees to increase opportunities for employee advancement; and gives all Architect employees the ability to appeal their complaints to the General Accounting Office Personnel Appeals Board. This provides the fair and independent grievance procedure now lacking in the Architect's operations.

Let me make it clear for the benefit of those who don't know, exactly who the Architect of the Capitol is, and what the office of the Architect of the Capitol does.

Mr. George White is the Architect. He has held this position for the last 23 years. As the Architect, Mr. White oversees a work force of approximately 2,300 people.

The Architect's responsibilities are to maintain the structural and mechanical aspects of the U.S. Capitol Buildings and Grounds, including: the U.S. Senate and House of Representatives, Library of Congress, and Supreme Court buildings, and the Capitol Power Plant; 825 of the 2,000 employees work at various Senate facilities and 90 percent of them are blue-collar workers. These employees perform very labor intensive work, including food service, general cleaning, upholstering, painting, carpentry, and repair work.

So, let's be clear. The Architect of the Capitol is not a man sitting in the Capitol Building, with a staff of two, drawing pictures. He runs a large and important organization. The Architect is responsible for the smooth operation of congressional buildings and maintenance of its grounds and the 2,300 employees that do the actual work.

Although the Architect's Office recently stated that it recognizes the deficiencies in its system and is attempting to make some modifications, this isn't something that last minute changes can fix. Every change implemented by the Architect has come within the last 2 years in response to pressure from me, from GAO and from other Members of Congress. And this Architect has been on the job since 1971.

Because I am a Senator from Maryland, many of the blue-collar workers at the Capitol have come to me, Congresswoman NORTON, and Congressman AL WYNN telling us their stories. Every day, I continue to hear from them. I have become the EEO office for the Architect of the Capitol.

Mr. President, that isn't my job.

It is clear to me that only through this legislation will the Congress—and these employees who have struggled for so long to maintain their dignity—achieve the systemic change which must occur.

We introduce this bill today because these employees have suffered long enough. It is time we act to implement the same basic, fundamental management principles that any large organization should have in place. This legislation will—finally—bring the Architect of the Capitol into the 1990's. And I mean the 1990's, not the 1890's.

I ask unanimous consent that the text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Architect of the Capitol Human Resources Act".

SEC. 2. FINDING AND PURPOSE.

(a) FINDING.—The Congress finds that the Office of the Architect of the Capitol has not kept pace with human resource management practices common among other Federal and private sector organizations.

(b) PURPOSE.—It is the purpose of this Act to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

SEC. 3. PERSONNEL MANAGEMENT SYSTEM.

(a) ESTABLISHMENT.—The Architect of the Capitol shall establish and maintain a personnel management system.

(b) REQUIREMENTS.—The personnel management system shall at a minimum include the following:

(1) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(2) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(3) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(4) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(5) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(6) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(7) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(8) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

SEC. 4. IMPLEMENTATION OF PERSONNEL MANAGEMENT SYSTEM.

(a) DEVELOPMENT OF PLAN.—The Architect of the Capitol shall—

(1) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of section 3;

(2) submit the plan to the Congress not later than 90 days after the date of enactment of this Act; and

(3) implement the plan not earlier than 30 days and not later than 90 days after the plan is submitted to the Congress, as specified in paragraph (2).

(b) EVALUATION AND REPORTING.—The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of section 3 and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Congress on an annual basis the results of its evaluation under this subsection.

(c) APPLICATION OF LAWS.—Nothing in this Act shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this Act.

SEC. 5. DISCRIMINATION COMPLAINT PROCESSING.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "employee of the Architect of the Capitol" or "employee" means—

(A) any employee of the Architect of the Capitol;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment with the Architect of the Capitol.

(2) The term "violation" means a practice that violates subsection (b) of this section.

(b) DISCRIMINATORY PRACTICES PROHIBITED.—

(1) IN GENERAL.—All personnel actions affecting employees of the Architect of the Capitol shall be made free from any discrimination based on—

(A) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(B) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(C) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

(2) INTIMIDATION PROHIBITED.—Any intimidation of, or reprisal against, any employee by the Architect of the Capitol, or by any employee of the Architect of the Capitol, because of the exercise of a right under this section constitutes an unlawful employment practice, which may be remedied in the same manner as are other violations described in paragraph (1).

(c) PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.—

(1) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD.—(A) Any employee of the Architect of the Capitol alleging a violation of subsection (b) may file a charge with the General Accounting Office Personnel Appeals Board in accordance with the General Accounting Office Personnel Act of 1980 (31 U.S.C. 751-55) and regulations of the Board. Such a charge may be filed only after the employee has filed a complaint with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol and has exhausted all remedies pursuant to such requirements.

(B) The Architect of the Capitol shall carry out any action within its authority that the Board orders under section 4 of the General Accounting Office Personnel Act of 1980 (31 U.S.C. 753).

(C) The Architect of the Capitol shall reimburse the General Accounting Office for costs incurred by the Board in considering charges filed under this section.

(2) GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD OR OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.—An employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings alleging a violation of subsection (b) may file a charge pursuant to paragraph (1), or may elect to follow the procedures outlined in the Government Employee Rights Act of 1991 (2 U.S.C. 1201 et seq.).

(d) AMENDMENTS TO THE GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—

(1) Section 751(a)(1) of title 31, United States Code, amended by inserting "or Architect of the Capitol" after "Office".

(2) Section 753(a) of title 31, United States Code, is amended—

(A) in paragraph (7) by striking "and" at the end of the paragraph;

(B) in paragraph (8) by striking the period and inserting "; and"; and

(C) by inserting at the end thereof the following:

"(9) an action involving discrimination prohibited under section 4(b) of the Architect of the Capitol Human Resources Act."

(3) Section 755 of title 31, United States Code, is amended—

(A) in subsection (a) by striking the "or (7)" and inserting ", (7), or (9)"; and

(B) in subsection (b) by striking "or applicant for employment" and inserting "applicant for employment, or employee of the Architect of the Capitol".●

By Mr. INOUYE:

S. 2195. A bill to direct the Federal Communications Commission to require the reservation, for public uses, of capacity on telecommunications networks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL PUBLIC TELECOMMUNICATIONS INFRASTRUCTURE ACT OF 1994

● Mr. INOUYE. Mr. President, today, I am pleased to introduce the National Public Telecommunications Infrastructure Act of 1994.

Congress has a longstanding policy of facilitating access for the delivery of public telecommunications services. The legislation I am introducing today will bring Congress' public access policy under a consistent framework, and apply it uniformly to communications technologies that will make up our Nation's telecommunications system.

The opportunities that will emerge from connecting all Americans to one system of interconnected communications media are extraordinary. This legislation provides a framework for accomplishing those goals.

The legislation, among other things, will ensure that all citizens of the United States have access to noncommercial, governmental, educational, informational, cultural, civic and charitable services through all appropriate telecommunications networks.

It will facilitate widespread public and civic discourse on a range of concerns between and among all Americans and ensure that the greatest possible diversity of voices can be heard on the national information infrastructure [NII].

The legislation will permit citizens to engage in interactive conversations with their elected officials; it will allow students and teachers to enteract with their libraries and schools; it will provide small town and rural residents, as well as low-income citizens, minorities and individuals with disabilities to access important information about their communities and the political process; and provide avenues for the creation of new applications for public and educational broadcasting services, particularly at the local level.

Telecommunications networks have long benefited from their special access to public rights-of-way. The public benefits being conferred on builders and operators of the new information highway include new uses of public property and electromagnetic frequencies of various types and capacities, wires, fiber, and other forms of communication. There is no question that those who use these public rights-of-way can and should be required to confer appropriate benefits on the public in return.

The National Public Telecommunications Infrastructure Act of 1994 would require telecommunications networks that benefit from this special access to public rights-of-way to tender a benefit to the public—a public right-of-way on the information superhighway. More specifically, it would require those facilities to reserve up to 20 percent of their capacity—to eligible entities for the provision of free educational, informational, cultural, civic, or charitable services to the public.

Eligible entities would include State, local, and tribal governments, accredited educational institutions, public telecommunications entities, public and nonprofit libraries, and recognized nonprofit organizations specifically formed to provide public access to noncommercial educational, informational, cultural, civic, or charitable services.

The bill would apply to those telecommunications networks that receive

the benefit of public rights-of-way that provide the end user the opportunity to choose from a range of communications that are available contemporaneously and that are intended for the public. Such networks would include common carrier video platforms, cable television networks and direct broadcast satellite [DBS] systems. The bill, however, provides for a transition from the current public interest requirements that are embodied in the cable act's DBS set-aside, noncommercial must carry and public, educational, and governmental [PEG] use provisions to the new public right-of-way requirements.

It is my intent that the legislation not apply to the commercial must carry requirements that are currently set forth in section 614 of the Communications Act, the Internet, point to point telephone communications that are not intended for the general public and terrestrial broadcast stations and networks.

In order to ensure that capacity is reserved and that it is applied consistently throughout the Nation, the legislation would assert concurrent Federal jurisdiction over public rights-of-way used in providing telecommunications.

The bill directs the Federal Communications Commission [FCC] to adopt regulations and guidelines which would require owners and operators of telecommunications networks to reserve capacity on their networks in accordance with the certain provisions. The legislation reburies the FCC to presume that 20 percent of the network capacity is appropriate, but allows the FCC to establish a lower or scaled amount based on considerations such as the type of technology used by the network and barriers to access. It also permits the FCC to reduce the amount of public capacity that a telecommunications network would be required to reserve if it finds that the capacity is likely to go unused.

In addition, the owners and operators of the telecommunications networks would have no control over or liability for the content carried on the portion of the network reserved for public uses.

The bill requires the FCC, in allocating the reserved capacity to establish block allocations to State and local governments for redistribution among eligible entities. The legislation directs the FCC to establish a public telecommunications infrastructure fund to support the eligible entities' use of reserved capacity and to implement it at the State, local, or tribal level.

The bill provides for a sunset of the set-aside requirement when the FCC determines that a telecommunications network is fully open and that there are no economic and technological barriers to access. This provision makes it clear that the reservation of capacity is intended to be a transitional measure that becomes unnecessary once telecommunications networks are truly open and accessible.

The principles incorporated in this bill are not new. They have deep roots in the history of America. Indeed, it is not uncommon for the Government to request something in exchange for allowing a private party the use of public property. For instance, when the Government was engaged in distributing public lands, it allocated portions for land grant colleges. When the Federal Government has granted right-of-way on public lands, it has on occasion required private users to make appropriate benefits available to the public as well. And when the Government allocated radio and television frequencies for commercial broadcasting, it set aside certain channels for public radio and television stations and imposed obligations to serve the public interest. Indeed, approximately 30 percent of television channels were reserved for public television—benchmark which makes a set-aside of up to 20 percent for a much broader range of users modest by comparison.

In the Public Telecommunications Act of 1992, Congress stated its intent that citizens be provided access to public telecommunications services through multiple telecommunications services. In adding section 396(a)(9) to the Communications Act, the Congress stated that:

> It is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies.

The National Public Telecommunications Infrastructure Act of 1994 seeks to accomplish this goal.

Mr. President, nearly 100 educational, public broadcasting, library, civil rights, labor, local government, and disability rights organizations and others have expressed their support for the principles outlined in this legislation. This broad-based coalition believes that the reservation of public capacity on all appropriate telecommunications networks is essential to the full participation of all Americans on the NII.

It is important to note that many of the principles embodied in this bill will further the goals outlined in the Goals 2000: Educate America Act that President Clinton signed earlier this year; goals such as school readiness, mathematics and science achievement, teacher education and professional development, and adult literacy.

Vice President AL GORE endorsed the public right-of-way concept in a speech last year on telecommunications and the NII. Mr. GORE stated:

> We cannot relax restrictions from legislation and judicial decisions without strong commitments and safeguards that there will be a "Public right-of-way" on the information highway. We must protect the interests of the public sector.

Mr. President, the Federal Government must continue to honor the concept and principles outlined in this bill as new technologies evolve and as we build our Nation's information infrastructure.

Existing telecommunications technologies have already permitted development of diverse community based programming that has increased civic discourse and expanded access to informational, educational and health related services. These start-up programs are flourishing, but their opportunities will be limited if increased access and funding is unavailable.

Let me cite a few examples and tell you how the public right-of-way bill could benefit our society. Thanks to Congress' investment, public television owns six fully digital ku band transponders on Telstar 401, the satellite launched in December by AT&T. This satellite, which incorporates the latest digital technology for video, voice, and data, in combination with V-Sat equipment, will be capable of delivering a broad range of interactive educational services to local public broadcast stations for delivery to homes, schools, and universities.

But public broadcasters face a serious problem in distributing these services over the last mile to homes and schools. Stations are generally restricted to a single broadcast channel to distribute their services. With access the land-based distribution networks that will make up the information superhighways, public stations would have the ability to distribute the wide range of educational services that will be available to Telstar 401 to people nationwide, when and how they need them.

For example, mathline, a video, data, and voice communication system devoted to improving the math achievement of American students, and ready-to-learn—an early education childhood development service, aimed at helping parents and childcare providers raise children who are ready to learn, will be available on Telstar 401 for distribution by local public broadcast stations. Access to telecommunications networks would facilitate the delivery of these and other services to our Nation's schools, day care centers, and homes.

PBS Online—A two-way interactive telecommunications network—is another service that will make use of the satellite. This interactive learning service will link students and teachers across the Nation and enable them to send and receive voice, data, and text messages.

Today, South Carolina educational television delivers live interactive seminars on early childhood education to Head Start teaching teams serving rural, migrant, native Americans and Alaskan village populations in 26 States. Access to telecommunications networks could expand the reach of this service throughout the country.

In Chicago, IL, the Chicago Chapter of the Black Nurses Association [CCBNA] uses live, interactive programming to send basic health care information to Chicago's homes with cable television. The series gives Chicagoans access to information about hypertension, nutrition, cancer, and drug testing in the workplace. This health care intervention tool has helped the CCBNA address many community health care problems and to obtain feedback and provide answers to many everyday questions.

The Satellite Educational Resources Consortium [SERC], a partnership of State public television networks and departments of education, distributes interactive distance learning courses to 5,000 high school students in 28 States. These courses bring math, science, and foreign language instruction to rural and disadvantaged schools. Access to new interactive telecommunications networks would facilitate the delivery of such distance learning courses nationwide.

Another example is WTVS in Detroit, MI. WTVS has developed an 18-channel community telecommunications network [CTN]. The system includes the working channel [TWC], which carries basic skills and job related information from such agencies as the Michigan Employment Security Commission and the Veterans' Administration, as well as a wide variety of graduate and undergraduate level courses aimed at improving employees in the workplace. WTVS now must rely on the voluntary carriage of the working channel by cable systems. The public right-of-way legislation would provide WTVS with a reliable distribution mechanism for these services to homes, schools, and workplaces throughout the State.

In Portland, OR, Portland's senior community video project produces Agewise, a series for local nonprofits, public and community service agencies. Currently, Agewise is a noninteractive series the efficacy of which would be significantly enhanced by the use of advanced technologies to permit senior citizens to ask questions and engage in important discussions about health care and other relevant issues.

Access must be reserved for these institutions so that they and their users will be able to take full advantage of the information infrastructure. But access alone will not bring the information superhighway to every public library and classroom. Funding for noncommercial use of the national information infrastructure is vital.

At a recent hearing on S. 1822, the Communications Act of 1994, before the Senate Commerce Committee, Secretary of Education Richard Riley expressed support for public access legislation and funding for noncommercial use of the NII. Secretary Riley stated:

The principle of "free" public education for all children is the bedrock of our democracy. Not cheap, inexpensive, or available for a fee but in its essence "free".

The public right-of-way bill does just that. It authorizes the commission to promulgate regulations to establish a public telecommunications infrastructure fund [PTIF] which will provide eligible entities with additional economic support to assist in providing noncommercial services for the public. It also sets forth guidelines with respect to contributions, allocations, and distributions of the fund.

Funds from the PTIF could help support training for librarians, teachers, and school administrators so that library users and students—many of whom do not have computer access in their homes—will become active participants in the information age.

Mr. President, this legislation will not solve all of the public access problems on the NII, however, I believe it is a step in the right direction toward making sure that all Americans have meaningful access to the NII. I look forward to working with the Senate, the administration and the Federal Communications Commission on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Public Telecommunications Infrastructure Act of 1994".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States Government has consistently encouraged the development and dissemination of public telecommunications services in broadcast and nonbroadcast technologies through, among other things, the Public Broadcasting Act of 1967, the Public Telecommunications Financing Act of 1978, and the Public Telecommunications Act of 1992, wherein Congress found that "it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies . . ."

(2) The Government has a compelling interest in ensuring that all citizens of the United States have access to noncommercial governmental, educational, informational, cultural, civic, and charitable services through all appropriate telecommunications networks.

(3) New telecommunications technologies will enhance the ability of schools, libraries, local governments, public broadcast institutions, and nonprofit organizations to deliver and receive noncommercial governmental, educational, informational, cultural, civic, and charitable services throughout the United States.

(4) It is in the public interest that these entities be granted access to capacity on telecommunications networks for the purpose of disseminating and receiving noncommercial governmental, educational, informational, cultural, civic, and charitable services throughout the United States.

(5) It is necessary and appropriate that these entities have access, without charge, to the capacity on telecommunications networks to enable the public to have affordable access to the governmental, educational, informational, cultural, civic, and charitable services provided by such entities.

(6) Telecommunications services, including cable television programming, basic telephone service, and telecommunications services not yet available, are likely to become an increasingly pervasive presence in the lives of all Americans.

(7) Most Americans are currently served by telecommunications networks that lack sufficiently open architecture, sufficient capacity, and adequate nondiscriminatory access terms necessary to provide open access to a diversity of voice, video, and data communications.

(8) Private telecommunications carriers are likely to control access to telecommunications networks that lack sufficiently open architecture, sufficient capacity, and adequate nondiscriminatory access terms. Without narrowly tailored governmental intervention, the existence of these private "gatekeepers" is likely to restrict access to these networks.

(9) Private telecommunications carriers respond to marketplace forces, and therefore are most likely to exclude those members of the public and institutions with the fewest financial resources, including but not limited to small town and rural residents, low income people, minorities, individuals with disabilities, the elderly, and noncommercial organizations such as schools, libraries, public broadcasters, and nonprofit community and civic organizations.

(10) To facilitate widespread public discourse on a range of public concerns between and among all Americans, the Government has a compelling interest in providing broad access to telecommunications networks for a diversity of voices, viewpoints, and cultural perspectives, including access for members of the public whose voices are most likely to be excluded by private telecommunications carriers.

(11) Assuring access to a diversity of voices, viewpoints, and cultural perspectives over telecommunications networks benefits all members of the public who use telecommunications networks to disseminate or receive information.

(12) Government support and encouragement of a diversity of voices, viewpoints, and cultural perspectives over telecommunications networks furthers a compelling governmental interest in improving democratic self-governance, and improving and facilitating local government services and communications between citizens and elected and unelected public officials.

(13) Telecommunications networks make substantial use of public rights-of-way in real property and in spectrum frequencies.

(14) Because of the Government's compelling interest in ensuring broad and diverse access to telecommunications networks for the purposes of disseminating and receiving noncommercial educational and informational services, and in exchange for the use of public rights-of-way accorded telecommunications networks, it is appropriate for Congress (through the assertion of concurrent Federal jurisdiction over rights-of-way held or controlled by State or local governments) to require that owners and operators of telecommunications networks reserve capacity on such networks for public use.

(15) The least restrictive means to ensure that those members of the public whose voices are most likely to be excluded from telecommunications networks can access those networks is to require those networks to reserve a portion of their capacity for that access.

(16) It is in the public interest that reserved network capacity for public use be accompanied by funding to facilitate use of such capacity to provide noncommercial governmental, educational, informational, cultural, civic, and charitable services for the public.

SEC. 3. PUBLIC RIGHTS-OF-WAY.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 714. PUBLIC RIGHTS-OF-WAY.

"(a) DEFINITIONS.—As used in this section:

"(1) The term 'telecommunications network' means any group of facilities that has been granted the right to occupy any public right-of-way to transmit or carry telecommunications for the public, and provides the consumer or end user the opportunity to choose from a range of telecommunications that are available contemporaneously to the public. A terrestrial radio or television broadcast station licensed pursuant to Title III shall not be considered a telecommunications network by reason of its use of its assigned spectrum.

"(2) The term 'public right-of-way' means any right-of-way, including use of the electromagnetic spectrum, that is held or otherwise controlled by Federal, State, or local governments on behalf of the public, and is used in the transmission or carriage of telecommunications.

"(3) The term 'telecommunications' means communications of any form transmitted or carried by any means, including analog or digital electromagnetic signals.

"(b) REQUIREMENT FOR RESERVED CAPACITY.—Within 365 days after the date of enactment of this section, the Commission shall promulgate regulations to require owners and operators of telecommunications networks to reserve, for public uses, capacity on such networks for use free-of-charge by eligible entities. The reserved capacity shall be considered public property subject to disposition pursuant to regulations promulgated by the Commission, and the owner or operator of any affected telecommunications network shall have no control over, and no liability for, the communications content of such capacity.

"(c) RESERVATION OF CAPACITY.—

"(1) AMOUNT OF CAPACITY TO BE RESERVED.—The Commission shall presume that a reservation under this section of 20 percent of the capacity of a telecommunications network is appropriate, but may require a reservation of a lower amount or an amount to be phased-in not exceeding 20 percent, upon consideration of the type of technology used by the network, barriers to accessing the network, and such other factors as the Commission considers appropriate. Telecommunications networks shall not be required to reserve public capacity in excess of that required under this paragraph.

"(2) TEMPORARY REDUCTIONS.—If the Commission determines that any portion of the amount of public capacity that a telecommunications network is required to reserve under this section will go unused, the Commission may temporarily reduce the reserved amount by such unused portion. During the period when the reserved public capacity of a telecommunications network is temporarily reduced, an eligible entity described in subsection (d) may request use of any of the portion by which such reserved capacity was reduced and the Commission shall, within 30 days after the request, provide sufficient capacity to meet the request.

"(3) QUALITY.—The quality of telecommunications capacity reserved for public uses under this section shall be equivalent to the best quality of available capacity of the affected telecommunications network in all respects, including accessibility, channel positioning, interconnection access rights, network capabilities, and such other factors as the Commission considers appropriate.

"(4) REDUCTION OR ELIMINATION OF OBLIGATIONS.—The Commission may reduce or eliminate obligations upon a telecommunications network imposed under this subsection, if the Commission determines on the record after notice and opportunity for comment, that, throughout its entire service area, such network has clearly sufficient open architecture, capacity, and nondiscriminatory access terms to ensure that economic and technological barriers to access by eligible entities described in subsection (d) are eliminated.

"(5) EFFECT ON FRANCHISE FEE COLLECTION.—Nothing in this section is intended to affect the power of any franchising authority to collect a franchise fee authorized under section 622.

"(d) ALLOCATION OF CAPACITY.—

"(1) ELIGIBLE ENTITIES.—The following entities are the entities eligible for access to the public capacity reserved under this section:

"(A) State, local, and tribal governments and their agencies;

"(B) accredited educational institutions open to enrollment by the public;

"(C) public telecommunications entities;

"(D) public and nonprofit libraries; and

"(E) nonprofit organizations described under section 501(c)(3) of the Internal Revenue Code of 1986 that are formed for the purpose of providing nondiscriminatory public access to noncommercial educational, informational, cultural, civic, or charitable services.

"(2) TERMS AND CONDITIONS OF ACCESS.—Such eligible entities shall have access to such public capacity at no charge (for installation or service) if using such capacity only for the provision of educational, informational, cultural, civic, or charitable services directly to the public without charge for such services. Telecommunications capacity allocated pursuant to this section shall not be sold, resold, or otherwise transferred in consideration for money or any other thing of value.

"(3) ALLOCATION.—The Commission shall determine appropriate mechanisms and guidelines for allocating such public capacity. In so doing, the Commission shall establish block allocations to State, local, or tribal governments for redistribution among eligible entities pursuant to telecommunications plans submitted by State, local, or tribal governments, and ensure that the intent of Congress, as expressed in section 396(a), is served.

"(4) TRANSITION.—The Commission, as telecommunications network capacity expands, shall provide for a transition within a reasonable period of time from requirements under sections 335, 611, and 615 to requirements under this section.

"(e) PUBLIC TELECOMMUNICATIONS INFRASTRUCTURE FUND.—

"(1) ESTABLISHMENT.—Within 365 days after the date of enactment of this section, the Commission shall promulgate regulations to establish a Public Telecommunications Infrastructure Fund to provide eligible entities described in subsection (d) with economic support to use the capacity reserved on telecommunications networks under this section to provide noncommercial governmental, educational, informational, cultural, civil, and charitable services for the public. Such regulations shall provide a mechanism for financing the Public Telecommunications Infrastructure Fund by means of—

"(A) contributions, on a competitively neutral basis, by owners and operators of telecommunications networks (including those regulated under titles II, III and VI, except that nothing in this subsection may be construed as affecting the power of any franchising authority to collect a franchise fee authorized under section 622);

"(B) contributions from a designated portion of any universal service fund, as may be established under this Act;

"(C) contributions from such other sources as the Commission may determine to be sufficient and appropriate for such purposes; or

"(D) any combination of the contributions described in subparagraphs (A), (B), and (C).

"(2) CONTENT OF REGULATIONS.—The regulations promulgated under this subsection shall—

"(A) provide that contributions to the Public Telecommunications Infrastructure Fund shall begin no later than 365 days after promulgation of the regulations;

"(B) determine appropriate mechanisms and guidelines for allocating the funds collected pursuant to this subsection to such State, local, or tribal governments as the Commission considers appropriate;

"(C) establish guidelines for the distribution of such funds by State, local, or tribal governments to provide eligible entities described in subsection (d) with sufficient economic support to use the network capacity reserved under this section to provide noncommercial governmental, educational, informational, cultural, civic, and charitable services for the public; and

"(D) require that each State, local, or tribal government authorized to distribute funds pursuant to subparagraph (c) establish a public advisory commission that—

"(i) shall be composed of members representing the interests of eligible entities described in subsection (d); and

"(ii) shall ensure that the funds are distributed to a broad cross section of eligible entities in accordance with the guidelines established pursuant to subparagraph (C).".•

By Mr. WELLSTONE (for himself and Mr. BURNS):

S. 2196. A bill to assure fairness and choice to patients and providers under managed care health benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

THE PATIENT PROTECTION ACT

• Mr. WELLSTONE. Mr. President, I am pleased to introduce the Patient Protection Act today, with my colleague Senator BURNS as an original co-sponsor. As Congress considers health care reform, I believe we must focus very seriously on the importance of assuring the highest quality of care for patients. This act sets out landmark protections for patients and health care givers that should be incorporated in any health care reform proposal.

Any health care reform bill that is passed must have strong protections

for consumers from the dangers of monopoly medicine. There is tremendous consolidation of economic power by the insurance industry, even as we consider reforming our system. The largest managed care companies are integrating vertically and horizontally, and are dominating an ever larger piece of the health care market. This morning's news let us know that two of the largest companies, Metropolitan Life and Travelers, are planning to merge their operations, bringing the "big five" of the Alliance for Managed Competition down to the "big four."

I hear over and over again from the people around the country about what this means to their own health care. People, consumers and caregivers alike, are unhappy, frustrated, and frightened as a result of the merger of giant insurance plans that have left the health care market in the hands of an oligopoly.

What has come across very strongly, and has surprised me the most, is the growing voice of the doctors in sounding the alarm on the abuses of the emerging system. I have worked closely with the American Medical Association on developing this bill, as well as with consumer groups, and when it comes to protecting consumers and protecting the role of physicians and other health caregivers in making clinical decisions, the American Medical Association and I have much in common.

The AMA represents the physicians on the inside who are looking out, who have experience with managed care. And we're coming to the same conclusions. Some of what is happening is simply not in the best interests of maintaining choice and providing sensitive, high quality health care.

I have already proposed many of the elements of the Patient Protection Act as amendments to the Health Security Act that we reported out of the Senate Committee on Labor and Human Resources, and they are already part of the bill. These include the right for caregivers who are being dropped by a health plan to receive timely notice that includes the reasons for dismissal, and the right to appeal that decision. This provides time for patients to arrange for continuity of care, and gives everyone involved a chance to shed light on plans that drop caregivers who are providing necessary but expensive health care. This provision was approved in the Labor Committee markup of the Health Security Act by a vote of 12 to 4.

The Labor Committee bill also now includes the right for patients and providers to timely information about the standards that utilization management companies use to make decisions about medical care, and the right to appeal those decisions. It would also prohibit any financial arrangement that would cause a utilization management organization or physician incentive plan to deny medically necessary or appropriate care.

There are many good health plans that already live up to these standards, I am encouraged by the activities of the industry to assure that they are improving the care of their patients and improving the practice of medicine, as they strive for financial efficiency. I invite and expect the support of those plans for this bill.

Some who would agree on patients' rights draw the line at extending those rights to the people who provide health care. And here I say that demoralized caregivers are not good for patient care. If health plans can drop caregivers from their lists at will, with no explanation and no recourse, nothing stands in the way of some of the most predatory practices we see today. Doctors are dropped because they spend too much of he health plan's money, even if their patients are older or sicker or legitimately need more health care services. They are pitted against their patients every time they make a decision about whether or not to make a referral to a specialist. In areas where a few health plans dominate the market, every time a provider is dropped thousands of families lose the continuity of care they had with doctors they may have seen for years.

The drive for a healthy bottom line, instead of a healthy population, maintains our inequitable, multi-tier system. Doctors have told me that they have been instructed to give 20 minute appointments to patients who pay higher premiums, and only 10 minute appointments to those who pay less. They are being told to give cheaper, less accurate and less time-consuming tests for tuberculosis to patients on the lower price plans than they would give to patients paying a higher rate.

The Labor Committee recently heard tragic stories from patients and caregivers about the results of these untamed practices. We heard about two cases of women with breast cancer whose care was repeatedly delayed until any treatment was too late. The list could go on and on.

The standards proposed in this act will control the most egregious practices of today. But I think they go farther. This bill is a starting point for patients, providers, and others who are part of the health care industry to work together in the best interests of high quality patient care. Certainly, we must find a way to control health care costs. Certainly, there will be changes in the practice of medicine. It is up to those of us in Congress to provide leadership for accomplishing those goals in the interests of people, who depend on the health care system every day for vitally necessary care.

The time for health care reform is now, but it must be health care reform that includes high quality care as well as effective cost control. Individual choice and patients' rights are among the cornerstones of the single payer bill I introduced in the Senate, the American Health Security Act of 1993 (S. 491).

The bill I am introducing today establishes the following important standards, particularly for managed care plans and for utilization management organizations:

First, there must be a process, established at the Federal level, for certifying managed care plans and utilization review programs. That process must include periodic review, a chance to remedy deficiencies, and the ability to discontinue the plans if they remain inadequate. The bill recognizes the constructive role that private accrediting bodies can play in consulting with the Government on these issues.

Second, consumers have a right to easily understood information about managed care plans so that they can make informed decisions, including not only the coverage and benefits, but also utilization review requirements and financial arrangements with utilization review organizations, loss ratios, and patient satisfaction statistics.

Third, plans must have sufficient access to physicians and other providers to provide timely care.

Fourth, plans cannot discriminate against patients who are likely to need expensive medical services due to their health condition by excluding their caregivers. There must be standards for hiring and firing physicians, and the right for timely notice and appeals when contracts for physicians already accepted by a plan are adversely modified.

Fifth, certified utilization review organizations must have up to date and medically justified for making decisions about whether or not clinical services should be provided, and patients and providers have a right to know what those standards are. The standards should be set and enforced by qualified health professionals, and there must be an appeal process when people are denied care.

Sixth, patients cannot be denied care unreasonably because of utilization review practices. Decisions about care must be made within 24 hours, and cannot be required for emergency care. If review personnel are unavailable, care provided will be considered to be approved and covered.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Protection Act of 1994".

TITLE I—PROTECTION OF CONSUMER CHOICE

SEC. 2. PROTECTION OF CONSUMER CHOICE.

Nothing in this Act shall be construed as prohibiting—

(1) an individual from purchasing any health care services with the individual's own funds, whether such services are covered within any benefits package otherwise available to the individual; and

(2) employers from providing coverage for benefits in addition to any benefits package otherwise available to an individual.

TITLE II—CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS

SEC. 3. DEFINITIONS.

For purposes of this title:

(1) QUALIFIED MANAGED CARE PLAN.—The term "qualified managed care plan" means a managed care plan that the Secretary certifies, upon application by the program, as meeting the requirements of section 4(b).

(2) QUALIFIED UTILIZATION REVIEW PROGRAM.—The term "qualified utilization review program" means a utilization review program that the Secretary certifies, upon application by the program, as meeting the requirements of section 4(c).

(3) UTILIZATION REVIEW PROGRAM.—The term "utilization review program" means a system of reviewing the medical necessity, appropriateness, or quality of health care services and supplies provided under a health insurance plan or a managed care plan using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of medical procedures, and retrospective review.

(4) MANAGED CARE PLAN.—

(A) IN GENERAL.—The term "managed care plan" means a plan operated by a managed care entity (as defined in subparagraph (B)), that provides for the financing and delivery of health care services to persons enrolled in such plan through—

(i) arrangements with selected providers to furnish health care services;

(ii) explicit standards for the selection of participating providers;

(iii) organizational arrangements for ongoing quality assurance, utilization review programs, and dispute resolution; and

(iv) financial incentives for persons enrolled in the plan to use the participating providers and procedures provided for by the plan.

(B) MANAGED CARE ENTITY.—The term "managed care entity" includes a licensed insurance company, hospital or medical service plan, health maintenance organization, an employer or employee organization, or a managed care contractor (as defined in subparagraph (C)), that operates a managed care plan.

(C) MANAGED CARE CONTRACTOR.—The term "managed care contractor" means a person that—

(i) establishes, operates, or maintains a network of participating providers;

(ii) conducts or arranges for utilization review activities; and

(iii) contracts with an insurance company, a hospital or medical service plan, an employer, an employee organization, or any other entity providing coverage for health care services to operate a managed care plan.

(6) PARTICIPATING PROVIDER.—The term "participating provider" means a physician, hospital, pharmacy, laboratory, or other appropriately authorized provider of health care services or supplies, that has entered into an agreement with a managed care entity to provide such services or supplies to a patient enrolled in a managed care plan.

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS.

(a) IN GENERAL.—

(1) CERTIFICATION.—The Secretary shall establish a process for certification of managed care plans meeting the requirements of subsection (b) and utilization review programs meeting the requirements of subsection (c).

(2) REVIEW AND RECERTIFICATION.—The Secretary shall establish procedures for the periodic review and recertification of qualified managed care plans and qualified utilization review programs. Such procedures shall include steps by which a health plan may remedy any deficiencies cited.

(3) TERMINATION OF CERTIFICATION.—If the Secretary determines that a qualified managed care plan or qualified utilization review program no longer substantially meets the applicable requirements for certification, the Secretary shall establish procedures for terminating the certification of the plan or program for reasons including the failure of remedies for deficiencies referred to in paragraph (2). Prior to the date a termination becomes effective, the Secretary shall provide the plan notice and opportunity for a hearing on the proposed termination.

(4) CERTIFICATION THROUGH ALTERNATIVE REQUIREMENTS.—

(A) CERTAIN ORGANIZATIONS RECOGNIZED.—An eligible organization (as defined in section 1876(b) of the Social Security Act), shall be deemed to meet the requirements of subsection (b) for certification as a qualified managed care plan.

(B) RECOGNITION OF ACCREDITATION.—If the Secretary finds that a State licensure program or a national accreditation body establishes requirements for accreditation of a managed care plan or utilization review program that are at least equivalent to requirements established under this section, the Secretary may, to the extent appropriate, treat a managed care plan or a utilization review program accredited by such program or body as meeting the applicable requirements of this section.

(b) REQUIREMENTS FOR CERTIFICATION OF MANAGED CARE PLANS.—

(1) IN GENERAL.—The Secretary shall establish Federal standards for the certification of managed care plans, including standards which require managed care plans to meet the requirements described in paragraphs (2) through (6).

(2) INFORMATION ON TERMS OF PLAN.—Managed care plans shall provide prospective enrollees information on the terms and conditions of the plan so that the enrollees can make informed decisions about accepting a certain system of health care delivery. Easily understood, truthful, linguistically appropriate and objective terms must be used in all oral and written descriptions of a plan. Such descriptions shall be consistent with standards developed for supplemental insurance coverage under title XVIII of the Social Security Act. Descriptions of plans under this paragraph must be standardized so that customers can compare the attributes of the plans. Specific items that must be included in a description of a plan are—

(A) coverage provisions, benefits, and any exclusions by category of service, provider, or physician, and if applicable, any exclusions by specific service;

(B) any and all prior authorization or other review requirements including preauthorization review, concurrent review, post-service review, post-payment review and any procedures that may lead the patient to be denied coverage for, or not be provided, a particular service;

(C) financial arrangements or contractual provisions with hospitals, utilization review organizations, physicians, or any other provider of health care services that would limit the services offered, restrict referral or treatment options, or negatively affect a physician's fiduciary responsibility to patients, including financial incentives not to provide medical or other services;

(D) an explanation of how plan limitations impact enrollees, including information on enrollee financial responsibility for payment for coinsurance or other noncovered or out-of-plan services;

(E) the plan's loss ratios and an explanation that they reflect the percentage of premiums expended for health services; and

(F) enrollee satisfaction statistics, including reenrollment statistics and a description of enrollees' reasons for leaving the plan.

(3) ADEQUATE ACCESS TO PHYSICIANS.—Managed care plans shall be required to demonstrate that they have adequate access to physicians and other providers so that all covered health care services will be provided in a timely manner. This requirement may not be waived and must be met in all areas where the plan has enrollees, including rural areas.

(4) FINANCIAL RESERVES.—Managed care plans shall be required to meet financial reserve requirements that are established to assure proper payment for health care services provided under the plan. The Secretary shall establish a mechanism to provide adequately for indemnification of plan failures even when a plan has met the reserve requirements.

(5) PROVIDER INPUT.—Managed care plans shall be required to establish a mechanism under which physicians and other providers participating in a plan have defined rights to provide input into the plan's medical policy (including coverage of new technology and procedures), utilization review criteria and procedures, quality and credentialing criteria, and medical management procedures.

(6) CREDENTIALS FOR PHYSICIANS.—

(A) IN GENERAL.—Managed care plans shall be required to credential physicians furnishing health care services under the plan. Any physicians within a plan's geographic service area may apply for credentials under the plan and at least once each year, the plan shall notify such physicians of the opportunity to apply for credentials.

(B) CREDENTIALING PROCESS.—

(i) IN GENERAL.—Each managed care plan shall establish a credentialing process. Such process shall begin upon application by a physician to be included under the plan. Each application by a physician shall be reviewed by a credentialing committee with appropriate representation of the applicant's medical specialty.

(ii) STANDARDS.—Credentialing under a plan shall be based on objective standards of quality with input from physicians credentialed by the plan. Credentialing standards shall be available to applicants and enrollees.

(iii) ECONOMIC CONSIDERATIONS.—If economic considerations, including practitioners' patterns of expenditure per patient, are part of a credentialing decision, objective

criteria must used in examining such considerations and such criteria must be available to applicants, participating physicians, and enrollees. Any economic profiling of physicians must be adjusted to recognize case mix, severity of illness, age of patients and other features of a physician's practice that may account for higher or lower than expected costs. Economic profiles must be made available to the physicians profiled.

(iv) GRADUATE MEDICAL EDUCATION.—If graduate medical education is a consideration in credentialing, equal recognition will be given to training programs accredited by the Accrediting Council on Graduate Medical Education and by the American Osteopathic Association.

(v) RECORDING DECISIONS.—A record shall be maintained of all decisions made under the credentialing process and each applicant shall be provided with reasons for an application being denied or a contract not being renewed.

(vi) DUE PROCESS.—Prior to initiation of a proceeding leading to termination of a contract, the physician shall be provided notice, an opportunity for discussion, and an opportunity to enter into and complete a corrective action plan, except in cases where there is imminent harm to patient health or an action by a State medical board or other government agency that effectively impairs the physician's ability to practice medicine.

(vii) REDUCING OR WITHDRAWING CREDENTIALS.—The same standards and procedures used for an application for credentials shall also be used in those cases where the plan seeks to reduce or withdraw such credentials.

(viii) APPEALS.—There shall be allowed a due process appeal from all adverse decisions affecting practitioners with whom a plan has contracted. The due process appeal mechanisms shall be as set forth in the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101–11152).

(C) DISCRIMINATION AGAINST ENROLLEES.—Managed care plans shall be prohibited from discriminating against enrollees based on health status or anticipated need for medical services likely to lead to high expenses by excluding practitioners with practices containing a substantial number of such patients.

(6) CONFIDENTIALITY OF RECORDS.—Managed care plans shall be required to establish procedures to ensure that all applicable Federal and State laws designed to protect the confidentiality of provider and individual medical records are followed.

(c) REQUIREMENTS FOR CERTIFICATION OF UTILIZATION REVIEW PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish Federal standards for the certification of utilization review programs, including standards which require such programs to meet the requirements described in paragraph (2).

(2) REQUIREMENTS.—Plans must have a medical director responsible for all clinical decisions by the plan and provide assurances that the medical review or utilization practices used by the plans, and the medical review or utilization practices of payers or reviewers with whom the plans contract, comply with the following requirements:

(A) Screening criteria used in the review process, the methods by which they are applied, and their method of development, must be released to physicians and the public upon request.

(B) Such criteria and methods must be based on sound scientific principles and developed in cooperation with practicing physicians and other affected health care providers.

(C) Any person who recommends denial of coverage or payment, or determines that a service should not be provided, based on medical necessity standards, must be of the same medical branch (allopathic or osteopathic medicine) and specialty (specialties as recognized by the American Board of Medical Specialties or the American Osteopathic Association) as the practitioner who provided the service.

(D) Each claimant or provider (upon assignment of a claim) who has had a claim denied as not medically necessary must be provided an opportunity for a due process appeal to a medical consultant or peer review group that is independent of the entity that performed the initial review.

(E) Any individual making a final, negative judgment or recommendation about the necessity or appropriateness of services or the site of service must be a comparably qualified health care professional licensed to practice in the jurisdiction from which the claim arose.

(F) Upon request, physicians and other professionals will be provided the names and credentials of all individuals conducting medical necessity or appropriateness review, subject to reasonable safeguards and standards.

(G) Prior authorization shall not be required for emergency care, and patient or physician requests for prior authorization of a nonemergency service must be answered within 24 hours and qualified personnel must be available for same-day telephone responses to inquiries about medical necessity, including certification of continued length of stay. If review personnel are not available, medical services provided shall be considered approved.

(H) Plans must ensure that enrollees, in plans where prior authorization is a condition for coverage of a service, are offered the opportunity to sign medical information release consent forms upon enrollment for use where services requiring prior authorization are recommended or proposed by their physician.

(I) When prior approval for a service or other covered item is obtained, the service shall be considered to be covered unless there was fraud or incorrect information provided at the time such prior approval was obtained.

(J) Plans must establish procedures for ensuring that all applicable Federal and State laws designed to protect the confidentiality of provider and individual medical records are followed.

(d) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing standards under subsections (b) and (c), the Secretary shall—

(1) review standards in use by national private accreditation organizations and State licensure programs;

(2) recognize, to the extent appropriate, differences in the organizational structure and operation of managed care plans; and

(3) establish procedures for the timely consideration of applications for certification by managed care plans and utilization review programs.

(d) TIMETABLE FOR ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act standards shall first be established under this section.

(2) REVISION OF STANDARDS.—The Secretary shall periodically review the standards established under this section, and may revise the standards from time to time to assure that such standards continue to reflect appropriate policies and practices for the cost-effective and medically appropriate use of services within managed care plans and utilization review programs.

TITLE III—CHOICE OF HEALTH PLANS FOR ENROLLMENT

SEC. 5. CHOICE OF HEALTH PLANS FOR ENROLLMENT.

(a) IN GENERAL.—Each sponsor, including a self-insured sponsor, of a health benefit plan, who offers, provides, or makes available such plan must provide to each eligible enrollee a choice of health plans among available plans.

(b) OFFERING OF PLANS.—Each sponsor referred to in subsection (a) shall include among its health plan offerings at least one of each of the following types of health benefit plans, where available:

(1) A managed care plan, including a health maintenance organization or preferred provider organization.

(2) A traditional insurance plan (as defined in subsection (c)(1)).

(3) A benefit payment schedule plan (as defined in subsection (c)(2)), pursuant to the following activities of the Secretary:

(A) Not later than 12 months after the date of the enactment of this Act, the Secretary shall—

(i) conduct a study on the projected impact of benefit payment schedule plans on enrollees and on the Nation's health care costs; and

(ii) submit a report to Congress on the results of such study.

(B) The Secretary shall promulgate regulations to—

(i) assure that benefit payment schedule plans, if approved, are affordable for all enrollees and contribute to health care cost containment; and

(ii) remedy any other significant deficiencies identified by the study described in subparagraph (A).

(c) DEFINITIONS.—For purposes of this section:

(1) TRADITIONAL INSURANCE PLAN.—The term "traditional insurance plan" includes plans that offer a health benefits package and that pay for medical services on a fee-for-service basis using a usual, customary, or reasonable payment methodology or a resource based relative value schedule, usually linked to an annual deductible and/or coinsurance payment on each allowed amount.

(2) BENEFIT PAYMENT SCHEDULE PLAN.—The term "benefit payment schedule plan" means a health plan that—

(A) provides coverage for all items and services included in a health benefits package that are furnished by any health care provider licensed under State law of the enrollee's choice;

(B) makes payment for the services of a provider on a fee-for-service basis without regard to whether or not there is a contractual arrangement between the plan and the provider;

(C) provides a benefit payment schedule that identifies covered services and the payment for each service covered by the plan; and

(D) applies no copayments or coinsurance.

SEC. 6. CHOICE REQUIREMENTS FOR POINT-OF-SERVICE PLANS.

(a) IN GENERAL.—Each sponsor, including a self-insured sponsor, of a health benefit plan that restricts access to providers, shall offer to all eligible enrollees the opportunity to obtain coverage for out-of-network items or services through a point-of-service plan (as

defined under subsection (e)(1)), at the time of enrollment and at least for a continuous one-month period annually thereafter.

(b) COINSURANCE.—A point-of-service plan may require payment of coinsurance for an out-of-network item or service, as follows:

(1) The applicable coinsurance percentage shall not be greater than 20 percent of payment for items and services.

(2) The applicable coinsurance percentage may be applied differentially with respect to out-of-network items and services, subject to the requirements of paragraph (1).

(c) PAYMENT DISCLOSURE REQUIREMENT.—All sponsors of point-of-service plans and physicians and other professionals participating in such plans shall be required to disclose their fees, applicable payment schedules, coinsurance requirements, or any other financial requirements that affect patient payment levels.

(d) POVERTY EXCLUSION.—Any enrollee, including enrolled dependents, whose income does not exceed 200 percent of the established Federal poverty guideline for the applicable year, shall be charged no more than the amount allowed under applicable plan limits. Such amount shall be considered payment in full.

(e) DEFINITIONS.—For purposes of this section:

(1) POINT-OF-SERVICE PLAN.—The term "point-of-service plan" means a plan that offers services to enrollees through a provider network (as defined in paragraph (2)) and also offers additional services and/or access to care by network or non-network providers.

(2) PROVIDER NETWORK.—The term "provider network" means, with respect to a health plan that restricts access, those providers who have entered into a contract or agreement with the plan under which such providers are obligated to provide items and services under the plan to eligible individuals enrolled in the plan, or have an agreement to provide services on a fee-for-service basis.●

● Mr. BURNS. Mr. President, I join my colleague from Minnesota, Mr. WELLSTONE, in introducing the Patient Protection Act. It is not a comprehensive health reform proposal, nor is it an attempt at incremental change. It is language that should be included in whatever health care reform bill is considered before this body.

I am hearing many things from the folks at home, and my mail from people all across the country is no different. They all say, "I want to be able to choose my doctor and my health insurance." This legislation makes that possible.

By requiring health plans to list what services are covered in their plan, what services are excluded, and results of a survey on patient satisfaction, patients are able to be informed consumers. They can make wise decisions, based on what is most important to them.

By giving patients the option of three plans—an HMO/PPO-type plan; a traditional insurance plan; or a benefit payment schedule—patients are able to decide what works best for them and their family. If they don't care what physician they see or don't have any particular ties already, they may choose an HMO. And if for some reason they are enrolled in an HMO-type plan, perhaps because that's the only one offered by their employer, but they want to see a physician not in that network, they will have the option of a point-of-service plan, an opportunity to pay extra to see a doctor who is not in their plan.

And yes, it does have some provisions that are seen as good for the doctors. But as I see it, patients are not in this alone. The patient-provider relationship is a special one. So, by giving physicians a voice in medical policy-making and developing criteria to ensure quality patient care, the patient wins.

This legislation guarantees that patients and their physicians are making the decisions about the patients' medical care. That's the way it should be. I certainly wouldn't want a clerk on the phone to tell my physician that I am not allowed to have some procedure done. If my physician and I agree, even if my insurance didn't cover it, I should have the information at my fingertips about that and should have options in case we decided to proceed.

That's what this country is all about. Options and opportunities and freedom. There is no reason patients shouldn't be given all the information they need to make wise decisions. And there is no reason patients shouldn't have the freedom to choose, freedom to choose their physician, the services they want, and the health insurance plan to which they want to subscribe. As long as this is a democracy, those should remain every individual's rights.

I look forward, Mr. President, to seeing this language become part of any health care reform bill that we consider here in the Senate. My colleague, Senator WELLSTONE, and I may disagree on many components of health care reform, but on this point we can stand together. Above all, the patient's rights and maintaining the quality of care must come first. To do so, we must enact this legislation to protect the patient and secure the patient-physician relationship.●

By Mrs. FEINSTEIN:

S. 2197. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1994

● Mrs. FEINSTEIN. Mr. President, just over a year ago, I spoke about my fears that if the Federal Government did not act aggressively to stop illegal immigration, there could be a backlash against all immigrants.

In October 1993, I introduced the "Immigration Law Enforcement Act of 1993" to increase the number of border patrol agents, improve the asylum process and increase penalties for those who illegally smuggle immigrants into this country.

Now, a year later, I am even more concerned that the lack of action by Congress will only escalate ill will toward all immigrants. The time to act is now, and for that reason I am introducing legislation today which broadens my original draft based upon many conversations with my colleagues.

The impact on California's State budget caused by the steady stream of illegal immigrants is great. Estimates now range that there are between 1.6 million and 2.3 million illegal immigrants in California. The Governor of California believes the costs to our State of illegal immigrants has reached $3 billion a year. Studies are underway by the General Accounting Office, the Office of Management and Budget, and the Justice Department, all of which should help to produce substantiated figures about the real cost to California.

No matter what the exact number turns out to be, the fundamental point is sure to remain the same. This is an expense that Californians can no longer afford to bear. Sheer numbers of illegal immigrants are having an impact: on classroom size, the jobs place, and in housing availability.

The inability to enforce our borders—and stop illegal immigration—is resulting in rising tension and increasing resentment against both legal and illegal immigrants.

And it is the responsibility of this Congress to act.

I rise today, therefore, to introduce the Illegal Immigration Control and Enforcement Act of 1994, a comprehensive combination of many of the best legislative proposals advanced to date.

The goal of this legislation is twofold:

First, stop illegal immigration by enforcing our borders and by devoting the resources to accomplish that objective;

Second, reduce the incentives—such as Federal benefits and assistance—available to illegal immigrants so fewer people attempt to come here illegally.

Among other things, this legislation will:

First, provide 2,100 new border agents—700 each year for the next 3 years—to secure our borders. It would also make available the necessary equipment, lighting and fencing.

When I visited a 14-mile stretch of the border in San Diego County a year ago, I saw a mere handful of agents in the field, only a single night-vision scope was available, the lighting was bad, and the border fence was incomplete.

When I returned to the same spot 10 days ago, after having helped secure a $45 million appropriation to better police the Southwest border, things had

clearly improved. Lights were in place, 14 miles of the fence were nearly complete, new equipment was available and functioning, and 40 new U.S. agents were on duty.

More importantly, border patrol agents on the line in San Diego report that they are now catching 60 percent of those trying to enter the Nation illegally, up from 50 percent last year. The Saturday night I was there, 2,000 people were apprehended for illegally crossing the border, but still about 1,500 succeeded in crossing the border that night.

Based upon what I saw, border enforcement can work, but this is just the beginning. Adding 2,100 agents over 3 years would expand the efforts already underway and if they are assigned according to need, with some flexibility, the problem can be contained, and illegal border crossings greatly reduced.

Second, speed the legal crossing at all land borders by:

Fully staffing existing border gates, and

Authorizing the construction of new facilities needed to handle the crossing volume.

Third, a counterfeit-proof identity card aimed at eliminating the use of false documents to obtain benefits or work.

False documents allow illegal immigrants to gain employment unlawfully and to obtain federally funded public assistance benefits. In addition, the legislation increases penalties for those who make and sell false documents.

Fourth, establish a 2-year pilot "interior repatriation" program in San Diego to remove those who illegally cross the border to the "interior" of their home country.

One of the biggest problems is that illegal immigrants repeatedly try to cross the same border in a short period of time. During my visit to the border 10 days ago, the U.S. attorney said this provision was key and critical to reducing the frequency or repeat border crossings.

Fifth, prohibit direct cash assistance—such as Aid to Families With Dependent Children or Supplemental Security Income—to immigrants who are not legal permanent residents, refugees or asylees.

Sixth, require citizens who sponsor legal immigrants to provide complete financial support for them until they become U.S. citizens.

A legal immigrant is eligible for citizenship 5 years after arriving in this country.

This measure would prevent potential immigrants with sponsors from utilizing public assistance while under sponsorship.

Seventh, establish that an applicant for asylum is not automatically entitled to work authorization.

Additionally, it would take steps to expedite the asylum process and reduce the backlog of asylum claims.

Eighth, increase penalties for the smuggling of illegal immigrants:

It would increase the penalty for smuggling from 5 to 10 years, and imposes an additional penalty if the smuggler endangers the life of the immigrant.

A smuggler who causes an alien's death would be subject to the death penalty.

Ninth, provide for the prompt deportation of any non-green-cardholder who has been convicted of an aggravated felony and is deportable.

Tenth, reduce cases of abuse against illegal immigrants by providing improved training for both active border patrol agents and new hires and requiring the Attorney General to report to Congress each year on this effort.

This legislation also contains a funding mechanism to support the programs and hiring that it authorizes. It would impose a modest $1 border crossing fee to pay for these improvements. Based on 1992 Customs figures, a $1 crossing fee could raise between $300 and $400 million a year so this border enforcement program is self funding.

I would like to conclude by first acknowledging that this legislation owes a great deal to many in the House, Senate, and administration who have introduced many of these concepts in other forms.

In addition, I want to invite all of those parties, especially the Attorney General, Commissioner Meissner, and other Members of the Senate, to work with me to finalize this package and enact it into law as quickly as humanly possible.

The progress that I witnessed in San Diego earlier this month was impressive, but it is only a beginning. The United States must reduce incentives for illegal immigrants to come here, and the Federal Government must enforce our borders.

There is no time to lose. Mr. President, I ask unanimous consent that the full text of my bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Immigration Control and Enforcement Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT

PART A—EXPANDED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

Sec. 111. Border patrol expansion and deployment.
Sec. 112. Hiring preference for bilingual border patrol agents.
Sec. 113. Improved border patrol training.
Sec. 114. Technology and equipment transfer to the Department of Justice.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

Sec. 121. Additional land border inspectors.
Sec. 122. Improvement of border crossing infrastructure.

PART C—DETENTION AND DEPORTATION

Sec. 131. Enhancing penalties for failing to depart, or reentering, after final order of deportation.
Sec. 132. Civil penalties for failure to depart.
Sec. 133. Form of deportation hearings.
Sec. 134. Interior repatriation and multiple reentry deterrence pilot program.
Sec. 135. Judicial review.
Sec. 136. Communications between federally funded government agencies and the Immigration and Naturalization Service.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

Sec. 141. Expansion in definition of "aggravated felony".
Sec. 142. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 143. Judicial deportation.
Sec. 144. Restricting defenses to deportation for certain criminal aliens.
Sec. 145. Construction of expedited deportation requirements.
Sec. 146. Negotiations for international agreements.
Sec. 147. Denial of discretionary relief to aliens convicted of aggravated felonies.
Sec. 148. Annual report.
Sec. 149. Use of legalization information for criminal prosecution purposes.

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

Sec. 211. Ineligibility for certain direct Federal benefits.
Sec. 212. Limits on benefits to sponsored immigrants.
Sec. 213. Sponsorship enhancement.
Sec. 214. Authority to States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.

PART B—EMPLOYER SANCTIONS SUPPORT

Sec. 221. Additional Immigration and Naturalization Service investigators.

PART C—ENHANCED WAGE AND HOUR LAWS

Sec. 231. Increased personnel levels for the labor department.
Sec. 232. Increased number of assistant United States attorneys.

PART D—AUTHORIZATION VERIFICATION

Sec. 241. Work authorization verification.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

Sec. 301. Increased penalties for alien smuggling.
Sec. 302. Death penalty procedures.
Sec. 303. Smuggling aliens for commission of crimes.
Sec. 304. Adding alien smuggling to RICO.
Sec. 305. Expanded forfeiture for smuggling or harboring illegal aliens.
Sec. 306. Wiretap authority for alien smuggling investigations.
Sec. 307. Effective date.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

PART A—PORT OF ENTRY INSPECTIONS

Sec. 411. Restrictions on admissions fraud.
Sec. 412. Special port of entry exclusion for admissions fraud.
Sec. 413. Judicial review.
Sec. 414. Effective date.

PART B—ENHANCED PENALTIES

Sec. 421. Increased penalties for document fraud.
Sec. 422. Penalties for failure to disclose role as preparer of fraudulent documents.
Sec. 423. Civil penalties for fraud, misrepresentation, and failure to present documents.
Sec. 424. Effective date.

TITLE V—ASYLUM REFORM

Sec. 501. Penalties for frivolous applications.
Sec. 502. Asylum and work authorization.
Sec. 503. Resources to address asylum backlog.
Sec. 504. Reduction of incentive to delay proceedings.
Sec. 505. Partial revocation of Executive order.

TITLE VI—BORDER CROSSING USER FEE

Sec. 601. Imposition of fees.

TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT

PART A—EXPANDED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

SEC. 111. BORDER PATROL EXPANSION AND DEPLOYMENT.

(a) INCREASED PERSONNEL.—The Attorney General, in each of the fiscal years 1995, 1996, and 1997 shall increase by no fewer than 700, and by an appropriate amount the number of personnel needed to support, the number of full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the numbers of such agents hired in fiscal year 1994.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the level of illegal intrusion measured in each sector during the preceding fiscal year, and shall be actively engaged in (or in support of) law enforcement activities related to the illegal crossing of the United States' borders.

SEC. 112. HIRING PREFERENCE FOR BILINGUAL BORDER PATROL AGENTS.

The Attorney General shall, in hiring the Border Patrol Agents specified in section 111(a), give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such Agents are likely to be deployed.

SEC. 113. IMPROVED BORDER PATROL TRAINING.

(a) IMPROVEMENT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General shall ensure that all Border Patrol personnel, and any other personnel of the Service who are likely to have contact with undocumented or improperly documented persons, or other immigrants, in the course of their official duties, receive in-service training adequate to ensure that all such personnel respect the civil rights, personal safety, and human dignity of such persons at all times.

"(2) The Attorney General shall ensure that the annual report to Congress of the Service—

"(A) describes in detail actions taken by the Attorney General to meet the requirement set forth in paragraph (1);

"(B) incorporates specific findings by the Attorney General with respect to the nature and scope of any verified incident of conduct by Border Patrol personnel that—

"(i) was not consistent with paragraph (1); and

"(ii) was not described in a previous annual report; and

"(C) sets forth specific recommendations for preventing any similar incident in the future.".

SEC. 114. TECHNOLOGY AND EQUIPMENT TRANSFER TO THE DEPARTMENT OF JUSTICE.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

SEC. 121. ADDITIONAL LAND BORDER INSPECTORS.

(a) INCREASED PERSONNEL.—In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and Secretary of the Treasury shall increase, by approximately equal numbers in each of the fiscal years 1995 and 1996, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing of all border crossing lanes now in use, under construction, or whose construction has been authorized by Congress.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General and the Secretary of the Treasury shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the number of land border crossings measured in each such sector during the preceding fiscal year.

SEC. 122. IMPROVEMENT OF BORDER CROSSING INFRASTRUCTURE.

(a) IDENTIFICATION OF NECESSARY IMPROVEMENTS.—Not later than March 1, 1995, the Attorney General shall, in consultation with the Secretary of the Treasury, identify those physical improvements to the infrastructure of the international land borders of the United States necessary to expedite the inspection of persons and vehicles attempting to lawfully enter the United States in accordance with existing policies and procedures of the Immigration and Naturalization Service, the United States Customs Service, and the Drug Enforcement Agency.

(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than March 1, 1995, the Attorney General shall begin implementation of the projects (or securing any necessary approval) for the physical improvements referred to in subsection (a). Such improvements to the infrastructure of the land border of the United States shall be substantially completed and fully funded in those portions of the country where the Attorney General, in consultation with the Committees on the Judiciary of the House of Representatives and the Senate, objectively determines the need to be greatest before the Attorney General may obligate funds for construction of any improvement otherwise located.

PART C—DETENTION AND DEPORTATION

SEC. 131. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking "by reason of being a member of any of the classes described in paragraph (2), (3), or (4) of section 241(a)" the first time it appears and inserting "by reason of being a member of any of the classes described in section 212(a) or 241(a)"; and

(2) by striking "shall be imprisoned not more than ten years" and inserting "shall be imprisoned not more than 4 years, except that if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 241(a) then the alien shall be imprisoned not more than 10 years".

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1)—

(A) by inserting after "commission of" the following: "three or more misdemeanors involving drugs, crimes against the person, or both, or"; and

(B) striking "5" and inserting "10"; and

(2) in paragraph (2), by striking "15" and inserting "20", and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law.".

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In any criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien has exhausted any administrative remedies that may have been available to seek relief against such order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to offenses occurring after the date of enactment of this Act.

SEC. 132. CIVIL PENALTIES FOR FAILURE TO DEPART.

(a) IN GENERAL.—Section 274C of the Immigration and Nationality Act (8 U.S.C. 1324c) is amended—

(1) by amending the section heading to read as follows:

"PENALTIES FOR DOCUMENT FRAUD, FAILURE TO DEPART, AND FAILURE TO PRESENT DOCUMENTS";

(2) in subsection (a)—

(A) by striking "or" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(5) if such person is an alien—

"(A) to fail or refuse to depart from the United States by the date that final, unappealable orders of exclusion and deportation or deportation become effective against such person; or

"(B) to fail or refuse to voluntarily depart the United States by the date granted by the Attorney General in lieu of a final, unappealable order of deportation,";

(3) in subsection (c), by inserting before the period the following: "or in section 237 or section 242 of this Act";

(4) in subsection (d)(3)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", or"; and

(C) by adding at the end the following new subparagraph:

"(C) up to $500 for each day that an alien is in violation of subsection (a)(5)"; and

(5) by inserting at the end the following new subsection:

"(e) DEFINITION.—For the purposes of this section, the term 'final, unappealable order of deportation' means any order of exclusion and deportation or deportation issued by the Attorney General that has not been administratively or judicially appealed within the deadlines established by this Act or regulations thereunder, or any such order the judicial appeal of which has been denied, and which denial has become final.".

(b) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act is amended by amending the item relating to section 274C to read as follows:

"Sec. 274C. Civil penalties for failure to depart.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations occurring after the date of enactment of this Act.

SEC. 133. FORM OF DEPORTATION HEARINGS.

The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: ", except that nothing in this sentence precludes the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

SEC. 134. INTERIOR REPATRIATION AND MULTIPLE REENTRY DETERRENCE PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program in the San Diego sector of the Immigration and Naturalization Service for up to 2 years to test the effectiveness of interior repatriation in deterring multiple unauthorized entries by aliens into the United States.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Attorney General, together with the Secretary of State, shall include a section in the annual report required by section 148 of this Act on the operation of the pilot program established by this section. Such report shall include a recommendation as to whether the pilot program or any part thereof should be extended or made permanent.

SEC. 135. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended by amending paragraph (1) to read as follows:

"(1)(A) a petition for review may be filed not later than 45 days after the date of the issuance of the final deportation order, or, in the case of an alien convicted of an aggravated felony, not later than 15 days after the issuance of such order;

"(B) the alien shall serve and file a brief not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, except that the court may extend these deadlines upon motion for good cause shown; and

"(C) if an alien fails to file a brief within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to appeals taken after the date of enactment of this Act.

SEC. 136. COMMUNICATIONS BETWEEN FEDERALLY FUNDED GOVERNMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of law, no Federal, State, or local government entity receiving Federal funds shall be prohibited or in any way restricted from confidentially communicating with the Immigration and Naturalization Service regarding the immigration status, legal or illegal, of an alien in the United States.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

SEC. 141. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) any illicit trafficking in any controlled substance (as defined in section 102 of the Controlled Substances Act), including any drug trafficking crime as defined in section 924(c) of title 18, United States Code;

"(C) any illicit trafficking in any firearms or destructive devices as defined in section 921 of title 18, United States Code, or in explosive materials as defined in section 841(c) of title 18, United States Code;

"(D) any offense described in (i) section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or (ii) section 1957 of such title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the value of the monetary instruments or property exceeds $100,000;

"(E) any offense described in—

"(i) subsections (h) or (i) of section 842, title 18, United States Code, or subsection (d), (e), (f), (g), (h), or (i) of section 844 of title 18, United States Code (relating to explosive materials offenses);

"(ii) paragraph (1), (2), (3), (4), or (5) of section 922(g), or section 922(j), section 922(n), section 922(o), section 922(p), section 922(r), section 924(b), or section 924(h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) any crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense) which is punishable by imprisonment for 5 years or more;

"(G) any theft offense (including receipt of stolen property) or any burglary offense, in which the value of the property in question exceeds $10,000 and which is punishable by imprisonment for 5 years or more;

"(H) any offense described in section 875, section 876, section 877, or section 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) any offense described in section 2251, section 2251A or section 2252 of title 18, United States Code (relating to child pornography);

"(J) any offense described in—

"(i) section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations); or

"(ii) section 1084 (if it is a second or subsequent offense) or section 1955 of such title (relating to gambling offenses),

which is punishable by imprisonment for 5 years or more;

"(K) any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, which is punishable by imprisonment for 5 years or more;

"(L) any offense that—

"(i) relates to the owning, controlling, managing or supervising of a prostitution business;

"(ii) is described in section 2421, section 2422, or section 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or

"(iii) is described in sections 1581, 1582, 1583, 1584, 1585, or section 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(M) any offense relating to perjury or subornation of perjury which is punishable by imprisonment for 5 years or more;

"(N) any offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), section 798 (relating to disclosure of classified information), section 2153 (relating to sabotage) or section 2381 or section 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(O) any offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeded $200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion), in which the revenue loss to the Government exceeds $200,000;

"(P) any offense described in section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling) for the purpose of commercial advantage;

"(Q) any offense described in section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage;

"(R) any offense relating to failing to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony, which is punishable by imprisonment for 2 years or more; or

"(S) any attempt or conspiracy to commit an offense described in this paragraph.

The term 'aggravated felony' applies to offenses described in this paragraph whether in violation of Federal or State law and applies to such offenses in violation of the laws of a

foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) EFFECTIVE DATE.—The amendment made by this section applies to convictions entered before, on, or after the date of enactment of this Act.

SEC. 142. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) TECHNICAL AND CONFORMING CHANGES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (a)—

(A) by striking "(a) IN GENERAL.—" and inserting the following:

"(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—

"(1) IN GENERAL.—"; and

(B) by inserting in the first sentence "permanent resident" after "correctional facilities for";

(2) in subsection (b)—

(A) by striking "(b) IMPLEMENTATION.—" and inserting "(2) IMPLEMENTATION.—"; and

(B) by striking "respect to an" and inserting "respect to a permanent resident";

(3) by striking subsection (c);

(4) in subsection (d)—

(A) by striking "(d) EXPEDITED PROCEEDINGS.—(1)" and inserting "(3) EXPEDITED PROCEEDINGS.—(A)";

(B) by inserting "permanent resident" after "in the case of any"; and

(C) by striking "(2)" and inserting "(B)";

(5) in subsection (e)—

(A) by striking "(e) REVIEW.—(1)" and inserting "(4) REVIEW.—(A)";

(B) by striking the second sentence; and

(C) by striking "(2)" and inserting "(B)".

(6) by inserting after the section heading the following new subsection:

"(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States."; and

(7) by amending the section heading to read as follows:

"EXPEDITED DEPORTATION OF ALIENS CONVICTED OF AGGRAVATED FELONIES".

(b) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a), as amended by subsection (a), is further amended by adding at the end the following:

"(c) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

"(2) An alien is deportable under this subsection if the alien—

"(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.

"(3) No alien described in paragraph (2) shall be eligible for any relief from deportation that may be granted in the discretion of the Attorney General.

"(4) The Attorney General may not execute any order described in paragraph (1) until 14 days have passed from the date that such order was issued, unless waived by the alien, in order to permit the alien an opportunity to apply for judicial review under section 106.".

(c) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting "or pursuant to section 242A(c)" after "under section 242(b)";

(2) in subsection (a)(1) and subsection (a)(3), by inserting "(including an alien described in section 242A(c))" after "aggravated felony"; and

(3) by adding at the end the following new subsection:

"(d) Notwithstanding subsection (c), no court shall have jurisdiction to hear a petition for review or for habeas corpus on behalf of an alien described in section 242A(f) except to determine whether the alien is in fact an alien, and the individual alien, described in such section.".

(d) AMENDMENT TO TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 242A to read as follows:

"Sec. 242A. Expedited deportation of aliens convicted of aggravated felonies.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

SEC. 143. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a), as amended by section 142 of this Act, is further amended by adding at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be conclusively presumed to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), but only if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

"(2) PROCEDURE.—(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, to the alien's counsel of record, and to the Commissioner.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Attorney General shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term to which the defendant is sentenced in accordance with the term of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Attorney General shall provide the defendant with written notice of the order or deportation, which shall designate the country to which the defendant chooses to be deported and any alternate country selected pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242A(c) and 242A(d), the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. 144. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

(a) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term or terms of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.".

(b) WITHHOLDING OF DEPORTATION DEFENSE.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony.".

SEC. 145. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this title, and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)), may be

79-059 O—97 Vol. 140 (Pt. 9) 33

construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States, its agencies or officers, or against any other person.

SEC. 146. NEGOTIATIONS FOR INTERNATIONAL AGREEMENTS.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—The Secretary of State, together with the Attorney General, may enter into an agreement with any foreign country providing for the incarceration in that country of any individual who—

(1) is a national of that country; and

(2) is an alien who—

(A) is not in lawful immigration status in the United States, or

(B) on the basis of conviction of a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the individual was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such individual pursuant to parole procedures of that country.

(b) PRIORITY.—In carrying out subsection (a), the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of individuals described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such individuals in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 147. DENIAL OF DISCRETIONARY RELIEF TO ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) INELIGIBILITY FOR SUSPENSION OF DEPORTATION.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(g) Suspension of deportation and adjustment of status under subsection (a)(2) shall not be available to any alien who has been convicted of an aggravated felony.".

(b) APPLICATION OF EXCLUSION FOR DRUG OFFENSES.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended in the second sentence by inserting "or any other aggravated felony" after "torture".

(c) ADJUSTMENT OF STATUS; CHANGE OF NONIMMIGRANT CLASSIFICATION.—(1) Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking "or" after "section 212(d)(4)(C)"; and

(B) by inserting "; or (5) an alien who has been convicted of an aggravated felony" immediately after "section 217".

(2) Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) an alien convicted of an aggravated felony.".

SEC. 148. ANNUAL REPORT.

Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies;

(2) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(3) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 149. USE OF LEGALIZATION INFORMATION FOR CRIMINAL PROSECUTION PURPOSES.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5)(C) (8 U.S.C. 1255a(c)(5)(C)) is amended by amending the text after subparagraph (C) to read as follows:

"except that the Attorney General shall provide information furnished under this section when such information is requested in writing by a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, or to an official coroner for purposes of affirmatively identifying a deceased individual, whether or not such individual is deceased as a result of a crime, or the Attorney General may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code. Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.".

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following: "except that the Attorney General shall provide information furnished under this section when such information is requested in writing by a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, or to an official coroner for purposes of affirmatively identifying a deceased individual, whether or not such individual is deceased as a result of a crime.".

(c) EFFECTIVE DATE.—The criminal penalty added by subsection (a) shall apply to offenses occurring after the date of enactment of this Act.

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

SEC. 211. INELIGIBILITY FOR CERTAIN DIRECT FEDERAL BENEFITS.

(a) DIRECT FINANCIAL ASSISTANCE OR BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an unlawful alien (as defined in subsection (d)(2)) shall not be eligible to receive any direct financial assistance or benefits under any Federal program, except—

(A) emergency medical services under title XIX of the Social Security Act,

(B) short-term emergency disaster relief,

(C) assistance or benefits under the National School Lunch Act,

(D) assistance or benefits under the Child Nutrition Act of 1966, and

(E) public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

(2) NOTIFICATION OF ALIENS.—The Federal agency administering a program referred to in paragraph (1) shall, directly or through the States, notify any unlawful alien who is receiving benefits under the program on the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(b) UNEMPLOYMENT BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an alien shall not be eligible to receive any portion of unemployment benefits payable out of Federal funds.

(2) LIMITED EXCEPTION FOR LAWFUL ALIENS.—Paragraph (1) shall not apply to any lawful alien (as defined in subsection (d)(1)) who has been granted employment authorization pursuant to Federal law if the unemployment benefits are attributable to the authorized employment.

(c) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 and containing statistics with respect to the number of individuals denied financial assistance under such section.

(d) DEFINITIONS.—For the purposes of this section—

(1) LAWFUL ALIEN.—The term "lawful alien" means an individual who is

(A) an alien lawfully admitted to the United States for permanent residence,

(B) an asylee,

(C) a refugee,

(D) an alien whose deportation has been withheld under section 243(h) of the Immigration and Nationality Act,

(E) a parolee who has been paroled for a period of 1 year or more, or

(F) a Chinese national described in section 2(b) of the Chinese Student Protection Act of 1992 (Public Law 102-404) who, as of the date of enactment of this Act, has applied for adjustment of status in accordance with Public Law 102-404.

(2) UNLAWFUL ALIEN.—The term "unlawful alien" means an individual who is not—

(A) a United States citizen; or

(B) a lawful alien.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to benefits received after the date of the enactment of this Act.

SEC. 212. LIMITS ON BENEFITS TO SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in determining eligibility for, and the amount of direct financial benefits of, a lawful sponsored alien under Federal benefit programs such as Aid to Families with Dependent Children, Supplemental Security Income, and Food Stamps, the income and resources of the alien shall include—

(1) the income and resources of any person who, as a sponsor of such alien's entry into the United States, entered into a binding contract of support with respect to such alien, and

(2) the income and resources of such sponsor's spouse.

The preceding sentence shall apply until such time as the sponsored alien achieves United States citizenship.

(b) EXTENUATING CIRCUMSTANCES.—The income and resources of the sponsor and his or

her spouse shall no longer be included in determining the eligibility of a sponsored lawful alien for Federal benefits when—

(1) the sponsor becomes impoverished, bankrupt, or dies, or

(2) the sponsored lawful immigrant becomes blind or disabled after entry into the United States.

(c) EXEMPTIONS.—For the purposes of this section, the following groups of lawful sponsored immigrants and Federal benefit programs are exempted:

(1) Refugees, asylees, and other lawful aliens who are not sponsored.

(2) Public education, Medicaid, child nutrition, child immunization, and other public health programs.

(d) PROSPECTIVE EFFECT.—This section shall only affect initial applications for Federal benefits that are received after the effective date.

(e) EFFECTIVE DATE.—This section shall take effect 90 days after enactment of this Act.

SEC. 213. SPONSORSHIP ENHANCEMENT.

(a) If otherwise admissible, an alien who is excludable under paragraph (4) of section 212(a) of the Immigration and Nationality Act and has not given a suitable bond (as described in the previous section 213 of the Immigration and Naturalization Act [8 U.S.C. 1183]) can only be admitted when sponsored by an individual (hereafter referred to in this section as the alien's "sponsor") entering into a legally binding contract that guarantees financial responsibility for the alien until he or she becomes a United States citizen.

(b) Such a contract with respect to the admission into the United States of an alien under the Immigration and Naturalization Act shall provide—

(1) that the sponsor shall be liable for the costs incurred by any Federal, State, or political subdivision of a State for general public cash assistance provided to such alien; and

(2) that this responsibility will continue until the date on which the alien becomes a citizen of the United States.

(c) In the case of cash benefits which are provided to lawful sponsored immigrants who are ineligible for public assistance under section 212 of this Act, the binding contract referred to in section 213(a) of this Act may be enforced with respect to an alien against the alien's sponsor in a civil suit brought by the Attorney General or a State or political subdivision of a State in the United States district court for the district in which the sponsor resides for the recovery of the costs incurred by any Federal, State, or political subdivision of a State in providing general cash public assistance provided to such alien for which the sponsor agreed to be liable under such a contract.

(d) The sponsor or the sponsor's estate shall not be liable if the sponsor dies, becomes impoverished due to unforeseen circumstances (as defined by eligibility for Federal assistance), or is adjudicated a bankrupt under title 11, United States Code.

(e) The requirements and powers of this section shall apply only to initial sponsorship-based applications for legal admission into the United States received after the effective date of this section.

(f) This provision shall take effect 90 days after the date of enactment of this Act

(g) The admitting agencies shall record the use of sponsorship by immigrant to meet the public charge test for admission to the United States set forth in paragraph (4) of section 212(a) of the Immigration and Naturalization Act.

SEC. 214. AUTHORITY TO STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions are not inconsistent with the eligibility requirements for comparable Federal programs or are less restrictive. For the purposes of this section, attribution to an alien of a sponsor's income and resources for purposes of determining the eligibility for and amount of benefits of an alien shall be considered less restrictive than a prohibition of eligibility.

PART B—EMPLOYER SANCTIONS SUPPORT

SEC. 221. ADDITIONAL IMMIGRATION AND NATURALIZATION SERVICE INVESTIGATORS.

(a) INVESTIGATORS.—The Attorney General is authorized to hire for fiscal years 1995 and 1996 such additional investigators and staff as may be necessary to aggressively enforce existing sanctions against employers who employ workers in the United States illegally or who are otherwise ineligible to work in this country.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

PART C—ENHANCED WAGE AND HOUR LAWS

SEC. 231. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1995 and 1996 such additional investigators and staff as may be necessary to aggressively enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

SEC. 232. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.

The Attorney General is authorized to hire for fiscal years 1995 and 1996 such additional Assistant United States Attorneys as may be necessary to prosecute actions brought under this Act, or intended to directly further Congress' intention to preclude and deter illegal immigration.

PART D—AUTHORIZATION VERIFICATION

SEC. 241. WORK AUTHORIZATION VERIFICATION.

The Attorney General, together with the Secretary of Health and Human Services, shall develop and implement a counterfeit-resistant system to verify work eligibility and federally-funded public assistance benefits eligibility for all persons within the United States. If the system developed includes a document (designed specifically for use for this purpose), that document shall not be used as a national identification card, and the document shall not be required to be carried or presented by any person except at the time of application for federally funded public assistance benefits or to comply with employment eligibility verification requirements.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

SEC. 301. INCREASED PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the comma at the end of subparagraph (D) and all that follows through the period and inserting "; or"; and

(C) by adding at the end the following:

"(E) engages in any conspiracy to commit any of the preceding acts, or aids or abets the commission of any of the preceding acts,

shall be fined under title 18, United States Code, and shall be imprisoned not less than 3 years nor more than 10 years, for each alien with respect to whom any violation of this paragraph occurs."; and

(2) by adding at the end the following new paragraphs:

"(3) Any person who, in the commission of an act described in paragraph (1), willfully subjects any alien to a substantial risk of death or serious bodily harm shall be subject to a term of imprisonment of not less than 3 years nor more than 10 years in addition to any term of imprisonment imposed under that paragraph.

"(4) Any person who in the perpetration of, or in the attempt to perpetrate, any violation of paragraph (1), causes the death of an alien shall be subject to the penalty of death, or life imprisonment, subject to appropriate procedures under chapter 228 of title 18, United States Code.".

SEC. 302. DEATH PENALTY PROCEDURES.

Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES RELATING TO SMUGGLING OF ALIENS

"Sec.

"3591. Sentence of death relating to the smuggling of aliens.

"§ 3591. Sentence of death relating to the smuggling of aliens

"A sentence of death for a violation of section 274(a)(4) of the Immigration and Nationality Act may be imposed only if—

"(1) the defendant caused the death of a person intentionally or knowingly, or caused the death of a person through the intentional infliction of serious bodily injury; and

"(2) the sentence is imposed in accordance with the procedures set forth in section 408 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) of the Controlled Substances Act (21 U.S.C. 848 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r)), except that for the purposes of a violation of that law, the references to "this section" in section 408(g) and (h)(1) and "subsection (e)" in section 408(i)(1), (j), (k) (each place it appears), and (p) of the Controlled Substances Act shall be deemed to be references to section 274(a)(4) of that Act. No rule of law, including a rule contained in a

law under which an offense is committed, may be applied in determining whether a penalty of death shall be imposed in a particular case, other than those procedures. Those procedures supersede all other provisions of law that pertain to whether a penalty of death shall be imposed in any particular case (not including the authorization of the penalty itself).".

SEC. 303. SMUGGLING ALIENS FOR COMMISSION OF CRIMES.

Section 274(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "or" at the end of clause (ii);

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following:

"(iii) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year, including violations of or attempted violations of or aiding and abetting violations of or conspiring to violate the Controlled Substances Act (21 U.S.C. 801 et seq.) or laws against prostitution, importation of aliens for immoral purposes, trafficking in firearms, money laundering, gang activities, kidnapping or ransom demands, fraudulent documents, or extortion, the smuggling of known or suspected terrorists or persons involved in organized crime if offenses against such laws are punishable by imprisonment for more than 1 year,"; and

(2) at the end thereof, by striking "be fined" and all that follows through the period and inserting the following: "be fined under title 18, United States Code, and shall be imprisoned not less than 3 years nor more than 10 years.".

SEC. 304. ADDING ALIEN SMUGGLING TO RICO.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" after "law of the United States,";

(2) by inserting "or" at the end of clause (E); and

(3) by adding at the end the following:

"(F) any act in violation of section 1028, 1542, or 1546 of this title for personal financial gain and section 274, 277, or 278 of the Immigration and Nationality Act.".

SEC. 305. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2), or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2), shall be subject to seizure and forfeiture, except that—

"(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

"(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2) which was committed by the owner or which was intended to further the business interests of the owner, or to confer any other benefit upon the owner.";

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting "property"; and

(B) by striking "is being used in" and inserting "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraph (3)—

(A) by inserting "(A)" immediately after "(3)", and

(B) by adding at the end the following:

"(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.";

(4) in paragraphs (4) and (5) by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting "property"; and

(5) in paragraph (4) by—

(A) striking "or" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; or", and

(C) by inserting at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).".

SEC. 306. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by inserting after "trains)" the following: ", or a felony violation of section 1028 (relating to production of false identification documentation), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents)";

(2) by striking "or" after paragraph (l);

(3) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(4) by inserting after paragraph (l) the following new paragraph:

"(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens);".

SEC. 307. EFFECTIVE DATE.

The amendments made by this title shall apply to offenses occurring after the date of enactment of this Act.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

PART A—PORT OF ENTRY INSPECTIONS

SEC. 411. RESTRICTIONS ON ADMISSIONS FRAUD.

(a) EXCLUSION FOR FRAUDULENT DOCUMENTS OR FAILURE TO PRESENT DOCUMENTS.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) MISREPRESENTATION" and inserting the following:

"(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS"; and

(2) by adding at the end the following new clause:

"(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.".

(b) PROVISION FOR ASYLUM AND OTHER DISCRETIONARY RELIEF.—(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution.

"(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution.

"(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the person departed directly from a country in which the alien has a credible fear of persecution or of return to persecution.

"(4) Notwithstanding paragraphs (1), (2), and (3), the Attorney General may, in the Attorney General's sole discretion, permit an alien described in paragraphs (1), (2), or (3) to apply for asylum.

"(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2) or is an alien described

in section 235(d)(3) and the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an asylum officer who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution, or in the case of an alien described in section 235(d)(3), whether the alien had directly departed from such a country.

"(B) If the officer determines that the alien does not have a credible fear of persecution or of return to persecution in the country in which the alien was last present prior to attempting entry into the United States or arriving in the United States or a port of entry under the circumstances described in section 235(d)(3), the alien may be specially excluded and deported in accordance with section 235(e).

"(C) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (B) that an alien does not have a credible fear of persecution or of return to persecution in the country in which the alien was last present.

"(D) The Attorney General shall provide information concerning the credible fear determination process described in this paragraph to persons who may be eligible for that process under the provisions of this subsection. An alien who is eligible for a credible fear determination pursuant to subparagraph (A) may consult with a person or persons of his or her choosing prior to the credible fear determination process or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not unduly delay the process.

"(6) As used in this section, the term 'credible fear of persecution or of return to persecution' means—

"(A) it is more probable than not that the statements made by the alien in support of his or her claim are true; and

"(B) there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(7) As used in this subsection, the term 'asylum officer' means a person who—

"(A) has had professional training in country conditions, asylum law, and interview techniques;

"(B) has been employed for at least one year in a position the primary responsibility of which is the adjudication of asylum claims; and

"(C) is supervised by an officer who meets conditions in subparagraphs (A) and (B).".

(2) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii), or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which he or she has no credible fear of persecution or of return to persecution. If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

"(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States, or

"(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States,

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.".

(3) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking "Deportation" and inserting "Subject to section 235(d)(2), deportation"; and

(B) in the first sentence of paragraph (2) by striking "If" and inserting "Subject to section 235(d)(2), if".

SEC. 412. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225), as amended by section 311(b)(2), is further amended by adding at the end the following new subsection:

"(e)(1) Subject to paragraph (d)(2), any alien (including an alien crewman) who—

"(A) may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) of the Immigration and Nationality Act may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise; or

"(B) was brought to the United States pursuant to subsection (d)(3) and who may appear to an examining immigration officer to be excludable may be ordered specially excluded and deported by the Attorney General without any further inquiry, either by a special inquiry officer or otherwise.

"(2) Such special exclusion order is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an applicant who claims to have been lawfully admitted for permanent residence. A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106.

"(3) Nothing in this subsection shall be regarded as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 413. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows: "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION"; and

(2) by adding at the end the following new subsection:

"(d)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(C)(iii), 235(d), and 235(e). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(2) Judicial review of any cause, claim, or individual determination covered under paragraph (d)(1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

"(A) whether the petitioner is an alien, if the petitioner makes a showing that his or her claim of United States nationality is not frivolous;

"(B) whether the petitioner was ordered specially excluded; and

"(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(2).

"(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d). Any alien excludable under section 212(a)(6)(C)(iii) who receives a hearing under section 236, whether by order of court or otherwise, may thereafter obtain judicial review of any resulting final order of exclusion pursuant to subsection (b).

"(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable under section 212(a)(6)(C)(iii) or entitled to any relief from exclusion.".

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225), as amended by sections 311(b)(2) and 312, is further amended by adding at the end the following new subsection:

"(f) In any action brought for the assessment of penalties for improper entry or reentry of an alien under sections 275 and 276 of the Immigration and Nationality Act, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242 of the Immigration and Nationality Act.".

SEC. 414. EFFECTIVE DATE.

The amendments made by this title shall be effective upon the day after the date of enactment of this Act, and shall apply to aliens who arrive in or seek admission to the United States after such date. Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of such amendments at any time after the date of enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

PART B—ENHANCED PENALTIES

SEC. 421. INCREASED PENALTIES FOR DOCUMENT FRAUD.

(a) FRAUD AND MISUSE OF IMMIGRATION DOCUMENTS.—Section 1546(a) of title 18, United States Code, is amended by striking "five years" and inserting "ten years".

(b) FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—Section 1028(b)(1) of title 18, United States Code, is amended by striking "five years" and inserting "ten years".

(c) CHANGES TO THE SENTENCING LEVELS.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, relating to defendants convicted of violating, or conspiring to violate, sections 1546(a) and 1028(a) of title 18, United States Code. The basic offense level under section 2L2.1 of the United States Sentencing Guidelines shall be increased to—

(1) not less than offense level 15 if the offense involved 1,000 or more documents;

(2) not less than offense level 20 if the offense involved 2,000 or more documents, or if the documents were used to facilitate any other criminal activity described in section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(A)(i)(II)) or in section 101(a)(43) of such Act, as amended by this Act;

(3) not less than offense level 25 if the offense involved—

(A) the provision of documents to a person known or suspected of engaging in a terrorist activity (as such terms are defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B));

(B) the provision of documents to facilitate a terrorist activity or to assist a person to engage in terrorist activity (as such terms are defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) the provision of documents to persons involved in racketeering enterprises (as such acts or activities are defined in section 1952 of title 18, United States Code).

SEC. 422. PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FRAUDULENT DOCUMENTS.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period and inserting ", or" at the end of paragraph (4); and

(3) by adding at the end the following new paragraph:

"(5) in reckless disregard of the fact that the information is false or does not relate to the applicant, to prepare, to file, or to assist another in preparing or filing, documents which are falsely made (including but not limited to documents which contain false information, contain material misrepresentations, or information which does not relate to the applicant) for the purpose of satisfying a requirement of this Act.".

(b) CONFORMING AMENDMENTS FOR CIVIL PENALTIES.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended by striking "each document used, accepted, or created and each instance of use, acceptance, or creation" each of the two places it appears and inserting "each instance of a violation under subsection (a)".

(c) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—Section 274C of the Immigration and Nationality Act (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

"(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in section 274C(a)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not less than 2 nor more than 5 years, or both, and prohibited from preparing or assisting in preparing, regardless of whether for a fee or other remuneration, any other such application.

"(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, regardless of whether for a fee or other remuneration, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not less than 5 years nor more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.".

SEC. 423. CIVIL PENALTIES FOR FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.

Section 274C(a) (8 U.S.C. 1324c(a)), as amended by section 412 of this Act, is further amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6) to present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States and to fail to present such document to an immigration officer upon arrival at a United States port of entry.

The Attorney General may, in his or her discretion, waive the penalties of this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).".

SEC. 424. EFFECTIVE DATE.

The amendments made by this title shall apply to offenses or violations occurring after the date of enactment of this Act.

TITLE V—ASYLUM REFORM

SEC. 501. PENALTIES FOR FRIVOLOUS APPLICATIONS.

(a) CIVIL PENALTIES.—

(1) PROHIBITED ACTIVITIES.—Section 274C of the Immigration and Nationality Act (8 U.S.C. 1324c), as amended by sections 412 and 413 of this Act, is further amended by inserting at the end of subsection (a) the following new sentence: "For the purposes of this subsection, the phrase 'falsely make any document' includes the preparation or provision of any application for benefits under this Act which was made knowingly or in reckless disregard of the fact that such application has no basis in law or fact or which otherwise fails to contain information pertaining to the applicant.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to the preparation of applications before, on, or after the date of enactment of this Act.

(b) CRIMINAL PENALTIES.—The fourth paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

"Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—".

SEC. 502. ASYLUM AND WORK AUTHORIZATION.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

"(f) An applicant for asylum may not engage in employment in the United States except pursuant to this subsection. The Attorney General may deny, suspend, or otherwise place conditions on any application for or grant of authorization to engage in employment in the United States to any alien who makes an application under this section. The Attorney General shall issue regulations to prescribe the conditions for denial, suspension, or conditioning of such authorization, and shall include in such regulations a plan to address sudden, substantial increases in asylum applications and repeated attempts by aliens to gain such authorization without stating a credible fear of persecution.".

SEC. 503. RESOURCES TO ADDRESS ASYLUM BACKLOG.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 8 U.S.C. 1253) as of the date of enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of 2 years, beginning 90 days after the date of enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed,

under section 8344 of such title by reason of temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed,

under section 8468 of such title by reason of temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons referred to in paragraph (1)(B) in the same manner and to the same extent as such provisions apply to persons referred to in paragraph (1)(A).

SEC. 504. REDUCTION OF INCENTIVES TO DELAY PROCEEDINGS.

(a) RELIEF UNDER SECTION 212(c).—Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended—

(1) by redesignating subsection (c) as subsection (c)(1); and

(2) by adding at the end the following:

"(2) For the purpose of satisfying the 7-year period described in paragraph (1), no time shall count toward such period after the alien has received an order to show cause issued under section 242 or 242B.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all applications for relief under section 212(c) or 244 of the Immigration and Nationality Act filed after the date of enactment of this Act.

SEC. 505. PARTIAL REVOCATION OF EXECUTIVE ORDER.

Section 4 of Executive Order No. 12711 of April 11, 1990, and any rule, regulation, or order issued under that section, shall be of no force or effect, except that nothing in this Act shall invalidate, or otherwise retroactively affect, any final determination of eligibility for asylum made before the date of enactment of this Act.

TITLE VI—BORDER CROSSING USER FEE

SEC. 601. IMPOSITION OF FEES.

(a) LAND BORDER AND PORT OF ENTRY USER FEE ACCOUNT.—Section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356(q)) is amended to read as follows:

"(q) LAND BORDER AND PORT OF ENTRY USER FEE ACCOUNT.—(1) The Attorney General, after consultation with the Secretary of State, shall impose at the time of a person's entry into the United States by land or by sea a fee of $1 for the person's use of border or port facilities and services of the Immigration and Naturalization Service.

"(2) Notwithstanding subsection (b), the Attorney General may—

"(A) adjust the border crossing user fee periodically to compensate for inflation and other escalation in the cost of carrying out the purposes of this Act; and

"(B) develop and implement special discounted fee programs for frequent border crossers including, but not limited to, commuter coupon books or passes.

"(3) All fees collected under paragraph (1) shall be deposited as offsetting receipts in a separate account within the general fund of the Treasury of the United States and shall remain available until expended. Such account shall be known as the 'Land Border and Port of Entry User Fee Account'.

"(4)(A) The Secretary of the Treasury shall refund out of the Land Border and Port of Entry User Fee Account, at least on a quarterly basis, amounts to any appropriations for expenses incurred in providing inspection services at land border points and seaports of entry. Such expenses shall include—

"(i) the provision of inspection services;

"(ii) the operation and maintenance of inspection facilities at land border and seaport points of entry;

"(iii) the expansion, operation, and maintenance of information systems for immigrant control;

"(iv) the hire of additional permanent and temporary inspectors, including those authorized by section 111 of the Illegal Immigration Control and Enforcement Act of 1994;

"(v) the minor construction costs associated with the addition of new traffic lanes (with the concurrence of the General Services Administration), including the establishment of commuter lanes to be made available to qualified United States citizens and aliens, as determined by the Attorney General;

"(vi) the detection of fraudulent documents used by persons seeking to enter the United States; and

"(vii) providing for the administration of the Land Border and Port of Entry User Fee Account.

"(B) Beginning with the fiscal year which begins after the effective date of this subsection, amounts required to be refunded in any fiscal year shall be refunded in accordance with estimates made in the budget request of the Attorney General for that fiscal year. Any proposed change in an amount specified in such budget request shall only be made after notification, at least 15 days in advance of the proposed refund, to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of Public Law 101-162.

"(5) Beginning two years after the date of enactment of this Act, and every two years thereafter, the Attorney General shall prepare and submit to the Congress a report containing—

"(A) a statement of the financial condition of the Land Border and Port of Entry User Fee Account, including the beginning account balance, revenues, withdrawals, and ending account balance and projection for the next two fiscal years; and

"(B) a recommendation, if necessary, regarding any adjustment in the prescribed fee that may be required to ensure that the receipts collected from the fee charged for the succeeding two-year period equal, as closely as possible, the cost of providing the facilities and services described in paragraph (1).".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act.

(2) Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit in writing to the Committees on the Judiciary and the Committees on Appropriations of the House of Representatives and of the Senate a plan detailing the proposed implementation of section 286(q) of the Immigration and Nationality Act (as amended by this Act).

(3) Effective 6 months after the date of enactment of this Act, the fourth proviso under the heading "Immigration and Naturalization Service, Salaries and Expenses" in Public Law 103-121 is repealed.

(c) FURTHER USE OF FUND FOR BORDER SECURITY.—(1) Notwithstanding any other provision of law, upon the date of enactment of this Act, the Secretary of the Treasury shall refund at the beginning of each fiscal year to the Appropriation Account of the Immigration and Naturalization Service funds in the Land Border Inspection Fee Account which remain unobligated from the preceding fiscal year, for use as follows:

(A) For the hiring, training, support, and equipping of—

(i) Border Patrol agents, and of related support personnel authorized in section 111 of this Act;

(ii) the Immigration and Naturalization Service land-border inspectors authorized by section 121 of this Act;

(iii) the Immigration and Naturalization Service investigators authorized by section 221 of this Act;

(iv) the Department of Labor inspectors authorized by section 231 of this Act; and

(v) the Assistant United States Attorneys authorized by section 232 of this Act.

(B) Not to exceed a total of $5,000,000 in fiscal years 1995 and 1996, to carry out the project described in section 134.

(C) The identification, detention, and deportation of individual aliens subject to final orders of deportation.

(D) To the extent available—

(i) for costs relating to land border crossing infrastructure improvement as authorized by section 122 of this Act;

(ii) for costs relating to the acquisition by the Department of Justice of technology and equipment as authorized by section 114 of this Act;

(iii) for the cost of facilitating and expanding the activities of the Organized Crime and Drug Enforcement Interagency Task Force in order to fully abate the flow of narcotics and other illegal drugs into the United States;

(iv) for the cost of increasing rewards for information leading to the arrest and conviction of terrorists;

(v) for the cost of conducting classes, or otherwise assisting or encouraging, legal immigrants to the United States to attain American citizenship; and

(vi) for the cost of such other activities that, in the discretion of the Attorney General, will reduce: illegal transit of the Nation's borders, the flow of illegal drugs across such borders, the time necessary to process applications for asylum in the United States, and the number of alien criminals incarcerated in this country.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such additional funds as may be necessary to satisfy the requirements of this Act not otherwise funded by this title.●

ADDITIONAL COSPONSORS

S. 173

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 173, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes.

S. 1138

At the request of Mr. DANFORTH, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1138, a bill to provide resources for child-centered activities conducted, where possible, in public school facilities.

S. 1443

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1942

At the request of Mr. EXON, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1942, a bill to authorize appropriations for the local rail freight assistance program.

S. 1951

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1951, a bill to establish a comprehensive system of reemployment services, training and income support for permanently laid off workers, to facilitate the establishment of one-stop career centers to serve as a common point of access to employment, education and training information and services, to develop an effective national labor market information system, and for other purposes.

S. 2118

At the request of Mr. DORGAN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2118, a bill to improve the national crime database and create a Federal cause of action for early release of violent felons.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2178, a bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf war.

S.J. RES. 165

At the request of Mr. COCHRAN, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S.J. Res. 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

S. CON. RES. 66

At the request of Ms. MIKULSKI, the names of the Senator from Nebraska [Mr. EXON] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. Con. Res. 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 224—ORIGINAL RESOLUTION REPORTED TO AMEND THE STANDING RULES OF THE SENATE FOR THE USE OF THE RECORDING STUDIO AND MASS MAILINGS WITH RESPECT TO UNCONTESTED ELECTIONS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 224

Resolved, That (a) paragraph 1 of rule XL of the Standing Rules of the Senate is amended by striking the period at the end and inserting ", unless the candidacy of the Senator in such election is uncontested.".

(b) Paragraph 6(a) of rule XL of the Standing Rules of the Senate is amended by striking the period at the end and inserting ", unless the candidacy of the Senator in such election is uncontested.".

SENATE RESOLUTION 225—ORIGINAL RESOLUTION REPORTED RELATING TO THE PURCHASE OF CALENDARS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 225

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $79,040 for the purchase of one hundred and four thousand 1995 "We the People" calendars. The calendars shall be distributed as prescribed by the committee.

SENATE RESOLUTION 226—EXPRESSING THE SENSE OF THE SENATE RELATIVE TO NEGOTIATIONS UNDER THE PACIFIC SALMON TREATY

Mr. GORTON (for himself, Mr. STEVENS, Mr. MURKOWSKI, Mr. PACKWOOD, and Mr. HATFIELD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 226

Whereas, customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, of vessels through waters commonly referred to as the "Inside Passage" off the Pacific coast of Canada;

Whereas, Canada is a signatory to the United Nations Convention on the Law of the Sea;

Whereas, Canada has recently announced that it will require commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a "license which authorizes transit" through certain waters of the "Inside Passage" off the Pacific Coast of Canada;

Whereas, such action by Canada may endanger the lives of Americans who would—if unable to pay the fee—have to take their small boats into the open ocean to pass between United States destinations;

Whereas, Canada has attempted to justify this action as necessary to encourage the United States to accept changes sought by Canada to the Pacific Salmon Treaty;

Whereas, Canada has announced that this transit license is the first of a series of actions designed to be "to Canada's advantage and the United States' disadvantage";

Whereas, the Canadian transit license has no conceivable relationship to fishery management under the Pacific Salmon Treaty;

Whereas, the United States will not be forced to negotiate by illegal acts;

Whereas, this action is a clear violation of international law, including the United Nations Convention on the Law of the Sea, and in particular Article 26 of that Convention, which specifically prohibits such fees;

Whereas, there is precedent in U.S. law for reimbursing American vessels forced to pay such fees when the U.S. determines that the fees are illegal: Now, therefore be it

RESOLVED by the Senate and House of Representatives of the United States in Congress assembled, that—

1. The United States should reimburse the owner of any United States fishing vessel forced to pay such transit license fee in accordance with section 3 of the Fishermen's Protective Act (22 U.S.C. 1973), and should seek reimbursement for any such payments from Canada under section 5 of that Act (22 U.S.C. 1975);

2. To the extent section 3 of the Fishermen's Protective Act does not allow reimbursement for vessels which have not been "seized," Congress should amend the Act to authorize such reimbursement for all vessel owners who pay the transit license fee;

3. The United States should prohibit the use of United States waters off Alaska, including waters in and near the Dixon entrance, for purposes of anchorage without

proper customs clearance by commercial fishing vessels of Canada;

4. The President should direct the Coast Guard to take all steps necessary in accordance with the recognized principles of international law to provide for safety of U.S. citizens exercising their right of passage in Canadian waters.

5. The President should review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that continuation of the transit license policy would be against Canada's long term interests, and should immediately implement any actions which the President deems appropriate until Canada rescinds the policy;

6. The President should immediately convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of United States vessels in violation of customary international law; and

7. The United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

AMENDMENTS SUBMITTED

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

D'AMATO AMENDMENT NO. 1782

Mr. D'AMATO proposed an amendment to the bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton.

MITCHELL AMENDMENT NO. 1783

Mr. DASCHLE (for Mr. MITCHELL) proposed an amendment to amendment No. 1782 proposed by Mr. D'AMATO to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

MURKOWSKI AMENDMENT NO. 1784

Mr. MURKOWSKI proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs [special subcommittee] shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MITCHELL AMENDMENT NO. 1785

Mr. DASCHLE (for Mr. MITCHELL) proposed an amendment to amendment No. 1784 proposed by Mr. MURKOWSKI to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional hearings: in the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

LOTT AMENDMENT NO. 1786

Mr. LOTT proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 15, 1994.

MITCHELL AMENDMENT NO. 1787

Mr. MITCHELL proposed an amendment to amendment No. 1786 proposed by Mr. LOTT to the bill S. 1491, supra; as follows:

Strike the matter proposed and insert the following:

Notwithstanding any other provision of this Act, for purposes of conducting such hearings and related activities of the Committee on Banking, Housing, and Urban Affairs required under this Act, such hearings shall begin on a date no later than July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation, whichever is the earlier.

SPECTER AMENDMENT NO. 1788

Mr. SPECTER proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency.

MITCHELL AMENDMENT NO. 1789

Mr. MITCHELL proposed an amendment to amendment No. 1788 proposed by Mr. SPECTER to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

BOND AMENDMENT NO. 1790

Mr. BOND proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the Department of Justice's handling of the Resolution Trust Corporation's criminal referrals relating to Madison Guaranty Savings and Loan Association. The term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MITCHELL AMENDMENT NO. 1791

Mr. MITCHELL proposed an amendment to amendment No. 1790 proposed by Mr. BOND to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

BOND AMENDMENT NO. 1792

Mr. BOND proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation.

MITCHELL AMENDMENT NO. 1793

Mr. MITCHELL proposed an amendment to amendment No. 1792 proposed by Mr. BOND to the bill S. 1491, supra; as follows:

In lieu of the matters proposed insert the following.

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgement of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

McCONNELL AMENDMENT NO. 1794

Mr. McCONNELL proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, the Committee on Banking, Housing, and Urban Affairs shall conduct an investigation into, study of, and hearings on, all matters which have any tendency to reveal the full facts about any issues developed during, or arising out of, the hearings conducted by the Committee on Banking, Housing, and Urban Affairs under this Act.

MITCHELL AMENDMENT NO. 1795

Mr. FORD (for Mr. MITCHELL) proposed an amendment to amendment No. 1794 proposed by Mr. McCONNELL to the bill S. 1491, supra; as follows:

In lieu of the matter proposed insert the following:

(1) Additional Hearings: In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98–0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, June 15, 1994, at 3 p.m. in executive session, to consider the nominations of Adm. Charles R. Larson, USN and Lt. Gen. Buster C. Glosson, USAF to retire in grade.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 15, beginning at 10 a.m. to conduct a hearing on the future of the Federal Home Loan Bank System.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 15, 1994, at 10 a.m. on the NOAA authorization.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Wednesday, June 15, 1994, at 10 a.m., to hear testimony on S. 1870, the Retirement Protection Act of 1993; hear testimony on the nomination of Valerie Lau to be Inspector General of the Treasury Department; to consider the nomination of Valerie Lau to be the Inspector General of the Treasury Department; and to consider the nomination of Ronald Noble to be Under Secretary of the Treasury—Enforcement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, at 5 p.m. to receive a closed briefing from the administration on the North Korea nuclear situation.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 15, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2036, the Indian Self-Determination Contract Reform Act of 1994.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 15, 1994 at 2:30 p.m. to hold a hearing on "proposals in Immigration Reform.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on June 15, 1994 at 11 a.m. for an executive session to consider S. 1513, and H.R. 6, Improving America's Schools Act, and pending nominations.

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

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, June 15, beginning at 9:30 a.m., to conduct a hearing on Reauthorization of the Endangered Species Act.

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

SUBCOMMITTEE ON CONSTITUTION

Mr. FORD. Mr. President, I ask unanimous consent that the subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, at 10 a.m., to hold a hearing on line-item veto.

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

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, to review arms export licensing.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 15, 1994, at 9:30 a.m. to markup legislation on the foreign aid reform proposal.

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

ADDITIONAL STATEMENTS

THE GROWING INTERNATIONAL DRUG PROBLEM

• Mr. DECONCINI. Mr. President, there is an issue of great importance which I

feel needs to be addressed immediately—drug trafficking—which has reached enormous proportions throughout the world. Recently, I addressed the serious drug production and trafficking problem in Syria where 90 percent of all arable land in Syria's Bekaa Valley is being used to cultivate and transship narcotics. But the incredible drug trade boom is not limited to Syria. The situation in Southeast Asia is equally appalling. The Golden Triangle is fast becoming the leader in illegal narcotics cultivation in the world. The Golden Triangle area of Laos, Burma, and Thailand cultivated 194,720 hectares of opium in 1993, an amount equal to the cocaine cultivation in the Andean mountain region. Yet little attention is being focused on this enormous problem.

Much of the opium produced in the Golden Triangle passes through Nigeria before reaching Europe or the United States. We cannot hypocritically proclaim our support for the universal war on drugs and then ignore this growing problem in the Golden Triangle. The situation is quickly becoming out of control. We are on the brink of catastrophe, with the Golden Triangle at the epicenter.

As I mentioned above, Nigeria also poses a pressing problem. In Africa, Nigeria is the main transfer point for narcotics from Southeast Asia and South America. Levels of corruption in the Nigerian Customs Service have reached alarming proportions even though the Nigerian Government recently purged the customs service of the violators of the law. Unfortunately, history shows that bribery will quickly convert new customs officials to the corrupted way of life.

Nigeria has few major dealers internally since there is a very low level of narcotics cultivation in the country, but transshipment of drugs is a horrendous problem. Nigeria is the main transfer point for drugs, especially cocaine from Brazil and opium from the Golden Triangle. Sadly, there is no significant antidrug trafficking program in Nigeria because the Government has no motivation to do so. By cutting down on the drug flow, they will also be cutting down on the cash flow, and Nigeria is already an impoverished nation. A solution must be found to combat the torrent of narcotics pouring through Nigeria.

Mr. President, every one of these situations is critical. The time to act is now, because this problem will not go away. The longer we delay, the bigger the problem will become. We cannot afford to stand idly by while these areas produce ton after ton of illegal narcotics which may end up on our streets and maim and kill our youth. The war on drugs must be applied equally to all corners of the globe. I hope the administration and my colleagues in the Senate will pay attention to the warning signs of this growing international drug trade, or we will pay a far higher price for our inattention and inaction down the road.●

THE ENDANGERED SPECIES ACT

● Mr. SHELBY. Mr. President, I ask unanimous consent that an article from the March 22, 1994, Birmingham News entitled "Why Southern Landowners Hate Endangered Species" be placed into the RECORD. This article, written by Mr. Jonathan Tolman of the Alexis de Tocqueville Institute, excellently capsulizes the unique problems facing the Southeast with respect to the conflict between private property owners and the Endangered Species Act.

WHY SOUTHERN LANDOWNERS HATE ENDANGERED SPECIES

(By Jonathan Tolman)

If you think the spotted owl debate in the Pacific Northwest has been a bruising, drawn-out political fight, wait until you see what's brewing in the South.

There isn't just one endangered animal in the forests of the Southeast, there are dozens. For example, every county in Alabama is considered habitat to some endangered species. Some counties even have their very own endangered species which are found nowhere else, like Jefferson County, home to the watercress darter, an endangered minnow.

SO DIFFICULT

One of the main reasons saving Southern endangered species will be so difficult is that the Endangered Species Act fails when it comes to protecting endangered species on private land. And unlike the Pacific Northwest, where the federal government owns 53 percent of the land, in the Southeast the feds own a mere 7 percent.

The Endangered Species Act ignores a landowner's property rights and the economic stake he holds in his property. Because of this deficiency, the act often forces landowners to choose between jobs (their own) and the environment.

Interior Secretary Bruce Babbitt has been doing his best to defuse these private property conflicts. In November, Babbit signed a deal with International Paper to set aside 4,500 acres in Alabama for the threatened Red Hills salamander. Last April, he signed a deal with Georgia Pacific to set aside 50,000 acres around the Southeast for the red cockaded woodpecker.

In the case of the red cockaded woodpecker, the federal government was effectively given a 50,000-acre wildlife refuge for the bird. But these huge corporate donations may not be enough to save the woodpecker. Georgia Pacific land accounts for only about 20 percent of the woodpeckers that live on private land. Where is the other 80 percent going to come from? What about the Red Hills salamanders that don't live on International Paper's land?

If genuine conservation for endangered species comes at all, it will have to come from small landowners. And there are hundreds of thousands of them throughout the Southeast. For example, there are more than 100,000 private forest landowners in Louisiana alone, owning two-thirds of all forest land in the state. The average landowner owns about 140 acres. If a red cockaded woodpecker is found on his property, the landowner has a real problem.

According to the U.S. Fish and Wildlife Service, the average territory for red cockaded woodpeckers is 200 acres. Under the Endangered Species Act virtually the entire acreage of the average landowner would be required as habitat for the woodpecker. A landowner couldn't cut down his trees, he couldn't develop his land, he couldn't sell his land, he couldn't even use his land as collateral for a loan. By just about any definition, his land has been taken.

Even though the landowner's property is effectively taken, the federal government rarely compensates. This means the individual landowner is forced to bear the costs of providing habitat for an endangered species while the public accrues all of the supposed benefits. Not only is this constitutionally dubious, it often has the additional effect of turning private landowners against endangered species. This is a pattern that has been growing more and more common as landowners realize the impact of having an endangered species on their property.

In some cases landowners try to discourage endangered species from taking up residence on their property. In 1990, Hillwood Development, a company owned by billionaire Ross Perot, did just that. Concerned that the golden-cheeked warbler, an endangered songbird, would take up residence on its 333 acres outside Austin, Texas, the company exploited a legal loophole to change the habitat. While the bird was wintering in Central America, Hillwood Development hired several dozen migrant workers, equipped them with chainsaws and instructed them to cut down trees. Few if any golden-cheeked warblers have been seen on the property since then.

A less dramatic example is occurring in central Louisiana. A private landowner owns a large estate which is home to several groups of red cockaded woodpeckers. When the owner found out the real obligations under the Endangered Species Act, he changed his management plan. Red cockaded woodpeckers prefer to nest in longleaf pine trees older than 60 years. In order to prevent the woodpeckers from expanding onto the rest of his property, the landowner has been converting the older longleaf pine into younger loblolly pine.

Then there is the current controversy over listing the Alabama sturgeon. The entire Alabama congressional delegation is opposed to listing the sturgeon. Said Sen. Richard Shelby, "The people of Alabama who have worked their entire life on the Alabama and Tombigbee river systems stand to lose their livelihood if this animal is listed as an endangered species." According to Sen. Shelby, preliminary economic estimates predict that the Alabama economy would lose $2 billion a year if the fish is listed as endangered.

The Alabama congressional delegation is not the only state delegation to take exception to an endangered species. In 1978, the Tellico Dam project on the Little Tennessee River was halted by the presence of a threatened minnow, the snail darter. The Tennessee delegation then pushed through legislation which specifically exempted the Tellico Dam from the Endangered Species Act. Even Vice President Al Gore, then a congressman, voted for the legislation and against the snail darter.

In extreme cases people will even kill endangered species to protect their property rights. In 1987, two Florida land developers were indicted and convicted for killing red cockaded woodpeckers. In the Pacific Northwest this attitude has its own slogan: "shoot, shovel and shut up."

TOUGH CHOICE

Repeatedly, the current Endangered Species Act is forcing citizens to choose between their economic survival and the survival of a species. As long as they are forced to make this decision, endangered species will lose. Dr. Eugene Lapointe, who directed the United Nations' endangered species program for eight years, said it best: "Without the local populations' constant involvement, no genuine conservation efforts will ever succeed."

If the Endangered Species Act is to be a successful conservation effort it must be rewritten so local populations become participants and not opponents to the survival of endangered species.•

WATR—ITS 60TH ANNIVERSARY

• Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to WATR, a family-owned radio station in Waterbury, CT, which has broadcast history-in-the-making, entertainment and public affairs programs during the past 60 years. Today, WATR celebrates its 60th anniversary broadcasting to Connecticut listeners. On a quiet June day in 1934, the airwaves in Waterbury sizzled and crackled when WATR signed on for the first broadcast to listeners in the Greater Waterbury area and Naugatuck Valley. Over the past 60 years this station has successfully adapted to the changing needs of the thousands of listeners who tune in every day, every hour.

During the 1930's WATR broadcast President Roosevelt's fireside chats, and the radio dramas which many Connecticut families tuned to each night after dinner. The music of the big band era, rock and roll, jazz, and country have all reached listeners over the air waves from Broadcast Lane overlooking Waterbury. Thousands of people first learned about the landing on Normandy, the bombing of Pearl Harbor, President Kennedy's assassination, and the landing on the Moon listening to network and local newscasts on WATR. And today, WATR continues this dedication to news and to keeping listeners informed of events in the community, the State, the Nation and the world. Talk shows broadcast on WATR give listeners an opportunity to speak out on the issues that concern them. Up-to-the-minute traffic reports keep commuters on Interstate 84 and Highway 8 informed of hazards and commuter problems as they merge into this busy traffic area.

Mr. President, I congratulate not only the people who work at WATR, but the loyal listeners who tune in every day. And not only the employees and listeners of 1994, but those who throughout the past 60 years have helped WATR reach this broadcast anniversary.

WATR has a formula for success which is to be admired. I believe the difference between WATR and those stations which have come and gone over the past 60 years are the people who make up WATR. People who are dedicated to their listeners and to the community. Over the years, the WATR staff have volunteered hundreds of hours to raise funds for nonprofit agencies and assist in cultural and community events. Every year, the Sunshine Fund campaign raises money and other donations for area families, and every year it is the people of WATR who make this campaign a success.

I applaud WATR for the past 21,900 days of hard work, dedication, and a commitment to broadcasting news and entertainment to the Greater Waterbury community. No one knows what changes will greet WATR in the next 60 years, but I know WATR will meet them and continue this commitment of service to the families of Connecticut.•

BALTIC FREEDOM DAY

• Mr. RIEGLE. Mr. President, the date of June 14 holds special meaning for the people of Estonia, Latvia, and Lithuania. On that day in 1941, Soviet troops began in earnest their illegal occupation of their countries by deporting tens of thousands of Baltic citizens to forced labor and concentration camps in Sibera. For the people of the Baltic States, June 14, 1941 ushered in one of the darkest periods in their history—a period which finally ended half a century later with the collapse of the Soviet Union.

During the difficult years of Soviet occupation, the Baltic people were brutalized and their land violated. Baltic-Americans, and others who cared about the fate of Lithuanians, Latvians, and Estonians, used the anniversary of the June 14th deportations to focus the world's attention on the Baltic peoples' tragic fate and to reaffirm United States support in their struggle for freedom.

In 1982, with the help of the Baltic-American community, I introduce one of the first Senate resolutions officially designating June 14 as "Baltic Freedom Day." Unanimous adoption of that resolution, which symbolized America's enduring solidarity with the Baltic peoples' struggle for freedom, was repeated each succeeding year, until Baltic independence was restored. Their success set in motion the independence fervor which quickly spread through the republics of the former Soviet Union.

Today, the anniversary of this infamous date provides an opportunity both to honor the Baltic men, women, and children who were victimized by their Soviet oppressors, and to recommit ourselves to supporting the Baltic peoples' arduous task of rebuilding their nations and their spirits.

Mr. President, the task facing the Baltic people today is an overwhelming one. The urgency of achieving the withdrawal of the remaining Russian troops from their soil and cleaning up their environment, ruined by decades of Soviet abuse, are only two of the most glaring matters to be resolved. In addition, the hardships imposed by the difficult transition to free market economies, coupled with the continuing tensions between Balts and ethnic Russians living within their borders, present special challenges to the citizens of these new independent nations.

The resilience of the Baltic people, evidenced by their peaceful and disciplined 50-year struggle against their Soviet occupiers, is nothing less than remarkable. They deserve our deepest admiration and respect. And so, I urge my colleagues to continue to be vigilant with respect to the Baltic nations, and to continue to lend them the critical support they need as they move toward becoming fully sovereign and prosperous once again.•

URBAN YOUTH ACTION: MAKING A DIFFERENCE IN PITTSBURGH

• Mr. WOFFORD. Mr. President, I rise today to recognize Urban Youth Action, Inc., which today is celebrating 28 years of outstanding service to Allegheny County.

Their celebration tonight, "We Are the World, We Are the Children," is in keeping with the general way all of their good programs and projects operate: youth-led and youth-designed.

Urban Youth Action, Inc. teaches students, age 13–19, the values of hard work, self-discipline, service, and education. UYA teaches youngsters how to conduct job searches, provides work experience and career exposure placements, imparts life skills, matches youngsters with dedicated professionals who serve as mentors, and encourages higher education.

Too often in our society, young people are viewed as dangers, as problems, as needing to be fixed. UYA has for 28 years been turning that around by empowering a diverse group of youth to make a difference in their own lives and their own community. For 28 years, UYA has been showing that youth are resources, talent ready to be tapped. For 28 years, UYA has been giving flesh to the idea that civil rights must be balanced by civic responsibilities.

I salute the staff and board members of UYA—especially Ms. Linda Brant and Mr. Will Thompkins—and perhaps most importantly, the students.•

NATIONAL PARKINSON'S DISEASE AWARENESS WEEK

Mr. FORD. Now, Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 175, designating "National Parkinson's Awareness Week"; that the Senate proceed to its immediate consideration; that the resolution be deemed

read three times, passed, and the motion to reconsider be laid upon the table; that the preamble be agreed to and any statements appear in the RECORD as if read.

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

So the joint resolution was deemed to have been read three times and passed.

The preamble was deemed to have been agreed to.

The joint resolution (S.J. Res. 175), with its preamble, is as follows:

S.J. RES. 175

Whereas Parkinson's Disease is a chronic neurologic, crippling disorder of the nervous system;

Whereas Parkinson's Disease affects more than 1,500,000 people of all ages in the United States and millions more around the world;

Whereas no cure is available at this time, but extensive research in laboratories throughout the world has led to improved treatment in alleviating symptoms while searching for a cure; and

Whereas Parkinson support groups, chapters, and information and referral centers across America are dedicated to developing understanding of this disease and community awareness of Parkinson's Disease by promoting discussions, mutual sharing, and support among patients and family members and by sponsoring educational and medical symposiums that help stimulate research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 13, is hereby designated as "National Parkinson's Disease Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

BOARD OF VETERANS' APPEALS ADMINISTRATIVE PROCEDURES IMPROVEMENT ACT OF 1994

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1904) a bill to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1904) entitled "An Act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Board of Veterans' Appeals Administrative Procedures Improvement Act of 1994".

SEC. 2. NUMBER OF MEMBERS OF BOARD OF VETERANS' APPEALS.

Section 7101(a) of title 38, United States Code, is amended by striking out "(not more than 65)".

SEC. 3. ETHICAL AND LEGAL LIMITATIONS ON CHAIRMAN.

Section 7101(b)(1) of title 38 United States Code, is amended by inserting after the first sentence the following new sentence: "The Chairman shall be subject to the same ethical and legal limitations and restrictions concerning involvement in political activities as apply to judges of the United States Court of Veterans Appeals.".

SEC. 4. ACTING AND TEMPORARY MEMBERS OF BOARD OF VETERANS' APPEALS.

(a) IN GENERAL.—Subsection (c) of section 7101 of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1)(A) The Chairman may from time to time designate one or more employees of the Department to serve as acting members of the Board. Except as provided in subparagraph (B), any such designation shall be for a period not to exceed 90 days, as determined by the Chairman.

"(B) An individual designated as an acting member of the Board may continue to serve as an acting member of the Board in the making of any determination on a proceeding for which the individual was designated as an acting member of the Board, notwithstanding the termination of the period of designation of the individual as an acting member of the Board under subparagraph (A) or (C).

"(C) An individual may not serve as an acting member of the Board for more than 270 days during any one-year period.

"(D) At no time may the number of acting members exceed 20 percent of the total of the number of Board members and acting Board members combined.";

(2) by striking out paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated, by striking out "the number of temporary Board members" and all that follows through the period at the end and inserting in lieu thereof "the number of acting members of the Board designated under such paragraph (1) during the year for which the report is made.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended by striking out "a temporary or" and inserting in lieu thereof "an".

(2) Subsection (d)(3)(B) of such section is amended by striking "section 7103(d)" and inserting in lieu thereof "section 7101(a)".

SEC. 5. CHAIRMAN'S ANNUAL REPORT ON BOARD ACTIVITIES.

Section 7101(d)(2) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the number of employees of the Department designated under subsection (c)(1) to serve as acting members of the Board during that year and the number of cases in which each such member participated during that year.".

SEC. 6. DECISIONS BY THE BOARD.

(a) ACTION BY BVA.—Sections 7102 and 7103 of title 38, United States Code, are amended to read as follows:

"§7102. Assignment of members of Board

"(a) A proceeding instituted before the Board may be assigned to an individual member of the Board or to a panel of not less than three members of the Board. A member or panel assigned a proceeding shall make a determination thereon, including any motion filed in connection therewith. The member or panel, as the case may be, shall make a report under section 7104(d) of this title on any such determination, which report shall constitute the final disposition of the proceeding by the member or panel.

"(b) A proceeding may not be assigned to the Chairman as an individual member. The Chairman may participate in a proceeding assigned to a panel or in a reconsideration assigned to a panel of members.

"§7103. Reconsideration; correction of obvious errors

"(a) The decision of the Board determining a matter under section 7102 of this title is final unless the Chairman orders reconsideration of the decision in accordance with subsection (b). Such an order may be made on the Chairman's initiative or upon motion of the claimant.

"(b)(1) Upon the order of the Chairman for reconsideration of the decision in a case, the case shall be referred—

"(A) in the case of a matter originally heard by a single member of the Board, to a panel of not less than three members of the Board; or

"(B) in the case of a matter originally heard by a panel of members of the Board, to an enlarged panel of the Board.

"(2) A panel referred to in paragraph (1) may not include the member, or any member of the panel, that made the decision subject to reconsideration.

"(3) A panel reconsidering a case under this subsection shall render its decision after reviewing the entire record before the Board. The decision of the panel shall be made by a majority vote of the members of the panel. The decision of the panel shall constitute the final decision of the Board.

"(c) The Board on its own motion may correct an obvious error in the record, without regard to whether there has been a motion or order for reconsideration.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking out the item relating to section 7103 and inserting in lieu thereof the following:

"7103. Reconsideration; correction of obvious errors.".

SEC. 7. PROCEDURES RELATING TO APPEALS.

(a) IN GENERAL.—(1) Section 7107 of title 38, United States Code, is amended to read as follows:

"§7107. Appeals: dockets; hearings

"(a)(1) Each case received pursuant to application for review on appeal shall be considered and decided in regular order according to its place upon the docket.

"(2) A case referred to in paragraph (1) may, for cause shown, be advanced on motion for earlier consideration and determination. Any such motion shall set forth succinctly the grounds upon which it is based and may not be granted unless the case involves interpretation of law of general application affecting other claims or for other sufficient cause shown.

"(b) The Board shall decide any appeal only after affording the appellant an opportunity for a hearing.

"(c) A hearing docket shall be maintained and formal recorded hearings shall be held by such member or members of the Board as the Chairman may designate. Such member or members designated by the Chairman to conduct the hearing shall, except in the case of a reconsideration of a decision under section 7103 of this title, participate in making the final determination of the claim.

"(d)(1) An appellant may request that a hearing before the Board be held at its principal location or at a facility of the Department located within the area served by a regional office of the Department.

"(2) A hearing to be held within an area served by a regional office of the Department shall (except as provided in paragraph (3)) be scheduled to be held in the order in which requests for hearings within that area are received by the Department.

"(3) In a case in which the Secretary is aware that the appellant is seriously ill or is under severe financial hardship, a hearing may be scheduled at a time earlier than would be provided for under paragraph (2).

"(e)(1) At the request of the Chairman, the Secretary may provide suitable facilities and equipment to the Board or other components of the Department to enable an appellant located at a facility within the area served by a regional office to participate, through voice transmission or through picture and voice transmission, by electronic or other means, in a hearing with a Board member or members sitting at the Board's principal location.

"(2) When such facilities and equipment are available, the Chairman may afford the appellant an opportunity to participate in a hearing before the Board through the use of such facilities and equipment in lieu of a hearing held by personally appearing before a Board member or panel as provided in subsection (d). Any such hearing shall be conducted in the same manner as, and shall be considered the equivalent of, a personal hearing. If the appellant declines to participate in a hearing through the use of such facilities and equipment, the opportunity of the appellant to a hearing as provided in such subsection (d) shall not be affected.".

(2) The item relating to section 7107 in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"7107. Appeals: dockets; hearings.".

(b) CONFORMING AMENDMENTS.—(1) Section 7104(a) of such title is amended by striking out the third sentence.

(2) Section 7110 of such title is repealed.

(3) The table of sections at the beginning of chapter 71 of such title is amended by striking out the item relating to section 7110.

SEC. 8. CROSS-REFERENCE CORRECTION.

Section 7104(a) of title 38, United States Code, is amended by striking out "211(a)" and inserting in lieu thereof "511(a)".

SEC. 9. REVISION TO INCOME VERIFICATION REQUIREMENTS.

(a) PARENTS DIC.—Section 1315(e) of title 38, United States Code, is amended—

(1) in the first sentence—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in the second sentence—

(A) by striking out "file with the Secretary a revised report" and inserting in lieu thereof "notify the Secretary"; and

(B) by striking out "the estimated".

(b) PENSION.—Section 1506 of such title is amended—

(1) in paragraph (2)—

(A) by striking out "shall" and inserting in lieu thereof "may"; and

(B) by striking out "each year" and inserting in lieu thereof "for a calendar year"; and

(2) in paragraph (3)—

(A) by striking out "file a revised report" and inserting in lieu thereof "notify the Secretary";

(B) by striking out "estimated" each place it appears; and

(C) by striking out "such applicant's or recipient's estimate of".

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am delighted that the Senate is considering S. 1904, a bill to improve the organization and procedures of the Board of Veterans' Appeals [BVA], as passed with amendments by the House of Representatives. I urge my colleagues to give their unanimous support to this bill, which would amend certain provisions of title 38, United States Code, affecting the operation and procedures of the Board of Veterans' Appeals.

Mr. President, the Senate passed this measure on April 21, 1994. My statement in support of Senate passage appears in the RECORD on that day, beginning on page S4758. On November 22, 1993, the House passed H.R. 3400, which included provisions substantively similar to the provisions in S. 1904. The House and Senate Committees on Veterans' Affairs reached an agreement with respect to these provisions, reflected in this amendment to S. 1904. I am pleased to note that all of the provisions that were contained in the Senate-passed version of the bill are included in the compromise.

Mr. President, as I have said a number of times in recent months, the VA adjudication system currently is in a crisis situation, both at the regional office level and at the BVA. Put simply, the system is completely broken. If we do not begin to address the existing problems now, the situation promises only to worsen.

Mr. President, my primary goal as chairman of the Committee on Veterans' Affairs is to ensure that all veterans and their family members who look to VA for assistance receive quality services from VA—no matter what benefit they seek. VA exists solely to serve this Nation's veterans and their families. We in Congress are obligated to make sure the Department fulfills this mission in every respect.

At the heart of VA's mission is fair, efficient, and timely adjudication of benefit claims. Timeliness is simply vital. Currently, however, VA is not living up to this aspect of its responsibilities.

Mr. President, a veteran currently waits over 200 days for a decision on an original compensation claim, and about 2 years for a decision on appeal. That is unconscionable.

Mr. President, BVA's current problems were caused by a number of factors and will require long-term, fundamental changes. However, there are certain immediate changes Congress can institute that would allow the Board to begin to reduce its present backlog and improve its decisionmaking timeliness. The pending measure would authorize some of those changes and would begin to address some of the present problems at the VA appellate level.

I am committed to finding permanent solutions to the problems faced by BVA, but in the interim, the measures in this bill offer some immediate, short-term solutions to the ever-increasing average response time at the Board. Some of these provisions were specifically requested by the Secretary of Veterans Affairs and the Chairman of BVA. VA indicates that these provisions will allow BVA to increase its productivity and thereby immediately begin to reduce the time it currently takes the Board to make a decision on appeal.

Mr. President, section 2 of this bill would amend section 7101(a) of title 38 to remove the 65-member limitation on the number of members that may be appointed to the Board. Removing this limitation means that the size of the Board may increase as necessary, restrained only by the appropriation of funds.

Section 3 of this bill would provide that the Chairman of the Board is subject to the same ethical and legal limitations and restrictions regarding involvement in political activities as judges on the United States Court of Veterans Appeals. These limitations and restrictions are found in Canon 7—A Judge Should Refrain from Political Activity—of the Codes of Conduct for Judges and Judicial Employees, issued by the Judicial Conference of the United States. Current law places no such restrictions on the Chairman specifically with respect to political activities.

Mr. President, section 4 of this measure would remove the current provision giving the Chairman of BVA authority to appoint temporary Board members and move the authority to appoint acting members from current section 7102 to section 7101, while keeping intact the present limitation on the amount of time an individual can serve as an acting member. However, the provision would specifically allow acting members of the Board to complete work on any pending cases, notwithstanding that time limitation.

The Board has informed the Committee that the Chairman does not use the existing authority to appoint temporary members. Because the Chairman has the authority under current law to appoint acting members, the appointment of temporary members apparently is unnecessary, Removing this authority would simply amend the law to conform with current practice.

Section 5 of this bill would require the Chairman to include in the annual report on Board activities, mandated by section 7101(d), information concerning acting members appointed during the year.

Section 6 of this legislation would amend section 7102 of title 38 to allow the Chairman of BVA to assign an appeal to a single member or to a panel of members consisting of at least three members. Under current law, appeals have to be assigned to a panel of at least three members. According to VA, the authority to issue single-member decisions would increase Board productivity by 27 percent. In turn, this increase in productivity would contribute to a reduction in the time it takes BVA to make a decision on appeal. The Board has estimated that if this authority were to be fully effective in

June 1994, the average response time would be reduced to 600 days by the end of May 1995, instead of almost 850 days, which BVA estimates it would be if the requirement of three-member decisions remains in effect.

Amended section 7102 also would provide that reconsideration of a case must be assigned to a panel of members if the original appeal was decided by a single member, and to an enlarged panel of members if the original appeal was decided by a panel. In either case, the panel carrying out the reconsideration could not include any Board member who was involved in deciding the original appeal.

Section 6 would allow the Chairman to participate in a proceeding on appeal or on reconsideration, but only as a member of a panel, and not as an individual member.

Section 7 would allow the Board to use electronic or other technological means to conduct hearings from VA's central office in Washington, D.C., while the veteran is located in a local regional office or other VA facility. Section 7 also would provide that if an appellant is seriously ill or is under severe financial hardship, the hearing may be held earlier that it otherwise would be. The provisions in this section are intended to help move the hearing process more easily and quickly.

Mr. President, section 9 of this legislation would amend section 1506 of title 38 to eliminate the statutory requirement that pension recipients file income reports. Under current law, VA must require income reports for purposes of pension eligibility. This measure would give VA discretionary authority to require the submission of income questionnaires as it deems necessary. Further, the bill would also amend section 1506 to provide that when there is any change in income or in the value of the corpus of the individual's estate, the individual would be required to notify VA of the change, rather than file a revised income report as currently required.

Section 9 also includes a provision that would eliminate the statutory requirement for income reports for purposes of eligibility for parents' DIC, likewise giving VA discretionary authority to require the submission of income reports by recipients of this needs-based benefit.

Mr. President, VA has computer matching programs with the Internal Revenue Service [IRS] and the Social Security Administration [SSA] for income verification purposes, therefore, an income report is no longer necessary in every case. Allowing VA this discretionary authority would help to free up significant resources which are used to request and process these reports.

Mr. President, this bill would address three provisions requested by Secretary Brown to alleviate the Board's backlog. Specifically, in a February 10, 1994, letter, Secretary Brown asked for my assistance in the enactment of measures that would (1) remove the limit on the number of Board members, (2) allow the Chairman of BVA to assign appeals to one member of the Board for disposition, and (3) remove the limitation on the time an acting member may serve.

This bill includes the first two of the statutory provisions requested by the Secretary, as well as a provision that addresses the concerns that led to his request for the third provision.

Mr. President, the amendments in S. 1904 are vital. Passage of this legislation would represent the beginning of an improved appeals system, the effects of which veterans would start to feel immediately. Our Nation's veterans have a fundamental right to efficient processing of their claims for benefits—benefits they earned through their military service. I stand committed to working over the long term to ensure this right, but in the meantime, I strongly believe the provisions in this bill are a step in the right direction. I urge all of my Senate colleagues to support this bill.

Mr. President, I want to express my sincere gratitude and appreciation to the distinguished ranking Republican member of the Senate Committee, Mr. MURKOWSKI, all other members of this Committee, the chairman of the House Committee on Veterans' Affairs, Mr. MONTGOMERY, and the members of his committee for the cooperative effort to enact these measures quickly.

Mr. President, I urge the Senate to give its unanimous approval to this measure so that it can go to the President for his signature.

Mr. President, I ask unanimous consent that a detailed explanatory statement prepared by the two Veterans' Affairs Committees that explains the provisions of the compromise appear in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON S. 1904

S. 1904 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 103d Congress. These are Subtitle D of Title XII of H.R. 3400, which the House passed on November 22, 1993 (hereinafter referred to as "House bill"), and S. 1904, which the Senate passed on April 21, 1994 (hereinafter referred to as "Senate bill").

The Committees on Veterans' Affairs of the Senate and House of Representatives have prepared the following explanation of S. 1904 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

NUMBER OF MEMBERS OF BOARD OF VETERANS' APPEALS

Current law: Section 7101(a) of title 38, United States Code, specifies that the Board of Veterans' Appeals may be comprised of no more than 65 members in addition to the Chairman and Vice Chairman.

House bill: Section 12301(a) of the House bill would revise and restate the provisions of section 7101(a) of title 38. As part of that revision, section 12301(a) would eliminate the 65-member limitation on the number of members who can serve on the Board of Veterans' Appeals in addition to the Chairman and Vice Chairman. In addition, the House bill would codify the position of Deputy Vice Chairman of the Board, to be designated by the Chairman.

Senate bill: Section 1(a) would delete the language in section 7101(a) which provides that the number of Board members, in addition to the Chairman and Vice Chairman, may not exceed 65.

Compromise agreement: Section 2 follows the Senate bill.

ETHICAL AND LEGAL LIMITATIONS OF CHAIRMAN

Current law: Provisions relating to the Chairman of the Board of Veterans' Appeals (hereinafter referred to as "Chairman") are found in section 7101 of title 38. There are no provision in current law that place ethical or legal limitations or restrictions on the Chairman specifically with respect to political activities.

House bill: Section 12301(b) would provide that the Chairman of the Board is subject to the same ethical and legal limitations and restrictions regarding involvement in political activities as judges on the United States Court of Veterans Appeals. These limitations and restrictions are found in Canon 7—A Judge Should Refrain from Political Activity—of the Codes of Conduct for Judges and Judicial Employees, issued by the Judicial Conference of the United States.

Senate bill: No provision.

Compromise agreement: Section 3 follows the House bill.

ACTING AND TEMPORARY MEMBERS OF THE BOARD OF VETERANS' APPEALS

Current law: Section 7102(a)(2)(A) authorizes the Chairman to designate an employee of the Department of Veterans Affairs (hereinafter referred to as "Department" or "VA") to serve as an acting member on a section of the Board, for a period not to exceed 90 days. The Chairman may designate an acting member to serve on a section if the section is composed of fewer than three members due to the absence of a member, a vacancy on the Board, or the inability of a member assigned to the section to serve on that section. Under section 7102(a)(2)(B), an acting member may not serve for more than 270 days in any 12-month period.

Section 7101(c) authorizes the Chairman to designate Department employees to serve as temporary members for a period of not more than 1 year. Temporary members may be designated when there are fewer than 65 members of the board and may not serve for more than 24 months during any 48-month period.

House bill: As part of a revision of section 7101, section 12301(d) of the House bill would remove the limitation on the period of time acting members are allowed to serve and would remove the authority of the Chairman to designate temporary members.

Senate bill: Section 1(b) would amend section 7101(c) to eliminate the authority to designate temporary members. The provision authorizing the Chairman to designate acting members would be amended and moved

from section 7102 to 7101. The new section 7101 provision would be substantively identical to the current provision in section 7102 governing acting members, limiting such service to 90 days at a time and a total of no more than 270 days during any 1-year period. The new section 7101 would add a provision to permit an acting member to continue to serve in that capacity, notwithstanding the time limitations, with respect to any proceedings for which the acting member was designated.

Compromise agreement: Section 4 follows the Senate bill, with an amendment limiting the number of acting members who can serve at any time to 20 percent of the total number of regular and acting Board members combined.

CHAIRMAN'S ANNUAL REPORT OF BOARD ACTIVITIES

Current law: Section 529 of title 38 requires the Secretary of Veterans Affairs (hereinafter referred to as "Secretary") to submit an annual report to Congress including a financial accounting, a description of all work accomplished by the Department, and the activities of the Department during that fiscal year. Section 7101(c)(3) requires the secretary to include in this report the number of temporary and acting Board members designated during the fiscal year covered by the report.

Section 7101(d) requires the Chairman to prepare a report, to be submitted with the Secretary's budget request to Congress, at the end of each fiscal year on the activities of the Board during that year and the projected activities for the fiscal year in which the report is prepared and the following fiscal year. Section 7101(d) does not require the Chairman to include any information concerning acting or temporary members designated during the year covered in the report.

House bill: Section 12301(d) would remove the requirement that the Secretary include information concerning temporary members in the annual report to Congress, to conform with the removal of the authority to designate temporary members. Section 12301(e) would require that the Chairman's annual report include the names of acting Board members designated during the year and the number of cases in which each acting member participated.

Senate bill: Section 1(b) would remove the requirement that the Secretary include information concerning temporary members in the annual report to Congress. Section 1(c) would require the Chairman's annual report to include only the number of acting members designated during the year and the number of cases in which each acting member participated.

Compromise agreement: Section 5 follows the Senate bill.

DECISIONS BY THE BOARD

Current law: Section 7102(a)(1) authorizes the Chairman to divide the board into sections of three members and assign members to the sections.

Section 7102(c) provides that the Chairman will assign proceedings to sections of the Board. A section will make a decision concerning any proceeding assigned to the section, including any decision regarding motions filed in connection with such a proceeding, and make a report of the section's decision, which will be the final disposition of the proceeding.

Section 7103(a) states that a decision of the majority of the section will be the decision of the section, which is final unless the Chairman orders reconsideration of the case.

House bill: Section 12302(a) would amend section 7102 to authorize assignment of a proceeding to an individual Board member or to a panel of Board members, other than the Chairman, who would render a decision on the proceeding and make a report on the determination. Section 12302(a) would provide that decisions of a panel are to be made by a majority of the members of the panel.

Senate bill: Section 1(d) is substantively similar to section 12302(a) of the House bill, except that it would specify that a panel must consist of at least three members and it would not exclude the Chairman from participating in a decision on a proceeding, either individually or on a panel.

Compromise agreement: Section 6 would authorize assignment of a proceeding to an individual Board member or to a panel consisting of at least three members. The Chairman would be permitted to participate in a proceeding or reconsideration of a decision, but only as a member of a panel.

RECONSIDERATION

Current law: Section 7103(b) provides that when the Chairman orders reconsideration of a case, the decision on reconsideration is made by an expanded section of the Board. A decision of the majority of the expanded section is final.

House bill: Section 12302(a) would require that after the Chairman orders reconsideration of a case, the matter must be referred to a panel of at least three members where the original decision was rendered by an individual member, and to an enlarged panel where the original decision on appeal was rendered by a panel of members. This section would prohibit the original decisionmakers from participating in the reconsideration. The decision of a majority of the members of the reconsideration panel would be final.

Senate bill: Section 1(d) is substantively identical to the House bill.

Compromise agreement: Section 6 of the compromise agreement contains this provision.

HEARINGS

Current law: Section 7102(b) provides that a hearing docket will be maintained and that hearings will be held by the member or members designated by the Chairman, who must be a member or members of the section which will make the final decision in the case. Section 7104(a) states that the Board must afford a claimant the opportunity for a hearing before a decision is rendered in the case. Section 7110 provides that a claimant may request a hearing before a traveling section of the Board, to be held at a location within the area served by a regional office of the Department. Hearings before a traveling section of the Board are scheduled in the order in which the requests for such hearings in a particular area are received by the Department. Section 7107 governs the docketing of appeals.

House bill: Section 12304 would amend the heading of section 7110 to reflect that it contains all provisions governing hearings. This section would make it clear that an appellant may request a hearing at the Board's principal location in Washington, D.C., or at a regional office of the Department. Section 12304 also would add authority for the Board to schedule a hearing at a time earlier than it would otherwise be held, if the claimant is seriously ill or is under severe financial hardship. This section also would provide authority for the Secretary to provide facilities and equipment to the Board for purposes of allowing an appellant located at a facility in an area served by a regional office to participate in a hearing with a Board member who is at the Board's principal location, through voice transmission or picture and voice transmission, by electronic or other means. This section also would require, however, that the appellant be given the opportunity for a hearing in Washington, D.C., or before a traveling member of the Board, if the appellant chooses either method over a hearing through the use of electronic means.

Senate bill: With respect to hearings, section 1(e) contains substantively identical provisions as in the House bill. However, section 1(e) would repeal section 7110 and would move the hearing provisions to section 7107, thereby combining the provisions governing the docketing of appeals and the scheduling of hearings into one section. Provisions of existing section 7107 would remain substantively the same. Provisions relating to hearings in existing sections 7102, 7104, and 7110 would be included in the amended section 7107. The Senate bill would provide that hearings held before a traveling member or members of the Board would be held at a location within the area served by a regional office of the Department, not necessarily at the regional office.

Compromise agreement: Section 7 follows the Senate bill, except that with respect to hearings held before a traveling member or members of the Board, it would specify that such hearings would be held at a facility of the Department in the area served by a regional office of the Department. In addition, section 7 would add an exception to the requirement that the hearing be held before a member or members of section that will make the final determination, to exclude cases in which the Chairman orders reconsideration. Section 7 also would remove a redundant provision in 7104(a), which states that the Board will make a decision in a case only after the appellant has been given the opportunity for a hearing. Under section 7 of the bill, that requirement would appear in amended section 7107.

ANNUAL INCOME QUESTIONNAIRES FOR RECIPIENTS OF PENSION AND PARENTS' DEPENDENCY AND INDEMNITY COMPENSATION

Current law: Section 1506 of title 38 directs VA to require annual income reports for purposes of pension eligibility. Any applicant for or recipient of VA pension must file with VA a report containing information on the individual's annual income received during the previous year and on the corpus of the individual's estate at the end of the year, as well as the income and estate of any spouse or dependent child. The report must also contain an estimate of the individual's income for the current year and any expected increase in the value of the corpus of his or her estate.

For a surviving child, in addition to the above information, the report must include an estimate of the current year's annual income and any expected increase in the value of the corpus of the estate of any person who is legally responsible for the support of the child and with whom the child is residing.

Section 1506 also requires that any applicant or recipient of pension, or any person who is legally responsible for the support of a surviving child applying for or receiving pension, must promptly file a revised report whenever there is a material change in estimated annual income or in the estimated value of the corpus of that individual's estate.

Section 1315(e) directs VA to require an annual income report as a condition of an award or of continuation of parents' dependency and indemnity compensation (DIC), except in the case of a parent who has reached

the age of 72 and has been receiving DIC during 2 consecutive calendar years. The report must show the total income expected in that year and the total income received in the previous year. The recipient must file a revised report whenever there is a material change in estimated annual income.

House bill: Section 12305 would amend section 1506 to eliminate the statutory requirement for income reports for purposes of pension eligibility, thereby giving VA discretionary authority to require the submission of income questionnaires. Section 12305 would also amend section 1506 to provide that when there is any change in income or in the value of the corpus of the individual's estate, the individual would be required to notify VA of the change, rather than file a revised income report.

Senate bill: No provision.

Compromise agreement: Section 9 includes the provision in the House bill, with a minor technical amendment.

Section 9 of the compromise agreement also includes a provision that would eliminate the statutory requirement for income reports for purposes of eligibility for parents' DIC, thereby giving VA discretionary authority to require the submission of an income report.

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment.

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

The motion was agreed to.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, June 16; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that, immediately thereafter, the Senate proceed in executive session to consider the nomination of Lauri Fitz-Pegado, as provided under the conditions and limitations of a previous unanimous consent agreement; that upon disposition of the Fitz-Pegado nomination, either by confirmation or recommittal, the Senate then return to legislative session and resume consideration of Calendar 282, S. 1491, the Airport Improvement Act.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:29 p.m., recessed until Thursday, June 16, 1994, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1994:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

CHARLES H. DOLAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1994.

CHARLES H. DOLAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1997.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ROBERT M. PARKER, OF TEXAS, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

DIANA GRIBBON MOTZ, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DENISE PAGE HOOD, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

RICHARD A. PAEZ, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

PAUL L. FRIEDMAN, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

GLADYS KESSLER, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

EMMET G. SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

RICARDO M. URBINA, OF KTHE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

WILLIAM F. DOWNES, OF WYOMING, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. TIMOTHY R. BEARD [redacted]
CAPT. DAVID L. BREWER III [redacted]
CAPT. STANLEY W. BRYANT [redacted]
CAPT. TONEY M. BUCCHI [redacted]
CAPT. ROBERT S. COLE [redacted]
CAPT. WILLIAM W. COPELAND, JR. [redacted]
CAPT. JOHN W. CRAINE, JR. [redacted]
CAPT. JAMES B. FERGUSON II [redacted]
CAPT. EDMUND P. GIAMBASTIANI, JR. [redacted]
CAPT. JOHN J. GROSSENBACHER [redacted]
CAPT. JAMES B. HINKLE [redacted]
CAPT. GORDON S. HOLDER [redacted]
CAPT. RICHARD G. KIRKLAND [redacted]
CAPT. PETER A.C. LONG [redacted]
CAPT. MARTIN J. MAYER [redacted]
CAPT. BARBARA E. MCGANN [redacted]
CAPT. PATRICK D. MONEYMAKER [redacted]
CAPT. CHARLES W. MOORE, JR. [redacted]
CAPT. JOHN B. NATHMAN [redacted]
CAPT. WILLIAM L. PUTNAM [redacted]
CAPT. THOMAS R. RICHARDS [redacted]
CAPT. DAVID P. SARGENT, JR. [redacted]
CAPT. WILLIAM R. SCHMIDT [redacted]
CAPT. DONALD A. WEISS [redacted]

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. JOHN A. GAUSS [redacted]
CAPT. THOMAS J. PORTER [redacted]

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. ROBERT W. SMITH [redacted]

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

CAPT. HARRY W. WHITON [redacted]

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. LOWELL E. JACOBY [redacted]

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

CAPT. PAUL G. GAFFNEY II [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, June 15, 1994*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 15, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

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

We pray, Almighty God, for all people of good will who see in their daily lives opportunities for alleviating conflicts and distress or hardship. We especially remember those who are involved in peacekeeping efforts in our communities and in our world, those who seek to hold back the forces of evil and destruction and allow for people to live in security and freedom.

We express our gratitude to police, the Armed Forces, and all security forces who, in spite of the risks of their positions, use their power to promote understanding in our communities and further the work of justice in the world. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led and offered by the gentleman from Texas [Mr. DELAY].

Mr. DELAY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3676. An act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts; and

H.R. 4205. An act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1569) "An Act to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.", agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mrs. KASSEBAUM, and Mr. HATCH, to be the conferees on the part of the Senate.

RWANDA

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

Mr. HASTINGS. Mr. Speaker, I rise today to bring to the attention of my colleagues a resolution condemning the current situation in Rwanda and also calling the atrocity a genocide.

The Convention of the Prevention and Punishment of the Crime of Genocide, which the United States joined in 1989, stipulates that genocide, whether committed during peace or war, is an international crime which must be prevented and punished.

This administration has been avoiding using the term genocide in connection with Rwanda for fear that if we call it genocide we will have to take steps to stop the killing.

This is a pathetic excuse for a foreign policy. My resolution does not order U.S. intervention. It simply states the definition of genocide and shows how the ethnic cleansing in Rwanda fits that definition. Please cosponsor this resolution.

WELFARE

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

Mr. DELAY. Mr. Speaker, as President Clinton traveled to Missouri, the Show Me State, yesterday to unveil his welfare plan, many Members of the House of Representatives are rightfully asking, "where's the bill, Bill?"

In the tradition of the great State of Missouri, I ask the President to show me how his plan would end welfare as we know it.

Show me, Mr. President, how your plan addresses illegitimacy. The Clinton welfare plan purports to curb the trend in teen pregnancies by increasing family planning and condom distribution, contraceptive programs which have had very little success.

Show me, Mr. President, how your plan caps spending. The Clinton plan increases spending in child care and other services by $9.3 billion and pays for it by cutting $7 billion in existing welfare programs and other gimmicks from nonwelfare programs.

Show me, Mr. President, how your plan creates real work. The Clinton plan actually weakens work requirements with loopholes and exemptions.

And finally, show me, Mr. President, how your plan ends benefits to noncitizens. The Clinton plan does little to cap the cost of supporting noncitizens.

Judging from the President's plan, it seems that he has actually ended welfare reform as we know it. I urge President Clinton to consider the Republican's tough-love approach to bringing responsibility back into the welfare system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members not to address the President of the United States directly. Members should address the Chair.

NAFTA: GOOD FOR MEXICO, BAD FOR UNITED STATES WORKERS

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

Mr. TRAFICANT. Mr. Speaker, the good news is that 4,200 American workers have qualified for benefits under NAFTA. The bad news is that all 4,200 jobs have moved to Mexico. All their jobs have moved to Mexico, folks.

Mexican workers get jobs under NAFTA, American workers get unemployment checks and job retraining, with the average wage to be $8 an hour and no benefits. And what jobs are they, folks? Corncob pipe assembler, gizzard skin remover, brassiere cup

molder cutter, pantyhose crotch closer, on and on and on. The truth is it is a mediocre program, it is a mediocre law, it is mediocre wages, and it is mediocre jobs, and Congress has turned into the biggest unemployment agency in the entire world. Americans want welfare reform yesterday.

AMERICANS WANT WELFARE REFORM YESTERDAY

(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, back in the real world folks have had enough. They are tired of working and toeing the line, they are tired of doing more than their fair share, they are tired of increasing taxes and wasteful spending and a growing Government. They want welfare reform, and they want it yesterday. They are all in favor of helping people out who need a helping hand. They are ready to pull up citizens who have fallen down. But they say "stop" to the people who are able to work. They want a welfare reform plan that requires those who can work, to work, they want a plan that requires fathers to pay and not behave with the responsibility of an alley cat; they want benefits denied to illegal immigrants who have never paid American taxes.

Mr. Speaker, there are three plans that address these problems: the DeLay plan, with Mr. TALENT as cosponsor; the Santorum plan; and the Myers plan. Let us take the best of the Republican ideas, the best of the Democrat ideas, and combine them for the best interests of the American people.

THE BURGEONING TRADE DEFICIT WITH CHINA

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

Mr. APPLEGATE. Mr. Speaker, in 1984, President Reagan went to China to talk about trade. The U.S. trade deficit then was $10 million, just millions. He gave away the textile market, he opened up the American borders for all the Chinese productivity made by slave labor, and we gave them most-favored-nation status. That is a tax break.

Today, the trade deficit is $25 billion; billions, folks.

That is 2,500 times more than in 1983.

Now China and Korea want to hold the United States hostage to a Communist nation trying to conspire against us. China is threatening that if they do not get most-favored-nation status from this Government, that they are going to support the North Koreans. They are using the United States.

To President Clinton I would say, "Hang tough, Mr. President. If we don't, we are going to become enslaved by those very same people." Think about it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to advise Members again they may not direct their remarks to the President of the United States.

WORLD CUP SOCCER—THE GREATEST SPORTING EVENT IN THE WORLD

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

Mr. WALSH. Mr. Speaker, in just a couple of days the greatest sporting event in the world will begin. This year the United States will host the World Cup Soccer Championship for the first time in our history. A sport the whole world calls football, and in deference to American football we call soccer, will attract the attention of over 2 billion TV watchers worldwide.

For the uninitiated it is a simple yet beautiful game, the essential team sport. I urge all to take some time to watch. Do not expect much scoring—although millions will explode in cheers when a score is made.

I would suggest you watch for: A midfielder making a 40–50 yard run through opposition at full speed, pushing the ball just far enough ahead to keep control; the reflexes of the goalkeeper reacting to a pointblank shot at 80 miles per hour; a pass that flies 60 yards in the air and is caught on the chest of a runner in full stride; and the sweeper, the defender, in front of the goalkeeper, taking the legs out from under a man who earns $7 million a year to play this sport.

The beauty of the game is the team, the passing, the precision. Not the scoring.

Bon chance. Bono fortuna. Felin glook. Buena suerte. Good luck to all.

□ 1010

THE CURSE IS OVER

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

Mr. ENGEL. Mr. Speaker, last night, I and millions of others stood by our television sets and watched in joy as the New York Rangers finally, after 54 years, won the Stanley Cup. It was a miracle that some of us thought might never happen, but, after watching Brian Leetch and Mark Messier hold the Stanley Cup over their heads last night, we New Yorkers can now say that the jinx, or the curse, is finally over.

Rangers' victory can even inspire Congress to achieve things that seem impossible. I say to my colleagues this morning, Mr. Speaker, that, if the New York Rangers can win the Stanley Cup, surely Congress can pass comprehensive health care reform this session.

TRIGGER TIME BOMB ON SMALL BUSINESS

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

Mr. STEARNS. Mr. Speaker, there is a new word in the health care debate: Trigger.

A trigger is a back door way to get to employer mandates. Instead of mandating that small businesses pay 80 percent of their employees' health care costs now, this trigger mechanism will mandate it in the future.

The employer mandate has been described as a gun pointed at the heart of many of our small businesses. The trigger is more like a time bomb, with a fuse that lasts in years rather than in minutes.

When these triggers go off, the impact will be the same: a loss of jobs, a freeze in hiring, an end to many small companies.

Mr. Speaker, I urge my Democrat colleagues to not pull the trigger on our private sector.

Let us reform our health care system without putting people out of work. Let us fix what is broken in our current system without putting mandates on our small business. Trigger or no trigger, let us reject employer mandates. They are just not the best way to reform our health care system.

D-DAY COMMEMORATION APPRECIATED BY VETERANS

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

Mr. BEVILL. Mr. Speaker, I was fortunate to participate in the 50th anniversary celebration of D-day on June 6 in Normandy, France, as part of a bipartisan congressional delegation.

As a new Army second lieutenant who participated in the Normandy campaign, I was glad to have the opportunity to honor the many heroes who fought and died on D-day to liberate Western Europe from the grip of Nazi Germany.

Judging from the many favorable comments I heard from other veterans attending the event, the D-day commemoration was very meaningful, very moving, and very much appreciated.

It was highly appropriate that our Nation should be represented at an event of this magnitude by our Commander in Chief, the President of the United States. The participation of our

President along with many other heads of state showed these veterans in no uncertain terms that their sacrifices will long be recognized for their historic significance.

I am ashamed that anyone would devalue this momentous event for partisan purposes.

The men who stormed the beaches of Normandy 50 years ago fought in the name of freedom and democracy. They fought for all of us and they deserve our everlasting gratitude. They deserve to be remembered with dignity, not with petty partisanship.

Our Nation put its best foot forward on the 6th of June 1944, and once again, this year on the 50th anniversary of D-day. Our Nation was proudly represented and the whole world knows it, especially our veterans.

SHOW ME I'M WRONG

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

Mr. BALLENGER. Mr. Speaker, our health care system or our welfare system. Which is in worse shape?

Which needs reform first? Which eats up more of the taxpayers tax dollars? Which is really in a state of crisis?

Despite the many problems that must be fixed in our health care delivery system, we still have the finest quality health care in the world. Our welfare system, on the other hand, is a complete disaster.

So why did the President wait until yesterday to unveil his welfare reform plan? And why did he offer a plan that the Washington Post said had no chance of passage this year?

I believe the White House is not really serious about welfare reform. I believe their plan is an insufficient response to an intolerable problem. And I believe the White House is trying to score political points on this important issue.

Mr. Speaker, the President unveiled his plan yesterday in the Show Me State. I hope he shows me that I am wrong in my thoughts about his motives on welfare reform. But I doubt he will.

POST OFFICE SUNSHINE

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

Ms. DUNN. Mr. Speaker, my State of Washington, among many others, has proved that sunshine laws work. Openness is good. In fact, I have proposed a change to House rules that would bring more sunshine to this House.

I mention this today because it is time now for more sunshine on the past investigation into the House post office scandal.

Serious allegations have been made, Mr. Speaker. The former chief of the Capitol Hill Police force says he quit to protest interference by a House official into that investigation. The allegation is that this official threatened to have benefits or even jobs taken away unless the investigation were altered.

Mr. Speaker, Congress must not hide. Congress must be open. Congress must let the sunshine in.

The gentleman from Louisiana [Mr. LIVINGSTON] and I, as the Republican members of the Police and Personnel Subcommittee of House Administration have officially called for hearings into this matter.

The American people deserve to know if the former top House lawyer interfered with an investigation of the Capitol Police. And our police force deserves to know that they can run investigations based on justice, not politics.

Let the sunshine in. Let us determine once and for all if there was any obstruction of justice.

□ 1020

A TRIBUTE TO THE LATE HONORABLE ALBERT McDONALD COLE, A FORMER MEMBER OF CONGRESS

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

Mr. ROBERTS. Mr. Speaker, with sadness I rise to call attention to the death of a former member of the House of Representatives, Albert McDonald Cole, who represented the First District of Kansas for four terms from 1945 to 1953.

He is remembered for a single act of courage that ended his political career, but saved countless thousands of lives last spring as devastating floods hit Kansas and the Midwest.

In 1952, Mr. Cole voted in favor of the authorization to build Tuttle Creek Dam and Reservoir north of Manhattan in his district. Because that reservoir displaced hundreds of families and inundated thousands of acres of prime farmland, it was a controversial project. Mr. Cole initially opposed the dam, then changed his mind after the damaging floods of 1951. "I saw the terrible destruction and I just decided I could not oppose it any longer. So I changed my vote, much to the dismay of many of my friends, Mr. Cole recalled recently."

Opponents rallied under the banner "Big Dam Foolishness" and voted Mr. Cole out of office in 1952. He never regretted the vote. And last spring, as the dam moderated flooding from Manhattan, KS, to Kansas City, MO, Kansans were thankful for Mr. Cole's courage. There is no question the 1993 flooding would have cost much more in lives lost and in property damage if Tuttle Creek Dam had not been built.

All of us here today would do well to pause and reflect on Mr. Cole's willingness to do what was right, even at the expense of his political career.

Mr. Cole was appointed by President Dwight D. Eisenhower as National Administrator of the Federal Housing and Home Finance Agency, the predecessor agency to the Department of Housing and Urban Development. He later served as president of Reynolds Metals Development Corp. and as a Washington attorney.

Mr. Cole, who was 92, is survived by his wife, Emily, two children, six grandchildren, and nine great grandchildren.

[From the Globe, June 7, 1994]

FORMER FIRST DISTRICT REPRESENTATIVE DEAD AT 92

TOPEKA.—Albert McDonald Cole, who represented the 1st District of Kansas in Congress for four terms in 1945–53, has died in a Washington D.C., hospital, a relative reported on Monday.

Cole, who was 92, died in George Washington University Hospital Sunday night. He was hospitalized on Saturday, said Marsha Cole Saville, a niece who lives in Topeka.

His body had been donated to the hospital for research, and no services were planned, she said.

Cole was born Oct. 13, 1901, at Moberly, Mo. The son of a Baptist minister, the family lived in several Kansas communities, and he graduated from Sabetha High School.

He attended Washburn University and earned his law degree from the University of Chicago in the 1920s.

He practiced law in Holton and was Jackson County attorney before serving one term in the state Senate, 1941–45.

A Republican, he won election to the U.S. House in 1944 and served until January 1953, when former President Dwight Eisenhower appointed him national administrator of the federal Housing and Home Finance Agency, the predecessor agency to the Department of Housing and Urban Development.

He held that post until 1959, then was president of Reynolds Metals Development Corp. in Washington for eight years.

He had worked as a lawyer in Washington from 1968 until his retirement in 1990.

He married the former Emily Corbin of Kansas City, MO., in November 1927, and she survives. Other survivors include a son, Will E. Cole of Albuquerque; a daughter, Kitty Kaul of Tyler, Tex., six grandchildren and nine great grandchildren.

WELFARE REFORM: CHANGE VERSUS CHARITY

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

Mr. KNOLLENBERG. Mr. Speaker, President Clinton finally attempted to deliver on his 17-month-old promise of ending welfare as we know it. But what did we get—saving welfare as we know it. More Government spending, more Government bureaucracy, and less individual accountability.

Specifically, his plan gives welfare recipients 2 years of benefits before any work requirement is imposed. And even

after that these individuals would be able to trade their welfare checks for Government-subsidized paychecks.

As you can expect from this sort of Government underwriting, the draft of President Clinton's plan indicates that an additional $9 billion in Federal spending will be required just to launch his program.

This is outrageous. How can a plan like this possibly hope to end welfare as we know it?

Welfare reform must emphasize the private sector as the key to leaving welfare, and not publicly sponsored, make-work jobs that can only lead to larger costs, more bureaucracy, and more Government dependence.

We need to fix the system, but settling for half-hearted measures that contribute to the problems is not the answer.

CLINTON PLAN PERPETUATES THE SYSTEM, ADDS MORE WELFARE

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

Mr. GOODLATTE. Mr. Speaker, yesterday after waiting 17 long months, President Clinton finally unveiled his so-called welfare reform proposal. Remember 1992 when candidate Clinton promised to end welfare as we know it. Well his plan ends reform as we know it. The President's solution is to replace welfare with more welfare.

The President's plan expands entitlements and handouts, and avoids tackling the issues of illegitimacy.

Less people would be required to work for their benefits under the Clinton plan than under existing laws. Furthermore, since Clinton exempts anyone who is older than 23 from the work requirement, 80 percent of current welfare recipients would be off the hook. Clearly, his plan fails to provide a great majority of the people on welfare the much needed incentive for them to lift themselves out of poverty.

Instead of ending welfare as we know it, the President has decided to pour another $9.3 billion into an already failed system. His plan actually perpetuates the very system the American public has overwhelmingly denounced.

IT'S NOT THE END OF WELFARE AS WE KNOW IT

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

Mr. EWING. Mr. Speaker, remember when the Democratic candidate for President promised to end welfare as we know it? Well, after almost 2 years in office, he has come forth with his plan. The Christian Science Monitor has described it as "tweaking welfare as we know it." Others have described it as just another in a long series of broken promises.

On taxes, on spending, on crime, on illegal immigration, on foreign policy, on a whole host of critical issues facing America today, President Clinton has failed to deliver.

During his Presidential campaign, candidate Clinton promised to cut off AFDC benefits after 2 years. But here is what the Washington Post said last week about President Clinton's plan:

> President Clinton promised during the campaign to "end welfare as we know it" yet the comprehensive plan he will submit to Congress next week would leave a vast number of recipients in the old system for years to come.

In fact it does not apply to any one born before 1972. So much for promises.

The President has a real problem on his hands. He badly wants the American people to believe that he is an agent of change. But he wants to accomplish that while preserving the status quo. Mr. Speaker, you cannot have it both ways.

GRIDLOCK ON HEALTH CARE—A WELCOME DEVELOPMENT

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

Mr. GEKAS. Mr. Speaker, gridlock has come to the aid of the American people. With gridlock, the reluctance of the Congress to deal with health care, which they know in its present wild and crazy form will impose horrendous results on the American people that gridlock is welcome news here on Capitol Hill.

It means that we have a chance to stop once and for all the mad rush to a health care plan that may ruin the very best that we have in our health care system today. A choice of doctors, a choice of hospitals, the ability of innovative medicine to bring about new remedies and cures, all of that can go out the window if we rush to a health care system for which we are not prepared, not as a Congress and not as the people.

I have today sent a letter to the President begging him to take the leadership with the legislative leaders on both sides of the aisle in both Houses, both Chambers, to create a bipartisan blue ribbon panel to recommend, just as the blue ribbon panel in 1983 did on Social Security, a set of recommendations to being back to the Congress in March 1995, so we can get about the business of health care without gridlock any more.

But, Mr. Speaker, gridlock today is good. It helps the American people.

PRESIDENT'S WELFARE PLAN ENCOURAGES WELFARE, FAILS TO ADDRESS ILLEGITIMACY

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

Mr. LINDER. Mr. Speaker, imagine being 23 years old and learning yesterday that you are not required to work for the rest of your life. Either you hold the winning lottery ticket or you have just been grandfathered in under the administration's welfare plan.

Welfare reform was a principal tenet of the Clinton campaign in 1992. But that promise—to end welfare as we know it—has become an empty one. We all agree that those who are able should work. Incredibly, the President agrees that people should be required to work unless they were born prior to 1972. This provision would be laughable if the problem were not so serious.

Moreover, the President does not attack the principal social pathology of our time—illegitimacy. He has said "We can't justify a system that makes welfare more attractive than work." I would add that we can no longer justify a system that makes illegitimacy more profitable than family.

And you thought he said he would end welfare as we know it. Maybe he said he would defend welfare as we know it.

GREATER COSTS, MINIMUM RESULTS PROMISED BY CLINTON WELFARE PLAN

(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, yesterday President Clinton brought forward his welfare plan that he had made the centerpiece of his campaign. In fact, in fully 40 percent of his ads that he ran when he was campaigning for the Presidency, he referred to welfare and ending welfare as we know it.

Come on, Mr. President, we have not ended welfare as we know it at all. It has taken 17 months to even suggest a plan, and it does not get close to changing the main things that need to be changed in this system. In fact, it charges us as taxpayers an additional $8 billion, as opposed to the $20 billion in savings that would accrue as a result of the Republican plan, and it does not apply to over 90 percent of the people who are currently on welfare.

It is clearly not designed to end welfare as we know it. It is clearly designed to somehow make some sort of a treaty between the more left-of-center elements of the Democratic Party and those trying to keep the President's coalition together.

We believe very strongly that you have to have a work requirement. His work requirement does not apply to anyone over 23 years of age, and it reduces the work requirement for two-parent families.

Everyone agrees, criminologists, social workers, and elected officials, that

you have to keep a family together if you want to end welfare and reduce crime. This plan does not do that.

URGING SUPPORT FOR THE SECTION 515 RURAL HOUSING PROGRAM

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

Mrs. CLAYTON. Mr. Speaker, today I have offered a bill to reform the Farmers Home Administration's section 515 Rural Housing Program by addressing concerns raised in a recent report submitted to the Subcommittee on Agriculture Appropriations by the surveys and investigations staff of the House Committee on Appropriations.

Section 515 is a program which has been working for 31 years. It is the only such program available to serve the very poor in rural America. It serves the elderly, the handicapped, the disabled, women, and minorities. This program has led to the creation of more than 44,000 affordable housing units for the low- and very-low-income families of rural America. The average income of the people served by this program is typically only $7,900. In fiscal year 1994 alone, 14,000 new units were built using section 515 funds.

I realize that the costs associated with housing low-income people is high. However, we cannot ignore the fact that there is still a shortage of 600,000 affordable rental units in rural areas today and a backlog of $1 billion in applications for section 515 housing.

In my own district—the First District of North Carolina—there are 152 section 515 properties, serving more than 4,000 families—and 1,000 elderly households. If we strengthen the 515 program—rather than eliminate it—many more needy families across the United States can reach their dream of safe, decent, and affordable housing.

I am calling on you to support this effort to correct the deficiencies in the section 515 Program and to work with me to ensure that those citizens depending on this very worthwhile program are adequately served.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 447 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4539.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes, with Mr. STUDDS in the chair.

□ 1030

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I am pleased to bring to the floor the Treasury-Postal appropriations bill for fiscal year 1995. I wanted to thank at the outset the ranking member, the gentleman from Iowa [Mr. LIGHTFOOT], other members of my committee, the gentleman from Virginia [Mr. WOLF] and the gentleman from Oklahoma [Mr. ISTOOK], and the staff, both for Mr. LIGHTFOOT and for the gentleman from Pennsylvania [Mr. MCDADE] who, of course, is the ranking member of our committee. I also want to thank all of the Members on our side who have worked diligently as we have held hearings over the past 4 months on the legislation before us.

Mr. Chairman, the bill that we bring before you is $530 million under, in budget authority, the 602(b) allocation. In mandatory budget authority, it is $249 million under the allocation, and in total budget authority, it is $779 million under the budget authority.

In discretionary outlays, we are $6 million under our 602(b) allocation. In mandatory outlays, this bill is $245 million under the allocation. This bill is a total of $251 million dollars under the allocation. With respect to discretionary spending, this bill is $994 million, 6 million dollars short of 1 billion dollars, under the President's request in budget authority and $295 million in outlays.

It is over the 1994 enacted in discretionary budgeted authority by $206 million, and $615 million in outlays. I will explain why in just a second.

The total in the bill is, discretionary spending, $11.519 billion. I will point out during the course of debate, that figure includes $405 million in budget authority and outlays which are provided by the Committee on the Budget in a nonpartisan basis for the purposes of beefing up tax compliance.

We have over $100 billion of taxes that are due and owing to the Federal Government which are not, however, collected. That fact obviously places a greater burden on those who conscientiously and legally pay their taxes.

This sum of $405 million, to be spent this year and over the next 4 years, a sum of over $2 billion, is scored by CBO to raise over $9 billion. As a result, this money being expended pays itself back 4½ fold.

The resources available, therefore, for regular operations, taking out the $405 million, are $11.312 billion. This is important because to continue programs, it would cost $198 million more. That, I think, gives you an idea of how tight a budget this actually is.

The 1994 President's request is, without the tax compliance $405 million in there, $12,513 billion. If you add the tax bill you get to the President's request of $12.918 billion.

The total in the bill, however, is $11.519 billion. As a result, a correct analysis of the bill shows you that this is a reduction from the President's request of $1.399 billion, a $1.4 billion decrease, approximately 10 percent.

Members on both sides of the aisle have reviewed this bill and said it is a very fiscally responsible bill. I think that is accurate.

I will tell you, however, Mr. Chairman, that I believe this bill underfunds a very important aspect of expenditures in this bill, and that is tax systems modernization. In fact, that item alone was cut over one-half billion dollars. The President's request was $1.7 billion. We have been only able to give $1.2 billion.

Tax systems modernization goes to the ability of the Federal Government to collect the revenues and to give refunds in a timely fashion and to make sure that taxpayers' information is secure and accurate. We need to address this issue. We simply did not have the money to address this issue.

The total in the bill is $12.254 billion in outlays. However, if you take off tax compliance, if you subtract prior year authorized outlays, which will be made in 1995 of $213 million, and you subtract the net loss in GSA rent receipts, what happens is the public building fund is funded out of rent receipts. The administration properly has noted that the fair market value for rents in the United States has decreased. As a result, it has decreased the payments to be paid made by the individual agencies to GSA for their rent. This has had the net result of reducing receipts to the GSA building fund, and, therefore, a reduction in the receipts available to our committee, of a net $134 million.

As a result, the resources available for regular operations are $11.5 billion for this committee, 1994's enacted was $11.639 billion.

In other words, if you discount the three items of which I have just spoken, the tax compliance initiative of $405 million, the outlays resulting from prior year authorizations, and the net loss of GSA rents, you have a shortfall of $137 million in outlays. As a result, we are under 1994 expenditures.

The 1994 President's request was $12.549 billion. Again, if you add to the President's request the $405 million of which I have spoken, and the loss of the user fees, which were included in our bill as revenues, but which do not fall within the jurisdiction of this committee and were, therefore, deleted, you have, necessary to fund the President's request, $13.195 billion. Again, I would repeat, what we have in the bill is $12.254 billion, and as a result, a reduction from the President's request of $941 million, almost a $1 billion reduction from what the President requested in outlays.

Let me very briefly go over, Mr. Chairman, those reductions.

First of all, the President asked for a $999 million item, which was scored as a $500 million outlay, for a program which would allow the Federal Government to make opportunity purchases when leases expire, because of the market's status, where we need Federal space, but where we could purchase Federal space at far less in this market than we could build or purchase at some time in the future.

The committee believed that was a good idea. But it is also a good idea that the committee did not have revenues to fund. As a result, the entire program was deleted.

We also made a 30-percent reduction, as I indicated, in the IRS information systems, of $517 million. That reduction is very unfortunate and, in my opinion, from a policy standpoint not justifiable. The bottom line, however, is from an economic standpoint, we did not have the money to fund it. And that was the only large discretionary pot that we had, and, therefore, that had to be cut.

□ 1040

For all other agencies we put them at a hard freeze. In fact, more than a hard freeze, because for most agencies, Mr. Chairman, in this budget, we took either the lower of 1994 expenditures or the President's request, whichever was the lower figure. We had to eliminate, as I have explained, the user fee proposals which were approximately $240 million in revenues, because of the fact they were not within the jurisdiction of our committee.

There have been, however, a few small increases. Americans are very concerned about crime. The committee shares that concern and the commitment to confront it. Furthermore, the committee shares the American public's concerns with the interdiction of drugs, a responsibility of the Customs Service and other agencies within our purview.

We are also concerned about the proliferation of gangs and street crime in our urban as well as our rural areas.

As a result of these concerns, we have increased, relatively small increases, but we have increased various law enforcement agencies. The Bureau of Alcohol, Tobacco and Firearms was increased by $9.7 million, specifically for fingerprinting, computer upgrades and new ballistic technology so that we can assist local, State and Federal agencies in identifying crimes better, so that we can prosecute and incarcerate perpetrators of crime in this country.

I want to say, with respect to that money, that no additional computer money will be used to computerize any data that BATF does not collect already. I know there was some concern about that.

In Customs, we have included a net increase of $18 million. Essentially, Mr. Chairman, that $18 million is an increase so that we can fund the commitment that this House made as well as the Congress made when we passed NAFTA to make sure that the Customs Department would be able to properly identify country of origin for goods coming into the United States so that no country can use the North American free-trade area as a way to get goods into the United States which are not in fact produced either with parts, labor or manufacturing capability located within the free trade zone.

With respect to the Secret Service, Mr. Chairman, we have included $8.5 million in additional dollars to train state and locals in Presidential nominee protection. That last item is $6.5 million to combat counterfeiting overseas. Both the gentleman from Iowa [Mr. LIGHTFOOT] and myself and other members of the committee have been very, very concerned about the growing international threat that counterfeiting of the American dollar poses to the stability of our own currency and the stability of the international marketplace. As the Chairman knows, as the Members of this House know, the dollar is in fact the standard currency in the world. Therefore, it is the currency most targeted for counterfeiting in the international marketplace. This committee believes and has information to base that belief on, that in fact, nations are getting into counterfeiting the American dollar. We believe the Secret Service needs the additional resources to combat that problem.

With respect to the IRS, the bill also includes, as I have said, the $405 million initiative to beef up tax compliance. That will be about a $2 billion expenditure over the next 5 years, and CBO says will result in an additional $9 billion in revenues; again, a 4½ to 1 payoff. We believe, the committee believes that is a good investment and, in a nonpartisan, bipartisan way, the Committee on the Budget agreed and the committee agreed.

Now, we have major decreases. The tax system modernization has been decreased too much. We need to look at that in the future; $33 million is transferred out of the Treasury Forfeiture Fund to the General Fund. The transfer produces savings that will be applied to other Treasury law enforcement programs. We hope to replenish that, Mr. Chairman, when the Crime bill is passed. And we expect to get some additional revenues for the law enforcement agencies in our bill.

The Postal Service, we kept at last year's level, consistent with the reform package that was adopted and our commitment to the Postal Service. The Executive Office of the President, I would call to the attention of the House, I have historically been and continue to be opposed to reducing the White House request for its own budget. Just as I believe the White House ought not to involve itself in the legislative budget, I believe the Congress, with comity and respecting the separation of powers, ought to stay out of the White House budget.

Notwithstanding that, because we have imposed in every agency, almost, in our budget very stringent fiscal constraints, we have adopted the White House budget at 1994 levels, approximately $2.7 million below their request.

That is the first time ever that this committee has reported out a cut in the White House budget's request for itself. I have discussed this matter with the White House, and I am hopeful that at some point in time we can restore that.

We have various independent agencies within our budget as well. Most of them, as I said, Mr. Chairman, have been kept at last year's levels. I believe that explains pretty much the fiscal picture. I know that there will be a lot of debate with reference to the White House operations, we will confront when that comes up.

Lastly, I know there will also be amendments with respect to the authorization for new public buildings. I might say that the committee has included one of the lowest increases in the Public Buildings Fund of any year since I have been on this committee.

Furthermore, every one of those projects is subject to authorization by the Committee on Public Works and Transportation prior to expenditures being made thereon.

Mr. HOYER. Mr. Chairman, I am pleased to present the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1995.

The bill is under the 602(b) allocation by $530 million in discretionary budget authority and $249 million in mandatory budget authority. In outlays, the bill is $6 million below the discretionary outlay allocation and $245 million below the mandatory allocation.

The bill is below the President's budget, by $994 million in discretionary budget authority and $295 million in discretionary outlays.

Finally, the bill is over 1994 enacted levels by $206 million in discretionary budget authority and $615 million in discretionary outlays.

The comparison that I just made with fiscal year 1994, while factually correct, does not

give an accurate portrait of how really tight this bill is. The 1995 bill includes $12.254 billion in discretionary outlays. This includes $213 million in prior year outlays—expenditures resulting from projects initiated in previous years. It also includes $450 million for a tax compliance initiative—a revenue generating effort that will yield $9 billion in additional taxes for a $2 billion investment. Finally, that amount includes a $134 million loss from lower GSA rent receipts.

The committee had no choice but to include these outlays. If one were to subtract them from the bill, we would be left with only $11.502 billion in outlays from continuing operations, $137 million less than the 1994 level.

A similar analysis will show significant cuts from the President's request. The initial request was for $12.549 billion, but did not include the subsequent addition of $405 million for tax compliance. The request did, however, include a $241 million offset provided from tax increases—an item not under this committee's jurisdiction.

Taking into account these adjustments, the committee would have needed $13.195 billion to fund the President's request. We were able to fund only $12.254 billion, $941 million below that which we would have needed to comply with the President.

The committee undertook three major steps to achieve these savings:

It eliminated a $999 million GSA lease acquisition program.

It reduced the IRS information systems request by $517 million, a 30 percent cut from the $1.757 billion request.

It applied a hard freeze for most agencies—the lower of the 1994 enacted level or the 1995 President's request.

The committee did, however, provide a few select, small increases for some law enforcement agencies and particularly important initiatives that I will outline.

TITLE I—TREASURY

Most Treasury Department Bureaus are funded at the hard freeze—the lower of the 1994 enacted or the 1995 request.

The first significant increase relative to 1994 provides $9.7 million to the Bureau of Alcohol, Tobacco and Firearms for fingerprinting, computer upgrades, and new ballistics technology. This inclues $2.6 million to fingerprint applicants for firearms retail licenses, $2.1 million to automate existing reports on individuals buying multiple handguns, $1.1 million to computerize indices for out-of-business firearms dealer records, and $3.9 million to promote ballistics technology—CEASEFIRE—buy better bullet-proof vests, and hire additional agents. Not a penny of the computer money will be used to computerize any data that the agency does not collect already.

For Customs, the bill includes a net increase of $18 million for NAFTA and service modernization, partially offset by a reduction in the air and marine program. This is composed of $18 million for NAFTA, $26 million for its Automated Commercial System, $10 million for a Western Hemispheric Trade Study, $2.1 million for additional customs inspectors, $1.4 million for financial management improvements, and a reduction of $39 million from the air and marine program.

The bill provides a $15 million increase for the Secret Service to train State and locals in Presidential nominee protection—$8.5 million—and to combat counterfeiting overseas—$6.5 million.

For the IRS, the bill includes the $405 million tax compliance initiative mentioned earlier and included in the budget resolution. A $2 billion expenditure for this initiative over 5 years should raise $9 billion in more revenue.

The bill includes a major cut to IRS information systems of $517 million below the budget request and $231 million below the 1994 appropriation.

The committee also generated savings by transferring $33 million out of the Treasury forfeiture fund to the general fund. The savings from this transfer were applied to other treasury law enforcement programs. The committee intends to replenish the forfeiture fund with moneys derived from the forthcoming crime trust fund.

TITLE II—POSTAL SERVICE

The committee fully funded the President's budget request of $92.3 million, consistent with the Revenue Foregone Act. This includes $63 million for free mail for the blind and overseas voters and $29 million to reimburse the postal service to make up for not funding the full revenue forgone appropriation for several years.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Almost all accounts within the Executive Office of the President are funded at a hard freeze—the 1994 appropriation or the 1995 President's budget, whichever is lower. The only exceptions lie in the area of drug control programs. The bill provides an additional $12 million for high intensity drug trafficking areas and reduces the special forfeiture fund by $37.7 million.

This is an unusual mark for this committee. For the past 13 years, this committee has almost fully funded the Executive Office at the level requested by the President; this reduction results only from our low 602(b) ceiling.

TITLE IV—INDEPENDENT AGENCIES GENERAL SERVICES ADMINISTRATION

The bill provides no funding for the request of $999 million for the lease acquisition program. In addition, it reduces new construction and acquisition of facilities from $925 million in 1994 to $508 million, a reduction of $417 million.

It includes $28 million in new construction projects and $11 million in repair and alteration projects not included in the President's request. Those projects not currently authorized will require authorization before funds can be obligated.

To partially fund these increases, the bill includes a rescission of $78.2 million not requested by the President—$30 million of this rescission is for a building in my district.

In the rental of space account, because rental costs throughout the country have been going down, the amount that GSA pays to lessors has been reduced by $45 million. However, since GSA charges rent to tenant agencies based on fair market value, the revenue accruing GSA will be lower in 1995. A reduction in revenue to offset GSA expenditures, increased outlays in our bill by $134 million:

	Million
Loss in rental income	−$236
Savings in rent costs for TPS agencies	+$57
Reduced rent paid by GSA	+$45
Net loss to TPS bill	−$134

OTHER INDEPENDENT AGENCIES

The bill provides a hard freeze for all other agencies except: $7 million for the National Historical Publications and Records Commission—$3 million above request; National Archives at the President's request of $195 million, $4 million over 1994 enacted; Federal Elections Commission at the President's request of $27.1 million, $3.5 million above 1994, and administrative expense limitations for OPM and MSPB were increased by $5 million to cover increased retirement costs.

The bill includes mandatory increases in payments for annuitants.

GENERAL PROVISIONS

Titles V and VI contain general provisions applying to this act and Governmentwide. I have continued the mandatory use language for FTS2000. Chairman BROOKS, CONYERS, and SABO as well as GSA and OMB recommended that this language be continued.

The general provisions include a 2 percent across-the-board increase for executive branch employees and language that would provide for one-half of the locality pay adjustments authorized under current law. This is above the President's request, which proposed the equivalent of a 1.6 percent across-the-board increase for Federal workers. These employees received no adjustment last year to reflect private sector wage increases. OPM's last pay survey showed an average pay disparity of 26 percent between the public and private sector, reaching as high as 39 percent.

REINVENTING GOVERNMENT

The bill includes a number of funding increases and provisions designed to help improve service delivery and reinvent Government.

The report has language mandating the implementation of performance measures for all agencies.

The bill allows agencies to keep 50 percent of their end-of-year unobligated balances, providing an incentive to prevent wasteful end-of-year spending.

It includes appropriations for computer modernization at Customs and ATF, and funds innovative ballistics technology for ATF—CEASEFIRE.

It mandates the Financial Management Service to use electronic funds transfer rather than the Postal Service to provide checks and mandates that Customs explore new inspection technologies.

It supports the Customs reorganization, which will move staff from headquarters to field, and provides resources for Customs to address serious financial management problems.

CLOSING

Mr. Chairman, this bill does not provide adequate funding for the Internal Revenue Service's tax systems modernization program. It does not provide all of the funding that the law enforcement agencies need. But, as I explained earlier, the 602(b) allocation simply did not provide a ceiling that made it possible to fund everything.

I commend the ranking minority member, Mr. LIGHTFOOT, for the great jobs that he has

done, and I appreciate the conscientious and faithful service of all the members of the subcommittee.

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

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

Mr. Chairman, as the ranking Republican on the Subcommittee on Treasury—Postal Service—General Government, I am very pleased that we are bringing this bill to the floor today. It is, I think, a very fiscally responsible bill. The chairman has very ably gone through the various parts of the bill and explained what we are doing with the funding there.

Quite frankly, I do not think we could be more fiscally responsible than we have been in this particular package.

We are looking at a roughly $23 billion package, somewhere in the neighborhood of 2 percent of the total Federal budget. But playing on an old line that someone else said in this Chamber years ago, a billion here and a billion there, pretty soon it adds up to real money. I think our subcommittee has gone a long way toward fiscal responsibility in the bill.

Most of the accounts, as the chairman has explained, with the exception of law enforcement, have been frozen at a hard freeze or lower. At the lower of last year's level or the administration's request, whichever number was the bottom one, was the one we took, except, as I mentioned, in law enforcement. So in terms of the budget, I think it will be hard to argue that this is anything but a good bill.

It is not often one can come down here and say that.

I also agreed with the decision to provide a little higher level of funding for law enforcement agencies. Quite frankly, we must be consistent. If we are going to be tough on crime, we have to put our money where our mouth is and be sure that those agencies responsible for criminal activities, monitoring those activities, making arrests and so on, are not hog-tied in their effort to do the job that we have given them to do.

The bill contains, as the chairman has previously pointed out, an historically low level of new construction funding. At the same time, it rescinds over $78 million in construction projects that were recommended canceled by GSA's time out and review. Another feature of the bill that I support very strongly was the decision of the gentleman from Maryland [Mr. HOYER] to reject the Treasury Department's request for $244 million in new user fees. These, quite frankly, were not authorized, and it would have had to go through the process. But these were figures that they brought to our subcommittee in presenting their budget, and the chairman, I think, made a very wise decision. And I support him 100 percent on not implementing those new user fees.

□ 1050

Mr. Chairman, I guess if they had been authorized I would have opposed them that way anyway, but I think that whatever the reasoning was behind excluding them, it is a good decision, and I think it is one that we are seeing in other subcommittees as well.

Yesterday, Mr. Chairman, we had a group in from Iowa. One of the things they were very concerned about was the potential of new user fees coming down the road. I think it is an issue that out in the country, at least, people do not want to see happen.

Mr. Chairman, I have to admit it did make the funding decisions more difficult, because there is $244 million that essentially was not there, because the Treasury's requests were predicated on approval of those user fees.

As a result, Mr. Chairman, we face a very tight budget constraint. It is one of those things—we have to learn to live within our means, and I think under the leadership of the gentleman from Maryland [Mr. HOYER], this committee very adequately did so.

That is not to say we do not have some concerns with the bill that we are bringing to the floor today. As Members are going to hear later, there are numerous amendments that were offered to both the bill and report, by Republicans in both subcommittee and full committee markup, affecting the White House operations.

All these amendments were rejected on party line votes. Numerous requests to make such amendments in order on the floor today were rejected by the Committee on Rules.

I think it is unfortunate and sends, in my opinion, a very bad signal. We in Congress, I think, have a responsibility to provide oversight over the executive branch, regardless of what we may hear. We fund their budget and we are appropriating taxpayer dollars.

Another thing that makes us rather unique, the executive branch is a permanently authorized entity within the Federal Government, so this is the only opportunity that the Congress has to have any say-so on White House or executive branch activities.

It is a bit of an awkward situation, in that if we want to do things that deal with the way things are run, that becomes legislation, and we have a prohibition against legislating on an appropriations package, but since this is the only opportunity that the executive branch is discussed on the House floor, obviously it will become the target point for a number of amendments.

Mr. Chairman, I would also like to point out, and the chairman has said this several times, and I applaud him for it, he has always been personally very fair in his treatment of the White House, and anything that we are talking about today certainly is not aimed at Chairman HOYER. It is more of a majority-minority argument that it is anything of a personal nature.

Mr. Chairman, we have had in the previous 12 years of Republican administrations no less than 36 oversight hearings. They were held on matters involving the executive branch. Six of them were by a Republican-controlled majority in the Senate, and how many have we held here? Our chairman did agree to one, and we had it, and I appreciate that. We asked him for the hearing, and we had it last fall. I do not know if other committees can say the same. I kind of doubt it.

Mr. Chairman, some are issues that we have seen raised in the press, and I think that we are failing to provide adequate oversight on, and some are press accounts, for the most part. Some of it is from GAO investigations and so on, but just to list a few:

Mismanagement of the White House travel office and conflicts of interest, Whitewater and Madison Guaranty matters, improper contacts between White House and RTC officials, the First Lady's commodity trades, conflicts of interest by political consultants, White House security pass delays, drug testing delays for White House employees, White House travel funds for nonofficial purposes, millions of telephone computer procurements purchased through unlimited or sole-source contracting, double-dipping by the White House staff in transition accounts, access to classified materials by staff without security clearances. There are others, but these are the ones, I think, that have received the most attention as far as the press is concerned.

Mr. Chairman, I think my colleagues on this side of the aisle are justifiably frustrated that we do not have anywhere that we can go and discuss these matters. I am sure these issues and the ability to fully air them will affect the decision of many Members on this side of the aisle on final passage of the bill.

That is regrettable in one sense, because as the Chairman and I both have pointed out, fiscally I think this is probably one of the soundest bills that has come to the floor, at least since I have been in Congress, and we certainly want to discharge our fiscal responsibilities in the right way.

I would also be remiss if I did not thank the staff on both sides. The minority and majority staff, at least on this subcommittee, worked together. They are friends, and it really makes it a lot easier to do a difficult kind of job where we had to tell a lot of people "no" this time, including a lot of our colleagues who came in with projects and so on.

Again, fiscally it is a very sound bill. I think that we do have some problems with the operation down at the White

House, which will be aired before the day is through.

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

Mr. HOYER. Mr. Chairman, again, I thank the ranking member for his comments, and I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield 9 minutes to the gentleman from Virginia [Mr. WOLF], who was my predecessor on this subcommittee, and now is the ranking member on the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, let me begin by commending both the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT]. We have had a good relationship, and I have a feeling of fondness for both individuals, and I want the RECORD to show that.

Mr. Chairman, I will not support this bill unless several amendments that I will offer are accepted. There are other problems that I have with this bill.

I think this bill will lead to RIF's. I think the way the pay raise has been dealt with is inappropriate. I think the gentleman from Pennsylvania [Mr. MCDADE] offered the appropriate way that will not lead to RIF's.

I know it got tied up in peacekeeping, But I think the approach we take in this bill will lead to RIF's, and the amendment of the gentleman from Pennsylvania [Mr. MCDADE] should have been accepted in the full committee. Reasonable men and women can differ in that, but I think the gentleman from Pennsylvania had the right approach.

The two fundamental issues that I would like to address to the Members of the Congress and to anyone who is listening are these two issues. We have found out, and it is very painful, and I know people think it is partisan, but there have been some fundamental problems in the operation of the White House.

Mr. Chairman, we have been, over and over, hammering and trying to get the White House on their own to change the question with regard to the number of passes that they have had out. They have had four prominent people, James Carville, Mandy Grunwald, Paul Begala, and Stan Greenberg, who have been representing outside groups, and at the same time have White House passes whereby they can roam the White House 24 hours a day, 7 days a week, and if members read Bob Woodward's book, "The Agenda", they are giving absolutely critical advice to the President.

I made the comment when the rule came in that the White House would have to cave in on this, and that I thought it would have been good if it could have been done in a spirit of bipartisanship, whereby we could have offered language which would have not only bound this administration but also future administrations. It was not done.

Mr. Chairman, I plan on offering that amendment today which would require, and again, I thank the administration and Mr. McLarty for suggesting the regs, there is some debate as to what form they should file, but I am not sure the committee ought to get bogged down in that today.

Mr. Chairman, this ought to be codified, whereby in every administration, this administration and future administrations, that prominent, big-time people who are representing outside groups and foreign interests have to file a financial disclosure statement so the American people can know if there is a conflict of interest. Mr. Chairman, this bill is deficient because it does not do that.

Enough said. I have talked about that other times. Let me speak to the other fundamental issue, which, frankly, the administration will be embarrassed on if they do not deal with the issue.

□ 1100

Mr. Chairman, we have found that there are a large number of high-level people in the administration who, as of a certain date, had not even filed their national security background papers. All the Members that have constituents who work for NSA, CIA, DIA, Honeywell, big companies and high-tech companies like this, all have to file these background checks to make sure that the person does not have a background whereby they would give information to a foreign power.

Mr. Chairman, the White House operation bordered on being sloppy and some people would even call it much, much worse than that. We found out about it, we pleaded with them, we had an exchange of communications with Mr. McLarty at the time, who told us that the same process was already being done as they did in other administrations, and at that time Mr. McLarty, who is the chief of staff and who is a good person, let the RECORD state, did not even have his White House pass after almost a year. I mean, it borders on being a scandal.

Mr. Chairman, we found out that Dee Dee Myers, who everyone sees on the press every day as the White House spokesman, had not even filed her FBI background check after being on the staff for 1 year and 2 months. Dee Myers said she did not have time. Mr. Chairman, it takes about 3 hours to do. Can my colleagues imagine the number of small businessmen that would tell the IRS they did not file because they did not have time, they did not file with OSHA because they did not have time? It is just absolutely crazy.

The Members of the Permanent Select Committee on Intelligence would tell me, they would go down to the White House and would be discussing the most secret, top secret information with regard to North Korea, Bosnia, Somalia, and Dee Dee Myers would be their listening and listening and listening and she had not even filed the papers when all the people that live in my district that work for the CIA and the DIA and the private contractors all have to do it.

Mr. Chairman, I serve on the Helsinki Committee and I want to commend the gentleman from Maryland [Mr. HOYER], for his leadership on that committee, whose job has been to look at what is taking place in regard to Eastern Europe. Several years ago before the Berlin Wall fell and before communism was over, the gentleman from New Jersey [Mr. SMITH] and I took a trip to the Soviet Union and we went into Gulag 35, Perm Camp 35. It is the last gulag in the Soviet Union. It is the gulag that Scharansky was in. It is a tortuous place. In the month of August it was brutal. I can see in the month of January when it snows, it is absolutely brutal. If one has read Solzhenitsyn's book, Gulag Archipelago, we had seen the Gulag Archipelago. We had been there. The gentleman from New Jersey [Mr. SMITH] and I, with the State Department representative brought in a cam recorder, went in and said, "We are United States Congressmen," and the place went wild. They could not believe that two Congressmen had visited the gulag and the men insisted to meet with us and said they were going to go on a sitdown strike unless they could see us. We brought out the video cam recorder, and any man who wanted to see us, and we found men in machisos, in the torture chamber, and I cannot give the feeling of that torture chamber here to the body, but it was a terrible place. As we began to video the men, well into the night, as darkness came, and this is in the Ural Mountains, three of the men came forward and said that they had worked for our government, for the U.S. Government, and because they had helped our government, they were in prison in Gulag 35.

Mr. Chairman, I did not believe it. It did not seem possible that these prisoners in this camp could have done it.

To make a very long story short, I came back and checked with our intelligence agency, and it was true.

Three of the men, three of the men who went through living hell, who suffered, who worked for our government to bring about the demise of communism, were in this terrible place. Why were they in this place? They were in the place because Aldrich Ames who worked at the CIA and who, it has now come out, told on them. He told. He said to the KGB, "These men are working for the U.S. Government" and they were arrested.

Mr. Chairman, while we cannot talk about this too much on the floor, we

also know that a number were killed. They were killed. These men were killed. This is real stuff. This is not "LeCarre," a James Bond book that ends happily ever after on the Riviera. These men were killed.

Mr. Chairman, right here I have the picture of one of them. This is Vladimir Potashov. He has been by my office since then. He lives in the United States We have worked with our Government to help him, and he has contacted me and offered to be a witness, a witness in the Aldrich Ames case. He worked for us. I wish I could tell more. I wish I could tell Members everything I knew. I just feel frustrated that I cannot get it all out. But I cannot tell some things. I cannot tell who in our government had him do this.

Look at the barbed wire and look at the men. This man here was Scharansky's roommate. Call Scharansky up in Israel and ask him who his roommate is. I sent Scharansky the tape. This is Scharansky's roommate. These men suffered for the United States in the defeat of communism.

I go to the next photo, and there is Vladimir. Here is the Soviet thing and this young man who wanted to emigrate to Israel, he gave us the "V." He gave us the "V." Members can talk to the gentleman from New Jersey [Mr. SMITH] and he will tell them. He gave us the "V." It took a lot of courage.

Look at the KGB and the forces there. They were going to go after these guys when we left. There is Vladimir. Look at the face.

Mr. Chairman, what does this have to do with the amendment that I have to offer that I begged the chairman to let us take in a bipartisan way? What does it do?

When Patsy Thomasson from the White House came, we asked her and raised these questions and Patsy Thomasson has stated before our committee, "I don't think we have any Aldrich Ames at the White House, but we certainly could."

Mr. Chairman, this amendment would make sure that we do not. We can call this the Vladimir Potashov amendment, we can call it the Scharansky amendment, we can call it the common-sense amendment, but I would call it the right thing to do.

Mr. Chairman, I am surprised that the committee would not accept this amendment. We are going to offer it later on, it will probably be ruled out of order. I for one having been in the gulag, having met with these men, could never, ever support a bill that I think would jeopardize the security of the United States. Why should not Dee Dee Myers file her papers with the FBI? Why should not these people do it? All our amendment says, in 30 days they have to file their applications and the FBI background check has to be done in 6 months. Every other administration says they can do it in 2 months. We also have a proviso to allow the President to exempt if there is a particular case.

Mr. Chairman, I would urge the committee to accept this amendment when it comes up, because I am going to offer this until the cows come home. I am writing every Senator on the Senate side of this, with pictures. I will never, ever, ever let this issue go as long as the blood flows through my brains and my body and I have an opportunity to speak on this floor, because, frankly, that is why I was elected to Congress, to do what I think is important. I am embarrassed that the committee will not take a fundamental national security amendment.

Mr. Chairman, I hear we want to have major investigations of this and the Permanent Select Committee on Intelligence rightfully so is doing that.

But here we have a fundamental potential leak and we are doing absolutely nothing.

I strongly rise in support of this amendment and urge when it comes up that hopefully we will adopt it in a bipartisan, noncontroversial manner. We will throw bouquets to the administration, bouquets to the committee and bouquets to everybody. Not to adopt this amendment would be a terrible mistake for our national security and for the integrity of this committee.

Mr. WOLF. Mr. Speaker, I rise in opposition to the fiscal year 1995 Treasury, Postal Service appropriations bill. Voting to support this bill without allowing for important amendments will limit White House accountability and abdicate our role in proper oversight. We should not ignore the lax procedures that this White House has exhibited in a number of areas.

In addition, the manner in which the Federal pay rise is addressed in this bill threatens to result in many RIF's. In full committee, Mr. MCDADE had offered an amendment that would have paid for the raises without making the agencies absorb the cost as is the current language in the bill. I believe Mr. MCDADE'S language was preferable in terms of protecting current Federal employees from layoffs.

PROPOSED AMENDMENTS

Asking for financial disclosure by those with 24-hour-a-day White House access passes is a reasonable measure for this administration and all future administrations, both Democrat and Republican. This amendment should be allowed.

Last week, the White House said it would require political consultants with White House passes to provide information like that filed by special Government employees in a directive from Chief of Staff Mack McLarty. While this is a start, I believe it is important that we memorialize this policy in this bill so that it applies to this Administration and all future administrations.

I had hoped this amendment would be accepted as a friendly amendment. It merely requires that the political consultants who appear to be permanently, not temporarily, ensconced in the White House will file the same SF–278 as the other senior aides with whom they regularly work. The form referred to in the recent White House directive is the SF–450, which is usually used for temporary employees. In addition, the SF–450 does not provide for listing of gifts and travel from outside sources. Finally, the directive does not even require the filling out of the actual SF–450 form—with the attendant legal consequences for not providing accurate information—but merely requires providing the same information required from the form.

Expediting the White House pass process also is a reasonable measure that would apply to this and all future administrations. We recently learned that the White House had radically departed from previous practice in obtaining background investigations on White House employees and had let hundred of employees work for months on only a temporary pass.

My concerns prompting these amendments focus largely on accountability. Nowhere is accountability more important than in the White House, no matter who is occupying the position. I do not mean for these amendments to be a partisan issue. I raised these concerns in the previous administration when there were appearance problems with lobbyists, but even then, those individuals did not have 24-hour-a-day White House access passes.

FINANCIAL DISCLOSURE BY POLITICAL CONSULTANTS WITH WHITE HOUSE PASSES

The recent GAO Travelgate report noted that the access that Hollywood producer and Clinton friend, Harry Thomason, had to the White House during the White House travel office debacle conveyed "the appearance of influence and authority * * * unrestricted access of nongovernment employees creates an opportunity for influence without the accountability * * *." The recent directive issued by the Chief of Staff makes a start at revealing the clients of political consultants with White House passes but this amendment sets this policy into law permanently.

The White House informed us, in response to our committee questions, that the outside consultants work on "whatever issues on which the President, the Vice President, the First lady, or members of their staffs request them to consult." As detailed in the new book by Bob Woodward, "The Agenda: Inside the Clinton White House," these outside consultants were constantly at war with many of the President's economic advisers and tried to reshape their work on numerous occasions. The Washington Post just last week pointed out that the consultants had understated "to the point of distortion their own roles inside the White House, as well as understated somewhat their various connections with the outside world * * * It's well known that these four particularly have played such a hands-on, staff-like role in this administration * * * many outside clients hire them precisely because of the inside influence they are presumed to have." Given their integral involvement, why not apply the same rules to them?

Mr. Woodward reveals that this potential for problems did not go unnoticed at the White House. Howard Paster, until recently the White House's liaison with Congress, had this to say about the consultants:

It was outrageous that the outside consultants were providing the President with

major policy option papers in confidential memos that Paster often never saw or saw only too late. If lobbyists with business clients had this kind of relationship with the President, it would be a giant scandal. The consultants had clients, some businesses, some politicians like Senator Moynihan, who paid big fees for their work. Paster wasn't sure the political consultants were that different from other outside businesses. He resented their influence and was sure they presented Clinton with a potentially serious liability. Valuable inside information and conflicts abounded.

Mr. Paster filed a financial disclosure form. So did the economic advisers that Carville and company were constantly doing battle with. What is wrong with applying the same rules to them as apply to those they are working with day after day? In fact, in a letter to me, Lloyd Cutler wrote that a background investigation—the only step the consultants have agreed to—is "only one of the steps that a person must go through to get a permanent pass. Other steps include attending training in ethics and security matters, completed financial disclosure forms, and undergoing IRS and other checks."

In hearings before our subcommittee in March, White House witness, Patsy Thomasson stated that the consultants would "be required to file all necessary paperwork as if they were an employee of the White House." The financial disclosure amendment would make this commitment permanent for this and all future administrations.

Unlike other issues where a Member can go to an authorizing committee to address the matter, this bill is our only vehicle to address systemic problems at the White House. There are only approximately 50 legislative days left this year to address issues. If we don't address this problem here and now, it will not be solved. If you care about ethics, now is the time to stand and deliver on this issue.

WHITE HOUSE PASSES

In addition to this financial disclosure problem I had also wanted to offer an amendment providing for a timely processing of White House passes. As we learned earlier this year, after repeated denials from the White House, the White House pass process was in disarray. Hundreds of staffers did not have permanent passes and many had not even filled out the paperwork to begin the background investigation process. Security clearances were not even in place for senior officials such as Press Secretary Dee Dee Myers. Chief of Staff Mack McLarty didn't even get his permanent pass until March of this year.

In the past, permanent passes were issued within 2 to 3 months or maybe even 4 months at the outer limits, according to those we have spoken with who conducted this process in the past. The amendment that I seek would provide for 6 months to complete the entire process, and it also uses the White House provided guideline to submit SF–86 forms within 30 days of commencing employment.

When I discussed these matters with those who handled White House passes in previous administrations, I was told that the delay in obtaining passes for over a year was "unprecedented." This amendment would provide for an orderly process and prevent this situation from happening again either in this administration or in any future administrations.

The White House pass process affects national security in an important way too. It is important that we follow the rules because even when we do follow the rules, there will be problems that slip through. When I visited the Soviet Union in 1989, I was in the last gulag there: Perm Camp 35. Some of the men there told me that they worked for our Government and it now has come out that they had been sentenced to the gulag because of Aldrich Ames giving information about them to the Russian Government. As numerous security experts have noted, it is the mission of counterintelligence agents to obtain information about such holes in security so that they might take advantage of such lax procedures in some manner. If Aldrich Ames, with a background investigation and security clearance can do what he did, what kind of potential problems are we creating when we don't follow any of the necessary procedures?

As Patsy Thomasson stated before our committee, "We don't think we have any Aldrich Ameses at the White House * * * but we certainly could." This amendment to provide for timely processing of White House passes would lower the likelihood of Aldrich Ameses.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Georgia [Mr. DARDEN], a member of the committee.

Mr. DARDEN. Mr. Chairman, I appreciate the chairman yielding 3 minutes to me to discuss this bill.

Mr. Chairman, I rise in strong support of H.R. 4539, the Treasury, Postal Service, and General Government Appropriations Bill. I want to commend Chairman HOYER, Mr. LIGHTFOOT, and other members of the subcommittee for their hard work and efforts in fashioning this bill.

As Chairman HOYER and the ranking member have pointed out, this is a fiscally responsible bill with hard freezes in the funding levels for most accounts. I would like to highlight several aspects of H.R. 4539 mentioned by the gentleman from Maryland.

Mr. Chairman, under the Department of the Treasury budget, the committee has provided funding for the important activities of the Federal Law Enforcement Training Center [FLETC]. As the Members well know, FLETC conducts more than 200 different training programs for law enforcement personnel from over 70 Federal agencies and many State police groups. These programs range from basic, entry-level law enforcement to antiterrorism techniques and financial fraud investigation. In 1993, FLETC's three sites graduated over 23,000 students. From experience, I can tell you that FLETC and FLETC personnel are a source of pride to their States and community.

Mr. Chairman, in addition to FLETC, this bill provides funding for several other important law enforcement agencies including the Secret service, the Bureau of Alcohol, Tobacco, and Firearms [BATF], and the financial crimes enforcement network [FinCEN].

Finally, Mr. Chairman, I am particularly pleased that within the U.S. Customs Service budget, the committee has provided $18 million and 186 agents to enforce the provisions of NAFTA. This NAFTA enforcement initiative will establish teams of law enforcement, trade, and inspection personnel to prevent transshipping, country of origin, and foreign subsidy violations.

Mr. Chairman, this funding and personnel level for NAFTA enforcement honors the enforcement commitment made to many Members of this body who were concerned about the possible effect of NAFTA on American industries, particularly textiles. As a member of the Textile Caucus, I strongly support this enforcement initiative and believe that it will help revitalize American textile-related industries.

Again, I commend the chairman, ranking member, and committee staff on their efforts in bringing this legislation to the floor today.

□ 1110

Mr. LIGHTFOOT. Mr. Chairman, I yield 6 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a member of the subcommittee and a very able Member of Congress.

Mr. ISTOOK. Mr. Chairman, I, as a member of the subcommittee, think it is important to share some thoughts on this particular piece of legislation.

Much has been said, and rightfully so, about the open attitude that has been taken by the chairman of the subcommittee, the gentleman from Maryland [Mr. HOYER], which I very much appreciate. Even though we have not always agreed upon different matters in the bill, I think it is important to the process that disagreements have been handled in an orderly and respectful fashion, and there have been many difficult decisions taken in the bill.

I recognize the spending freeze for White House personnel is one that has political difficulty, especially for a member of the President's own party, and I appreciate the fact that a decision such as that nevertheless was made. But there are some factors that are not included in this bill that are of concern to many of us.

Part of it has to do with the White House compensation, the fact that members of the President's staff are not held to public account as to how much they are being paid.

If you look at a staff member, someone who works for a Member of Congress, there is public disclosure of how much is being paid to them and how much it costs the taxpayers. The White House holds itself exempt, and will continue to hold itself exempt, so long as we in Congress do not require that there be public disclosure of the amounts that the White House spends on its personnel person by person.

An amendment that I had for that was not made in order to be presented here on the floor.

In a similar fashion, there is difficulty with White House travel. The

President is a political official both in the sense of being a holder of public office and a political figure within his party. He does work that is campaign work as well as work that is Presidential. He has people that travel with him for those purposes, and if they travel on official aircraft but for a campaign-type purpose or a nonoffice purpose, they are supposed to make reimbursement to the taxpayers for that. The White House tells us that is being done, but they refuse to provide specifics to us as to who has made how much reimbursement or been billed through the White House travel office, which itself has become controversial.

The public has a right to know, but again, unless we defeat the motion to rise, my amendment on that cannot be offered on this floor.

However, there are other amendments which I do intend to offer.

One of the features of this bill is that it expends $508 million for construction of new Federal court houses. Now, there is need to plan ahead in construction of office space for use by the judiciary, but there is also tremendous controversy.

The General Services Administration, which oversees this construction, when through a review process last year, and they cut down the size of different buildings that they planned to construct. However, little attention seems to be paid to how much we are spending per square foot. Even if you make a building smaller, if you still expend an exorbitant amount per square foot of construction space, you are not doing right by the taxpayers.

Let me give you some examples: Across the country, to build a public building, or private building, for that matter, generally construction costs do not usually exceed $90 to $100 a square foot. The State of Arizona built a new facility for its State supreme court recently. They paid less than $100 per square foot. They paid $93 a square foot.

Yet to build a new Federal courthouse in Tucson, AZ, it is now proposed that we spend $181 per square foot, twice as much as it cost to build a State courthouse, and that ratio seems to hold true all across the country. If you are building a State courthouse or a local courthouse, it costs about half as much as if the Federal Government builds a courthouse. That is wrong.

I have an amendment to provide proportional cuts in construction costs for new Federal courthouses and Federal office buildings.

Frankly, the amendment is rather modest. It only tries to cut about a fourth of the amount by which the cost exceeds $100 per square foot, and yet I anticipate there will be opposition.

But this amendment would save the taxpayers $32 million out of this $508 million that is to be spent under this piece of legislation, and I commend that amendment to the other Members of Congress.

I also will offer amendments to cut two very minor Federal agencies. These two small agencies, the Administrative Conference of the United States, and the Advisory Council on Intergovernmental Relations, costs the taxpayers about $3 million a year. To do what? One of them is supposed to be coordinating the communication between Federal, State, and local government.

Mr. Chairman, we have dozens of groups that already do that, public groups and private groups as well. We do not need to spend millions of dollars more just to give a few more people a job on the Federal payroll.

And in a similar fashion, the Administrative Conference is supposed to give advisories to the thousands of other Federal bureaucrats who write Federal regulations. As I say, we have thousands of people who are doing that already. Do we need just a handful more people to give them advice, again at the expense of taxpayers?

We have difficulty, it seems, cutting amounts of spending, whether they be large amounts such as Federal construction or small amounts such as small Federal agencies.

I think that if we are serious about saving the taxpayers money, we need to pass the amendments to take on all of those.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

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

Mr. Chairman, I would ask for a colloquy with the gentleman on several key points. The first point would be the overall spending level in this bill compared to the spending level in last year's Treasury and Postal Service appropriations bill.

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

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

Mr. HOYER. Mr. Chairman, as I explained in my opening statement, if you discount the $405 million that the Budget Committee authorized as "off budget" we are approximately $200 hundred million under fiscal year 1994 enacted.

Mr. PENNY. Under last year's appropriated level?

Mr. HOYER. Yes; under. I want to give you an exact figure.

Mr. PENNY. I appreciate that.

Mr. HOYER. In gross discretionary budget authority, we are $206 million over fiscal year 1994; in terms of discretionary outlays, $615 million over, and again, if you take the $405 million and back that out, we are about $200 million below 1994.

Mr. PENNY. On outlays?

Mr. HOYER. In budget authority, but $6 million below the 602(b) allocation in outlays, and substantially under the President's request in outlays, as I explained in my opening statement.

Mr. PENNY. If I might proceed on a related matter, and that is the level of the pay increase for Federal workers for the coming fiscal year. Did the President request in this budget any pay increase of any sort for fiscal year 1995?

□ 1120

Mr. HOYER. the answer to the gentleman's question is yes to the extent that the President included within his budget request $1.1 billion which anticipated a 1.6-percent raise for Federal employees. That was not delineated as to whether it was a comparability adjustment or a locality adjustment. It was just $1.1 billion.

Mr. PENNY. And the amount that would be authorized under the committee proposal?

Mr. HOYER. The committee bill provides a similar pay increase for civilians as the defense authorization bill provides for military personnel. That would be a 2-percent across-the-board, rather than 1.6 percent, and one-half of the locality pay that is provided by law. That would be an additional $700 million, $300 million to be absorbed by defense and $400 million to be absorbed by all the rest.

Mr. PENNY. Again, if I could reclaim my time, is that an additional amount? Is that an additional amount beyond the amount necessary to finance the 1.6 percent the President requested?

Mr. HOYER. Yes, it is. It is $1.1 billion plus $700 million.

Mr. PENNY. And how is that amount accommodated within the budget? Is this an amount that has to be eaten by the agencies, or is this a new appropriated level?

Mr. HOYER. One point one billion dollars is provided in the budget. Seven hundred million dollars would be absorbed.

Mr. PENNY. So essentially the amount above the President's request is going to be absorbed——

Mr. HOYER. That is correct.

Mr. PENNY. By the departments and agencies involved.

Mr. HOYER. That is correct.

Mr. PENNY. Mr. Chairman, I thank the gentleman for those responses.

Mr. LIGHTFOOT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CAMP]

Mr. CAMP. Mr. Chairman, I rise today to voice my support for a provision in the report language accompanying H.R. 4539. It regards the taxation of associate member dues paid to agricultural organizations. My distinguished colleague, Mr. LIGHTFOOT of Iowa, and I have worked together on this critical issue and hope to make it a concern of the Committee on Appropriations.

Mr. Chairman, this issue affects people in all 50 States and is a concern to

many tax-exempt associations outside the agricultural community as well. It is my hope the Internal Revenue Service [IRS] will conduct a full analysis of the impact their ruling will have on farmers and farm groups, and in so doing, choose not to implement its recent Technical Advice Memorandums which reverse longstanding IRS policy.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Mr. Chairman, I rise today in opposition to this bill and its current form. I went before the Committee on Rules and attempted to amend this bill to take care of what I consider a gross injustice to over 99 percent of Federal employees.

We have two pay rates in Federal Government. Of the 3,000,000 Federal employees, we pay those 3,000 at the RTC on a much more lucrative pay scale. We not only pay them a base pay 10 percent more than all other Federal employees, but then we add a geographical adjuster which in Washington is 14 percent more than other Federal employees make. In San Francisco an RTC employee not only makes 10 percent more than Federal employees in every other Federal agency, but tacked onto this they get a 31-percent cost-of-living increase where other Federal employees get an 8-percent increase. As a result of this, Mr. Chairman, RTC employees are being paid anywhere from 24 to 30 percent more than employees at Social Security.

Not only is this unfair to Federal employees, Mr. Chairman, but let me end by saying this:

My son is working this summer. He is a junior in high school. He pays $40 each week in Federal taxes. It takes his salary this summer, every dime of Federal income tax that he will pay this summer, and 9 other of his fellow workers; it takes all 10 of those this summer to pay what one RTC employee makes, the additional amount that employee makes over another Federal employee doing the same job. So, Mr. Chairman, my teenager and nine other employees will work all summer, and every dime of Federal income tax that they pay will be used to pay someone at the RTC to do a job and will pay them an additional amount more than employees at all other Federal agencies.

So, Mr. Chairman, this is not only an outrage to other Federal employees in pay discrimination and inequity, it is an inequity to the American taxpayer. This ought to be ended.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding, and I rise in strong support of a bill which I think should be called the Hoyer compromise. The gentlemen deserves great credit for having wrought much out of very little. This is a very frugal bill, more than a billion dollars less than the President asked, and the gentleman from Maryland [Mr. HOYER] has managed a modest Federal pay raise, more than would otherwise have been possible. But it is a raise that is considerably less than the statutory raise that Federal workers expected. The administration underfunded the statutory raise by more than $1.6 billion. A raise that equates civilian and military employees seems to me to be the kind of artful compromise for which the gentleman has become noted. I was concerned that, with unusually harsh budget mechanisms in place, there might not have been the flexibility to, in fact, pay for this raise. But I bow to the experience of the gentleman from Maryland [Mr. HOYER] that there has usually been enough flexibility in agency budgets to absorb modest raises. With lower allocations this year as well as budget caps, I feared that this might not be the case this year and wrote an amendment that would have cut less than 1 percent from service contracts. The procedures for transferring the savings to Federal raises would have been difficult to put in place this year, but I do intend to revisit the $105 billion service contract issue because, so far as I can tell, that is the only item that has been immune from cuts. The OMB says that service contracts are out of control but has not yet put in place a mechanism to get them back under control. Service contracts too, should make some contribution to deficit reduction, even as Federal employees have had to make contributions year after year. I looked at the data and found that every year since 1978, and that is as far back as I went, Federal workers have not received the entire statutory raise that we told them they would get. I believe that this is bad management practice.

Mr. Chairman, I served on the board of three Fortune 500 companies before I came to Congress, and the collective wisdom of the private sector is that if you have to make your cuts, you make your cuts once and for all, get your savings, and then give the remaining labor force at least the expected small increments that you can afford. Repeated givebacks gives us back a demoralized work force and the productivity that inevitably comes with it. It is a particularly bad practice in the Federal Government where we are now involved in a 10-year period of locality pay make-up in order to eliminate a large gap between Federal and private sector wages.

□ 1130

Mr. Chairman, I accept the judgment of the chairman of the subcommittee that there has been historically the flexibility to accommodate raises, and I compliment him for the compromise he achieved.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from the District of Columbia for her comments, and if the gentlewoman will yield, let me simply observe that we have expressed the concern the gentlewoman had and that the gentleman from Virginia had, and we have discussed it with OMB in terms of whether this would require additional risk. We have been told that it will not, and we are relying on that. We are certainly going to look at that between now and the time of conference.

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

Mr. Chairman, I would just like to say in summary that from a fiscal perspective this is, I think, one of the most responsible pieces of legislation we have brought to the floor in quite some time. We have cut the White House budget 9.3 percent. We have put some money back in for law enforcement where, in the opinion of a number of the members of the subcommittee on both sides of the aisle, the cuts had gone much further than they should have gone and basically would debilitate law enforcement and keep them from doing the job we have given them to do.

Again, obviously, there are going to be a number of disagreements over the issues concerning the operation of the White House. As I mentioned earlier, this is the lightning rod because it is the only place where we have an opportunity to talk about White House operations here on the floor. Again I would like to thank the chairman of the subcommittee for his cooperation. It was a tough bill, but I think, when all is said and done, from a fiscal perspective, we did a very good job. I am not much at bragging on things we do, but I really think in this case we did a good job. One always would like to find somewhere else where we could cut a little more, but we really got to the bottom line, and as was mentioned earlier, we took the lower of the budget figure or the President's request, whichever was the lowest, and that seemed to be the fairest way we could approach the subject, because it involved input from a lot of different sources in that respect.

Again, Mr. Chairman, I appreciate the cooperation of the chairman of the subcommittee, and as we go through the bill title by title, I am sure some of the other things Members are disagreeing about will be addressed and we will have a good debate on these issues today.

Chairman, I yield back the balance of my time.

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

Mr. Chairman, let me just make this observation: The gentleman from Minnesota [Mr. PENNY] asked a question about how much money we had to spend and how much we were over 1994.

The ranking member, the gentleman from Iowa [Mr. LIGHTFOOT], and others, have said that this is a fiscally responsible bill. Let me tell the Members why it is and why we have had such a crunch.

Just to reiterate, in 1994 the President's request was $12,549 million in outlays. If you take out tax compliance, if you take out the revenues added in the President's budget from $241 million in additional fees, you would have needed $13,195 million to fund the President's bill. The total in the bill is $12,254 million. That is $941 million under the President's figure. Looked at in another way, with that total of $12,254 million, if you subtract tax compliance and prior year outlays which were obligated and had to be spent this year and the net loss of GSA rents, the resources available to our committee—and this is the key—were at $11,502 million.

In order to fund the 1994 enactment, which is essentially what the gentleman from Minnesota [Mr. PENNY] was asking, we would have needed $137 million more, so that we are in fact discounting those three, the two losses of revenues and the tax compliance initiative, and we would have needed $137 million more to fund at 1994 levels.

Mr. Chairman, we will be debating some issues regarding the White House. The White House has certainly made mistakes. The Dee Dee Myers incident was inappropriate, to say the least. That has been corrected. We will have a number of amendments, and we will discuss them.

We will discuss passes. I want to say that passes, as was testified to by the Secret Service, are for maintaining a secure and safe environment for the President and the Vice President. That is what the passes are for. We do not have passes to come into our offices because there is not a perceived need to keep Members of Congress safe because they have not been threatened, at least physically. As a result, we do not have passes. We do have passes to come generally into the building, but there are no background checks for that. It is simply to make sure there is nothing on the person of somebody who comes into the building, a bomb or a weapon which may be threatening. This is what our passes are for.

Second, there is a necessity for security clearances for people in the White House. However, as was already testified to, secure secret documents are not made available to people whether or not they have a White House pass, whether or not they have access to the White House, unless they have in fact a security clearance. This did not happen.

The gentleman from Virginia [Mr. WOLF] is correct in the instance of Ms. Myers. But Mr. WOLF also mentioned the Aldrich Ames cases. The gentleman from Virginia [Mr. WOLF] feels very strongly about the danger to which our employees overseas were put by the traitorous action of Aldrich Ames. Let me point out that Aldrich Ames worked for the CIA, Aldrich Ames went through all the security clearances, Aldrich Ames was repeatedly checked by the CIA, and not withstanding that, these incidents occurred.

Mr. Chairman, I believe this is a good bill. I hope that we do pass it. There is not enough money in it, but it has what we think we fiscally can afford.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the H.R. 4539, the bill providing for Treasury, Postal Service, and General Government Appropriations for fiscal year 1995. This bill is the product of many hours of hard work, and I urge my colleagues to support it.

I want to congratulate Chairman HOYER and thank him for his outstanding work in putting together a very balanced bill. Mr. HOYER was asked to do more this year with less. I believe that he has succeeded in that mandate.

Mr. Chairman, I want to address one specific matter of concern throughout the western United States, but of special concern to municipal electric utilities in the Pacific Northwest. Pages seven and eight of House Report 103–534 note that the Bonneville Power Administration [BPA] 3 years ago requested the Treasury Department to develop a revised methodology under Section 9(f) of Public Law 96–501 to implement Congress' original intent that electric resources financed by public entities and acquired by BPA for BPA's use in meeting public entities' loads be treated the same as if the resources were taken directly into public entities systems. I understand that BPA and many municipal utilities fear that the Treasury Department's existing methodology may fail to implement this original intent.

The apparent lack of clear rules threatens to undermine the development and financing of important public power projects in the Pacific Northwest. As a long-time supporter of public power, I am greatly concerned about the impact on municipalities. For example, on June 30, 1993, the IRS was requested to approve tax-exempt financing under Section 9(f) of Public Law 96–501 for an electric conservation project sponsored by a public utility district in the State of Oregon. On January 18, 1994, a similar request was submitted in connection with electric conservation projects sponsored by eight public utility districts in the State of Washington. A third request for IRS ruling was submitted on March 15, 1994, in connection with another conservation project sponsored by another State of Washington municipal utility.

Although the Internal Revenue Service's existing methodology calls for rulings to be issued within 60 days, to date the IRS has failed to respond in any substantive way to any of these three important ruling requests. Clearly, there is a problem when a ruling required within 60 days has not been made some 10 months later.

On page 8 of House Report 103–534, the Committee requests the Secretary of the Treasury to provide a report by January 1, 1995, on the need for a revised methodology implementing Section 9(f) of Public Law 96–501. I understand that the Committee intends that the Secretary will report that a revised methodology is needed if he finds that the existing methodology fails to treat electric resources financed by public entities and acquired by BPA for BPA's use in meeting public entities' loads the same as if the resources were taken directly into the public entities' systems.

I also understand that the Committee intends the Secretary of the Treasury will report a revised methodology is needed if he finds that the IRS consistently has failed to issue rulings under Section 9(f) of Public Law 92–501 within 60 days after receiving written requests, as called for under the existing methodology. However, I understand that the Committee intends that no report is necessary if the Secretary of the Treasury adopts a revised methodology consistent with these principles and submits that revised methodology to the Committee by November 1, 1994. Finally, I appreciate the Chairman's commitment to continue working with me on this important matter.

Mr. Chairman, this bill is a balanced approach that advances important policies while recognizing current fiscal realities. The bill is the product of hard work and tough choices. We have been asked to do more with less. The Committee and the Chairman have met that mandate. I strongly urge a yes vote.

Mr. SPRATT. Mr. Chairman, I rise in support of H.R. 4539, the Treasury-Postal Service appropriations bill for fiscal year 1995.

I want to express my appreciation to the subcommittee and particularly to Chairman HOYER for funding an initiative in this bill that is vitally important to the American textile and apparel industry. H.R. 4539 includes $18 million earmarked to the Customs Service for enforcement of textile and apparel trade laws, along with other trade enforcement measures. Customs is to use these funds to hire an additional 186 full-time-equivalent employees. Of the 186 additional employees, 100 are to be dedicated to the enforcement of textile and apparel trade laws.

This funding keeps faith with a pledge the Clinton administration made to a number of Members during the NAFTA debate. We asked the President to commit these resources because textile and apparel trade restrictions seem to be honored more in the breach than in the enforcement. For example, Customs has estimated that as much as $4 billion in textile/apparel imports may enter this country each year illegally, as a result of transshipping. And as serious as that problem is today, it could become even more widespread if NAFTA is not diligently policed.

President Clinton pledged in his letter of November 16, 1993, that Customs will hire 50 additional employees to work "exclusively, to the extent practical" on non-NAFTA textile enforcement and 50 employees to work on NAFTA-related textile enforcement. The President also pledged that Customs' commercial program, associated with both the enforcement of NAFTA and other textile and apparel enforcement, "will be held harmless from our government-wide effort to reduce employment levels."

The Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, which I chair, has held hearings to assess Customs' resources to deal with the textile transshipment problem, and to enforce in particular NAFTA's rule of origin with respect to textile and apparel products. Our hearing record shows that as many as 33.5 million textile articles are transshipped to this country each year. Our record also shows that Customs lacks the manpower and resources to combat effectively this sort of fraud and evasion.

NAFTA could make the problem worse. NAFTA means that the United States will sell more American-made textile products to Mexico and Canada. But it also means that more Mexican and Canadian textile imports will enter our markets. Without adequate enforcement, NAFTA will create a major opportunity for countries like China to transship goods into the United States. The Customs Service will be required to inspect those products by enforcing a strict but complicated textile rule of origin. With inadequate resources to police existing laws, Customs can hardly be expected to take on this additional burden. That is why this initiative is so important.

I am aware of the tight funding constraints in which the Appropriations Committee operated this year. But I believe that the committee has made a wise long-term investment. If past experience is any guide, this small increment of extra money will more than pay for itself in additional tariffs, fees, penalties, and other revenues for the government.

These extra resources will not put an end to the problems of evasion, circumvention, and transshipment in textile and apparel trade, but they will help. I urge support for this initiative and passage of this bill.

Mr. PACKARD. Mr. Chairman, as we take up the Transportation appropriations bill, I would like to express my gratitude to subcommittee Chairman CARR and ranking member WOLF for their leadership on this important legislation. Their efforts to institute a strict level of criteria to fund Transportation projects signals their commitment to fiscal responsibility.

I will certainly miss working with BOB CARR in the House. He has always been most cooperative and helpful and the residents of southern California are indebted to him for his attention to their transportation requirements.

I especially appreciate the consideration of southern California's transportation needs with the inclusion of the Eastern Transportation Corridor, the Orange County Transitway Project, the Bristol Street Improvement Project in Santa Ana, the Interstate 5 Capacity Enhancement, and the State Route 71 planning and design project in Riverside, CA.

The inclusion of these and other important projects in San Diego, Orange, and Riverside counties will help the region meet its challenging transportation needs. I believe that this legislation takes a new approach to highway and transit programs, and reorients the direction of this Nation's transportation policy.

Congestion on southern California roadways has been a bane to the continued growth of this area. This legislation will be a first step toward alleviating the traffic congestion that southern California motorists face every day.

I would also like to take this opportunity to thank members and staff of the Appropriations Committee and Subcommittee on Transportation for their hard work on this bill. Your hard work paves the way for meeting our Nation's transportation needs.

Mr. SKAGGS. Mr. Chairman, I'd like to commend Chairman HOYER, Representative LIGHTFOOT, and the other members of the Treasury, Postal Service Subcommittee for producing such a good bill under extremely tough circumstances. As a former member of the subcommittee, I understand how important the programs funded in this bill are, and how difficult it must have been for the Subcommittee to do so much with so little.

I'd like to thank the subcommittee for two items of particular interest to me. First, the report accompanying the bill contains language building upon the classification-cost reform effort I initiated last year through this and other appropriations bills. As required by last year's bills, the Office of Management and Budget [OMB] produced this spring the first-ever overall accounting of how much Federal agencies are spending to classify and protect secret information. OMB found that the government directly spends roughly $2.28 billion on secrecy-related activities. Another $13.8 billion is estimated to go to reimburse defense, state, and intelligence contractors for compliance with security procedures. The OMB report also calculated that 32,400 workers are employed to safeguard a growing stockpile of secrets—including some at agencies like the Department of Education that would appear to have little need for doing so.

Getting these estimates from OMB was the first step towards knocking this system off of autopilot. The language included in the report before us today takes the next step, by directing OMB to track how these government classification funds are actually spent. Once we know where the money is going, we can begin targeting inefficiencies and producing savings. Since President Clinton is expected to issue shortly a new executive order revising government classification policies, the report language also directs OMB to submit to Congress its plans for reducing expenditures based on that new executive order. "Reinventing" the secrecy system should save money and restore accountability—both key principles in a democratic society.

Second, the report accompanying the bill also contains language directing the United States Postal Service to complete design work on the new post office in Breckenridge, Colorado in fiscal year 1995, so that construction can begin the following year. This is very important to the people of Breckenridge, whose current temporary post office has very limited parking and limited lobby and mail-dock facilities. Since there is no home or business delivery of mail in Breckenridge, this makes it very difficult for the town's rapidly growing number of residents and businesses to get their mail. It's especially a problem during the ski season, when the town's population can reach over 25,000.

To alleviate this problem, the Postal Service spent $1 million several years ago to buy land just north of town, where there would be room for a post office with parking. However, because the present facility is still structurally sound, and because Postal Service criteria give little weight to factors like a lack of accessibility, it's unlikely that the Postal Service will soon fund work on the new facility. Yet the need for a new facility in Breckenridge is just as great as anywhere, and the language included in the report is very welcome.

Again, I'd like to commend and thank the members of the Subcommittee, and I urge all of my colleagues to support this well thought out legislation.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 4539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $100,000 for official reception and representation expenses, of which $75,000 is for such expenses of the international affairs function of the Offices; not to exceed $3,101,000 to remain available until September 30, 1997, shall be available for information technology modernization requirements; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $490,000, to remain available until September 30, 1997, for repairs and improvements to the Main Treasury Building and Annex; $105,150,000: *Provided*, That of the offsetting collections credited to this account, $79,000 are permanently canceled.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $28,897,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; $18,280,000: *Provided*, That of the offsetting collections credited to this account, $1,000 are permanently canceled.

TREASURY FORFEITURE FUND

(LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102-393, not to exceed $15,000,000, to be derived from deposits in the Fund: *Provided*, That notwithstanding 31 U.S.C. 9703, no later than September 30, 1995, the Secretary shall transfer $32,960,000 from deposits in the Fund to the General Fund of the Treasury.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $46,713,000, of which $8,821,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1997.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $9,815,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $185,389,000, of which not to exceed $13,459,000 shall remain available until expended for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel ex penses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380: *Provided*, That of the offsetting collections credited to this account, $192,000 are permanently canceled.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; of which $22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1995; $376,181,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c): *Provided further*, That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1995: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That of the offsetting collections credited to this account, $4,000 are permanently canceled.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,391,700,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That $750,000 shall be available for additional part-time and temporary positions in the Honolulu Customs District: *Provided further*, That $10,000,000 shall be available for the Center for Study of Western Hemispheric Trade as authorized by Public Law 103-182: *Provided further*, That of the offsetting collections credited to this account, $410,000 are permanently canceled.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs; $78,991,000, of which $7,233,000 shall remain available until September 30, 1997.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $54,770,000, of which $1,540,000 shall remain available until September 30, 1997, for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $183,458,000: *Provided*, That in fiscal year 1995 and thereafter, the Secretary is authorized to collect fees of not less than $46 for each definitive security issue provided to customers, and an annual maintenance fee of

not less than $25 for each Treasury Direct Investor Account exceeding $100,000 in par value: *Provided further*, That in fiscal year 1995 and thereafter, of the definitive security fees collected, not to exceed $600,000, and of the annual maintenance fees for Treasury Direct Investor Account collected, not to exceed $2,500,000, shall be retained and used in the current fiscal year for the specific purpose of offsetting costs of Bureau of the Public Debt's marketable security activities, and any fees collected in excess of said amounts shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated herein from the General Fund for fiscal year 1995 shall be reduced by not more than $600,000 as definitive security issue fees are collected and not more than $2,500,000 as Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1995 appropriation from the General Fund estimated at $180,358,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 1 of the Government Losses in Shipment Act, as amended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; management services, and inspection; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $225,632,000, of which not to exceed $25,000 for official reception and representation expenses.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,616,295,000, of which $3,500,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1994 levels for international tax enforcement shall be used for the continued operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code of 1986; $4,412,580,000, of which not to exceed $1,000,000 shall remain available until September 30, 1997.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: $1,240,357,000 of which $185,000,000 shall remain available until September 30, 1997: *Provided*, That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the approval of the House and Senate Committees on Appropriations.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $476,931,000: *Provided further*, That of the offsetting collections credited to this account, $43,000 are permanently canceled.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1995 shall be identified as such by the Commissioner during that fiscal year: *Provided*, That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further*, That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program.

SEC. 102. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1995, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 103. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 104. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 105. Notwithstanding any other provision of law, beginning in fiscal year 1995 and thereafter, the Financial Management Service (FMS) shall be reimbursed, for postage incurred by FMS to make check payments on their behalf, by: the Department of Veterans Affairs, for the mailing of Compensation and Pension benefit payments; the Department of Health and Human Services, for the mailing of Supplemental Security Income payments; and the Office of Personnel Management, for the mailing of Retirement payments. Such reimbursement shall be due beginning with checks mailed on October 1, 1994, and such reimbursement shall occur on a monthly basis.

SEC. 106. (a) Of the budgetary resources available to the Department of the Treasury during fiscal year 1995, $33,437,000 are permanently canceled.

(b) The Secretary of the Treasury shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses

in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 107. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 108. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 109. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1995 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

This title may be cited as the "Treasury Department Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to title I?

Mr. HOYER. Mr. Chairman, prior to going to additional points of order, I wish to ask unanimous consent that the gentleman from California [Mr. MATSUI] or his designee or any representative of the Committee on Ways and Means be able to make at the end of the bill points of order with reference to two items in the bill, one dealing with the forfeiture fund and another dealing with a tax provision.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there amendments to title I?

Mr. BORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished subcommittee chairman from Maryland [Mr. HOYER] in a colloquy.

Mr. Chairman, as the gentleman knows, I am deeply concerned about the impact of the IRS' reorganization on Philadelphia and the precedent it sets for how "reinventing government" should be applied to urban areas. While I support the overall goals of the reorganization, I have serious concerns about the criteria used by the IRS in its decision to eliminate the processing function at the Philadelphia service center.

As the gentleman knows, Mr. Chairman, differences in locality pay played a decisive factor in the selection process used by the IRS. The criteria were so narrowly drawn that cities where locality pay is high could not possibly be selected as final sites. I am sure that, as an architect and strong supporter of the locality pay system, the subcommittee chairman would not want to see locality pay used in this way.

In addition, Mr. Chairman, vital urban and social policy considerations were completely absent from the IRS decisionmaking process. Absolutely no consideration was given to unemployment rates, which are highest in the cities that lose processing sites. And, remarkably, the impact on minority employment in the Federal work force was given no weight in the selection process.

Mr. Chairman, I believe the IRS selection process sets a dangerous and misguided precedent for the way we go about "reinventing government." Does the gentleman plan to address the issue of the use of locality pay and urban criteria in "reinventing government" initiatives through your subcommittee?

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

Mr. BORSKI. I yield to the distinguished chairman of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding, and I thank him for raising this very important question.

I will answer by saying that the subcommittee will in fact review the issues the gentleman has raised regarding the use of locality pay and urban criteria in "reinventing government" initiatives. I share many of the gentleman's concerns, and I assure him they will be given very careful consideration.

Mr. BORSKI. Mr. Chairman, I thank the subcommittee chairman, and I support and applaud his efforts and the efforts of the administration to make our Government operate more efficiently. I hope the gentleman will continue to work with me to ensure that our Nation's urban areas are given full consideration and equal treatment in "reinventing government" initiatives.

□ 1140

The CHAIRMAN. Are there amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code; $92,317,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1995.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $37,776,000.

This title may be cited as the "Postal Service Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title II of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to title II? If not, are there any amendments to title II?

AMENDMENT OFFERED BY MR. COPPERSMITH

Mr. COPPERSMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COPPERSMITH: Page 20, line 25, strike "$92,317,000" and insert "$85,717,000".

Mr. COPPERSMITH. Mr. Chairman, my horoscope today says, "Accomplish goal through unorthodox procedures," and that is what I hope to do here today.

Mr. Chairman, this simple amendment cuts $6.6 million in funds for the U.S. Postal Service. As the U.S. Postal Service still plans to install its "new bird" logo on buildings, uniforms, and trucks, the amendment reduces the revenue forgone subsidy by $6.6 million, the exact amount the Postal Service still plans to spend on the "new bird."

Opponents of this amendment will say that it is flawed because it violates the agreement Congress reached with the Postal Service concerning revenue forgone. They are correct. Cutting this bill's appropriation for the Postal Service is problematic. However, this amendment is the only chance Congress will have to address the issue this year.

Opponents of this amendment will say that it hurts mailings for the blind or overseas mailing or nonprofit mailers. That argument, however, is a perfect example of what Charles Peters of the Washington Monthly magazine calls "The Washington Monument Syndrome." Instead of trimming its toenails, the agency insists that any cut

must invariably come right out of its heart. Thus, a cut to the Park Service budget means laying off the elevator operators at the Washington Monument on the 4th of July, hence the name of the syndrome.

Now, I do not intend, and surely this House does not intend, to cut those specially valued programs for the blind or overseas voting or for nonprofit mailers. In fact, however, it will be the Postal Service itself that makes any such misguided cut or misbegotten price hike. Instead, the service can choose to target operating expenses or do a better job of curbing postal meter fraud, or, let us not forget the point of the amendment, to drop the "new bird" logo idea.

The point of the amendment is not that the Postal Service should recoup the $6.6 million by preserving the new logo and increasing any rates or cutting services or salaries and benefits for rank-and-file employees who had nothing to do with this decision. The Postal Service should make up this cut by doing what it should have done already, by dropping its plans to change the logo, and then to use those savings to preserve its subsidy in its entire amount.

Likewise, this cut should not come from this year's payment for unfunded Postal Service liabilities. Disabled former employees did not decide to change the logo. Current management did, and the cuts should affect them.

The Postal Service will say, and solely from an accounting perspective I can agree, that our constituents will pay for the new logo only through stamp purchases. However, the Postal Service has a monopoly on the delivery of first class mail. Our constituents cannot express dissatisfaction by using some other postal service. The only way our constituents can express their frustration with this bone-headed logo idea is through this vote on the floor today.

Sometimes like even good people, even good quasi-public corporations make bad choices. The Postal Service made a bad choice by deciding to spend $6.6 million on a unneeded cosmetic change, especially at a time when the public's cynicism about superficial change is so high.

This amendment sends a message that Congress understands and can seek out wasteful or just misguided spending by public or quasi-governmental agencies. This amendment sends a message that Congress recognizes the need to reinvent Government and achieve substantive and meaningful reform, not just eyewash designed to fool the public.

Finally, opponents will say this amendment is symbolic. But the whole point of the logo is symbolism. And if the Postal Service wants public funding, for whatever purpose, it should not waste $6.6 million, whether from the taxpayers or from its customers, our constituents.

I urge support for this amendment.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment, as the gentleman anticipated. First, obviously, this is an attempt to do on the appropriation bill what apparently is not happening in the Committee on Post Office and Civil Service, which has jurisdiction over this particular matter. In fact, there is legislation pending in the Committee on Post Office and Civil Service to effect the objective that the gentleman seeks.

Let me now speak to the specifics of this particular bill. This bill has $92 million in it for the Postal Service. That money is for two objectives: First of all, it is to fund the Congress' agreement with the Post Office Department that was made last year when we did the Revenue Forgone legislation, which was a reform of what had historically been hundreds of millions of dollars in payments by the Congress for Revenue Forgone. In many instances, however, we had underfunded that. In effect, we had stolen from the money that we said we would pay, and that we owed to the Postal Service.

The agreement said that we would make a $29 million payment, which is included in this bill, over the next 42-years to repay that which was owed to the Postal Service. In addition, the bill provides $68 million to subsidize mailing for the blind, as the gentleman from Arizona mentioned.

The fact of the matter is that the gentleman seeks to cut $6.7 million. The fact of the matter is that the Postal Service on substance expects to spend $6.7 million over 5 years. So we would be taking out all of the money in 1 year, theoretically, and reducing by, in effect, $5 million the funding available to the Postal Service beyond that which they were going to spend on this program.

I have a letter from the gentleman from Missouri [Mr. CLAY], the chairman of the Committee on Post Office and Civil Service, saying that the Coppersmith amendment reneges on our committee to the mailers.

The letter further says, "I urge you to join me in opposing the Coppersmith amendment."

Again, Mr. Chairman, we are going to get amendments which will seek to cut dollars which are, frankly, not in this bill, as this amendment does. These funds are for revenue for gone and for the moneys which this Congress has an obligation to pay pursuant to representations made in legislation and to the Postal Service.

The Postal Service is a quasi-public agency, as all of us know. It is a pay-as-you-go agency, as you also know. It is, obviously, losing funds this year. It has the lowest cost for first-class mail of any industrialized nation in the world, and it does so very efficiently, although, because of its volume, clearly it make mistakes.

I would urge the Congress and this House to reject this amendment. It does not cut funds dedicated to the purpose that the gentleman believes is inappropriate. His proper avenue and the proper avenue to approach this is in the Committee on Post Office and Civil Service. That is being done, and this House ought to wait on that result.

To do otherwise will give the Postal Service the opportunity to say that we have either cut our obligation to them, or have cut our subsidy for mailings for the blind, largely braille mailings.

I would ask that the House reject the gentleman's amendment.

Mr. DEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Coppersmith amendment.

In a nation whose economy is based on free enterprise, any governmental service which usurps a segment of that economy must constantly justify its existence. In the case of the U.S. Postal Service, which is granted a virtual monopoly, a significant part of that justification has been the ability to allocate limited resources to providing direct service rather than diverting a part of those resources to such things as publicity, advertising, and marketing. For after all, if you are granted an exclusive franchise, you should not have to worry about promoting your agency versus a competitor. You should concentrate your resources on providing the most efficient and economical service possible.

In the case at hand, the Postal Service has undertaken a new logo at a cost of $6.6 million at a time when postal rates are being increased. If the public is choosing to use private carriers rather than the Postal Service in those areas where they have a choice, it is not because the private carriers have a better logo—it is because they are beating the Postal Service at its own game and in spite of the protections and advantages given to it by this body.

The American public cannot be fooled on this one; it wants letters, not logos, and efficiency instead of fashion. The Postal Service is not an eagle free to roam the skies; it is a falcon that is kept for a specific purpose with a tether attached to its leg and held in the hands of this body. It is time we reined it in. Support the Coopersmith amendment.

□ 1150

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

I rise to support the Coppersmith amendment on the U.S. Postal Service logo. This is an issue; again, it is not micromanaging the Post Office. But clearly in this period, in this time and era when we are trying to deal with budget deficits, which truly are a cancer on our country, we have an opportunity to deal with an issue that if the

Post Office was a private-sector business and they were proposing a $6.6 million change in terms of a logo in the crisis atmosphere in which the Post Office exists.

Just today the Washington Post reported that the top three officials at the U.S. Postal Service were fired, including the Chief of Operations, because of the problems that the Post Office is having. In the article, Postmaster Rudman even admits that the Postal Service has been plagued by poor service and customer complaints. Reinventing Government does not mean reinventing a logo. The U.S. Post Office is laden with problems. Simply giving itself a new logo is not going to fix all its problems.

It is the wrong message to send to the post office. It is the wrong message to send to the Government. I urge adoption of the Coppersmith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. COPPERSMITH].

The amendment was agreed to.

Mr. FILNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to call the attention of my colleagues to a growing problem. It seems that the modern way to deliver mail is to build cluster boxes where the mail for an entire block or more is deposited. In more and more areas of our country, the familiar door-to-door delivery is gone.

I understand the need for cost-cutting measures, but we are going too far. In my congressional district, I have recently heard story after story of mail theft and vandalism of these cluster boxes.

In poor weather, it is very inconvenient to venture down the block to pick up the mail—and, unfortunately, in many communities it is downright dangerous to go to the cluster boxes.

I want to make clear that our local postmaster has been most cooperative and is trying to resolve the complaints that we have received, but his hands are tied by the overall regulations phasing out door-to-door delivery.

What has happened to the days when Americans could rely on getting their mail? What has happened to the days when we could proudly boast that our mail service was second to none?

There are some important services that should not be tampered with in the name of false economy. Continued repairs to cluster boxes and continued losses in mail soon eat up any potential savings realized from discontinuing door-to-door delivery.

What is more American that getting mail at your door? Which one of us in this Chamber would volunteer to give up this service at our home? Which one of us would volunteer to walk down the halls of the Cannon, Longworth, or Rayburn Office Buildings to get our office mail?

The citizens of our country deserve no less. It is time for the Postal Service to stop standing and deliver.

The CHAIRMAN. Are there additional amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $387,754,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,270,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), including not to exceed $2,500 for official reception and representation expenses; $3,420,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $5,058,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $6,648,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $24,850,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: *Provided*, That of the budgetary resources available in fiscal year 1995 in this account, $117,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $56,272,000, of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $9,942,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $98,000,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than $55,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $43,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, $14,800,000, which shall be derived from deposits in the Special Forfeiture Fund; of which $1,800,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center, of which $8,000,000, to remain available until expanded, shall be transferred to the Counter-Drug Technology Assessment Center for counternarotics research and development projects and shall be available for transfer to other Federal departments or agencies.

This title may be cited as the "Executive Office Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any points of order to title III?

Hearing none, are there any amendments to title III?

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: At the end of title III (relating to Executive Office of the President), insert the following:

REDUCTION OF FUNDS

Each amount appropriated or otherwise made available by this title that is not required to be appropriated or otherwise made available by a provision of law (other than for "Office of National Drug Control Policy" or "Federal Drug Control Programs") is hereby reduced by 20 percent.

Mr. GOSS. Mr. Chairman, I rise today in an effort to help the President reach his stated goals of reducing the White House bureaucracy and sharing the sacrifice he has asked American taxpayers to make to reduce the deficit. Simply put, my amendment would cut 20 percent from the discretionary funds allocated to the Executive Office of the President; excepting the Office of Drug Control Policy and the Federal drug control programs that fall under this title.

Opponents of this measure have stated that this account has already been cut from last year's levels—but let us take a closer look at where these cuts come from. A full 99 percent of these cuts are made in one area: Drug control. The argument that somehow this bill represents a significant reduction in all White House accounts is false and misleading.

I should say that I am not picking on the President or making a partisan attack here. I brought an identical amendment—a 20-percent cut in discretionary funding—before the Rules Committee when we were considering the legislative branch appropriations. Unfortunately, my amendment was shut out by a restrictive closed rule.

The fact is—despite the rhetoric coming from the White House—the Clinton administration is not doing its part in sharing the burden of deficit reduction. It is also a fact that there is a significant level of waste in both the administration—and the legislative branch—and we owe it to ourselves and to the American people to address this problem and exercise our proper oversight.

This cut goes directly to the issues of White House arrogance and lack of accountability and will certainly enhance better cooperation with proper oversight. As recent reports have highlighted, there are problems, and these do involve legitimate questions of cost.

Despite promises to the contrary, true staff levels at the White House have not been significantly reduced. People have been shuffled, but the only real cuts that have been made seem to be in the area of drug control.

White House staff have been exceptionally slow in obtaining security clearances—quite possibly jeopardizing our intelligence and national security.

Delays in drug testing for the President's staff create an apparent double standard.

Public access and information laws have been called into serious question by actions of the Health Care Task Force and other private advisers.

And, despite high-profile promises from the President that his administration would be different, this administration has had several official travel problems. Currently, many Americans are demanding a true accounting of how much it has cost to transport so-called official Presidential entourage on trips abroad; and they are asking why Presidential campaign trips are being labeled "official" and paid for with tax dollars.

Some would suggest that we are splitting hairs; that few really care how much these things cost. But the American taxpayers—who foot the bill for everything from first class executive travel to Presidential haircuts—care a great deal. They are demanding a better accounting for their tax dollars at both ends of Pennsylvania Avenue, and they want to see the waste eliminated from Government, executive and legislative branch.

Mr. Chairman, my amendment will save some $30 million in fiscal year 1995, and $200 million over 5 years. I have specifically exempted from this cut the Office of National Drug Control Policy and Federal drug control programs. These have already been gutted. These important programs have been cut 18.2 percent under last year's level, and 23.4 percent under the requested amounts. Given our current violent and drug-related crime problems, I do not think it would be wise to cut these programs any further.

While my amendment will not single-handedly solve our budget crisis, it is a positive step on the road to fiscal sanity. Earlier this year I offered this proposal, and 75 others, in a package that would save $285 billion over 5 years—these things do add up, even if the explanations from the White House do not.

□ 1200

Mr. Chairman, I urge support for this amendment.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we begin now what I believe to be a petty, partisan attack which did not occur from 1981 to 1992. It did not occur. Whatever the differences we had, we did not play this game. I specifically, on this floor and in the committee, opened this game.

Let us take the representations of the gentleman from Florida [Mr. GOSS] about the Executive Office of the President. I have a chart here, and will talk about the increases in this budget.

First of all, on November 7, 1992, President Bush had in the Executive Office of the President 1,394 employees. Never did I support cutting the number the President asked for. Never. Nor did I support cutting President Reagan's request. I respected both President Reagan's and President Bush's independence and separation as President of the United States.

He had 1,394 employees. This President today, as a result of his pledge and this committee's action, has 1,044 employees, 350 employees fewer, 25.1 percent less in numbers of employees.

The President's compensation we have not cut. Constitutionally, of course, we cannot do that.

The White House office is at 1994 levels, $2.878 million less than the White House requested. I think that is inappropriate, but I supported it and our committee reported it out because, as I told the President's office, we are in tight fiscal times and we are going to do it to others and we need to take the reduction, but I think it is wrong to do this.

The Executive Residence we cut $98,000; the Vice President's residence

is at 1994 levels; Special Assistance to the President is at 1994 levels; Council of Economic Advisors in at 1994 levels; Office of Policy Development, $64,000 less than the President asked for.

From 1981 to 1992, the committee on which I serve did not cut President Reagan's or President Bush's budget ever. There were some cuts on the floor, largely restored in the conference committee controlled by Democrats. Petty partisanship. It is wrong, and I do not intend to do it in the future if your party elects the President. I pledge that to the Members, and the RECORD ought to reflect that as well.

The National Security Council, from the President's request was cut $184,000, appropriated at 1994 levels. The Office of Administration, cut by $2.7 million by this committee, never done before. OMB, cut $267,000 from 1994 levels.

The Office of National Drug Control Policy, which the gentleman says is not included in his amendment, is a little bit ironic. It is the only area of the White House executive budget that was increased, $12 million for the fight against drugs in the HIDTA Program, the only item the gentleman does not cut. So saving money apparently is not his objective.

Unanticipated needs is at 1994 levels; the Federal Drug Control Program, which I talked about; the Special Forfeiture Fund was cut $37 million. Mr. Chairman, on both sides of the aisle, Members can disagree with the President.

We had arguments with the President from 1981 to 1992. Some people will recall that we did have one instance in which there was a policy difference which dealt with the Competitiveness Council, with the allegation that the Competitiveness Council was being used to get around the Clean Air Act and get around regulations.

We disagreed on that. We had a significant debate on that issue, but we did not, in our committee, and even on the floor reduce the White House budget. Only once that I can recall in those 12 years did the House reduce the Special Assistance budget. It did one time for the Competitiveness Council.

The fact of the matter is that this budget for the Executive Office of the President is under the President's request, reported out of committee. Why? Because we have tight fiscal times. I did not want, nor did the President want, to be in a position where he was asking for more than we were willing to give to other agencies.

I ask the House to reject this amendment out of hand.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was back in the Cloakroom planning a special order for this evening on congressional reform. I would not have spoken on this particular amendment at this time, but I heard my very, very good friend, for whom I have a lot of respect, maybe a little less respect right now, start railing about partisanship.

I still do respect the gentleman, but I must say there is nothing partisan about this amendment. Members should not be accused of being partisan when we want to cut anything in the Federal Government. We have to tighten our belts. This Government is drowning in a sea of red ink and it is bankrupting the taxpayers of this Nation. They are fed up with it.

Mr. Chairman, just because Members want to cut expenditures at the White House is no reason to accuse us of partisanship whatsoever. The truth of the matter is that the White House has deemphasized the war on drugs. Everywhere we turn, there is another article reporting it.

Here is one by Joycelyn Elders, the Surgeon General appointed by President Clinton, that talks about legalizing marijuana and doing away with the controls on other deadly drugs that are killing our kids. We know that all of the spending cuts that have been made in the White House have come out of the drug enforcement division there, and that is an absolute disgrace.

All the gentleman is doing, the gentleman from Florida [Mr. GOSS], is trying to spend those cuts throughout the entire White House budget. There is nothing wrong with that. The gentleman from Maryland knows it, and he should not accuse people of partisanship.

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

Mr. SOLOMON. I would be glad to yield to one of the most respected Members of this House, sometimes, the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate my friend yielding to me, the gentleman from New York, who of course would not be partisan, I understand that, ever. However, having said that, let me observe that the gentleman does not suggest cutting everything else and adding it to any place. The gentleman is not doing that. The gentleman is simply cutting operations that have already been either cut or funded at last year's level.

Let me say further, as I have told the gentleman, that the White House agrees with the gentleman's position on the opposition to the Elders statement. I agree with the opposition to it. The committee agrees with it. The White House and the President have said that.

In addition, I know the gentleman is very concerned about drug testing. I know that the White House is concerned about this as well. Four hundred and thirty-six White House employees have been tested, including the Chief of Staff. We do not hire people there without drug tests. As a matter of fact, there were two instances where people were not hired because they had a positive test result, so I share the gentleman's concern.

Mr. SOLOMON. Mr. Chairman, if I could reclaim my time, I know the gentleman from Maryland is sincere in what he is saying.

I would say to the gentleman, I offered a budget on this floor sponsored by another 20 Members. It was put together by the Balanced Budget Task Force. And there were some very, very difficult votes involved, because we proposed cutting across the board, including the good programs, but we have to get this Federal deficit under control.

What the gentleman from Florida is doing, sure, is cutting those areas funded at last year's level. We ought to be cutting everything below last year's level, otherwise we will never get control of the budget.

I would just say in response to the gentleman from Maryland when he says that the drug testing programs are still going on at the White House: I hope they are. I have been trying to get that answer out of the White House, and I will give them credit if that is true. I want them to continue it, to set the example for the rest of government at all levels—Federal, State, towns, counties, cities.

We ought to be drug testing in order to set that example, because 75 percent of all the illegal drugs in America today are not used by poor people in the inner cities. They are used by the upper middle class yippies and hippies, who may be bankers or stockbrokers, who are driving into the urban areas, and purchasing drugs to use for recreational purposes. Sniff a little cocaine, puff a little marijuana on the weekends, it does not hurt anything—that is the attitude which is causing this problem.

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

Mr. SOLOMON. I am glad to yield to my good friend, the gentleman from Florida [Mr. GOSS].

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

I did not come to my feet when the distinguished gentleman from Maryland [Mr. HOYER] came very close to violating the rules, characterizing my attack as petty partisanship. It was not intended that way. My statement clearly said it was not. I referred to other steps I have made to cut the budget legitimately.

□ 1210

It just so happens that the President of your party happens to be in the White House. That does not make it a petty partisan attack.

The facts are also that we do not count quite the same, it seems. The detailees and some of the others that are in the White House budget that are

elsewhere get counted one way or another way depending on whose side one is. The other point is when we take a look at the Office of National Drug Control Policy and take a look at the numbers, they do not lie. According to this, right out of the executive office of the President, fiscal year 1995, $11.7 billion last year, $9.9 billion this year, a cut of $1.8 billion, a cut no matter how it is looked at. Consequently I think I have characterized fairly and accurately what is going on. The gentleman may put a different importance on it.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, will the gentleman from New York yield to me?

Mr. SOLOMON. I yield to my good friend, the gentleman from Maryland.

Mr. HOYER. I do not want to characterize the gentleman from Florida. What I believe, and the point I was trying to make is that I think it is important for us to realize that there were very substantial differences between the Reagan and Bush administrations. The reason we did not do this, however, in this House is because we believe that the White House ought to be a coequal branch of government with the ability to set its budget, just as I believe that the White House ought not to veto, for instance, the legislative appropriation bill where we decide what we need to exercise our constitutional responsibilities.

In the 12 years of the Reagan-Bush administration, the Committee only once cut what the President requested in his own budget. There were one or two instances on the floor where that occurred, which I opposed.

Mr. SOLOMON. Mr. Chairman, reclaiming my time on that point, the gentleman from Maryland is making an interesting point. The point is, I think, that the Democrat Party rarely wants to cut anything but defense. I just had to say that. That is the reason Democrats have never asked for any cuts in domestic spending that I can see.

Mr. Chairman, the only reason I came out on the floor was because I heard some petty partisanship and I just wanted to take exception to it. The gentleman from Florida has a fine amendment.

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

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I have the greatest admiration for the gentleman from Maryland, Mr. HOYER'S very strong commitment and conviction to separation of powers. That is not what is at issue here. What is at issue here is whether or not at this point in our Nation's history, the question of affordability has not changed somewhat since the Reagan years the gentleman referred to and that our legitimate oversight responsibilities have, therefore, changed somewhat. That is the point I am trying to make with this amendment, and I think that is the point that all Members should consider. I thank the gentleman very much for yielding.

Mr. SOLOMON. Mr. Chairman, before yielding back my time, I hope all Members support cutting amendments, no matter what is being cut. That is the only way we can deal with the deficit. I urge support for the amendment of the gentleman from Florida.

Mr. COPPERSMITH. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Maryland, Mr. HOYER, the distinguished chairman of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank my friend, the gentleman from Arizona, for yielding.

Mr. Chairman, I understand my friend, the gentleman from New York's point. But again I would call attention to the Executive Office of the President. That is what we have been talking about. It has been cut $28 million. That is what the figures say. If they were wrong, fine, but we believe they are accurate. Those are the committee figures. The bill has $270 million, that is $28 million less than last year's bill. That is about a 10-percent cut. There is, in fact, a cut as well, as I pointed out, of $2.7 million below the President's request for the Office of Administration.

Mr. Chairman, I do not think that is good policy based upon the separation of powers. What I do believe is that it does, in fact, reflect the fiscal constraints confronting us. What I am saying is that there is not a recognition in this amendment that we have already done more out of this committee than we have done in the previous 13-year period. We have made much greater cuts than we have ever done in the 13 years on which I have served on this committee.

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

Mr. COPPERSMITH. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would just like to say, I think the gentleman should be given recognition. The gentleman has made cuts and he normally does do a good job. That is why we respect the gentleman for it. But we can do a little better. Let us cut a little more and give the recognition at the same time.

Mr. HOYER. I appreciate half of that.

Mr. SOLOMON. The gentleman is very welcome.

Mr. HOYER. Mr. Chairman, just in conclusion, let me say that I hope we reject this amendment for the reasons that I have stated. We have made very substantial reductions. We do not need to go further, except to make a political point. That is my point in this whole debate. The only reason for going further than we have gone, further than we have gone historically ever probably, and I have not checked historically back before 1981, is to make a political point.

The gentleman made a number of points during the course of his fiscal discussions, as I recall, unrelated to fiscal matters.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the gentleman from Florida [Mr. GOSS] in his effort to cut the White House operations by some 20 percent based upon my concern that critical performance should not be rewarded and this administration's lack of attention to our drug war is indicative of nonperformance.

Accordingly, I compliment the gentleman from Florida [Mr. GOSS] for exempting the White House drug czar's office and the drug control portions of this bill from his proposed 20 percent cut in order to focus attention on the administration's inattention to our Nation's drug war.

Mr. Chairman, last year severe cuts were proposed and enacted in the budget of the drug czar's office. Those early cuts signaled a clear and disappointing retreat by the new administration from the battle against illicit drugs. Nothing I have seen since then has reduced that perception. While the President has given the drug czar a Cabinet-level seat, for which we compliment him, he has not provided that drug czar with the tools or the financial support needed to make that seat a meaningful one.

The evidence of the laxity by the administration in our war against illicit drugs abounds. It is going to cost us significantly as a nation. We will surely have more crime, increased health care costs, greater worker inefficiency, and loss of productivity. We will also see the destruction of many of our Nation's youth from the ever-increasing quantities of imported, cheaper and purer drugs that this administration's lack of direction will surely bring to our Nation's streets.

Mr. Chairman, the critics of our counterdrug efforts, especially our interdiction program, just do not perceive what is being done. We have annually helped to seize from worldwide cocaine production large quantities of killer narcotics. We have effectively cut off a great deal of this scourge before it hits our streets, our schools, and our workplaces.

Mr. Chairman, for the record, permit me to note recent U.S. Government-wide interdiction statistics:

Fiscal year 1992, a seizure of 17.6 percent of cocaine production, or 172 metric tons. In fiscal year 1991, there was 14.6 percent of cocaine production, or

140 metric tons seized, showing a substantial increase just from 1991 to 1992.

Mr. Chairman, the critics would not want to address the questions of increased crime, often violent crime, health care costs, and lost lives that these hundreds of tons of cocaine would have had upon our society if not intercepted before reaching our shores. It is relatively easy to state that nothing works, but, in fact, those critics are wrong.

Illustrative of the White House's abdication of the drug fight, besides at the Office of National Drug Control Policy, are deep cuts in fiscal year 1995 State Department's international narcotics matter budget [INM] without White House opposition, while in Burma, heroin production soars and we are without any counterstrategy. In addition, we have had an unprecedented withdrawal of real-time counternarcotics intelligence from Peru and Colombia under the guise of a reported legal dispute. The litany of failures sadly goes on and on.

Just yesterday we met with the Secretary of Education who indicated to us a serious reduction in their drug education budget without any support from the administration. All of these retreats occurred, Mr. Chairman, without the drug czar being effectively on the field of battle as far as we can see by those of us who have been involved in this battle. He cannot, it seems, effectively play the role of advocate for the battle against drugs that the President himself has abandoned. Sadly, that once proud office today has few advocates to even protest the reductions that have been proposed this year.

□ 1220

OMB CP's long-term survival will eventually be at stake unless the current trend is reversed.

My own patience wears thin. Let us hope that improvement comes soon.

Accordingly, I urge adoption of the Goss amendment in order to send a clear signal to the administration of the opposition that many of us have to the reduced support by the executive branch for our war against drugs.

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

Mr. GILMAN. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman's remarks, and I understand his concern.

The gentleman is aware, of course, that this does not add any money to the drug war?

Mr. GILMAN. I recognize that.

Mr. HOYER. Of course, we had the foreign operations bill. I do not know whether the gentleman had an amendment to add money to that bill. We are going to have the defense bill coming along. There could be an amendment to add money to this bill.

Mr. GILMAN. We certainly did and will continue to try to do that.

Mr. HOYER. The gentleman made the point, as I understand it, that this is to make a point, this is to penalize, am I correct, for policies that you do not approve of? Is that correct?

Mr. GILMAN. Yes. By all means, it is an important symbolic attempt to show that we disagree with the administration's failure to advocate financial support for the drug war.

Mr. HOYER. So it is a penalty for policies with which you do not degree?

The CHAIRMAN. The time of the gentleman from New York [Mr. GILMAN] has expired.

(By unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

Mr. GILMAN. Mr. Chairman, it is an attempt to focus attention by the Congress and by the administration on the fact that the administration has failed to support the very programs that they have indicated that they were advocating. They cut the international effort. They cut the drug czar's work. They cut our Education Department's efforts. What we have is a program without any financial support, and this is what we are trying to do is to remind the administration that this important program is without adequate financial support here in the Congress where it counts. And what better place to send such a signal than in the executive branch budget?

Mr. HOYER. If the gentleman will yield further, I just want to point out to the gentleman that I have in front of me, of course, the national drug control strategy, February 1994, which points out the total effort in drug control policy, drug treatment, drug enforcement, all of those, was $12,136,000,000 last year. In this year's budget, it is $13,179,000,000, or a $1 billion increase in the drug war in effect.

Now, it may not be in areas that you think are appropriate. I understand the gentleman's point there. But the proper amendment would be then to shift it from one to the other.

The CHAIRMAN. The time of the gentleman from New York [Mr. GILMAN] has again expired.

(At the request of Mr. HOYER and by unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

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

Mr. GILMAN. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, my point being there has been a substantial increase in the dollars dedicated to fighting drugs. There may be policy differences, and those can be met by amendments on the floor dealing with the substantive programs. This amendment, though, I reiterate, is to make a point, is to penalize the White House for policies with which you do not agree, and my point at the outset of this debate was on our side of the aisle we did not do that to President Reagan and we did not do it to President Bush, and I personally believe it is inappropriate to do it to President Clinton.

Mr. GILMAN. I recognize that. I just want to comment that while the proposals are there for budget increases, the support for those are not present when they go before OMB and others of the agencies as well as Congress.

I thank the gentleman for his comments.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

The amendment before us represents a sound alternative to what, after all, is Mr. Clinton's request for an increase in his White House budget.

When all is said and done, the Appropriations Committee's response funds White House activities at precisely the same level they were funded in 1992, George Bush's last year. Yet as a candidate, Bill Clinton talked about a 25-percent cut in the White House staff. Many Americans are wondering, at current levels, whether we are not paying too much already, particularly in light of the continuing allegations of grave misconduct by members of the White House staff.

Yet Bill Clinton, the man who promised a 25-percent cut to the American people, has this year proposed an 8-percent increase for the White House budget. I congratulate my colleague, the gentleman from Florida [Mr. GOSS], who did not see fit to give Mr. Clinton more money, but is instead proposing that we hold him to at least some of the spending cuts that he proposed as a candidate.

In light of what the White House staff has been up to, it seems to me they hardly deserve a raise. Just 18 months ago, the Clinton White House started out with Travelgate. It consisted in the firing and smearing of honest career employees in the White House for the benefit of the Clintons' relatives and campaign workers. Even the White House press corps were scandalized by such a noxious mixture of cronyism, political manipulation of law enforcement, and scapegoating, the likes of which Washington has not seen since the spoils system was first set into motion by Andrew Jackson.

All of this certainly set the tone for what we have now come to know as the prototypical Clinton scandal, the corner-cutting, the greed, cronyism, and, above all, the deceit.

There has been more serious misconduct by the Clinton White House than Travelgate, but certainly nothing more contemptible than firing and smearing longtime, apolitical, low-level government workers in order to benefit the President's cousin and his wealthiest friends.

No less disgraceful was the tampering with the FBI by the White House

counsel's office, the office in which I once served as senior associate counsel to the President. The White House counsel is supposed to be preeminently responsible for preventing ethical lapses by the President and senior White House officials. Instead, it was this White House counsel's office that was the very source of the scandal including flagrant obvious misconduct by White House lawyer William Kennedy, who did not contact the Attorney General, who did not contact FBI Director Sessions, but interfered directly in the operations of the FBI to target specific individuals. Yet Kennedy remains in the White House, two reprimands and several additional scandals later, as a seemingly permanent source of ethical trouble for this President and the other White House staff.

As we all know, Mr. Kennedy, like Webb Hubble and Vince Foster and Hillary Rodham Clinton, was part of the same law firm that represented Arkansas wheeler dealers in Whitewater and Madison Savings and Loan and dozens of other transactions including the Clintons' own personal finances.

One of the most unsavory aspects of this staff arrangement is the cronyism. From the first, it turned the highest echelons of the White House legal staff and the Justice Department into little more than the Washington branch office of the Rose law firm. The predictable result was the President and Hillary Rodham Clinton felt they could treat the White House lawyers as their personal lawyers.

But Federal law prohibits Government employees, including the White House counsel's office, from performing private services for the President. Yet shortly before his death, Vince Foster was working in his White House office in the West Wing on Government time at taxpayer expense at preparing the delinquent Whitewater tax returns. Not only was this improper because it was the personal investment business of the Clintons rather than official business, but it also covered a period well before the Clintons took office. Most observers who have commented on this fact have speculated on its relevance to Mr. Foster's death.

As a former member of the counsel's office, I am at least as struck by its obvious impropriety; using a fulltime Government lawyer to work on the Clinton family's personal business affairs is clearly improper. I recall very well the extraordinary pains that, for example, President Reagan took to ensure that none of the White House lawyers worked on his personal business. His tax returns were prepared by his own private lawyers and his accountants. Even his blind trust which, unlike the Clintons, was set up before his inauguration, was prepared at his personal expense.

Obviously the Clinton White House does not follow the same ethical guidelines.

What does this mean from a budget standpoint? Obviously it means today in 1994 we are already paying for too much White House staff, yet the size and the composition of the White House staff whose budget we are debating today is itself another mystery. The Clintons have repeatedly denied requests from Congress for a list of White House staff members and salary levels.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX was allowed to proceed for 1 additional minute.)

Mr. COX. Mr. Chairman, the Clintons have repeatedly denied requests from this Congress for nothing more than a list of White House staff members and salary levels. In fact, one of the Republican amendments that we will not even be permitted to debate today under this rule would have required disclosure of White House staff levels and salaries on a regular basis. That is hardly too much for Congress to ask, since we are supposed to vote to pay the bills.

But apparently the group that has for 40 years had one-party control of this House, now with one of their own party members in the White House has decided to help the White House stonewall the Congress, and they have looked the other way so as not to notice the sleight of hand used by the Clinton White House to disguise yet another broken promise, the bogus 25-percent cut in White House staff.

□ 1230

The fraudulent bookkeeping devices used to cover up White House staff spending are worthy of Madison Savings & Loan. The Clintons have decided that for the first time in 40 years the two largest components of the executive office of the President are not part of the executive office. That is not all. They have inflated the personnel baseline from which the phony cuts are taken.

Then they fired low-paid, long-serving career White House employees and used the extra money to hire the ever-changing cast of senior aides cleaning out Clintons——

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX was allowed to proceed for 30 additional seconds.)

Mr. COX. It is not terribly surprising that when the dust has settled, President Clinton's 1995 budget request asked for an increase in spending. But while it is not surprising, it is unfortunate.

Today as we vote on the White House budget, we are voting in the dark. We know the White House staff roster thanks only to a leak in the Washington Post. This House has had no hearings on Travelgate. We have had no hearings on Whitewater. We have had no hearings on Mrs. Clinton's transactions in stocks affected by her health care plan or the undisclosed conflicts of interest on her health care task force or the myriad other scandals large and small that have enveloped this administration like a fog. Our job should be to cut through the fog.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. COX was allowed to proceed for 1 additional minute.)

Mr. COX. Mr. Chairman, I yield to the distinguished colleague from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding. First of all, we did have a hearing on Travelgate, as I am sure the ranking member will tell you. Second, I do not know whether the gentleman heard me say there were 1,394 people on the roster at the White House in November 1992 under President Bush. There are now 1,044.

Now, you can dispute those figures. We have had hearings about them. Those are the figures.

Mr. COX. If the gentleman would yield at that point, reclaiming my time, $157 million is the amount of money that was spent in 1992 for the functions covered by this bill; $157 million is the amount that this bill contains for the very same functions. I do not see a cut in it.

Mr. HOYER. Does the gentleman mean 2 years later? Fiscal 1995?

Mr. COX. That is right.

Mr. HOYER. For fiscal 1995 the gentleman does not see the cut?

Mr. COX. The gentleman said he cut it by 25 percent, but now we are paying exactly the same amount.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. COX was allowed to proceed for 1 additional minute.)

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

Mr. HOYER. I thank the gentleman for yielding. The gentleman has served in this House for some period of time, and he indicated he was associate counsel. At no time do I recall the gentleman offering an amendment or adopting a policy at the White House to disclose what he now wants disclosed on White House personnel.

Mr. COX. The gentleman did so today, and was denied by the group that controls the House.

Mr. HOYER. Excuse me?

Mr. COX. That amendment was disallowed.

Mr. HOYER. No; no; not this time. During the Reagan or Bush years, did

the gentleman ever offer an amendment or propose a policy in the White House as associate counsel to disclose this information? And, if so, could the gentleman let me see that?

Mr. COX. The gentleman does not serve on the committee, and the gentleman did not offer, even, the amendment that is being disallowed today.

Mr. HOYER. Now, I want to make my point. I think the gentleman is trying not to answer my question. With all due respect to the gentleman from California, the gentleman expressed concern that we were not disclosing White House personnel.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. COX was allowed to proceed for 30 additional seconds.)

Mr. COX. I yield to the gentleman.

Mr. HOYER. And the gentleman in the course of his talk said he was associate counsel at the White House. Did the gentleman recommend to then-President Reagan that he disclose that information, or subsequently as a Member of Congress, that Reagan or Bush disclose that information?

Mr. COX. I will answer the gentleman in as straightforward a fashion as I possibly can. I have always supported such disclosure.

Mr. HOYER. I understand that. Did the gentleman make that recommendation to them?

Mr. COX. I have not offered even the amendment that I am debating, which is an amendment of the gentleman from Florida [Mr. GOSS].

Nonetheless, it is specious to suggest that if I do not personally offer every amendment, I cannot possibly support them. I do and have consistently supported these cuts in the White House staff.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has again expired.

The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 262, not voting 9, as follows:

[Roll No. 236]

AYES—168

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—262

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inslee
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Brown (CA)
Michel
Miller (CA)
Miller (FL)
Reynolds
Schenk
Washington
Waxman
Whitten

□ 1256

Messrs. GEJDENSON, JEFFERSON, HUTCHINSON, DICKEY, NADLER, PETERSON of Florida, SKEEN, and LIVINGSTON changed their vote from "aye" to "no."

Mr. TAUZIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I move to strike the last word, and I request a colloquy with the chairman of the subcommittee. Mr. Chairman, the committee has included report language regarding a current Postal Service regulation aimed at controlling the inclusion of loose supplements in magazines and commercial mailings, but has had an unintended, adverse effect on a handful of second class weekly newspapers utilizing a two-staple bound format. This is the second time that the committee has brought this specific problem to the attention of the Postal Service. Does the committee wish the Postal Service to resolve this problem?

Mr. HOYER. Mr. Chairman, if the gentleman will yield, the committee has directed the Postal Service to study this issue and to report back on the basis for this regulation. We share the gentleman's concern.

Mr. PORTER. The intent of this regulation is to prevent commercial mailers from including numerous supplemental inserts without paying additional postage. However, a very small number of bona fide newspapers are affected by this regulation simply because they do not follow the traditional newspaper format. These newspapers had been using this format for decades before the implementation of this postal regulation. Does the committee want the Postal Service to allow these papers to continue to use their customary mode of preparation without being subject to the more restrictive rules on loose supplements which apply to magazines and other bound publications?

Mr. HOYER. Again, I would say to the gentleman that the committee shares his concern, and the committee expects the Postal Service to review this regulation and report back on its rationale. As soon as I receive that, I would look forward to discussing it with the gentleman.

Mr. PORTER. Mr. Chairman, I thank the gentleman for the colloquy, and I thank him for his concern.

□ 1300

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the American people, I think, are pretty well fed up with reports of politicians abusing power and fed up with wasteful and abusive Government expenditures, and they continue to see reports in the media of politicians taking advantage of perks. Some of them are real perks, some of them are not. We went through this in past administrations, and you would think folks would learn a lesson, but apparently that has not happened.

Quite frankly, I had two amendments that I was going to offer, but I know they will be struck on a point of order, so I would merely like to just discuss them at this juncture.

One of those amendments would prohibit the unofficial use of military aircraft by White House staff unless expressly authorized by the President.

I think if we are going to have to spell it out, maybe we have to do it, not for just this administration, but for others. Because we have had abuses of military aircraft by both Republican and Democratic administrations. It just seems to me it would make good sense if in their rule book, that whoever the President may be in the future, there would be absolutely no question of where that authority lies and where the line is drawn.

So the amendment I was going to offer but which has not been allowed because it is considered legislating on an appropriations bill, would basically have banned the use of military aircraft for anything other than official business as expressly authorized by the President. I really think it would have just been a good guideline for this President and future Presidents on down the road.

The second amendment dealt with legal counsel, the separation between doing work for private matters and those for public matters.

Bernard Nussbaum stated to us in an earlier letter that White House staff were not providing legal counsel on private legal or financial matters, where there is, in his terms, "no official nexus."

We have seen a number of reports that contradicted that statement.

We also have seen press reports describing meetings between White House staff members and Treasury Department RTC officials on the subject of the President's involvement in the Madison Guaranty matter. That is a personal financial matter. Press reports have pointed out the late Vince Foster had Whitewater files in his office, and up until shortly before his death, he was preparing the president and First Lady's Whitewater tax returns. That is a personal financial matter.

Most recently, there are press accounts of White House staff weighing the establishment of a legal fund to raise legal fees to pay for attorneys representing the President on the Fiske investigation and the Paula Jones case. The question is why are White House staff members doing this? Shouldn't Mr. Kendall and Mr. Bennett be handling such matters?

There is precedent in this subcommittee for concern about such abuse. Back in 1973, former Chairman Roybal strongly questioned the right of White House officials to handle Watergate-related legal matters for the President. But I think we need to make a very important distinction, having said that. Watergate involved actions taken by a sitting President and involved public policy.

Now, if this subcommittee in the past questioned whether official funds should be used to pay for personal legal counsel for the President on a quasi-public matter, we certainly have every right to question the use of public funds for legal counsel on matters that are clearly private legal and financial matters of the President and the First Lady.

Mr. Nussbaum stated no funds are being used to provide legal counsel for the President and First Lady. That sentence is in the present tense. He said nothing about actions predating his letter.

The bottom line, Mr. Chairman, I think we should just leave no doubt in the minds of the general public and the minds of White House officials that public funds should not be used to provide legal counsel on private or personal matters.

Again, that was the thrust of the second amendment that I had wished to offer today, simply to put some guidelines in the White House official operating manual as to where the line is drawn as it relates to the official use of nonofficial use of military aircraft, and also to the aspect of attorneys working in the White House, if they are doing public matters or they are doing private matters, that those two should be separate. I don't think there is much disagreement over the fact they should be separate.

The problem is, we have no oversight because the executive branch is a permanently authorized part of our Government, and, that would be the appropriate place to bring this up. However, this is the only opportunity we have.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 23, line 2, strike "$38,754,000" and insert "$23,754,000".

Mr. BURTON of Indiana. Mr. Chairman, some time ago it was announced that the President was going to go to Normandy to celebrate the 50th anniversary of D-day. And even though we may have had some differences on his views on the military, we thought the President of the United States should go to show respect for those who made such a tremendous sacrifice for freedom.

Then we found out that the President was going not with just White House staff and Air Force One and some military personnel, but he was going with an armada of 29 to 30 aircraft.

Now, bear in mind that President Reagan, 10 years ago, went to Normandy with six aircraft, and those six aircraft included the transportation vehicles, White House staff, and the President himself.

But this time, the White House took 30 aircraft, 29 to be exact, we believe more than that, but we have 29 documented, and approximately 1,000 people along with him, at taxpayers' expense. At least this is what we were led to believe.

I am on the committee of jurisdiction that is bound by the Constitution and the Congress to determine whether or not White House expenditures are appropriate. That is the authorizing committee. Of course, the gentleman from Maryland [Mr. HOYER] chairs the subcommittee dealing with the actual appropriation of these moneys.

We contacted the White House, asking them for a list of the people who went with the President so we could ascertain whether or not these people were legitimate, whether or not they should have gone at taxpayers' expense and, if they did not, did they reimburse the U.S. Treasury for the expenses of that trip.

Bear in mind, each one of these planes, if you average them all out, some cost 3 or $4,000 per flying hour, some cost as much as 12 to $13,000. But if you averaged all these planes out as far as flying time is concerned, the estimated cost per hour is 9 to $10,000 dollars per flying hour to go over to Europe. There were 29 planes. If you figure 22 hours there and back, and of course they had to go to Rome and other places, they had several side trips, but we estimated a minimum of 20 hours, we are looking at roughly $6 million in just flight time.

Then we found out that some of these aircraft were not catered by the U.S. Air Force Commissary at Andrews Air Force Base, but were instead catered by a private caterer, and we believe that private caterer charged two or three times as much to the taxpayers as would have been charged by the U.S. Government Commissary at Andrews.

We then contacted the service organizations: American Legion, VFW, Paralyzed Veterans of America, AmVets, and so forth, to try to find out if they were invited to go, because they represent the people who served in the invasion of Europe in 1944. And we were told that while they were going to the ceremonies at Normandy, they had not been asked to accompany the President on Air Force One or the backup plane or any of the other aircraft.

We tried valiantly for some time to get this information from the White House. The White House called back to my office and said, "This is not any of your business," in effect, and we are not going to give you that list.

During the Reagan and Bush administrations, on many occasions our subcommittee asked for and received adequate information from the White House. In fact, we got boxes of information for us to go through. Now we ask the President, as the Republican minority, for that information, and we were stonewalled.

So we wrote a letter to the White House under the Freedom of Information Act that any citizen can do. And we were then told that we were not going to get the information, that part of it was classified, and so forth. So we have not gotten that information.

Thanks to the gentleman from Maryland [Mr. HOYER], and I want to thank the gentleman publicly, he called the White House as the chairman of the Subcommittee on Appropriations that deals with this issue. He asked for a list. And today he was very kind in giving me a copy of the list. I would like to go through that real briefly with you, and then I will engage the gentleman from Maryland [Mr. HOYER] in a colloquy or anyone else who wants to talk about this.

□ 1310

Air Force One went, with 50-some passengers. Air Force One backup went with several White House staff. There was a press charter plane, which is normal. And then there were 26 other aircraft. These 26 other aircraft included senior DOD officials, 110 passengers, ceremonial participants, 13 aircraft with approximately 750 passengers. And then there were three or five aircraft that took a congressional delegation. I thought there were three, but we found out today that there were five.

I think that we should have had a presence over there. I believe that the President should have been there, even when we have had differences on our views on the military, because he is our Commander in Chief.

But for them to stonewall the Congress and not give us this information until we force the issue, I think, is a real show of animosity toward the Congress and arrogance on the part of the White House.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Especially in view of the fact that shortly after the President took office on February 10, 1993, he signed a Presidential directive saying that any use of U.S. aircraft by the White House should be reported to the public in a very timely manner and there should be full public disclosure. Yet when the Congress of the United States asked for this information, we were stonewalled.

We estimate the cost of the trip to be between $10 million and $15 million, including the private caterer and all the air hours and everything else that took place. We do not know about the lodging, because we have not had full disclosure.

We also know that there was one intern at the White House, an unpaid intern that went over there with them. We would like to know whether or not that unpaid intern was paid for with taxpayer dollars.

I do commend, as I said before, the gentleman from Maryland [Mr. HOYER] for getting this information for us. But this is incomplete. It does not give us a manifest, a list of who went. It says that 750 military personnel went, bands and so forth, but it does not give us who these people were and whether or not they were officially recognized to go, whether or not they should have repaid the Treasury for their travel.

There were people that went on these aircraft. We do not have their names. We believe that they were paid for by the taxpayer. If they went and they were a private citizen, they are supposed to disclose that.

They are supposed to reimburse the Treasury for that travel, I think, at a first-class airfare rate.

We do not have that information. This is helpful, but it certainly is not an answer.

I would urge my colleague to get additional information, if he possibly can.

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

Mr. BURTON of Indiana. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments. I know the gentleman is very concerned about this. I wanted to ask him a question.

I am sure he has investigated this. How many people went with Ronald Reagan in 1984?

Mr. BURTON of Indiana. Ronald Reagan took 6 aircraft, not 29 or 30.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. We were told that there were six aircraft total that went. If the gentleman can give me additional information, I would welcome it.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is aware that 10 years ago they did not have the ceremonies involving paratroopers or a beach landing. The gentleman is aware of that.

Mr. BURTON of Indiana. All the ceremonies that took place involved six aircraft. This time it took 30 aircraft, 10 years later.

Mr. HOYER. And the gentleman is aware that 750 of the personnel, which involved most of the aircraft and their equipment, were with the bands, the paratroopers, and/or the persons who participated in the landing at the beaches.

Mr. BURTON of Indiana. That is what this very sketchy list shows, but we do not have a manifest. In order to determine whether or not this money was well spent and whether it was spent at taxpayer expense for individuals requires a manifest. We need the names and the positions of these people, not a carte blanche that says we took 750 people with us.

Mr. HOYER. I understand what the gentleman is saying. Am I correct the gentleman from Indiana was a Member of the Congress in 1984? Did he get at that point in time a manifest?

Mr. BURTON of Indiana. We did not request a manifest.

Mr. HOYER. And why did the gentleman not request it? There was great interest in this issue.

Mr. BURTON of Indiana. We thought it was reasonable for the President to take six military aircraft, including one military personnel that we knew of, and that was himself.

Mr. HOYER. I will just suggest to the gentleman, that someone said to me yesterday that there were 700 to 800 "personal friends of the President" along.

Mr. BURTON of Indiana. What was said was that we believe there is a possibility that he took 700 to 800 of his closest friends, because the White House would not give us the information we requested, even though the President had promised the public in a Presidential edict that he was going to do that.

Mr. HOYER. With all due respect to the gentleman, who is a friend of mine, who I respect and like and work with on a number of occasions, it stretches my credulity to believe that anybody thought there were 700 close personal friends of the President.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOYER. The gentleman knows, as others know, that this was the 50th anniversary, a very significant event in world history as well as American history, that there were literally millions of people who had participated in one way or the other in this event and that the military, in particular, these are not Clinton administration people, these are DOD, had a right to participate. Chairman Vessey went over, as the chairman knows, and other members of the Joint Chiefs went. The gentleman from Missouri [Mr. SKELTON] is going to speak on this in a second.

Bands went to participate in the programs. These were people organized by the Department of Defense.

In fact, the President of the United States, on his plane, had a total of nine more people in 1994 than were taken in 1984.

Mr. BURTON of Indiana. The gentleman is begging the issue. The President, in 1984, President Reagan took six aircraft. He took 29 aircraft. The reason we said, if I might reclaim my time, what I would like to say is that if the President had, according to his Presidential edict, given us the manifest and the information, none of this would have happened. But he stonewalled the Congress, as he has on many other occasions. And we have no recourse but to try to put pressure on the White House to get this information. We even wrote them a letter under the Freedom of Information Act, and they would not respond.

When we said he may have taken 700 to 800 of his closest friends, we said that for a reason. That was to force the White House and the media around this country to put pressure on them to come clean. While this is a very sketchy report, it simply still does not tell us who went at taxpayers' expense and who did not and whether or not the taxpayer ponied up a lot of money for people that went over there just as a guest of the President. We know that one unpaid intern just working at the White House for a short period of time went. I do not know how many others.

Mr. HOYER. The gentleman did not know the figures then. Was he just using figures that he speculated?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, let me say to the gentleman, in response to his stonewalling question, that the D-day ceremony took place on June 6. Some of the equipment is not back yet. It is now June 15.

I just gave the gentleman the record, as the White House is putting it together, of the planes that went, which almost exactly comport with the gentleman's figures. It is, I think, very strange, to say approximately one week after they came back that they are stonewalling on information. I think the gentleman's characterization is not fair.

Mr. BURTON of Indiana. Mr. Chairman, any time one takes 30 U.S. aircraft and a thousand people over there, there is a list before they leave. They have to know who is getting on those planes. And the military knew and the White House knew who was going, and these planes were requested, most of them by the White House, according to the information we got at Andrews Air Force Base.

So my question is, they had that list beforehand. Why did they not give it to the Congress and why did the White House say, we are not going to give you the information, which is what they told me?

Mr. HOYER. Mr. Chairman, as the gentleman knows, my source is the White House. The gentleman says Andrews Air Force Base is his source. So that I might check out the information, who is the gentleman's source at Andrews Air Force Base?

Mr. BURTON of Indiana. I will not get somebody fired out there from the White House because of information that they gave to our office. I am not going to do that.

Mr. HOYER. At Andrews?

Mr. BURTON of Indiana. We got it at Andrews on the private catering. They usually cater these planes at the commissary at Andrews, but the White House asked for a private contract to be let which costs two or three or four times as much for private catering for many of these planes.

Should we be using private caterers when these aircraft normally are catered by Air Force One?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. HOYER. I do not know the specifics of that.

Mr. BURTON of Indiana. Call the White House. The gentleman talked to them about the other things.

Mr. HOYER. Rarely do they undertake as big an undertaking as 750 members of the military to participate in reenactments and other celebratory activities.

□ 1320

I frankly do not know the capacity of the in-house caterer, Mr. Chairman, but that aside, that is not the issue here, I think. The issue here is on the disclosure.

Mr. Chairman, I asked the gentleman, does he know any of the facts relating to the 1984 trip?

Mr. BURTON of Indiana. Mr. Chairman, we know in 1984 about President Reagan.

Mr. HOYER. If the gentleman will continue to yield, he was told, but he does not have a manifest. He has been told.

Mr. BURTON of Indiana. Nobody asked for a manifest, Mr. Chairman, because they thought 6 aircraft was reasonable, not 30, at the taxpayers' expense, especially after the President said that excessive use of aircraft by the White House was going to be curtailed. We asked for and demanded complete public disclosure in a timely fashion, and the President stonewalled the Congress, our committee, when we asked for that.

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

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, because we had a constituent inquiry on the matter, my staff checked up on this issue, and I think it is interesting to put into perspective some of what the gentleman from Indiana [Mr. BURTON] has been saying, because my staff, when they talked to the Pentagon, was told the Pentagon specifically told all veterans that they were going to have to get over there by themselves, that they were not going to be able to go aboard any military aircraft; that some military people would be able to go on a space available basis, but that all the aircraft that were going were for the White House and official parties and that sort of thing.

Mr. Chairman, what I am saying to the gentleman is that the Pentagon's information to my staff confirms much of what the gentleman is saying here, that veterans did not get to go along, they were not given free transportation over.

The fact is that this is a evidently a specially invited list that got aboard all of these airplanes. That comes from what the Pentagon just told us on a constituent inquiry.

Mr. BURTON of Indiana. Mr. Chairman, CBS news interviewed three veterans in a California hospital who said they would have loved to have gone, but they could not afford to go.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, not those veterans, nor were any other veterans, to our knowledge, asked to attend, especially the veterans groups. I said before, we contacted the major veterans groups.

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

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, what I am saying to the gentleman is that veterans who specifically contacted the Pentagon, finding out whether or not there was any transportation that was going to be provided, were told that no, there would be no transportation provided of any official nature; that anybody going was going to have to go by commercial airplane.

Mr. Chairman, that basically confirms what the gentleman is saying, that the people who were aboard these were people who evidently got special invites of one kind or another.

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

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I have told the gentleman at least 750 of these were military personnel that participated. These are not special invitees of the President of the United States. Other people were former Chairmen of the Joint Chiefs under previous administrations, nonpolitical. Mr. Chairman, some of the gentlemen who are rising here went. I did not go. They have personal knowledge.

Mr. BURTON of Indiana. Mr. Chairman, I will be happy to yield to my colleagues in just a minute.

Mr. HOYER. If the gentleman will yield further, Mr. Chairman, there should not be any aspersions similar to the gentleman's. This is not some special list that the President invited. That is not the fact.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I guess the question some of us have, Mr. Chairman, is that it was a major celebration, the fortieth anniversary, and it should have been a major celebration at the fiftieth anniversary, but the level of participation here of military troops and so on, if the gentleman is correct, is significantly higher.

The question is who made the plans that added significant expense to the overall participation by the United States.

Mr. BURTON of Indiana. Mr. Chairman, I think that is a legitimate question.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 3 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, let me just say, as I said before many times, I believe, many times, those of us in the minority have asked for information from the White House on a number of issues, and we have been stonewalled time and time again. The gentleman can ask almost anybody on this side of the aisle.

When we asked for that information and we finally got a sketchy outline like the gentleman just received, we question whether or not all of this is valid. I am not saying somebody lied down there, but I would like to have more detailed information.

Mr. Chairman, who were these 1,000 people? The gentleman says 750 were military. Is the gentleman sure it was 750 and not 700 or 675? Were 75 or 100 paid for, personal, private people paid for by the taxpayers of the United States? I do not know and the gentleman does not know.

Mr. Chairman, this is not sufficient. We want a complete manifest and we want to know if these were people who were active military, retired people in the military, or were they even in the military. If not, did they reimburse the taxpayer? We are talking about $10 million to $15 million here, and five times as many aircraft as President Reagan took just 10 short years ago.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I have no dog in this fight, but I would say to the gentleman, we did have paratroopers jumping in 10 years ago at the 40th anniversary. There was a significant jump at that time. I do not know how they got there, but they were jumping in 10 years ago, too.

Mr. BURTON of Indiana. There were six aircraft to our knowledge that were there, totally, Mr. Chairman, not 29. My initial amendment, Mr. Chairman, which I am talking about now, is for a cut of $16 million for the White House budget, to send a message to them. If we are convinced that much of this is accurate, we will reduce that down to $10 million or $5 million.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, lest the importance of the D-day commemoration get lost in the fog of this debate, let me say that this was certainly a very timely, extremely well planned and put on series of commemorations to a lot of brave men, both living and dead.

Mr. Chairman, I attended the Slapton Sands ceremony where nearly 800 soldiers and sailors died in a training exercise when they were surprised by German E-boats. That was kept secret for a while so the Germans would not learn about it.

I attended the SHAEF Headquarters ceremony in London, and between the CINCUSNAVEUR Headquarters and the Embassy, what a moving experience that was. As a matter of fact, the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans Affairs, spoke at that event.

I attended events both at Utah Beach and at Omaha Beach. I heard the President speak also at the Cambridge Cemetery. These were fitting tributes to Americans. I do not want all this to get lost in this debate, because that was truly well thought out and planned series of events, and much credit must go to retired Lt. Gen. Mick Kicklighter of the U.S. Army.

To all those who were involved, this will never happen again, to see the literally thousands of American veterans with their Purple Hearts, with the other decorations of their European campaigns; to see Othie Owsley from Clinton, MO, who was captured shortly after the invasion by the Germans and in prison camp for 10 months; to see Dr. Tommy McDonald, from Missouri, Silver Star recipient, thrice wounded was over there. We will not see that assemblage again.

Mr. Chairman, we should pay tribute to every American who was there, who came back, and those who were interred in those stone-marked cemeteries. Let us not lose the significance of this D-day remembrance. That is what it is. Young America, young America, should know and understand the sacrifices that occurred on June 6, 1944. That is the purpose of all of this. It is not to be lost in this debate today.

Mr. SANGMEISTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rather surprised at the debate that is going on here today. I was one of those who was on the Montgomery Codel that went over there, and I want to say that it was the greatest experience anyone could have.

My understanding was that the bulk of those people that went over there were all veterans. It is too bad that as we do spend money around here, that we did not spend twice the amount of money and bring that many more veterans over there to see that. Mr. Chairman, it was one of the most impressive commemorations I have ever seen, and I think we are degrading the whole process by what is going on here right now.

Mr. Chairman, I was so pleased to see Members of our own body over there, much less, the minority leader himself, who was involved in the D-day invasion, who spoke over there, movingly, about his participation. We had the gentleman from Florida [Mr. GIBBONS], who parachuted in behind the lines at that time and put his life on the line,

and he was able to speak. We heard all of this.

Mr. Chairman, I think probably one of the most moving things above all was to travel by bus across Normandy and see all the French people holding out their American flags and their English and British flags and saying to us, giving us the V sign. I want to tell the Members, it was a moving experience. I was very proud to be an American. I was very proud to be over there at that time. I think we ought to end this process and get on with the legislation.

Mr. WALKER. Mr. Chairman, I move to strike the requisite of words.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, we were all proud as Americans to see the ceremonies at Normandy.

□ 1330

Mr. Chairman, we were all proud as Americans to see the reception that we received as Americans over there, the people who went, by the French people and the English people who experienced such a dreadful time during World War II. We are very proud of the people who fought and died on D-day and all of those who sacrificed during World War II for freedom against Naziism and fascism. We are all proud of them. But that is not the issue here. The issue is, 10 years ago at the 40th anniversary, 6 planes went at taxpayers' expense, and this time it was 30 planes, and we cannot get an accounting, an itemized accounting from the White House on who went. We are charged with the responsibility, congressional oversight of White House expenditures of this type.

I would just like to say to my colleagues, if we could get a complete manifest, a complete accounting and it meets with congressional prerogatives and approval, then fine. But the White House has stonewalled us, and we got an incomplete list here today. We say 1,000 people are going, 750 were bands and so forth, but we do not have the answers that are required by our Congress as far as these expenditures are concerned. While we are very proud to be Americans and very proud of all those who sacrificed, and many of us served in the military for our country, we are proud to be members of the military, former members of the military, that does not answer the questions that we are asking here today, and we would like to have those answers for the taxpayers who footed this bill.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WALKER. Mr. Chairman, I am looking down over the list here and I just would like a little bit of clarification. If I understand correctly, the list that we have lists three aircraft that the White House says were their responsibility. Then there are eight aircraft that carried 110 passengers, including the Secretary of Defense, senior officials of military departments, the National Guard bureau chief, retired generals and staff. If I figure correctly, that is a total of about 14 people per airplane there. We have eight aircraft carrying 14 people per airplane. I ask the gentleman from Maryland, is that correct, for an average?

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

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

Mr. HOYER. Mr. Chairman, I have calculated it.

Mr. WALKER. I am dividing 8 into 110, which comes to something on the order of 14 people per aircraft in that case. We have no reason to believe that there is anybody else aboard those aircraft, is that correct?

Mr. HOYER. The gentleman is correct. If the gentleman would look at the sheets that I gave to the gentleman from Indiana, the passengers are set forth on the attached documents.

Mr. WALKER. Then we have 13 aircraft that were carrying people. If I divide that out correctly, it is somewhere on the order of 60 people, a little less than 60 people per aircraft that were carrying the 750 people.

It says it includes, it goes for participating in the ceremonies.

Mr. HOYER. I can tell the gentleman, there were 53 from the Missouri National Guard Band; from the Maryland National Guard Band, which I did not know was going, 53 traveled.

Mr. WALKER. So each of them took an airplane approximately.

Mr. HOYER. National Guard Band overflow. These were all KC-135's, 53. Ceremonial troops on a C-130, 80; the Navy Band on a C-9, a smaller plane as the gentleman knows, which is why we cannot compare, some airplanes are obviously larger than others, 25;

Coast Guard Band, C-9 again, 43. That would indicate that there were 18 less on the same C-9 that went on the Navy Band plane;

And paratroop movement, seven C-141's with 450, a total of 757 for those particular aircraft.

Mr. WALKER. And those planes, the planes that carried the paratroopers, carried nobody else. This was all paratroopers who were aboard those planes. We sent over 450 paratroopers, and they were aboard the rest of those planes.

Mr. HOYER. There were seven C-141's.

Mr. WALKER. Seven C-141's carrying 450 paratroopers, and there was nobody else aboard those airplanes, it was just paratroopers?

Mr. HOYER. Nobody to my knowledge. The pilots were on board obviously.

Mr. WALKER. I understand that.

Mr. Chairman, I am trying to establish here, because this is the information, it is the kind of information that we simply cannot get this administration to turn over to us. It would be very helpful for those of us in the minority who do have questions about some of these things to get accurate information and get it in a timely fashion. We would not have to go through these discussions. This discussion is not about D-day. D-day was a wonderful ceremony, America participated along with our Allies. It was the kind of thing that should be done. This does help to clarify it. It helps to go down through it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, the bottom line is this administration has been the least forthcoming administration in the time I have been in the Congress in terms of bringing forth information. The reason for it is, I can tell the gentleman, is the minority has no subpoena power and the majority has no desire to subpoena any information. Therefore, we are stonewalled by the Democratic leadership day after day in terms of getting information because they refuse to use their subpoena power and the minority has no subpoena power so we cannot get the information, and this administration simply stonewalls us and says, "We're not going to give it to you."

Mr. Chairman, I am saying if the gentleman does not want this kind of discussion on the floor time after time, the way to stop it is to tell the administration that they have an obligation to the Congress to turn over legitimately asked for information about what is being spent on the taxpayers' behalf. We are not getting that from the administration all the time, I find it on my committee. I know the gentleman from Pennsylvania [Mr. CLINGER], at the Committee on Government Operations, has asked for all kinds of information and has been stonewalled by the administration.

Mr. Chairman, if there is any place that should be getting this information, it is the Committee on Government Operations that handles oversight. Yet the chairman there has no desire to get this information because he does not want to do anything to embarrass the administration, and the minority just simply wants to get the information to find out. Maybe there is embarrassing stuff, maybe there is not, but it is going to get a lot more embarrassing if day after day we have to come to the floor and face this kind of discussion simply because the information is not available. I would suggest to the gentleman that one of the signals that ought to be sent here is to the administration to legitimately give to Congress that kind of information

which we are entitled to see and have when it is the taxpayers involved.

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

Mr. WALKER. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Respectfully, I understand what the gentleman is saying, but I will tell the gentleman very honestly, I believe that this is not about information, this is about politics. That is what I have said in the past.

Mr. Chairman, I will read from a report written by the Committee on Post Office and Civil Service that investigated this issue.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. HOYER and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, I continue to yield to the gentleman from Maryland.

Mr. HOYER. The report reads:

"Over the past year," and this is 1992, "the Subcommittee on Human Resources held four hearings, March 31" and this is 1992, President Bush is President, "April 9, April 30 and July 21, 1992, on the travel and personnel topics addressed in this bill. The White House refused to testify at three of these four hearings. In addition, two scheduled subcommittee hearings, May 28 and September 8, 1992, were canceled due to the White House's refusal to provide witnesses."

Mr. WALKER. Mr. Chairman, the differences, I would say to the gentleman is, the gentleman can read off all that, the difference is that the subpoena power rests in the committee's hands. At the point that the White House did not come up and testify to those kinds of hearings, the committee had the power to subpoena the information, anyway. It was used consistently on Capitol Hill against the administration. The gentleman may think that this is politics, but the bottom line is that there can be no politics out of any of this information if nothing wrong has been done. However, this gentleman thinks if there is going to be politics played, that there is plenty wrong that has been done and if we get the information, it just might be a political disaster for this administration.

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

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

Mr. HOYER. Let me tell the gentleman my problem with that so we can pursue this.

Mr. Chairman, the trip ended on June 7 or June 8. That was 7 days ago. I have just handed the gentleman what I got because I believe that Congress is entitled to this information. The gentleman says it is not enough. I just mentioned the number of planes and people. I understand that we could go deeper. But the discussions on the talk shows last weekend were based upon hearsay. No manifest was available, there was no absolute knowledge. Why? Because it made for good politics.

Mr. Chairman, I will work with the gentleman to get information because as I think the ranking member on this committee will tell the gentleman, I want the members of my committee, I want the Members of your side of the aisle and I want our side of the aisle to make sure that we are doing right.

Mr. WALKER. Mr. Chairman, if I may talk about the gentleman from Iowa, the gentleman from Iowa has run into problems at the White House getting information that he thought was legitimately his, not on this issue but on several other issues that the gentleman thought legitimately should be given to the minority. They have not been forthcoming. All I am saying to the gentleman is this is just one issue of about a dozen or more where information is not being provided by this administration to Members of Congress who are asking for it.

Mr. Chairman, the gentleman from Iowa, JIM LEACH, has had to go to court to try to get information that he thinks is legitimately available, should be made available to him as ranking member of the Committee on Banking, Finance and Urban Affairs. The gentleman has had to go to court to take up a constitutional case.

□ 1340

That just is not legitimate. It seems to me that if information is done, is gathered at taxpayers' expense, we have a right to see it, which should not take subpoena power in order to do it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(At the request of Mr. BURTON of Indiana and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, let me just say that my staff contacted Dover, DE, and Altus, OK, and a lot of these bases, and the manifest that we have of these planes does not jibe with the information we received.

There were five C–5's and 14 C–141's that went on this trip, according to the information we received, 9 out of Scott Air Force Base in Illinois, and four out of McGuire Air Force Base in New Jersey, and they are not on this list. So there is an inconsistency. I do not know what that is. That is why I said we need detailed information on the manifest and the planes that went, No. 1.

No. 2, in answer to the gentleman's comments earlier about not getting the information from previous administrations, I serve on that committee, and they sent us box after box after box of information. They did sent people up from the White House to testify. It may not have been the people that the committee chairman wanted, but they were people in relevant positions at the White House that did come up to give us information. So do not give us that baloney that the Bush and Reagan administrations were noncooperative with the committee, because I was there. We did get the information.

In this administration, we cannot get anything on almost any issue we have asked for. We have been stonewalled time after time. If you want me to stand here and give you about a half hour's list of them, I will be happy to do that.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I say to the gentleman from Pennsylvania [Mr. WALKER] that I certainly understand your desire for accountability. That is our job, to make sure that the money is spent properly.

My question to you would be: Are you familiar with a gentleman by the name of BOB MICHEL, the distinguished minority leader?

Mr. WALKER. Well, I have no——

Mr. TAYLOR of Mississippi. Are you familiar with that gentleman?

Mr. WALKER. Sure, I am. That is a ridiculous question, but sure, I am. I am willing to play the game. Yes. What do you want to say about him?

Mr. TAYLOR of Mississippi. The point I think that I think needs to be made in particular with the Normandy trip, the distinguished minority leader was very much in attendance, the gentleman from California, the former peacetime fighter pilot, BOB DORNAN was there, Congressman BILIRAKIS, Congressman STEARNS, Congressman HENRY HYDE, certainly not a big fan of the present administration, Congressman CHARLIE TAYLOR, Congressman ALEX MCMILLAN. This is just off the top of my head.

Mr. WALKER. I understand the point the gentleman is making. We know that five aircraft went carrying congressional delegations. We know who were on those delegations. We can find that out. We would like the administration to be as forthcoming about who was on the airplanes other than congressional delegations as Congress did. We know who were on the congressional airplanes. The gentleman does not have to read off the list.

Mr. TAYLOR of Mississippi. I am addressing you as a gentleman, and I hope that you will behave as such.

Mr. WALKER. Well, I am behaving as such by giving the gentleman my time.

Mr. TAYLOR of Mississippi. Please, let me finish.

Mr. WALKER. Sure.

Mr. TAYLOR of Mississippi. Have any of the people I indicated, and again, this is off the top of my head, of people that I know were in attendance, have any of them spoken to any irregularities that they saw, anything that they think should not have taken place? I would certainly welcome that, because I traveled with, I know, Mr. DORNAN extensively, and I at the time do not recall him saying anything was out of order.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, I thank the gentleman. I do not think any of us are claiming there are any irregularities. We simply cannot get the information. We would like to know why there were 30 planes involved. We have gotten a little bit of the information today. I do not know that there were any irregularities.

I am not willing to say there were or were not. I have no reason to believe that the people who went from this Congress did anything but enhance this ceremony, and I am pleased they were able to be part of the international participation that was there.

But I will say to the gentleman, again, this is symbolic of what goes on time after time in this administration, where you ask for information simply to find out whether or not there are any problems. You are simply stonewalled, and we are then left with the impression that there must be something wrong, because otherwise the information would be forthcoming. Maybe it is just this administration has absolutely no desire to give any information whatsoever, and that you all on the Democratic side of the aisle are accommodating that by refusing to demand the information. Maybe that is all it is.

But I am telling you, you are going to face this kind of issue all the time on the floor if this administration does not become more willing to provide legitimate information to the Congress on a regular basis.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. The Washington Times, according to my staff, asked the White House for this information, and the White House did give a list of the Congressmen that went, the congressional delegation, the House and Senate Members, but they refused to give a list of White House attendees and others, so they were very kind and helpful to give our names out, which I think is fine, but they would not give the list of those who went at the request of the White House that were nonmembers of the Congress.

And therein, as Shakespeare said, lies the rub.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, personally I think it is great, you know, when we have an event that changes the world, and I think for the better. I have no qualms about any of the Members going or the responsible people going.

I think the issue for most of us on this side of the aisle, for my friend, and I think you would agree that on many occasions we are denied information from the White House, information that allows us to manage the affairs of the House.

I would hope in the future that we run it like a business. When we have got a codel or whatever it is, you know, First, we arrange the plane, second, we say we are going somewhere, and third, the justification of the people that are going on it, and none of this will ever happen, I think.

I do not mind 30 airplanes going over there, quite frankly, especially if they were legitimate. I think they were legitimate people.

I do have questions about why the band from Missouri. Why not the band from California? Did Mr. GEPHARDT ask for the Missouri group to go? Or why not a military band? And maybe if we see those justifications up front, there will not be any problem.

I do not think there is any rash undercover things on this. As a matter of fact, I think it is great that you all went. I do not mind 30 airplanes going, because I think it was a great event, and I support the Members for going to that.

But I would just say to the gentleman on the other side of the aisle: You know the frustrations we have on this side of the aisle, whether it is Whitewater, whether it is bank scandals or post office or just getting information out. I would ask the gentleman to be temperate of that, and that is the only reason I stand up.

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

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Chairman, I am delighted that the gentleman is on the floor, being a very successful military person.

Seven days after we came back now, you were in the military, and you know how long it takes the military to react on the planes and everything else to get the list, because everybody has got to sign off. Am I right? Before they do that? The gentleman knows. I mean, we are entitled to the information, but, for God's sakes, a week, you know how long it takes. I have been sitting on the Committee on Armed Services now for 12 years, and to get information in a timely fashion is not very easy, because different people have to sign off, and that is the only thing that I will say to the gentleman.

I appreciate his comments.

Mr. CUNNINGHAM. Mr. Chairman, I say to the gentleman that I have been in the military, and I have done aircraft lifts. Every time I went, they had to have a manifest that listed before we left on that trip, you could fax it in an hour, on who was on the plane.

Mr. SISISKY. In reality, if the gentleman will yield further, in reality that is true; not in reality, but it should be true, but the gentleman knows what happens in this massive bureaucracy. I am not talking against the gentleman.

Mr. CUNNINGHAM. All I am asking is the other side have a little—maybe you would call it sympathy or something—for our frustrations on trying to get something, and not just this issue. This issue is not a big heartbeat. This is the whole way that the House runs its business, and I think this is just a symptom of that, and I think it is a symptom of the frustration that we are going through on this side.

Mr. SISISKY. I get frustrated, too, at times, I say to the gentleman.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me make one real brief comment. When we contacted the White House and asked for this information, they did not say, "It will be forthcoming in a week, or 2 days or 5 days or 20 days." They just said flat, "No. This is within the purview of the President of the United States, and we are not giving you that information." And that has been the attitude of this administration since they took office towards those of us in the minority. They will not give us any information that they do not want to.

They are required to give it to our committee, as was done in the past, but that is the problem we have. They did not say, "Wait a week or 2 weeks or 3 weeks and we will give it to you." They just said flatly, "We are not giving it to you, because it is within the prerogative of the President."

□ 1350

I thought it was an appropriate thing for him to do. But on our side of the aisle the frustration is that there is a different standard being applied by your side of the aisle from our perspective to this administration than was applied to the Bush and Reagan administrations. That is my point.

Mr. CUNNINGHAM. Reclaiming my time, the only thing I would say is that we do not own the White House or the Senate and now the White House. So we have no recourse. So when we do ask, normally under the Bush administration we could ask it, but now we cannot.

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sorry that this controversy revolves around D-day because I was one of those who went on the congressional delegation and the best part of it for me was hanging out with the Members of this House who served in World War II. The best speech I heard over there was not the written text of some excellent Presidential speechmakers, it was our fellow Member and 101st Airborne paratrooper who spoke from his heart and his head, with no notes, at that little field outside of Ste. Marie Eglise, where we saw 41 paratroopers, 50 years later, reenact that terrifying night drop into Normandy. The oldest was 83 years old, and one of them still suffers from back pains because he had to let his main ram air chute and use his emergency chute. We watched him coming among the cars into the parking lot. It was an inspirational trip.

Let us try to sort out the frustration of what we are trying to get our majority colleagues to do on getting this paperwork; not on this trip, but on helicopters being used for golf course scouting expeditions, and all stonewalling that is coming from the White House.

Today is one of those days in history that are important for a lot of reasons. BEN GILMAN, on our side of the aisle, was a crewman on a B-29. Today 50 years ago was the first time B-29's flew out of China. Most people forget that because today was the day we first started the invasion of Saipan, 50 years ago. We had just taken Biak Island and held off the Japanese counterattack, at great loss of life. The Brits were taking it hard and finally turning the tide in Burma. Yesterday was the Battle of Karatan, beyond Ste. Marie Eglise, where untested units took tremendous casualties. Until this moment, nobody is going to mention that today. Normandy was a battle that lasted 80 days. Every day is a 50th anniversary of Normandy.

But there is some suspicion that this was an attempt to raise in the polls one individual's ratings and there may have been excessive use of airplanes and personnel.

Do you know that 50 percent of this Chamber has had military experience? Precisely 50 percent of the U.S. Senate has people with military experience. Do you know what the average is for the administration, the Clinton administration? 13 percent. Do you know what the average is in the White House compound? 8 percent.

Some of us are curious who the hundreds of people are who went, which included trips to Paris and a trip to Oxford to relive, on my behalf, some very bad memories of giving aid and comfort during the height of the bloody cold war to an enemy in Moscow and Hanoi.

Now let us face something: I know what the resistance is on the other side of the aisle. Not a single Republican Senator or House Member had anything to do with Watergate, and yet we lost 47 seats, 37 incumbents, 2 sophomores and 8 freshmen out of this Chamber, because Nixon covered up, or his staff did, and he ran it.

I know what you are afraid of, you are afraid of the truth, and we are going to go after it until we get the truth because we have a right to know what is going on in a White House that may, may turn out to be the most discombobulated, if not corrupt, White House that this Nation has seen in 218 years.

Stop the resistance, you will lose, and maybe like 1974 totally innocent freshmen and sophomores on your side of the Chamber will be pulled down because of the shenanigans in the White House the way Nixon wrecked our party, never to have seen a majority chairman in this House ever again because of the way they covered up. Do not be part of a coverup. Yes, it will bring you some pain. Seek the truth.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I want to point out one more thing on Mr. HOYER's list here. Under subparagraph 1 it says, "This figure does not include aircraft necessary to transport security and communications equipment. For national security reasons, the number of such planes is never released."

So we know that these 29 planes does not include the entire armada that went over there; there might have been 6 or 7 more planes that went on ahead.

So we are talking about maybe 36 or 37 planes instead of the 29.

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

Mr. DORNAN. I would be glad to yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, to that extent I presume the gentleman would agree that that would apply as well to President Reagan's trip as it did to President Clinton's trip.

Mr. BURTON of Indiana. Yes, I presume that is the case. I just wanted to clarify that.

Mr. DORNAN. Reclaiming my time, I do so to tell my colleagues and the American people something that was not Reagan or Bush's or Carter's fault but something I told President Bush on a short trip from Chicago to here.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

Mr. DORNAN. Mr. Chairman, I went into that conference room on Air Force I—and there are two of them—and I said to President Bush, "Mr. President, this airplane is excessive." The cold war was just ending. I said, "This is excessive." And then when I saw on the ramp in Rome 2 giant Air Force I's, 747's, I knew I was correct in telling Bush that that airplane was excessive. We should have one for overseas trips only. We should sell off the second one. The cold war is over. We do not need four or five big Boeing 747E-4's tied down for the White House, particularly for trips that are not intercontinental. I will stand by that.

And if we take the White House back in 1996, I will still maintain that with Gulfstreams and with available 767's and 757's and other types of airplanes, it is excessive to fly around hundreds of people on two gigantic 747's. It is also wrong to pluck flags out of the ground at Nettuno and—you know what we did, Sonny, we laid flowers at those graves. We did not plant phony crosses on the beach at Omaha with the U.S.S. *San Jacinto*, named after George Bush's carrier, in the background.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have had a lot of debate, none of which has been on this amendment. None. This amendment cuts $15 million from the ability of the White House to conduct its business. None of the expenses are paid out of this fund, none. This is, as the last amendment, ladies and gentlemen, a serious amendment. Think about what you are doing in the name of trying to make political points.

Could a majority party, as we are now, with a Republican President, as was the case from 1981 to 1992, decimate the White House budget because we disagreed with their policies? We disagreed with Deavers' White House pass. We disagreed with Sununu's visits to the dentist. Could a majority party decimate the person elected by the people of this country to be the Chief Executive? That is the issue here because this money does not deal with the payment of any airplanes. This is a serious issue of the comity between executive and legislative branches of Government. This is a serious issue as to whether or not we have the courage and the honesty to say that when we say we will defend and preserve the Constitution of the United States, it also means, as I did for the 11½ years that I served under Republican Presidents in this House, that I was prepared and committed to allowing them to fund their constitutional responsibilities as they saw fit and, if I disagreed with that, to go to the American public and say they are spending excessively, they do not need this.

I do not say there is never an instance when we should cut. In fact, as all of you know, we have cut $44 million from the President's request. I do

not like to do that, but we are in tight times. But I suggest to you this is a larger issue, this $15 million out of $38 million, about a 40-percent cut in the White House Office of Administration.

This amendment ought to fail.

□ 1400

Yes, it served as an opportunity to debate issues that some may think are politically embarrassing to the White House, and they well may be. I think in this instance the substance of the debate is inaccurate; there is no embarrassment here. But, having said that, I understand it was a vehicle for debate. But I would ask my friends on the other side of the aisle, who have held the Presidency for longer than my party has in the last 40 years, to think about what this amendment does, think about how we can fiscally decimate the ability of the Executive Office to operate.

I ask most respectfully that we unanimously either withdraw this amendment, which does not relate to these expenditures, or vote against it.

Mr. BURTON of Indiana. Mr. Chairman, would the gentleman yield briefly?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think that I will concur on one point, and that is that due to the fact that the President ordered these planes and they came out in large part of the Defense Department budget, and let me just finish because I am willing to withdraw the amendment and substitute amendment No. 3 which would only cut $5 million and then go straight to a vote on that because I think that is a more reasonable cut than the $15 million since it is all coming out of the White House——

Mr. HOYER. Mr. Chairman, I think that the gentleman does not speak of the character of the amendment. He speaks only of its amount, and I will not agree with any cuts for exactly the principle that I discussed. And so that everybody understands, that was my position under President Reagan and President Bush. I have not changed my position.

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

Mr. HOYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Just a question, Mr. Chairman; I guess I ended up a little confused.

The gentleman said he cut $44 million from the budget, and that is not a constitutional crisis, but, if the gentleman from Indiana wants to cut $15 million more from the budget, that becomes a constitutional crisis.

Mr. HOYER. That was from the entire Executive Office of the President, as I explained. The Office of Administration is included in that.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, we did this, as I pointed out, because of the very tight fiscal times. I discussed this with the White House and told them that we were going to do this because of what we were doing with every other agency, not because I thought we ought to cut them, as I expressed to my committee members, but because I thought that they ought to be in the same position.

The gentleman, I think, will admit this $15 million cut has nothing to do with the expenditures about which he is concerned. This does not pay for the airplanes; it does not pay for the trips. It pays for the ability to run the White House.

Now while we have constrained them by $2.9 million, which is 1994 levels, the fact is that this cut of 40 percent, decimates their ability to run a coequal branch of Government.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Just to clarify:

So, if the gentleman from Indiana was offering a $2.9 million amendment, that would be a reasonable kind of amendment rather than the $15 million because the gentleman has already cut that amount. But the gentleman may not agree with it, but that would be a reasonable kind of discussion to have on the floor about cuts in the White House budget.

Mr. HOYER. I would say to my friend that he is a very able debater, but that is not what I am saying at all, and let me tell the gentleman why I am saying that.

The gentleman's purpose in offering this amendment is not fiscal responsibility. It is not to say that we are spending $15 million too much at the White House office. I do not think he believes that. I hope he does not believe that. And that has not been at any juncture discussed in this debate. He is doing it to make a point. He is doing it to make a political statement and, perhaps, a substantive statement as well, but he is not doing it because he wants to save money. He wants to make a point.

Mr. WALKER. The gentleman, I think, is characterizing the gentleman——

Mr. HOYER. Reclaiming my time, my point is that, if we on this side had done that during the 12 years that we vigorously disagreed with many of the policies of the White House and simply said, well, cut $15 million because we disagreed with, for instance, Mr. Sununu's trips to the dentist and decimated the ability of the White House to operate, I would have voted against that, and I think the gentleman knows I would have.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that perhaps missing from this debate is some perspective that does not talk about the rights of the White House or the rights of Congress, but the rights of the public to know certain information. I rise, not in support of the amendment offered by the gentleman from Indiana [Mr. BURTON], but in total agreement with the principle which is behind it, which is talking about the disclosure, the difficulty that we Republicans have, members of the press have, and members of the public have, in getting straight answers and straight information out of the White House, and the purpose, I believe, of Mr. BURTON's amendment is not to decide, without having the information, whether the expenditure for the D-day commemoration was proper or improper, but to make sure that the information comes forward so that a clear decision can be made as to whether it was proper or improper. And certainly, looking at the information that we have been provided so far, and it is not complete, but the information that has been provided so far seems to indicate that the bulk of the persons who were transported overseas were parts of paratroop commemorations and military bands, and they were military personnel that were transported to be engaged in the festivities and the commemorations of a very crucial chapter in the history of the planet. And we may disagree or agree with that, but I do not think that that should be a partisan issue of how many people that are in the service, or former members of the service, would take part in those important ceremonies. But at the same time this debate has centered over a very troubling issue. The White House does not want to release simple, accurate, timely information to us as members of Congress, but it also denies the taxpayers their right to know.

The chairman of the subcommittee with whom I serve knows that I am not speaking out of partisan fervor. If I were here to make a partisan statement, I would have voted for the last amendment. It is not a matter of punishing the White House.

As a freshman, I do not have to be held accountable for whether I did or did not support certain things that were done in the White House under the Reagan or the Bush administration, and it really does not matter, and we should not be here discussing, well, it is OK because we did this under some other President. The people of America do not want that to be the basis for making our decisions. The people want

us to be basing upon it as a prudent expenditure of the taxpayers' money and are we being forthright in those disclosures.

That is why we have things that I think we should be dealing with, telling the White House that salaries ought to be disclosed, telling the White House that travel and reimbursement for it ought to be disclosed, that whether people have proper security clearance at the White House to do their work, that ought to be disclosed. We had things, such as in our subcommittee the White House told us that the health care task force consumed about 300-and-some-odd thousand dollars of the taxpayers' money, and now media reports are saying it may have been $20 million. Which was it? Do we have a right to know?

Mr. Chairman, the answer is yes. So, although because of the information that is coming up so far about who paid the money and what it was used for on the Normandy activities, I do not support the particulars of the amendment offered by the gentleman from Indiana [Mr. BURTON], but I totally support the principle that my colleague from Indiana is pushing, the right of the people to know and the obligation that we hold accountable those in the White House just as we ourselves should be held accountable.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have had a rather curious debate on this matter. We have heard a lot of complaints from my colleagues on that side of the aisle about the fact that the President went to France to join in the international celebration of the 50th Anniversary of D-day. What he did was no different than what President Reagan did 10 years ago to celebrate the 40th anniversary, and it was no different than what the heads of state of any Nation that was involved in that particular invasion did. In fact, the prime minister of every European country involved in the Allied effort went there.

□ 1410

And they were there to celebrate a great event in the history of this world, one which led to 50 years of freedom and relative tranquility in the world. It was, even in the words of Joe Stalin, "a great and defining event," and heaven knows he was no particular friend of the West.

As I looked about me, I saw several of my colleagues who were on this trip, some on this side, who attended with the President of the United States, and they were unanimously agreed that this was a very important trip and a very important event. They also agreed that it was appropriate that the United States should send its President on the 50th anniversary, as we did the 40th.

I have also heard discussion about not being able to obtain information from the White House, but I do not think that is the real issue here, and I do not think that is really at stake, from the way the amendment was offered and the arguments that I have heard.

The trip to Normandy was a great event, and it celebrated an even greater event. We honored thousands of Americans, British, French, and Canadians who at the risk of their lives—and many of them gave their lives, and hundreds and thousands of them were seriously injured—embarked on a great crusade led by another great American who later became a Republican President of the United States.

To recognize that we must honor those great men and women who served in our Armed Forces and suffered and died at Normandy is very important, and to do it with dignity and reverence and remembrance is also important. The history of this country is the history of great men and great women who have suffered, served, and sacrificed, and the history of that war is a great part of the history of this Nation.

Americans from all parts of this country fertilized beaches of Normandy and its waters with their blood, and they enriched the history of the world, and they gave freedom to Americans and people of every other race with their sacrifice. Only by honoring them and remembering what they did and why they did it can this country carry forward its great traditions, and only in that way can we avoid the kind of perils we found ourselves thrust into in 1939 and on December 7 of 1941.

I would urge my colleagues not to demean that day, not to demean those men and women, not to demean this country or our ideals or our history by making this a partisan show in which we attack the White House, because the President went over and participated in a great international event with the leaders of every other nation of the Free World.

What would we have said about the United States had the President of the United States not gone to the 40th anniversary in 1984? And what would have been said had President Clinton not gone in 1994? The comments would have been "Shame."

I say to my colleagues that it does great shame to those Americans who served there, to those great Americans who died and who suffered there, for us to debate that. It is beyond question that the President of the United States should have been there, and that Americans should have been there, and that a delegation from the Congress of the United States, House and Senate, Democrats and Republicans, should have been there to join in honoring not only a great event but great Americans and great human beings of other nationalities. Let us not demean this body and this debate by seeking to whimsically cut the White House budget on this kind of a pretense.

Let us understand that the President needs an adequate budget to conduct his affairs. This party has been in control of the Congress for years. We have always seen to it that Republican Presidents who have occupied the White House a majority of the time have had the resources and the funds they need to do their job. Let us not convert that type of history to cheap partisanship.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent to withdraw my amendment, and I will substitute my amendment No. 3.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I now offer amendment number 3.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 23, line 2, strike "$38,754,000" and insert "$33,754,000".

Mr. BURTON of Indiana. Mr. Chairman, I want to make this very brief because this has been a very prolonged debate.

I would like to start off by saying that we all believe the President should have gone to Normandy, and we all believe that Members of Congress who served in the invasion of Normandy should have gone as well to show our respect and admiration for those who sacrificed so valiantly on the beaches of Normandy and in Europe during the war.

We do believe we have had a terrible time getting a manifest of the aircraft that went and a manifest of the people who attended these events and these celebrations over there. We still do not have it. We have a rough outline, but we do not have the information the Congress requested, and for that reason we are trying to send a message to the White House that "If you do not respond with openness, as you promised during the campaign, then there will be some kind of penalty inflicted upon you by the Congress because it is our responsibility to oversee the expenditures of the entire Government, including the executive branch."

So for that reason, Mr. Chairman, I have offered this third amendment which would cut $5 million from the White House budget to send a signal to President Clinton and the White House that they are to respond to us, the people who manage the people's money, about their expenditures, and if they do that in a timely fashion, they will have no more problems with this Member.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise briefly, as I said I would, to oppose this amendment as

well. The amendment is different in amount only, not in character.

The $5 million suggested to be cut by the gentleman from Indiana does not relate to the expenditures of which he complains. It is, as he says, to send a message. My side of the aisle, I do not believe, did that in the last 11½ years that I served during Republican administrations, and I do not think it is appropriate to do so, for the reasons I stated before.

I would hope that, as much as we want to send messages—and we send them all the time to each other and to the President—we would not accept this amendment. I concur with the gentleman from Oklahoma and the gentleman from Indiana, and I believe I have cooperated with our minority Members. Information that I deem appropriate, information that the Reagan-Bush White House or other White Houses of either party have provided, ought to be provided by this White House, and I will work toward that end. I will work with Members to ensure that objective, because I think that is appropriate and consistent with the responsibility we have to the people we represent.

But there is a larger issue of undermining the ability of this coequal branch of government to carry out its constitutional functions. I hope that this amendment would be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes, 287, not voting 5, as follows:

[Roll No. 237]

AYES—147

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett (MD)
(MD)
Barton
Bentley
Bereuter
Boehlert
Boehner
Bonilla
Bunning
Burton
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodlatte
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—287

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Faleomavaega
(AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Glickman
Gonzalez
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hunter
Hutto
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Romero-Barcelo
(PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Dickey
Reynolds
Thornton
Washington
Wilson

□ 1437

Messrs. SWETT, FALEOMAVAEGA, and BECERRA changed their vote from "aye" to "no."

Mr. HOBSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT of Maryland: Page 23, line 2, insert after the period the following:

The amount otherwise provided under this heading is hereby further reduced by $13,129.66.

Mr. BARTLETT of Maryland. Mr. Chairman, this is not a partisan amendment. All of us in government are affected when trips like this helicopter golfing trip occur. My amendment today does not have anything to do with recovering the cost of last months' helicopter flight to a golf course in my district. Mr. Chairman, this is purely a symbolic amendment. It gives the House an opportunity to make a statement that we requested the White House, please release the relevant information that we have asked for. If and when that information is released, we will ask the conference committee to reinstate the $13,129.66, which is what the White House says was the cost of this helicopter golfing trip.

Mr. Chairman, we know that was not the full cost, because it does not include the cost of two crash wagons from the fire department at Fort Dietrich to go out when the helicopter landed and when the helicopter took off.

This amendment is about Congress' legitimate oversight responsibility and the willingness or the unwillingness of the White House to cooperate. This amendment is an opportunity for us in

the House to go on record that we believe there should be full disclosure of the use of the Presidential helicopters.

Since I attracted attention to the photograph of the Presidential helicopter sitting on a nearby golf course, I have sent the White House three separate written requests for the flight logs and manifests of all of the helicopters in the Marine squadron that supports the President, and any flights they might have taken where White House staff was involved. I have not received a single response from these requests. There is to date no indication that they intend to honor them.

Mr. Chairman, the White House did release a sanitized list of staff flights of the White House Presidential helicopters, but this list was so incomplete that the now famous golf course flight was simply listed as a flight from Anacostia to Camp David. There was no indication that they stopped off at Holly Hills to play golf on the way back. If Members did not already know that the flight went to the Holly Hills Country Club, Members would have no idea that the helicopter landed there.

Mr. Chairman, we have also had a second response, but again, not to us. This response was through the Subcommittee on Treasury—Postal Service—General Government of the Committee on Appropriations. We are very indebted to the gentleman from Maryland [Mr. HOYER] for providing this information, but again, Mr. Chairman, this was simply slightly expanded information on the 12 flights that they had previously released through the press.

By the way, Mr. Chairman, we got the first one, not sent to us. We got it from the Los Angeles Times. They faxed it to us. This second list is contradictory. There are errors in it, and there are omissions in it. Mr. Chairman, we have not asked for any information on Presidential flights, only flights that the President was not on that included White House staff. Mr. Chairman, we are not trying to set a precedent. Similar information was asked for relative to the Sununu flights and use of automobiles. We want the kind of response from the White House that the conference got when they asked for that information.

By the way, Mr. Chairman, when that information was released on the Sununu flights, there was information brought to light that the White House was not aware of. We continue to press our demands for full release of this information. We believe that the stigma of this that now rests on the executive branch and also on the Congress will not be erased from the American people without this full disclosure.

Mr. Chairman, we ask that Members please join us in this bipartisan effort to ask the White House to please release this information so that we can move on, so that the American people can have their questions answered about the use of White House helicopters.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would ask that the House and my colleagues reject the amendment that was offered by the gentleman from Maryland [Mr. BARTLETT]. It is duplicative, and existing law covers the incident that the gentleman refers to. Existing law precludes the use of military aircraft for travel that is not related to the performance of official or reimbursable duties. Further, the sole purpose of the amendment is to attempt to embarrass the President over an incident concerning the use of the helicopter 2 weeks ago.

I would point out, Mr. Chairman, that the individual involved was disciplined. Since then, Mr. Watkins has resigned and agreed to reimburse the Government for the actual cost, which exceeds the amount of DOD reimbursement policy. The White House has also instituted a new policy requiring the Chief of Staff or counsel to the President to approve use of helicopters.

Finally, Mr. Chairman, the White House has disclosed all other use of helicopters other than that by the President or Vice President, which demonstrates that there has been no other questionable use of helicopters in this administration.

This amendment should be rejected.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of the amendment. I think it gets to the same point as the one that I wanted to offer regarding abuse of military aircraft. I would simply urge my colleagues to support the amendment of the gentleman from Maryland [Mr. BARTLETT].

Mr. HOYER. Mr. Chairman, I move to strike the last word.

I rise in opposition to this amendment, Mr. Chairman. Obviously, as my colleague, the gentleman from Maryland [Mr. BARTLETT], said, this is a symbolic amendment. It is a $13,129.66 cut. The issue here is not the dollars, but the dollars are important.

Mr. Chairman, let me state that Mr. Watkin's act was against the law. The money has been repaid. It was wrong. It should not have happened. David Watkins has lost his job. I think that was appropriate.

Mr. Chairman, having said that, again, this amendment does not deal substantively, it is a symbolic amendment. Again, I stress that the money has been repaid. This is another instance where, to send a message, we cut the Administrative Office of the White House, which does not pay for this expense.

Mr. Chairman, on May 31, by memorandum of Mack McLarty, it has been made very clear that, from this day forward, all requests for the use of Department of Defense aircraft on a nonreimbursable basis will requite the approval of the Chief of Staff or Deputy Chief of Staff. Furthermore, if it is the Chief of Staff or the Deputy Chief of Staff that happens to be flying, there must be approval of the Counsel's office, or the Deputy White House Counsel.

All requests shall be sent to appropriate approving authority through the Office of Management and Administration, so procedurally, the White House believes that misuse of military helicopters was wrong, it was contrary to policy, and they have made it very clear that this is not policy. Also, as I say, the gentleman involved has been removed from his job.

Mr. BARTLETT of Maryland. Will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, I concur completely that this is a symbolic amendment. The funds for the use of the helicopter would not have been paid through White House funds, we understand that. It comes through the Department of Defense.

This is a symbolic amendment. By voting for this amendment, the symbolism is that we are sending a message to the White House: "Please release the information so this cloud over government, of which we are a part, can be removed."

We agree with the gentleman that the flight in question was an inappropriate flight. This is a picture certainly worth at least a thousand words. What we want now to do is to clear the slate so we can move on. This will remain an issue that will continue to embarrass the White House and embarrass those on the gentleman's side of the aisle until this information is released.

Mr. Chairman, when the information is released, we will ask the conference committee to reinstate the $13,129.66. The money is not the issue.

Mr. HOYER. Reclaiming my time, Mr. Chairman, we do not need the symbolism. The message has been received. Mr. Watkins lost his job over this. Why? Because the White House concluded, correctly, in my opinion, that this was absolutely inappropriate.

□ 1450

Second, Mr. Watkins, first reluctantly, I am not sure why, he should not have been, was ordered to and has in fact reimbursed the $13,129.66. Furthermore, there is no stain on the White House. Something happened that was wrong. It has now been corrected.

Furthermore, as the gentleman knows, I have gone over with him the manifests that I requested so that I could go over with the gentleman as chairman of the committee what they submitted to the committee. As the gentleman knows, some of this is classified information. We went over that

with the gentleman. There were 12 trips and on all but this one the record set forth, to this Member's satisfaction, legitimate purposes. I agree with the gentleman absolutely that this last trip on May 24 had no legitimate purpose, and the individual who perpetrated that and decided to do that has paid the price. So we have sent the message.

Furthermore, let me say just by way of example, John Sununu reportedly took more than 70 trips costing $600,000, not $13,129. Of that cost, $35,000 was in fact reimbursed by political organizations and Sununu personally paid $892 back. We did not have an amendment that was symbolic on the floor with reference to those travels.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to my friend, the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, the gentleman made an important point, and that is that those records were released. That is how we know how much money was involved.

Mr. HOYER. No, sir.

Mr. BARTLETT of Maryland. The records were released, and that is how we know how much money was involved in it.

Mr. HOYER. No, sir.

Mr. BARTLETT of Maryland. Our request was a very simple request. It is a symbolic amendment. Vote for the amendment. It tells the White House, "Please release the information." Our committee has a legitimate oversight authority. This is an appropriations bill. This is the only kind of language that we can put in the bill and have the amendment made in order, so I think everyone understands the intent of the amendment.

Mr. HOYER. Reclaiming my time, the gentleman was incorrect. It does not prove the gentleman's point that the White House released the information. In fact, that White House was subjected to, just as this White House is subjected to, a GAO audit of the trips that are taken, and the Sununu information came from this audit, just as the audit that they are now undertaking, or will undertake at the end of this year, will reflect similar information. But the gentleman is incorrect to conclude that this information came from that released by the White House. It came from the GAO audit which has seven pages, not one golf trip, but seven pages of Mr. Sununu's trips. And we did not symbolically cut money.

Did we criticize it? We did. Did we make a political point of it? We did, because we thought it was embarrassing. And we did the same thing the gentleman is doing, but we did not come on this floor and cut $13,120 or $15 or $2.85 for symbolism. We did not do that because we did not think that was the way to do it.

The way to do it is to go to the American people, as the gentleman has done, on talk shows and in the newspapers. The White House was properly embarrassed by this incident. It was wrong. Watkins has been fired. Watkins has paid back the money.

This incident, however, is one where we have a clearly delineated policy. The information that the gentleman wants to get by this amendment I have shown the gentleman. The gentleman then says, "Well, how do I know this is all of the information?"

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. How do I know this is all of the information?

Well, I suppose we never know unless we subpoena every record that the Air Force and the Marine Corps and the Army have. Then if we review all of their records, which of course would fill up this building, I presume then we can conclude that no, there is no other information other than what has been submitted.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. I thank the gentleman for yielding. The gentleman will admit there was an error and an inconsistency in the record that he released to us, and we have thanked him previously in an exchange for his efforts in this.

Mr. HOYER. That is correct.

Mr. BARTLETT of Maryland. Our request remains a very simple and legitimate request that as yet has not been honored. The two sources of information coming indirectly to us were not a response to our request that the White House release to us all of this pertinent information so that a judgment can be made to put this issue behind us.

Mr. HOYER. Reclaiming my time, I understand that the gentleman apparently wants to be personally handed this information. The information has been given to the committee that, as I say, has jurisdiction, which is why the gentleman is offering this amendment. I have gone over it in my office for about an hour with the gentleman because I believe the gentleman is correct, the gentleman has a right to know. We have made that information available. As the gentleman also knows, there is some classified information in the compendium.

Mr. Chairman, I would ask the House to reject this amendment offered by the gentleman from Maryland.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. BARTLETT].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTLETT of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 236, not voting 8, as follows:

[Roll No. 238]

AYES—195

Allard	Goodlatte	Miller (FL)
Archer	Goodling	Molinari
Armey	Goss	Moorhead
Bachus (AL)	Grams	Morella
Baker (CA)	Grandy	Myers
Baker (LA)	Greenwood	Nussle
Ballenger	Gunderson	Oxley
Barca	Hall (TX)	Packard
Barcia	Hamilton	Paxon
Barrett (NE)	Hancock	Petri
Barrett (WI)	Hansen	Pombo
Bartlett (MD)	Harman	Porter
Barton	Hastert	Portman
Bateman	Hefley	Poshard
Bentley	Herger	Pryce (OH)
Bereuter	Hoagland	Quillen
Bilirakis	Hobson	Ramstad
Bliley	Hoekstra	Ravenel
Blute	Hoke	Regula
Boehlert	Horn	Ridge
Boehner	Huffington	Roberts
Bonilla	Hunter	Roemer
Bunning	Hutto	Rogers
Burton	Hyde	Rohrabacher
Buyer	Inglis	Ros-Lehtinen
Callahan	Inhofe	Roth
Calvert	Istook	Roukema
Camp	Johnson (CT)	Royce
Canady	Johnson, Sam	Santorum
Castle	Kasich	Saxton
Clinger	Kildee	Schaefer
Coble	Kim	Schiff
Collins (GA)	King	Sensenbrenner
Combest	Kingston	Shaw
Cox	Klug	Shays
Crane	Knollenberg	Shuster
Crapo	Kolbe	Skeen
Cunningham	Kyl	Slattery
DeLay	Lazio	Smith (MI)
Diaz-Balart	Leach	Smith (NJ)
Doolittle	Levy	Smith (OR)
Dornan	Lewis (CA)	Smith (TX)
Dreier	Lewis (FL)	Snowe
Duncan	Lewis (KY)	Solomon
Dunn	Lightfoot	Spence
Ehlers	Linder	Stearns
Emerson	Livingston	Stump
Everett	Lucas	Sundquist
Ewing	Machtley	Talent
Fawell	Maloney	Taylor (MS)
Fields (TX)	Manzullo	Taylor (NC)
Fingerhut	McCandless	Thomas (CA)
Fish	McCollum	Thomas (WY)
Fowler	McCrery	Thurman
Franks (CT)	McCurdy	Torkildsen
Franks (NJ)	McDade	Upton
Furse	McHale	Vucanovich
Gallegly	McHugh	Walker
Gallo	McInnis	Walsh
Gekas	McKeon	Weldon
Gilchrest	McMillan	Wolf
Gillmor	Meehan	Young (AK)
Gilman	Meyers	Young (FL)
Gingrich	Mica	Zeliff
Glickman	Michel	Zimmer

NOES—236

Abercrombie	Barlow	Bonior
Ackerman	Becerra	Borski
Andrews (ME)	Beilenson	Boucher
Andrews (NJ)	Berman	Brewster
Andrews (TX)	Bevill	Browder
Applegate	Bilbray	Brown (CA)
Bacchus (FL)	Bishop	Brown (FL)
Baesler	Blackwell	Brown (OH)

Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Brooks
Dickey
Hutchinson
Lowey
Reynolds
Thornton
Washington
Wilson

□ 1515

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 28, after line 4, insert the following:

REDUCTION OF FUNDS

Each amount appropriated or otherwise made available by this title (other than under the heading "Office of National Drug Control Policy" or "Federal Drug Control Programs") that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I do not want to prolong this debate. We have said almost everything that could be said on the various kinds of cuts for the White House.

What my amendment would do is to cut 5 percent from the budget of the Executive Office of the President. I have excluded the Office of National Drug Control Policy and the Federal Drug Control Programs, with this cut. Some hours ago we had the Goss amendment, which was a 20-percent cut. If we feel that doing that, asking the President to face up to the promises he made about the cuts as to what he was going to do in his White House, if we feel that is too draconian, then this would ease into that. I am a little disturbed; I think the arguments we have had here this afternoon seem to say that for us to even consider cuts in the Executive Office of the White House should somehow be out of bounds, that we should not consider that, because if we are serious about cutting the way the Government spends money and reducing that amount of money that we spend, then there can be no account that is completely sacred and out of bounds. We have to look at everything in our role of accountability.

So let me explain why I am offering this cut. When Bill Clinton was elected President, he sent a message to the Congress and to the American people. He promised cuts in his staff by 25 percent, cuts in his budget by 10 percent, and he called on Congress to follow his lead. We have heard a lot of talk this afternoon that, after all, this is at the 1994 level. But that is not what he said he would do. He said he would cut 10 percent. If we want to balance the budget, we cannot deal with what the present levels are, we have to find places to cut beyond present levels.

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

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

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned 1994 levels. This account is $270 million, it is $28 million less than last year.

Mr. HEFLEY. I thank the gentleman. But over and over this afternoon we have talked in terms of the 1994 levels. I understand what the gentleman means.

In the last year and a half the message sent by the actions of the Clintons differs completely from the promises made just a short time ago. Most of the so-called personnel cuts that took place actually occurred outside the White House.

□ 1520

Moreover, Mr. Chairman, I remain troubled over the spate of lapses that seem to plague the White House. For instance, and many of my colleagues have pointed out correctly this afternoon, there have been reports of political consultants and private advisers being granted privileged access to the White House. There have also been unprecedented delays in submitting the standard paperwork necessary for issuing permanent White House passes to employees. Mr. Chairman, there have even been disturbing reports that maybe the reason this has not happened is, because of some kind of criminal records here, they could not pass. We do not know if that is true or not. We simply do not have the information as to whether it is.

But I think the most blatant lapse of ethical judgment occurred back in February of this year. The White House designated Clinton's trip to Chicago as an official function. However most of the press reports, and I think most people accept this fact, that it was a campaign trip, so there is a concern that President Clinton may have used official travel funds for partisan political, purposes.

Mr. Chairman, there seems to be a disturbing trend here.

Finally, Mr. Chairman, Americans everywhere, and this is the main point and may be the reason for me asking for a 5-percent across-the-board cut, and I would support that kind of a cut, or more across the board, in the coming congressional budget as well. The reason for this is that Americans everywhere work hard for their money, but it seems like every year Congress finds a way to take an even bigger share of Mr. and Mrs. America's earned money.

As my colleagues know, one of the things that is repeated adversely all through my town meetings is that the taxpayers are sick and tired of seeing Washington continue to spend at the ridiculous levels that we spend, and that includes the White House as well as the other accounts. It is time we sent a clear message to the White House: The American people are not going to stand for any more of the same old spending levels from their Government.

Let us show the White House and the public that we are serious about cutting expenditures of the Federal Government.

Who will stand up for the beleaguered taxpayer out there?

Mr. Chairman, this is our chance to do that and our chance to help the White House set the example.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The gentleman asked, perhaps rhetorically, who will stand up for the taxpayer?

This budget for the Executive Office of the President was $298 million last year. As presented, my colleagues, it is $270 million for fiscal year 1995, almost a $28 million cut. Now it does not take much of a mathematician to know that on a $298 million budget, with a $28 million cut, it is just about 10 percent.

That is who is standing up for the taxpayers.

Mr. Chairman, my ranking member, the distinguished gentleman from Iowa [Mr. LIGHTFOOT] stood and said this is a fiscally responsible bill. Why? Because we took 1994 levels or 1995 requests if the 1995 request was lower. Why? Because I think that is an appropriate policy? As my colleagues know, I do not. I think we ought to cut the White House, but I also understand that we are cutting every other agency, and we are putting a notch in our belt. Why? Because times are tough.

Mr. Chairman, we are not talking about bringing the deficit down 3 years in a row, the first time since Truman that we have done that. Does nobody want to talk about that? Does nobody want to talk about the fact that this budget, this deficit that we are running this year, is 40 percent below the budget deficit projected by George Bush's OMB, as they left office?

As much as 40 percent below that? That employment is up? That we are creating 6,000 jobs a day?

The gentleman from Colorado [Mr. HEFLEY], my friend, says we want to focus on the taxpayer. I suggest that focus is on the taxpayer, bringing unemployment down, bringing job creation way up. We have created more jobs under this administration, over 3 million new jobs; that is three times as many as were created in the previous 4 years.

The gentleman says, "We want to talk about the taxpayer." I am prepared to talk about it—10 percent cut. It is the largest cut in the White House budget report by this Committee since I have served on it, and I do not like it. Understand that. But I am a political realist and a pragmatist, and I say, "When you ask others to cut, you got to do it yourself."

This 5 percent is on top of that, my colleagues. We ought not to be doing that.

And I will reiterate. A gentleman is on this floor, Mr. Chairman, and he knows that I grieve, and I do not overstate it, that he is leaving this Congress. He and I believe, I think, in the same kind of democracy. We differ from time to time on specific issues. But I have tried to practice in the 13½ years I have been here comity with the President of the United States because I believe that is appropriate, and I have supported the President's budget every time it has been submitted.

This 5-percent cut does not deal with how the White House performs it. This cut undermines the ability of the White House to perform its constitutional responsibilities, and again I reiterate, and in closing, and then I will yield to my friend, the gentleman from California, but in closing we are $28 million under last year's budget, not $28 million under constant budget, current services, but $28 million under 1994's expenditures. Why? Because of our concern shared by the gentleman from Colorado that, if we are going to pinch pennies, we pinch them across the board.

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

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

Mr. COX. Two points:

First, as we have discussed earlier on the floor in the context of other amendments, the amount that the appropriation bill allocates for functions in the Executive Office of the President is $157 million, precisely the amount that was spent for the identical functions in 1992, George Bush's last year. We were promised by President Clinton that he would cut 25 percent from the White House, and frankly, I think, that was not a demagogic promise. It was a sound pledge by a candidate running for President because he saw that in the Bush White House there was too much staff. In this White House there is just as much, if not more, because of the detailees and so on.

Mr. Chairman, having worked in the White House myself, as I have said in private conversations with the gentleman, I think the President can get by on substantially less staff and do a much better job. Certainly Franklin Delano Roosevelt ran World War II with a lot less staff than we require right now for purposes that are not, in my view, wholly legitimate.

Second, the gentleman said that we have no longer a deficit problem, that everything seems to be under control, or, if he did not say that, he said that things are looking up, that we are reducing the deficit and so on.

I would just point out that President Clinton's first budget, the very first one he submitted in January 1993, began with the fiscal year we are now in. That fiscal year does not end until September 30, and, as a result, the Clinton administration has yet to reduce a single deficit. We have not reduced three consecutive deficits or anything like that. We have not yet reduced our first deficit. The 1993 budget year was, of course, George Bush's last year, and that was the deficit that was reduced.

Mr. HOYER. Mr. Chairman, I reclaim my time.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, the gentleman makes the observation, but in fact it was definitely the Clinton budget that got us to where we are.

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

Mr. HOYER. I will yield to the gentleman from California in just a second. The gentleman will recall that he and his colleagues voted against that budget. As a matter of fact, against every part because it was unanimous on the gentleman's side, saying that that budget would not do what in fact has happened in the country.

□ 1530

I understand the gentleman's position, that you will not be able to tell until 2 or 3 years out. But the fact of the matter is, it is those budget policies adopted in reconciliation last year that led to that reduction.

Mr. COX. If the gentleman will yield further, what we are talking about is a White House that has promised future reductions in deficits. By the way, this is not the first White House to project three consecutive years of declining deficits. Many Presidents have projected declining deficits. It is easy to reduce a projection.

What we have not yet seen is a real deficit coming down. We will know after October 1 of this year whether the first budget year of Bill Clinton has produced a larger deficit or a smaller deficit. Yes, Members on our side have voted for much deeper spending cuts than were contained in what the Democrats offered and what President Clinton endorsed. As you know, the Penny-Kasich bill was actually opposed by this White House. We have an A to Z proposal coming up.

Mr. HOYER. Reclaiming my time, I am always amused by the observation that President Reagan and President Bush asked for more spending over those 12 years than the Congress appropriated. Period.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want to go on too much longer, because I think we have had ample debate on these subjects. I simply point out that cutting spending first is what the Republican side is all about. Cutting spending on the White House staff is an idea that George Bush and Bill Clinton agreed about during the last Presidential campaign.

George Bush pledged to cut it 30 percent, because he recognized there was too much staff, and asked the assistance of Congress in doing that. He did not veto the legislative appropriations bill, as I urged, which did not cut as

much as he had asked for out of that budget.

But President Clinton then said he wanted a 25-percent reduction. This takes it, it seems to me, wholly out of the realm of partisan politics. If both the Democrat and Republican running for President agree we ought to cut the White House staff, let us get on it with it.

Now, I realize as President, including this year, Bill Clinton came up to the Hill and said give me an 8-percent increase in what we spend on the White House. I realize what Congress is giving him is exactly the same amount that George Bush spent in 1992 before a 30-percent cut or before a 25-percent cut.

We ought to, as responsible stewards of the purse, make sure that what the voters thought they were getting, a 25-percent cut in the White House staff, is actually accomplished here on the floor.

This opportunity gives us part of that. I think it is wholly responsible, and I would urge my colleagues to vote accordingly.

Mr. HEFLEY. Will the gentleman yield?

Mr. COX. I yield to the gentleman from Colorado.

Mr. HEFLEY. Let me say to the gentleman from Maryland [Mr. HOYER], most of the cuts that the gentleman is talking about come out of this budget come out of the Office of Drug Policy, which we exempt from that. We are not talking about that.

Mr. HOYER. No, sir.

Mr. HEFLEY. According to your own report, $25 million or so, 18.6 percent, are cut from that.

You brag about this great recovery that is going on right now. We hear this in the 1-minutes and hear it on the floor all the time. Economists tell us it is the slowest recovery in recent history. Recessions are cyclical. We know that. We can do some things to help us in to them and help us out of them, but mostly they are cyclical. Coming out of this cycle, it comes out, we are coming out the slowest in history.

They also tell us, any economist that does not work for the White House that you can read or hear talk about it, tell you we have not had enough time to know whether the President's policy is working or not. So we do not know whether that is.

One thing we do know, we know that taxpayers out there are bridling under the biggest tax increase in history. They are hurting. They feel they are paying too much taxes, they feel they are not getting their money's worth, and this is a way to start kind of at the top of things.

The President is the face of Government. Let us start with the face of Government and say we are going to have cuts there, we are going to have cuts in the Congress, and in each one of the accounts as we go through this thing, we are going to have cuts, and we are going to show we can be more responsible in our spending.

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

Mr. HOYER. I wanted to simply point out that the President said he was going to do a 25-percent cut.

In the White House offices that you keep talking about not having reductions, there were 1,394 people working as of November 7, 1992, the day after the election. The bottom line is, we funded last year 1,044 people, a 25.1-percent reduction in personnel.

Mr. COX. Mr. Chairman, reclaiming my time, as the gentleman I think agrees the amount in the bill is $157 million. The amount spent on those very same functions by George Bush in 1992, was $157 million. So we can do all we want with accounting definitions, but the fact of the matter is, when the dust settles, there has not been any cut at all. And that is what we are concerned about.

Mr. HOYER. The $157 million, what is the gentleman defining that as?

Mr. COX. This is the entirety of the programs funded in this bill, with the exception of the drug czar.

Mr. ROHRABACHER. If the gentleman will yield, there has been some discussion about the economy and budget, and who deserves the credit for what kind of economic growth.

Having worked in the White House and now having been in Congress for 6 years, I would like to just note that it takes about 2 years for any President to have an impact on the economy. When I worked for Ronald Reagan, it was not until 1983 that his policies actually began to fully impact on the economy. That is when the economy began to grow. Because for a full year, you are working on your first budget. The fact is, next year we will find out whether the Democrats' budget causes growth or whether it causes decline.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. HOYER. Mr. Chairman, if the gentleman will yield, I understand what is being said, but I vividly recall during the course of debate on reconciliation, Member after Member from your side of the aisle coming to this podium, including Mr. KASICH, the ranking member of the Committee on the Budget, saying that within 12 months this would all fall apart because of the passage of that budget, which of course, was just about 12 months ago.

Mr. ROHRABACHER. It takes at least 12 months for a budget to impact on the economy. When I worked for the Reagan administration in 1981 and 1982, we took it for granted that the economy that we were working with was an economy that was given to us by our predecessor, that being Jimmy Carter. And the fact is we knew no matter what we did, it would take a certain length of time, No. 1, before our policies would be passed, and, No. 2, for those policies to actually impact on the economy.

Now, if next year there is a strong economy, even though we are siphoning more and more money out of the pockets of the consumer and taking it to Washington, DC, if our economy is still functioning well and prosperity is around us, then indeed the American people will know that this President and this Congress deserves the credit.

But I can tell you in Orange County, where the last budget that we passed, the massive tax increase included in that budget will siphon $2 billion out of our local economy. Consumers will have that much money less to spend, and we are struggling in Orange County just to make sure that we get out of this transition from the cold war, and we have a weak economy.

Now there are people struggling all over the United States now. I think what my colleague, the gentleman from California [Mr. COX], and other are saying, is when we are facing this time of struggle for a strong economy and trying to see what is going to happen next year, we are apprehensive at the very least.

The Office of the President, which I worked there for 7 years, they can do with some cuts there in the same way other programs can do with cuts throughout the Government.

□ 1540

Mr. HOYER. The gentleman has heard me say, we have cut $28 million. We have constrained the White House budget at the maximum number. There is no increase in here, however the gentleman wants to assess the cuts.

How much would we have had to cut for the gentleman to say that it is sufficient. We are talking about a 10-percent cut.

Mr. ROHRABACHER. I will have to admit to the gentleman, when we start talking about figures——

Mr. HOYER. It is the symbolism of making additional cuts.

Mr. ROHRABACHER. The public has a very difficult time understanding who is saying what and what the figures are, when we talk about budget figures. Generally, when we are talking about cutting the budget, from the gentleman's side it is basically cutting the increase in what was projected by the administration. And generally, when we talk about budget cuts on this side, we are talking about actually decreasing the amount of money that is being spent. In this particular case, my colleague, the gentleman from California [Mr. COX] pointed out that they are spending exactly the same amount of money on the Presidency as we spent

before, $157 million, I believe was the figure. Maybe the gentleman from California [Mr. COX] would like to amplify on that point.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

I would just like to make a point to the gentleman from California that just finished speaking. To the best of my knowledge, the Reagan budgets that were sent here during the Reagan years and the Bush years were not even offered but on about three occasions for the 12 years they were President. One year, I know the Reagan budget was offered, it got one vote, Jack Kemp, who is going to be running for the Presidency. So the gentleman likes to rewrite history and say that budgets only take effect for a couple of years. If the gentleman can take credit for the good stuff and not take responsibility for the rest of the things.

Did it or did not President Reagan's budget pass? The best I recall, there was never a Reagan budget that was sent from the White House to this floor that passed this body.

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

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

Mr. HOYER. Mr. Chairman, let me just make one point. The American public ought to have the facts on this. We have disagreements on how much money we are spending.

It was implied that the Clinton White House has more detailees than the Bush White House. Of course the 1,384 that I talked about in the Bush White House, 308 were detailees. That figure has been reduced to 143 of the 1,044 that are now there. Clearly, there has been a 25-percent reduction.

I urge the House to reject this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

I am interested in the argument, because a little while ago, when we were arguing specific incidents with regard to the White House, the helicopter problems, the plane problems and so on, then it was not legitimate to cut the budget because those were arguments having nothing to do with the budget that was before us. Now the gentleman from California [Mr. COX] comes along with an amendment to cut the budget based upon the fact that the White House has not met its commitment to slash 25 percent, that it has not managed in an effective manner. And now the argument is that we cannot cut for that reason either, because we have some numbers that indicate that the White House is doing a great job here. And the gentleman from North Carolina reminds us that no Reagan budgets passed, which I am not certain what that has to do with anything.

My point is, it seems that no matter what the argument is, there is no way that the House should look at the White House budget as a place that we can exact some cuts.

I think our problem is, with the figures that the gentleman cites for the 25-percent cut, is we know that most of that came out of the drug office. And as a result, we have no effective drug program in the country. But that is where most of the cuts came. And we know that a lot of it was based upon now they figured what was in the Executive Office of the President. By not including whole offices that are under the Executive Office of the President, they were able to come up with the 25-percent cut that started with practically nothing. That is not legitimate in our view, and we ought to take a whole look at the White House and do what the American people, what middle class America thought Bill Clinton was doing and saying in his campaign. That is what the Cox amendment is all about. It is a shame that when he makes that kind of argument that we cannot get it.

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

Mr. WALKER. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I just wanted to make the point that the gentleman from California was talking about the budgets, the Reagan budget. What does it have to do with anything? What it has to do with anything, if we are going to take credit for the great Reagan years, we have to give the credit to where the budgets originated. And not one Reagan budget ever passed, that was presented from the White House, ever passed this House, or a George Bush budget for that matter.

Mr. WALKER. Mr. Chairman, we all remember that because we had a gridlocked Congress that decided that every one of those budgets was dead on arrival. And they refused to do what the American people wanted to do, which was to cut spending. So we understand what you guys did during these years that helped drive up the deficit. We understand all that. It is the kind of thing we are trying to correct now.

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

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

Mr. HOYER. Mr. Chairman, everybody wants to end this debate. In 1985, one vote. One Republican voted for the President's budget, untouched by Democratic hands.

Mr. WALKER. Mr. Chairman, reclaiming my time, by the time you got around to bringing it to the floor that year, it was so totally outdated that the figures had absolutely no sense to them whatsoever. You waited. You waited months. That was during the time when you did not meet the law.

Mr. HOYER. Ninety days after it was submitted it was out of date?

Mr. WALKER. You did not bring up the Reagan budget. You brought up the Reagan budget as originally submitted, some months afterwards, because you did not meet the time lines that year. That was the year when, and a number of other years, when you refused to bring up the budgets until well into the fiscal year. And at that point, the figures were out of date.

Mr. HOYER. No sir.

Mr. WALKER. You are playing games, and we understand that.

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

Mr. WALKER. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, the gentleman is trying to rewrite history.

Mr. WALKER. You were trying to keep us from building up the defense that ultimately won the cold war. We know what you were up to. It was a lot of fun.

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

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

Mr. ARMEY. Mr. Chairman, may I just take a moment to remind the body that the Budget Act of 1974 requires the President of the United States to make a budget recommendation to Congress by February of each year and for Congress to produce a budget by April 15 of each year. No President, Republican or Democrat, since 1974, has ever done a thing except recommend a budget to Congress. And rarely has Congress produced a budget by tax day, April 15, when the rest of the Nation ponied up.

Mr. WALKER. I think the gentleman would agree with me that back in the mid-1980's that Congress never got around to doing the budget period, and then in many cases played political games. As I recall, we did not introduce the budget that year. The Democrats introduced that budget simply to try to embarrass the President, something which the gentleman from Maryland told us earlier that the Democrats never do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 236, not voting 3, as follows:

[Roll No. 239]

AYES—200

Allard	Ballenger	Bentley
Archer	Barrett (NE)	Bereuter
Armey	Bartlett	Bilirakis
Baker (CA)	Barton	Bliley
Baker (LA)	Bateman	Blute

Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—236

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutchinson
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

Bachus (AL)
Reynolds
Washington

□ 1608

Messrs. McDERMOTT, SKELTON, HUTCHINSON, and WAXMAN changed their vote from "aye" to "no."

Mr. ROWLAND changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had pointed out earlier when not many Members were here that the gentleman from New Jersey [Mr. SMITH] and I had an opportunity in the late 1980's to visit Perm Camp 35, which was the last gulag in the Soviet Union

□ 1610

When we visited the camp, we met with Scharansky's cellmate, whose picture is here, and we also met with this individual, and his name is Vladimir Potashov. We had debated this earlier, and I had an amendment to require the White House staff, which has not done it, to file their national security background checks in 30 days, and then to have the process completed in 6 months. I had commented that when we spoke with Vladimir Potashov, and I see the gentleman from New Jersey [Mr. SMITH], who is with us, three of the men that the gentleman from New Jersey [Mr. SMITH] and I interviewed late that night in the Ural Mountains said they worked for our Government. They basically had worked for the CIA. We did not believe them. When we came back, we checked, and we found out that it was true. This young man here, when he hollered out that we were Congressmen, this young man was giving the "V," who wanted to emigrate to Israel, and Vladimir were together, we found out that they had been turned in after we got back, turned in by Aldrich Ames; Aldrich Ames, the CIA spy, had turned these men in.

When the debate came up earlier, the gentleman from Maryland [Mr. HOYER], the chairman, said, "Well, so what?" He said, "Even in the CIA, they have had lie detectors and background checks."

Let me read to you what Vladimir Potashov said in an op-ed piece that I found in my office when I went back.

Vladimir said:

> During the 100 or more interrogations, day and night, in Lefortovo prison, I discovered that they knew of my reports, quoting from letters to which they could not have had access in the Soviet Union. Two things saved my life. First, I never told the interrogators facts that they could not have known already. Second, I was right when I urged the "zero option."

Then he goes on to tell how he was punished and sent to Perm Camp No. 35.

All we are trying to do and wanted to do was to offer an amendment which would keep something like this from happening again in the country.

Three of these men suffered and went to jail because they worked for the United States Government. Ten people were killed because Aldrich Ames gave the information to the Soviets that killed these people.

For the life of me, I cannot understand why this Congress will not permit an amendment to be offered today which would cover this administration and all administrations merely saying that you have to begin your background check in 30 days, and it has to be completed in 6 months.

Now, all of the people that work at the NSC, the DIA, the CIA, and many of the companies in your congressional districts require the very, very same. So I would ask the chairman, the gentleman from Maryland [Mr. HOYER], why could we not craft an amendment that would not be directed at the Clinton administration, but would be directed at the Clinton administration and any administration in the future, to require that these people go through the background check, and not have what took place whereby DeeDee Myers, who had been on for 1 year and 2 months, had not even filed her papers because she said she was too busy? Could we not craft an amendment which could be accepted in a bipartisan

way where these types of things could certainly never, never happen?

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

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

Mr. HOYER. Mr. Chairman, let me say to the gentleman I presume he is not offering an amendment now.

Mr. Chairman, I did not say "So what" with reference to Aldrich Ames. What he did was awful, despicable, and had dire consequences to our people in Europe.

What I said was that they had the security checks on Ames. Therefore, I did not think this was necessarily a case where, a security clearance would have prevented subsequent problems. That was my point.

But let me ask unanimous consent that I be allowed to offer an amendment at the end of this bill, if I choose to do so, after discussions with the gentleman on this issue. Let the gentleman and I talk about it and see if we can do something. I know he feels very strongly about it. I do not disagree with his objective.

Mr. WOLF. I thank the gentleman.

Mr. HOYER. If the gentleman will yield further, if there is no objection, can we do that? It will be out of order.

The CHAIRMAN. Would the gentleman repeat his request?

Mr. HOYER. Mr. Chairman, I would ask unanimous consent that I be allowed to offer an amendment relative to the subject matter raised by the gentleman from Virginia [Mr. WOLF] regarding security checks at the White House at the end of the consideration of this bill prior to the motion to rise.

Mr. WOLF. I thank the gentleman for that unanimous-consent.

Mr. Chairman, I am including at this point in the RECORD the op-ed article by Vladimir Potashov and the final report of the congressional delegation to the Soviet Union and Perm Labor Camp 35, as follows:

[From the Washington Times, May 1, 1994]

VLADIMIR POTASHOV—SURVIVOR OF THE AMES LIST

I spy? Surely, Aldrich Ames asked this question when he was arrested. After all, he was the CIA's protector against Soviet spies. In 1990, the KGB's Deputy Chairman B. Grushko wrote, "[Since 1985] Soviet [Counterspies] have exposed over 30 of the most dangerous agents of the CIA and other foreign services * * * practically all of those arrested in the USSR were to the supreme penalty * * * to be shot". (Pravda, Aug. 26, 1990).

Mr. Ames must have laughed at this boasting. They didn't catch anyone. Mr. Ames just dumped us all into the net of his counterpart, more accurately, his customer:

Mr. Grushko: "So what's for sale today?"

Mr. Ames: "Have I got the deal for you, ready in Moscow, just waiting to be hauled in."

Mr. Grushko: "How many and how much?"

Mr. Ames: "Three diplomats and one journalist, each for $100,000. Next, the American source in the military intelligence department of the General Staff. He's a general and goes for $300,000. Next, an officer in the KGB; he helped us the way I help you, $400,000. One radio specialist, $200,000. Finally, a chief analyst at Arbotov's USA Institute, a bargain, only $100,000."

Mr. Grushko: "So it's a package deal, should be cheaper that way. What about $1 million for the bunch?"

Mr. Ames: "What will you do with them?"

Mr. Grushko: "Shoot most and lock a few up, just as we always do."

Mr. Ames: "Good. Here are the names: Potashov . . ."

Mr. Grushko: "It's a deal. I'll send a wire transfer to your Swiss bank account. See you soon."

This way or some other, I was sold. Was it really such a good deal, Mr. Ames, that wire transfer to death, for those people you were supposed to guard?

Mr. Ames knew very well what he was doing, like a doctor murdering his patients. He sold his soul to the devil for selling the souls of others. Was it worth it, even for all that money? "What will it profit a man if he gains the whole world and loses his soul?" as Jesus asked.

And me, am I a spy? I published two books and 100 articles signed "Soviet Expert on Disarmament." As a senior researcher at the institute run by Kremlin adviser Georgi Arbatov, I knew by 1981 that no Soviet leader would hesitate to use the SS-20 missiles against Europe if he thought that would save the Soviet Empire from collapse. However, I urged the Soviet government to scrap them in exchange for an agreement with the United States not to deploy the Pershing and cruise missiles. I wanted this deal, the "zero option," for the sake of Europe.

That's why, when the negotiations started in November 1981, I put my life on the line. On a trip to Washington then, I offered to tell the truth to the Americans. I had no access to secret information. I would just report my personal assessments, those things I couldn't say openly in Moscow. I mailed my comments by private mail to the United States. In essence, I said there was no chance for the "zero option," until Mikhail Gorbachev took power in 1985.

Did I spy? At least, I paid for it. In 1986, I was approached by the KGB to "help them" in their task "to arrange a major disinformation operation against U.S. intelligence," as was reported in a newspaper article. My choice was either to lie and live or refuse and put my life in jeopardy. I chose reporting the truth and on July 1, 1986, I was arrested. Fortunately a month before, I sent to a British editor a manuscript of my book on disarmament, "War or Peace by the Year 2000?"

During the 100 or more interrogations, day and night, in the Lefortovo Prison, I discovered that they knew of my reports, quoting from letters to which they could not have had access in the Soviet Union. Two things saved my life. First, I never told the interrogators facts that they could not have known already. Second, I was right when I urged the "zero option." Soviet policy backed it before my trial.

That's why I was not sentenced to death, but to the gulag until the year 2000. I spy? Is that the right title for one who revealed the truth about the KGB on their own territory? I faced them in a TV interview when American congressmen, diplomats and journalists visited the last political prisoners camp, Perm 35, in 1991. I told them I thought that my sacrifice was justified if a few drops of my blood helped to tilt the scales toward disarmament and, over the gulag's red banner, I raised old Russia's flag as a symbol of faith, the free spirit rising above communism. I did it in front of the KGB officers and four envoys from foreign embassies who took pictures. The Russian people learned from their interviews that the KGB was no longer allowed to shut up voices even in their own gulag.

A spy for money? I didn't want a cent for the five years I spent reporting on disarmament issues in Moscow. For writing those reports, the KGB seized my property, not to mention my wife and my health. While in the gulag, I appealed to the courts to retain the fees for my book, "War or Peace?" I offered to donate them to a good cause. In 1989, I won my suit in a Moscow court even though I was still a prisoner. The court agreed to donate my fees to "peacemaking actions."

There were attacks on me and other prisoners from Perm 35. In some newspapers, they even blamed us for the collapse of Mr. Gorbachev's perestroika. There were also direct threats, so in addition to the prison camp, I decided to leave the "Socialist Camp" by going to Poland and then coming here. Even now, personal articles against me still appear in the Russian press.

I used evil to make good. Mr. Ames did the reverse. He took good sources for learning about the threats to the world's survival and made evil by shutting them off. I hope now he will reveal the truth. You shall know the truth and the truth shall make you free. After my experience in the gulag, I want more people to be free. There I lost not six years, but 20 in terms of health. At age 42, I have lost almost all my teeth. But it is not the physical damage that matters; it is the affront to morality of a man like Mr. Ames.

There are still plenty of customers for Mr. Ames' stores. Looking for something special from Russia? How about a dose of free truth—from Russia, with love.

CONGRESSIONAL DELEGATION TO THE SOVIET UNION AND PERM LABOR CAMP 35 U.S. REPS. FRANK WOLF AND CHRIS SMITH AUGUST 4–11, 1989

FINAL REPORT—DELEGATION FINDINGS AND FOLLOW-UP—OCTOBER 1989

This report provides a brief account of the findings of the Wolf/Smith delegation to the USSR, outlines our joint follow-up initiatives, and offers recommendations for U.S. officials and non-government organizations and activists interested in the progress of legal and penal reforms, prison and labor camp conditions, and the status of alleged political prisoners.

PURPOSE OF THE TRIP

Inspection visit to Perm Labor Camp 35 and substantive discussions on legal and penal reforms and human rights. U.S. Reps. Frank Wolf and Chris Smith, accompanied by Richard Stephenson of the U.S. State Department, interviewed 23 of the 38 inmates reportedly still in Perm 35 at the time of the trip, and one inmate at the Perm investigation prison.

BACKGROUND AND FINDINGS

Perm 35, a Soviet correctional labor camp known for its severe conditions and mistreatment of prisoners, including prisoners of conscience, was the principal focus of our delegation. Marking the first time any U.S. or Western official has been allowed into a Soviet "political" labor camp, the trip's findings served to confirm and amplify much of the existing documentation on camp conditions and the existence of many prisoners believed to be incarcerated for basically political activities.

Helsinki Watch, Amnesty International, and others, including former prisoners themselves, provided background information for this trip. Many well-known political prisoners have been confined in the Perm Camp complex, which now includes only Perm 35: Natan Sharansky, Professor Yuri Orlov, Alexander Ginsburg, Deacon Vladimir Rusak, Father Alfonsas Svarinskas, and many others.

Interviews with prisoners ranged from 5–40 minutes, all in the presence of camp administrators and an official of the Soviet Ministry of Internal Affairs (MVD). We viewed punishment cells and other areas of camp and were permitted to take photographs and videotape much of the camp and our interviews with prisoners.

The broader purpose of the delegation was to discuss Soviet progress toward legal reforms advancing the "rule of law" in Soviet society. That is, our discussions focused on the need to institutionalize the positive changes occurring in Soviet human rights practices, open up the Soviet prison and labor camp system to greater scrutiny, and establish due process. We held discussions with Ministry of Foreign Affairs (MFA) officials on legal reforms, including the critically important draft laws on "freedom of conscience" (whose principal impact will be upon religious communities), draft laws on emigration, and reform of the Soviet criminal code. The delegation questioned representatives of the Procurator General and Ministry of Internal Affairs (MVD) regarding the Soviet penal system.

As members of the U.S. Commission on Security and Cooperation in Europe (Helsinki Commission), we emphasized that our interest in proposed Soviet legislation is to find indications that changes are systemic and not simply arbitrary. We reminded Soviet officials of the importance which the American people place on respect for fundamental human rights like freedom of speech, peaceful assembly and the right to publish and organize independent groups. While not presuming to "teach" this to the Soviets, we spoke about the lasting impression such changes would make on the American people. For religious believers, in particular, a well-written law on conscience will offer legal recourse should local authorities decide to be heavy-handed. With respect to the 1991 Human Rights Conference in Moscow, we stressed that the adoption and implementation of laws guaranteeing freedom of conscience will have a direct bearing on U.S. support and enthusiasm for the Conference.

The rights of religious believers, including those in prison, was our major concern in meetings with the MVD, Council on Religious Affairs and religious officials, including the All-Union Council of Evangelical Christians/Baptists (Baptist Union). We also spoke with activists and dissidents in the religious communities, including former prisoners, to find their perspective on the present situation for religious communities in the USSR.

Our visit to Perm Labor Camp 35 was a key element in the overall equation of assessing Soviet human rights performance. The Soviet "gulag" (Russian acronym for the Soviet labor camp system) remains a stark symbol of "old thinking" in a country where political reform and dissent are coming into the open. Glasnost, or openness, has failed thus far to penetrate into the gulag, either to change conditions in the labor camps or to impact penal procedures which have led to systematically cruel and unusual punishment. It is important to recognize that the lingering fear of incarceration in the Soviet gulag threatens to hold hostage any meaningful reforms in Soviet society. Bringing "glasnost to the gulag" is an important step the Soviets can take to deal with concerns that President Mikhail Gorbachev's reforms might be reversed or undermined.

We have urged the Soviets to begin a process of opening up prisons and labor camps to independent human rights monitors, both Westerners and Soviet citizens. We have encouraged human rights organizations to request access to prisons and labor camps. And finally, we pressed the Soviets to permit visits by clergymen and to allow religious literature into prisons and labor camps.

Our foremost concern remains the plight of the 24 prisoners whom we met in Perm 35. They have endured severe conditions and several of them are already counted by the United States among the nearly one hundred remaining suspected political prisoners in the Soviet Union. U.S. human rights policy has long embraced advocacy for individual prisoners' cases, a practice rooted in American values recognizing the inherent dignity and rights of each human being.

Our evaluation of the Perm 35 cases in question is based on the claims of several inmates that they are political prisoners, the documentation of human rights groups which support those claims, and the findings from our interviews. Our conclusion is that, regardless of any dispute over these definitions of political prisoners, most of these prisoners would not be prosecuted for similar "crimes" today, or their offenses would be treated far less severely. In view of the excessive punishment endured by these prisoners, we have called on the Soviets to reexamine their cases in the context of "new political thinking" and release them on humanitarian grounds.

FINDINGS ON PERM CAMP 35

The Prisoners and Camp Conditions:

Mikhail Kazachkov has spent nearly 200 days of his 14-year incarceration in punishment cells, up to 15 days at a time in the "shizo" cell.

We were given a rare glimpse of the infamous "shizo." Veterans of the Soviet gulag have provided vivid accounts of this notorious four-by-eight-foot cell. It contains a wooden plank fastened to the wall on which to sleep, with no bedding or blankets, and a cement stump on which to sit. The cell, and the punishment, is designed to make the natural cold of a Soviet labor camp that much more severe—that is, the unbearable, cold temperature is used as torture. Prisoners complained that it is difficult to sleep on the hard, narrow plank. The walls are made of a rough, pointed-like concrete, which scrapes and cuts prisoners who might lean or sleep up against it.

We had to insist that Kazachkov be offered the opportunity to speak to us. He had been moved from Perm 35 to the Perm investigation prison shortly before our visit. While describing some instances of physical abuse in Perm 35, Kazachkov explained that general-purpose beatings were no longer a regular occurrence in Perm 35. Kazachkov suffered an injured arm in trying to resist a forced head-shaving, a practice which he described as a widespread form of humiliation against Soviet prisoners.

Kazachkov, imprisoned in 1975 one week after applying to emigrate, recently led eight other inmates at Perm 35 in a work strike to protest unsafe working conditions. Together these prisoners formed a Helsinki/Vienna human rights monitoring group in Perm 35. Though completely within their rights under the Helsinki Accords and the 1989 Vienna agreement "to promote the Helsinki process," camp authorities used harsh measures to stop them. Just three weeks after our visit, Kazachkov was singled out for his role in the protest. He was put on trial for "refusal to work" and sentenced to serve the next three years of his 18 and one-half year term in the more severe regime of Chistopol Prison.

We interviewed 23 inmates in Perm Labor Camp 35 who requested to meet with us. A theme running through their stories emphasized the conditions and treatment of prisoners in the camp: long periods of isolation in punishment cells, severe cold used as torture, and being cut off from family and friends due to routinely intercepted mail and arbitrarily canceled visits. We were never allowed to meet alone with any prisoners. Prisoners gave their side of the story boldly and bravely, several of them condemning the abuses of the KGB and camp officials in their very presence. Many, though not all, of the 24 inmates we met (those in Perm 35 plus Kazachkov) claimed to be political prisoners. Many of the prisoners expressed thanks to those in the West who had written letters to Soviet officials on their behalf and to them personally.

We sought and received assurances beforehand from Soviet officials in the Procuracy, Ministry of Internal Affairs and the camp that no retribution would be brought against any prisoner. We repeated this Soviet promise loudly during meetings with many prisoners. The prisoners told us there had been reprisals against some who met with New York Times reporter A.M. Rosenthal during his visit to Perm 35 in December 1988 (the first visit by any Westerner to a labor camp). Some prisoners said that they understood reprisals were a possible consequence of speaking to us; however, we continued to stress that assurances had been given by the Soviets that there would be no reprisals. One prisoner simply said, "there is nothing more they can do to us."

Most of the Perm 35 cases demand a review by the Soviets, including the following:

Oleg Mikhailov said that he was put in "shizo" simply for requesting to meet with Rosenthal. Mikhailov was imprisoned in 1979 on charges of "treason to the motherland" and "anti-Soviet agitation" for preparing to steal and escape the country in a cropduster plane. He condemned the Soviets for their treatment of prisoners. Although one and one-half years of internal exile remain on his sentence, the Soviets have stated that the system of exile has been abolished. Mikhailov is due to be released on October 21.

Byelorussian Christian Alexander Goldovich was charged with "treason" for attempting to flee across the Black Sea in a rubber raft, and carrying pictures allegedly depicting how bad life is in the Soviet Union. Goldovich admits to having the pictures, which the Soviets charged was secret information, and explains that they were snapshots of his apartment.

Goldovich is a physicist. Arrested April 21, 1985. Sentenced December 2, 1985, to 15 years strict-regimen labor camp and 5 years exile on charges including treason (Article 64), anti-Soviet agitation and propaganda (Article 70) and leaking government secrets. Accused of attempting to escape from the USSR and intending to leak secret information. To be release April 2005.

Goldovich had requested a Bible during the Rosenthal visit to Perm 35. He was denied one by camp authorities. We give him a Bible

and offered Bibles to any other prisoners who wanted one—all but two did. The Soviets assured us they would be allowed to keep them. Several times, he thanked people in the West for writing on his behalf. Asked whether there is any glasnost in the Perm camp, he replied, "No, not in the smallest degree." Goldovich's case has been raised continually with the Soviets.

Ukrainian Bohdan Klimchak attempted to flee from the USSR to Iran carrying his science fiction short stories, which he intended to publish abroad. After nine days in Iran, he was returned to Soviet custody. His writings were deemed "nationalistic," and he was arrested in November 1978 and sentenced to 15 years strict-regimen labor camp and five years exile. His sentence was reduced under amnesty and Klimchak was due to be released in September 1989 (end of exile around March 1992). Convicted under Articles 64 ("treason") and 70 ("anti-Soviet agitation and propaganda") of Soviet criminal code.

Ruslan Ketenchiyev, a lathe worker, was arrested August 27, 1982, charged with "treason," and sentenced to 10 years strict-regimen labor camp. Ketenchiyev tried to contact American journalists and U.S. embassy personnel in order to emigrate to the West. Instead of the American diplomat he expected to meet, a disguised KGB agent entrapped him and he was prosecuted on treason charges. His sentence reduced under amnesty, Ketenchiyev is due to be released January 21, 1990.

Ketenchiyev told us of terrible conditions and various punishment methods in Perm 35, including the well-documented use of cold in punishment cells. He particularly noted the lack of medical care in the camp. Responding to prisoners' formal complaints about the extreme cold, camp doctors declared the temperature in punishment cells to be sufficiently warm.

Leonid Lubman, an economist and electronics engineer, was arrested August 29, 1977, charged with "treason," and sentenced to 13 years strict regimen labor camp. He is scheduled to be released on August 29, 1990. Lubman compiled a manuscript providing 30 profiles of corrupt officials and attempted to send it abroad.

Lubman may have become mentally disturbed in labor camp and suffers from chronic headaches and stomach ailments. He looked well over his 50 years and spoke much slower than the others we met. He said the authorities have an interest in not releasing him because he has learned the methods of his incarcerators. He described some sort of torture, which sounded like electrical shock and exposure to infrared waves. He said he was punished after the December 1988 visit by Rosenthal to Perm 35.

Resolving the Perm 35 Cases

Many of the acts committed by those in Perm 35 would not have been considered crimes under Gorbachev. Although the Soviets frequently contend these prisoners are criminals, Soviet officials have repeatedly declined to open their files. They refused to open the files to us, although the U.S. State Department has provided court records and case files to the Soviets on disputed U.S. cases. The exception was a brief look at Kazachkov's file when Procuracy official Alexander Korshunov sought to refute charges of punishment made by Mikhail Kazachkov. When the open file revealed a picture of a head-shaved Kazachkov, it was quickly snapped shut.

Prior to the signing of the Vienna Concluding Document, in December 1988, Mikhail Gorbachev declared at the United Nations that there are no longer any persons in prison "sentenced for their political or religious convictions."

However, the release of remaining political prisoners was made a condition for U.S. agreement in Vienna to schedule a Helsinki follow-up conference in Moscow in 1991. The Vienna agreement was signed in January 1989. The Soviets subsequently agreed to a process of review for most of nearly one hundred prisoners remaining on U.S. political prisoner lists. Many of these "disputed cases" are the cases of those we met in Perm 35.

The prisoners who remain in Perm 35 are held under basically three charges: attempting to flee the country (including hijacking, in some cases); war crimes; and espionage. Many languish under Article 64 of the Soviet criminal code, "treason," in combination with more clearcut political offenses like Article 70, "anti-Soviet agitation and propaganda."

Soviet officials claim they hold no political prisoners because all who were sentenced exclusively under one of the four purely political criminal code articles (like Article 70, those used to prosecute free speech, peaceful assembly, etc.) have been released in amnesties under Gorbachev.

Prosecution on charges of treason for the forbidden activities of the Brezhnev era no longer makes sense in today's Soviet Union. Article 64 was interpreted far too broadly under Soviet law and used to threaten prisoners with capital punishment and to extract testimony before they have even seen a lawyer. Those who landed in Perm 35 for acts of violence related to hijack attempts, or other acts of violence, are not political prisoners, although cruel punishment should not be simply excused in their cases either. It is high time, however, for review of the excessive punishment meted out for nonviolent "crimes" that would not be prosecuted today, or would be treated far less seriously.

We conveyed to the Soviets that it was in the interests of all sides for these cases not to linger beyond preparations for the Vienna Follow-up Meeting at Copenhagen in 1990. Should they linger until the already controversial Moscow Human Rights Conference in 1991, the Soviets would face a great embarrassment.

While these prisoners' cases remain unresolved, we sensed from our discussions the Soviets' desire to be cleared of the charges that political prisoners remain. Therefore, we call on the Soviets to reexamine these cases in view of their "new political thinking" and release them on humanitarian grounds.

PROSPECTS FOR LEGAL AND PENAL REFORMS

To the Soviet's credit, the kind of access we were granted to Perm 35 would have been unthinkable even months ago. The Soviets have closed down two political labor camps in the vicinity of Perm 35 for lack of need as a result of prisoner amnesties. Soviet authorities say that they have removed hundreds of camp guards responsible for past human rights abuses. Officials of the Soviet Procuracy, as well as the new Supreme Soviet legislature, have talked about penal reforms. The highest ranking Soviet procurator supervising Legality in Correctional Facilities, Yuri Khitrin, admitted to us that it was necessary to discuss "humanizing" the Soviet penal system.

These statements would bode well for the prospect of reform. However, the practical impact on prison and labor camp conditions has thus far been minimal, and the Soviets have publicly stated few commitments to improve or reconstitute their gulag practices. On the other hand, the Soviets have promised for more than two years to institute legal reform which will decriminalize political dissent.

We discussed legal reform with officials of the Council on Religious Affairs. Deputy Minister Alexander Ivolgin explained to us that they were reluctant to discuss a draft of "laws on conscience" which we put before them—one of two thus far published. Ivolgin claimed that the new law on religious groups had not yet been formally drafted for consideration by the Supreme Soviet. An official from CRA's legal office, Tatyana Belokopitova, offered a very disappointing response on the question of requiring registration of religious groups. The latest proposal would establish the right of "juridical person" (legal recourse) only for religious groups who submit to registering with central religious authorities. This proposal would fail to resolve either the present lack of legal rights for all churches or the desire of many believers not to register—it would instead pit these concerns against each other.

In a meeting with First Deputy Foreign Minister Anatoly Adamishin, the question of new religious laws was side-stepped by referring us to the Council of Religious Affairs. However, Mr. Adamishin assured us that the Supreme Soviet would place a high priority on new religious laws during its fall session. He was less optimistic about action on draft emigration (exit/entry) legislation. In general, Adamishin declared that economic and constitutional reforms would take precedent over both matters. On freedom of conscience, Adamishin commented, "We used to have a problem in regards to freedom of conscience, but we never had a total absence of religious freedom. The freedom to perform religious rites was always allowed, so we are not starting from scratch."

Regarding penal reforms, there appears to be a much tougher hill to climb. We met with a panel of procurators and investigators from the All-Union Procuracy and Ministry of Internal Affairs who denied our references to the arduous conditions in prisons and labor camps. We encountered a Soviet willingness to discuss "rule of law" questions, even while some observations caused a degree of discomfort: prosecutors bring charges only with sufficient evidence for a presumption of guilt; they are held responsible for "losing" cases; and all trial attorneys are answerable to the Procurator General.

We raised the issue of establishing due process for charges brought while prisoners are serving sentences—no sooner had we left than Milkhail Kazachkov was victimized for such pitfalls in the Soviet system. We identified those issues raised by former prisoners: cruel punishments, malnourishment, inadequate medical care, severe restrictions on family visits. We were assured that draft legislation excludes provisions which disallowed family visits in the past. In addition, we were told that the Procuracy now shares the responsibility for supervision of correctional facilities with public commissions under the new Supreme Soviet which guarantee "law, legality and order."

The Soviets indicated openness to future visits to prisons and labor camps by official and non-official groups. Mr. Khitrin offered agreement in principle to a follow-up visit by Director of the U.S. Bureau of Prisons, Mr. Michael Quinlan, and Chairman of Prison Fellowship International, Mr. Charles Colson. We mentioned that groups such as Amnesty International, Helsinki Watch and

the International Red Cross should be permitted access to prisoners in prisons and labor camps to monitor and report on conditions. We advocated on behalf of independent Soviet monitors who wish to have access to correctional facilities.

Finally, we received assurance that prisoners could have Bibles and other religious literature and that clergy would be allowed to visit. Both have been forbidden in law and practice in the past. Khitrin told us that a decision had been made that from now on "all correctional labor colonies will have Bibles in necessary quantities and permit ministers of faith to visit." We urged the Soviets to put such commitments into practice by granting requests to visit prisons and camps.

FOLLOW-UP AND RECOMMENDATIONS

Release of Perm 35 Prisoners

We have an obligation to work for the immediate release of all remaining Perm prisoners on humanitarian grounds. The Soviets are obligated to release all political prisoners in compliance with their commitments under the Helsinki Final Act and Vienna Concluding Document. In addition, one criteria for agreeing to the Moscow Human Rights Conference was the release of all political prisoners. While Soviet authorities have raised questions in connection with many of these cases, we as members of the Helsinki Commission have argued that the burden of proof is on the Soviets to prove the individuals in question are criminals. We have initiated or recommended the following action on behalf of remaining prisoners, including those in Perm 35:

(1) We have publicly called on the Soviets to release all those in Perm 35 convicted for nonviolent acts. We believe that in view of the excessive and cruel punishment these prisoners have suffered, a positive Soviet response would signal a truly humanitarian gesture.

(2) We have written Secretary of State James Baker to urge him to continue the practice of raising individual cases at the highest levels in U.S.-Soviet dialog.

(3) We have discussed Soviet reforms and the status of prisoners with Deputy Secretary of State Lawrence Eagleburger, urging that human rights remain a top priority in U.S.-Soviet relations. While Soviet human rights improvements have occurred, we should continue identifying problems that persist and pressing our concerns while the Soviets seem willing to discuss and respond to them.

(4) We have urged human rights groups to advocate the immediate release of political prisoners.

(5) We urge concerned Westerners to reinvigorate campaigns on behalf of these prisoners, including letter-writing to Soviet officials, camp authorities and to the prisoners themselves.

Advancing Glasnost to the Gulag

The Soviets should begin a process of opening up prisons and labor camps to interested individuals and human rights groups. Only by following our inspection visit by permitting further visits will the Soviets make progress in erasing the Stalinist stigma of the gulag.

(1) We have urged Westerners and human rights organizations to request to visit prisons and labor camps and meet with prisoners in order to report on conditions.

(2) We have urged members of the media, particularly the Moscow press corps, to make visits and report on prisons and labor camps. Since our visit, a few members of the media have been granted access to camps.

(3) We have helped to secure official Soviet approval for the visit of Bureau of Prisons Director, Michael Quinlin, and Prison Fellowship international chairman, Charles Colson, to visit several prisons and labor camps in the USSR and discuss reforms and ways to reduce crime and recidivism in that country.

(4) We have urged that Western leaders and human rights groups advocate on behalf of Soviet citizens who wish to visit prisons and labor camps, including clergy to perform religious rites or offer pastoral counsel.

(5) We have raised these concerns in congressional hearings, and support Helsinki Commission hearing to focus on conditions in the Soviet gulag.

Reforms

(1) We have shared our findings on the progress of legal reforms—including "freedom of conscience," freedom of emigration, and criminal code revisions—with prominent non-government organizations and urge their continued vigilance in encouraging further institutionalization of basic freedoms and that such laws be consistent with international law and with CSCE commitments.

(2) We have raised concerns about Soviet legal reforms in recent hearings sponsored by the Congressional Human Rights Caucus and, in the past, in CSCE hearings.

(3) We have expressed our support to Soviet and American officials for programs developed in a human rights framework to promote Soviet progress on "rule of law" issues and in other areas where U.S. expertise is helpful and welcomed by the Soviets.

PRISONERS MET AT PERM 35

Following is the list of prisoners (not all of them are necessarily political prisoners) who spoke with Reps. Wolf and Smith at Perm Labor Camp 35 in August 1989. For more information on these prisoners and their cases, please contact Helsinki Commission (U.S. Commission on Security and Cooperation in Europe, House Annex 2, Room 237, Washington, D.C. 20515).

Mailing address for prisoners (Moscow post office box): SSSR, RSFSR, S. Moskva uchr.5110/VS, Last name, First initial.

Aleksandr Goldovich, Bogdan Klimchak, Viktor Makarov, Aleksandr Rasskazov, Valery Smirnov, Igor Mogil'nikov, Aleksandr Udachin, Maksim Ivanov, Vadim Arenberg, Akhmet Kolpakbayev, Igor Fedotkin, and Viktor Olinsnevich.

Ruslan Ketenchiyev, Lenoid Lubman, Nikolay Nukradze, Mikhailov Kazachkov, Oleg Mikhaylov, Yuriy Pavlov, Arnol'd Anderson, Vyacheslav Cherepanov, Vladimir Potashov, Anatoliy Filatov, Vladimir Tishchenkov, and Unidentified Central Asian.

Acknowledgment: We wish to thank Richard Stephenson, Soviet Desk Officer at the State Department, who accompanied us on the trip to Perm 35, providing translation and other assistance.

The CHAIRMAN. The Chair will inquire further of the gentleman concerning his unanimous-consent request. Does it apply to an amendment that would be otherwise in order under the rules of the House, or is the gentleman asking for any kind of a waiver of the rules?

Mr. HOYER. My belief is that it would be difficult to draft an amendment that would not be subject to a point of order, because it would have to be legislation on an appropriation bill which, of course, is the problem the gentleman now has.

It would be subject to a point of order.

The CHAIRMAN. So the gentleman's unanimous-consent request to permit him to offer an amendment on the subject of security checks at the White House, prior to the motion to rise and report, if the Chair understands it correctly, also includes the request that the amendment in question be in order notwithstanding, in other words, to waive a possible point of order under clause 2, rule XXI?

Mr. HOYER. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. LIGHTFOOT. Mr. Chairman, reserving the right to object, and I do not intend to object at this time, but I would like to reserve that, if you and the gentleman from Virginia [Mr. WOLF] work this out.

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

Mr. LIGHTFOOT. Further reserving the right to object, I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I intend to discuss it with him as well. I know the gentleman from Virginia [Mr. WOLF] is a very conscientious member of our committee. He feels very strongly about this, and I would like to see if there is a possibility of working out something between now and when we finish this bill. If we can, I would like to accommodate the gentleman. His objective is a good one.

I do not know whether the ways and means of getting there are agreeable, which is why I am offering it. I think the gentleman knows I will deal with him in good faith and see if we can resolve this issue. I will discuss it also with the Ranking Member.

Mr. LIGHTFOOT. Further reserving the right to object, I was going to suggest: Would you want to withdraw it now and discuss it later?

The CHAIRMAN. The gentleman's unanimous-consent request is pending, and the gentleman reserves the right to object.

Mr. LIGHTFOOT. Mr. Chairman, further reserving the right to object, do you want to withdraw your unanimous-consent request, let us discuss it, and then you can make the request later?

Mr. HOYER. No. If we get out of this title, the gentleman is concerned about losing the right to offer it.

Mr. WOLF. Right.

Mr. HOYER. It would be relevant to this title, and that is why I ask for unanimous consent to propose it at the end of the bill even though it will not be in order. If we can agree, I want to accommodate the gentleman.

Mr. WOLF. I think that is very fair.

The CHAIRMAN. The gentleman from Iowa [Mr. LIGHTFOOT] has the floor under his reservation of objection.

Mr. LIGHTFOOT. Further reserving the right to object, I appreciate what

the Chair is trying to do to accommodate the gentleman from Virginia [Mr. WOLF]. If we can work this all out, I think we can get to some conclusion here.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there additional amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses, $1,800,000.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK: Page 28, strike lines 8 through 14.

□ 1620

Mr. ISTOOK. Mr. Chairman, this is a very simple amendment. It zero funds the Administrative Conference of the United States. This particular agency last year, under the appropriations that originally came through this House, would have been zero funded. In fact, in the report from the subcommittee in last year's bill, it was written, "The committee recommends the elimination of appropriation for a reduction of $2,314,000. The committee believes that this agency has fully accomplished its mission." That was the report of a year ago.

However, before the bill was finally completed, funding was restored for this particular agency. In our subcommittee hearings, the head of this agency testified to our subcommittee that if we were not going to restore funding at the level which they had requested, which was $2.6 million, then we might as well zero fund the agency and not fund them at all.

The committee, the subcommittee, put in this bill the level of $1.8 million, though beneath the level the Administrative Conference said was necessary for them to operate.

I believe a proper decision of this body ought to be to either fund the agency at a level to operate, or defund the agency entirely. This particular agency has as its mission an advisory role, essentially, to give advice to other Federal agencies, boards, and commissions on crafting regulations. It is thus duplicating a function that is contained within almost every department, commission, or board in the U.S. Government. There are multiple sources of expertise regarding the crafting and drafting and preparation of Federal regulations without an agency that has a specific task to zero in upon that.

As such, I believe this is, as we said last year, an agency that really does not have a mission. It is a duplicative mission.

Now, Mr. Chairman, we have heard a lot of talk about eliminating needless boards and agencies and the reinvention of Government, proposals to make a Government that works better and costs less. We talk about reducing the size of Government. We talk about eliminating employees. We talk about eliminating spending. This is a very simple opportunity to do it on a small amount of money compared to the overall Federal budget, $1.8 million. It is not, however, a small amount of money to most taxpayers in the United States. I would submit that if we have difficulty taking an agency such as this and eliminating its funding, being a duplicative agency, then how are we going to make tougher decisions that involve much larger sums of money?

So, Mr. Chairman, I would ask that Members join me in adopting this amendment to zero fund the Administrative Conference and provide that money—it cold go wherever else we might wish it because, after all, Mr. Chairman, we do not have to spend it at all.

Mr. BRYANT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman and Members of the House, this amendment is the latest move that stems from the anger of a series of administrative law judges who were offended by the fact that the Administrative Conference of the United States made recommendations with regard to their procedures and the way they operated that offended a number of those administrative law judges. They came forward beginning about a year ago and made an attempt, fairly successfully, to eliminate this agency. Unfortunately, the agency does exactly what I would assume the gentleman from Oklahoma [Mr. ISTOOK], and others have as goals, and that is it is an advisory agency that has a very small budget of $1.8 million that is focused on recommending on a regular basis to our entire Government and its various agencies ways in which we can improve the efficiency with which their decisions are made, vis-a-vis each other, vis-a-vis citizens, and vis-a-vis business. It is an effort to improve the fairness and efficiency of the administrative process and to make nonpartisan, nonideological recommendations with regard to achieving the goals of the various agencies.

Considering the extremely low budget, it is a very good investment.

Mr. Chairman, I am chairman of the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary. We held a hearing on this agency in April. No witness appeared this year in opposition to the continuation of the agency. In fact, the hearing indicated that the Conference has done a good job in carrying out its mission to make recommendations for improving these various areas.

I also point out that the Vice President, as head of the National Performance Review, specifically asked that this agency continue in order that it might continue to play the role it has played with regard to the National Performance Review with regard to promoting means of alternative dispute resolution, negotiated rulemaking, streamlining of the regulatory process, and coordination of agency legal counsel offices.

This is a necessary function.

I realize that there are many Members here who would like to comb through the budget and find an agency which they can nail and then claim that they have, when they go home, they can claim they killed an agency. There are probably some agencies like that that deserve it. But this is not one of them.

The budget of this agency is $1.8 million. It has been reduced from $2.6 million asked for by the White House. That is as it should be. We support that in the Judiciary Committee, and that is what the Subcommittee on Appropriations is recommending today.

But for goodness sakes, do not kill an agency that is doing a good job, moving us in the direction of greater efficiency, helping this Government run and to serve the public as well as respond to the needs of the business community when they come before these agencies, in a way that makes sense rather than continuing in ways that are inefficient.

Mr. Chairman, I urge the Members to vote "no" on this amendment.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of my good friend and colleague, the gentleman from Oklahoma [Mr. ISTOOK], to eliminate the Administrative Conference of the United States. I think this is a legitimate debate we are having over this particular council and another one that we are going to talk about a bit later, which gives people an opportunity to come forth and really show the justification of why we should continue spending tax dollars on various agencies. Our former colleague and former Secretary of Labor, Lynn Martin, once made a comment that she did not believe in reincarnation but if she did, she would like to come back to Earth as a Federal program because that is the only thing that she knew that had eternal life. And I think there is maybe a lot more fact than fiction in that particular comment.

I have had a lot of my good friends, a lot of my colleagues on this side of the aisle who have let me know that they support the Conference and support it very strongly. But I believe we have got to find some place to start making some tough choices, and I do not see so far in the debate we have had, evidence that this particular group has contributed to the economy of this country to such an extent that they therefore should continue on.

Mr. Chairman, I think this is a relatively small amount of money, obviously, but we have got to start saving somewhere. I would like to applaud the gentleman from Oklahoma, Mr. ISTOOK's amendment and urge everyone to support it. I think it is time we can show the taxpayers that once an agency is created, it does not have eternal life.

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

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

Mr. BRYANT. I thank the gentleman for yielding to me.

Mr. Chairman, I concur with the gentleman's statement, that we ought to certainly find anywhere we can to cut the budget. But when you talk about $1.8 million, an agency that the Vice President has asked be continued in order that it might play the role that it has been playing with the National Performance Review, that seems to be a curious place to start.

Is the gentleman [Mr. LIGHTFOOT] in possession of any studies or any authoritative opinions that indicate that the Conference should be abolished? I am not aware of any.

Mr. LIGHTFOOT. We have had a series of hearings on it, and from those hearings I was not particularly convinced that they justify the continuance or the cost of the agency.

Mr. BRYANT. We held hearings also, a hearing in April, and there was not a single witness who came forward in opposition to the continuation of this agency. And of course we have a specific request from the Vice President that this agency continue.

Mr. LIGHTFOOT. I appreciate the gentleman's comments. Obviously, we do not always control the witness lists, as well. Again, I think it is a legitimate debate. The gentleman from Texas [Mr. BRYANT] is very much in favor of it. Obviously, the gentleman from Oklahoma [Mr. ISTOOK] and I and others have a different opinion. That is what we are here for.

I guess we would probably vote on this eventually.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and ladies and gentlemen of the House, it would be difficult for me to summon up a great deal of passion opposing this amendment in light of the fact that I supported zero funding this agency last year.

Having said that, let me oppose the gentleman's amendment and let me tell you why.

First of all, in the interim we have had the Vice President's report on reinventing government. The gentleman who chairs the subcommittee is absolutely correct. The Vice President specifically pointed out that he believed this agency could play a significant role in reinventing Government. As a result, it is obvious that the administration, this administration, has focused on this small, important, agency.

□ 1630

Second, Mr. Chairman, after we zero funded this agency in our bill, I received a number of phone calls, but two in particular that I will reference.

The first call I received was from Boyden Gray. Many of my colleagues will recall Boyden Gray as counsel to the White House under George Bush. Now, Mr. Gray and I have worked very closely together, not always agreeing, on the Americans With Disabilities Act, but I have a great deal of respect for his legal competence and for his views. He urged, in the strongest possible terms, the continuation of this agency because he believed that it was a very important asset to the administrative processes of the government and that in fact, as the gentleman from Texas [Mr. BRYANT] has said, it provided a very useful oversight and advisory role with respect to the administrative process. He further stated that it was a forum in which many, many very able people from the private sector could work, which was pro bono work, and in fact we, as a Federal Government, obtained a great deal of benefit from that work.

The second telephone call I received, shortly after this, was from another gentleman who has been in the papers recently, the former director of the Office of Management and Budget, Jim Miller. Jim Miller, as my colleagues know, recently ran for the United States Senate in Virginia. Jim Miller supported all that Mr. Boyden Gray had told me, and he indicated he felt, as the former director of the OMB, that this little agency performed a very important, cost effective service for the Government and for the public, and he urged me at that time to fund it.

Now we came to the floor. We zero funded it. We did not add it back on the floor. We did go to conference. The Senate included it. I recounted to my colleagues on the Committee the opinions of Mr. Gray and Mr. Miller. Those opinions have now been, of course, supported by and reinforced by Vice President GORE.

In light of that, Mr. Chairman, our committee agreed to fund at the 1994 level, which was a reduction from the 1995 request.

I would also tell the Members of the House that Sally Katzen, who is with the Office of Management and Budget, and, because there was a vacancy in the directorship, she represented the agency at our budget hearing and represented very strongly that it was OMB's view that this agency performs a very important function.

For those reasons, Mr. Chairman, I would not support the gentleman's amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. LIVINGSTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I appreciate the comments from the other Members regarding this. I would like to reassure my colleague, the gentleman from Texas, that the origin of this particular amendment is not from any angry administrative law judges or angry anyone else that has any sort of ax to grind against this agency. Whoever those persons may be, I have had no communication with them.

However, Mr. Chairman, we have had, as we have mentioned, hearings last year and this year. I would mention that as far as supporting the zero funding of this agency, it was something which I saw in the subcommittee and, thereafter, last year, even though at that time the particular head of the agency happened to be a constituent of mine, happened to be a fellow attorney, a fellow Republican, a fellow Oklahoman, and his arguments, I have to say, did not dissuade me either. Certainly people who are an alumnus of a particular agency often have an attachment to it. We are all familiar with that process. However the expertise that people have, whether they be part of the handful of employees of this agency, or whether they be persons otherwise employed, that provide pro bono assistance to this agency, that expertise remains available without having to have a special Federal group for it. We have hundreds of Federal workers through HUD, through EEOC, through OSHA, EPA, HHS, the list goes on, who work with these regulations, who have this expertise, who have the ability to share this information and who coordinate their efforts on a constant and consistent basis without having to hire additional people just to do this under the name of the administrative conference.

If we are serious about trying to eliminate 252,000 Federal workers, then I think we have to be serious about taking a look at an agency that has less than 25. That is less than one tenthousandth of the jobs we need to do, so I would urge my colleagues to support this amendment, and I thank the gentleman from Louisiana [Mr. LIVINGSTON] for having yielded this time to me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BRYANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1646

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Does the gentleman from Texas [Mr. BRYANT] insist on his demand for a recorded vote?

Mr. BRYANT. Mr. Chairman, I withdraw my demand for a recorded vote.

The CHAIRMAN. The demand is withdrawn, and the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] is agreed to.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provision of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271–79); $1,000,000, and additional amounts collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK: Page 28, strike lines 15 through 23.

Mr. ISTOOK. Mr. Chairman, this amendment is also dealing with one of the other small agencies within the purview of our subcommittee in this bill. The President, of course, previously, through executive action, advised the public that he was eliminating 284 commissions, and he invited the Congress to suggest further eliminations.

This, again, is an agency that through action in this House last year we had agreed to eliminate by zero-funding it. That was on a voice vote during last year's appropriation bill.

□ 1650

Mr. Chairman, this agency, the Advisory Commission on Intergovernmental Relations, is also one that many of us believe, and I believe, taxpayers would agree exists to duplicate the functions that are being performed in so many other areas.

Essentially, the ACIR is an assemblage of a small number of Federal, State and local officials that are supposedly coordinating the entirety of the relations between the tens of thousands of persons all around the country who are involved in coordinating the efforts of Federal Government, State government, county government, city government and other units of government.

Of course, Mr. Chairman, we have a multitude of groups that perform similar functions. These vary.

There is the National Association of Intergovernmental Relations Officials. There is the National Association of Counties, the National League of Cities, the Council of State Governments, the National Association of Towns and Townships, the National League of Cities, the United States Conference of Mayors, Democratic Governors Association, National Conference of Lieutenant Governors, National Conference of State Legislatures, National Governors Association, Republican Governors Association, Reason Foundation, Sunbelt Institute, National Association of State Park Directors, and the list, Mr. Chairman, goes on and on and on.

Mr. Chairman, it is not possible to think that a small Federal agency that has a budget of slightly over a million dollars can somehow be the grease that coordinates everything that goes on between all levels of government in this country.

I submit that it exists to give certain people a platform from which most of what they say goes unnoticed.

Mr. Chairman, this is a small federal agency. It is a Federal agency that we do not need. If it were abolished, it would not be noticed. The functions that it seeks to perform are being performed by thousands of other citizens already who would be surprised at the audacity to think that the Federal Government had organized a group to be their spokesman on their behalf. We have plenty of other spokesmen for Federal and State officials. We do not need the Advisory Council on Intergovernmental Relations.

I ask the House to repeat the activity which it took when this vote was up last year on the appropriations bill then and zero fund this by passing this amendment.

Mr. WISE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. The gentleman from Oklahoma runs through a litany of different organizations, most of which are private associations such as the National Governors Association, the Democratic Governors, the Republican Governors, the National Council of Legislatures, and so on. What this is is separate from that. They all have an axe to grind at some point. Some of them have more of an axe than others.

This is an organization that I believe becomes particularly compelling in light of two circumstances. First of all, it is the national performance review in which the Federal Government is rethinking its role, its functions for many of its agencies and particularly its relationship to the States. That then leads me to the second major development.

That is an interest in this Chamber in particular, and I think one championed by the gentleman from Oklahoma, about the need to be looking at States, looking at the State experience on different issues. I hear a lot of talk on unfunded mandates. I hear a lot of talk about other issues supposedly that local governments can do better than the Federal Government.

Perhaps in some cases that is correct. But the ACIR is one that brings all of that together in a structure where we do not have a clear axe to grind.

Mr. Chairman, there are a number of issues that are going to be before this body, and that the ACIR is dealing with. For instance, resolving problems caused by Federal mandates on State and local governments, achieving more effective and inefficient intergovernmental service delivery, particularly with welfare reform and health care reform and infrastructure investment, streamlining the Federal aid system, re-balancing the intergovernmental public finance system to produce more efficient outcomes.

So on a bipartisan basis, the ACIR brings groups together and begins to hammer out suggestions that are helpful to this body. For instance, just this year, the ACIR, in conjunction with the Army Corps of Engineers, put together an infrastructure conference and discussed capital budgeting, which was a major topic on this floor, and it is moving forward on recommendations. Already the process initiated by the ACIR has resulted in Executive Order 12893, the Principles for Federal Infrastructure Investments, promulgated in January of this year.

So at a time when people are understandably saying we need the States more involved, we need the local governments more involved, here is an institutional structure at very low cost within the Federal Government. I would urge the rejection of the gentleman's amendment.

As I say, particularly in light of the national performance review and an increasing role that this body would be playing in that, I think this is not a good time to be eliminating that source of input to this Congress.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of my colleague's amendment to eliminate the ACIR. This amendment did pass this body last year. I believe it is an opportunity for us to make the hard choices and face reality. Just because something is nice does not necessarily mean it is absolutely necessary for the Federal Government to continue to fund it.

I once served on the ACIR, and I realize they do good work. But when it comes to counting the beans, the pot is nearly empty. And I think we have better places to spend the money.

It is performing a service, I think, to let us have its clients pay for the Commission's services. As the gentleman from West Virginia pointed out, and as did the gentleman from Oklahoma [Mr. ISTOOK], there are a number of private groups that are involved with it. Quite frankly, I think if they would all divvy up a little bit, they could continue to keep it in place but fund it from private sources rather than from the taxpayers.

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

Mr. LIGHTFOOT. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, the suggestion that private associations, which perform this effort at coordinating between the different levels of government at no cost to the taxpayers of the United States, the suggestion that a private association has an axe to grind is to suggest that only someone under the control of the Federal Government can speak for the States, that someone under the control of the Federal Government can speak for the communities, that someone under the control of the Federal Government can speak for the counties. I do not believe that to be the case.

I do not think that the Federal Government needs to appoint a spokesman on behalf of every water district or school board or county commissioner's group or city council or town board or State assembly or legislature in the country. They appoint their own spokesman. They send us delegates. They even have lobbyists that they hire.

They have associations. They have people that are coming up here constantly. Most Federal agencies already have an office of intergovernmental relations.

We have private groups that come here to petition the Federal Government for redress of grievances.

□ 1700

They do not need to be told that we are going to decide who speaks for us. They can make their own decisions.

Mr. Chairman, I would suggest that most Members of this body have never had occasion to seek the counsel or advice of the Advisory Council on Intergovernmental Relations to tell them how to deal with their constituents from these other units of government.

Mr. Chairman, I myself have served in local government and State government and now in Federal Government. Mr. Chairman, I have never, repeat, never, had the occasion to need the advice of ACIR, and I submit to the Members that most Members of this body are in the same group.

Mr. Chairman, if Members have ever had to rely upon ACIR to know how to deal with their officials back home, then perhaps they want to vote for this; but if, as I believe, Members are in the majority that do not need it, then I suggest that Members vote for the amendment.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak against the amendment to eliminate the Advisory Commission on Intergovernmental Relations. This is silly. If there were no ACIR, we would have to invent one.

Mr. Chairman, I am actually surprised that my colleague, the gentleman from Oklahoma [Mr. ISTOOK] would go after this Commission in particular, since this Commission is not a commission of spokesmen, it is a commission of technicians whose work is to help Federal agencies, the Congress, the States, and the cities engage in bipartisan federalism. They coordinate the activities of the Federal executive, legislatures, State government, local government, and private parties to come together on issues that require the assistance of all of them for solution.

Because of this unique arrangement, ACIR was the first to identify unfunded mandates as an emerging issue. They found it. They found it before anybody on that side of the aisle or this side of the aisle found it, and the only reason they were able to find it is because, uniquely, they have all the parties at the table.

They are still, by the way, the prime source for all concerned on this issue. I have used them on this issue, and they get more calls on the issue of unfunded mandates than they do on any other issue, because this is an issue they have patented as their own, because of the expertise they have developed.

It is these tough financial and technical issues in which they have specialized, Mr. Chairman. I submit, Mr. Chairman, there is no other forum for the solution of such problems that puts everybody at the table: State government, local government, private sector, Federal agencies, Congress. Increasingly, the problems of this society are at a level of complexity that if you do not have them all there, then somebody is off the page and solutions elude us.

Mr. Chairman, it is these finance issues which stultify this body. Members have heard what ACIR has done on the National Performance Review. Let me give the Members another example. Since we have talked about the ACIR only in the abstract, let me give the Members another example.

Mr. Chairman, they are working now with the Army Corps of Engineers, as we have instructed them, meeting cooperatively with Federal, State, local, and private officials to help develop a Federal infrastructure strategy. If they were not doing it, I defy Members to tell me which among the existing agencies has the range and scope to do it.

Mr. Chairman, these people do not depend exclusively on us for funding. They have, in fact, gone out and found funding from other sources. Forty-eight States voluntarily give them money. Forty-eight States that do not have to give them money, help to support them. If you are a State in this country today, you do not give somebody money unless you are getting something in return.

Mr. Chairman, this is a small investment, a $1 million investment, that has already brought us many millions more in return. Mr. Chairman, this is a cheap shot. Leave these folks in the budget.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in opposition to this amendment cutting funds for the Advisory Commission on Intergovernmental Relations. It is really the last forum in which, Federal, State, and local elected officials, as well as the technicians that the gentlewoman from the District of Columbia [Ms. NORTON] mentioned, meet on a very regular basis to consider issues which are critical to the smooth operation of our Federal system.

Mr. Chairman, the fact that Members may not have had occasion to personally deal with the members of the Commission, or have access to their work, does not mean that the work that they are doing is inconsequential. It is very consequential, and it has had enormous impact over the years in straightening out the very complex relationships that exist between the various levels of government.

Mr. Chairman, I think we are going to find that the decisionmaking process has been very definitely aided throughout the years by this little-known, very lightly funded organization.

Mr. Chairman, I think it has been pointed out here that the Commission has been given a charge to deal with the emerging issue of unfunded mandates. Until this issue became a national issue, Congress displayed an unfortunate lack of interest in intergovernmental issues, and in the Commission's work in particular.

Those who have paid attention know that it was ACIR which first identified the issue of unfunded mandates, and that was 20 years ago, before it ever emerged on the radar screen in this

body or, indeed, elsewhere. For those engaged in the debate over unfunded mandates, ACIR is one of the few sources of objective, historical information on what has become a very unfortunate trend which costs States and localities billions of dollars and promises to cost billions more.

Eliminating ACIR this year, in this year when this is finally coming to the fore as a critical issue, would be, I think, a disaster, because that is the one agency that really has an historical perspective, has been gathering data, has been giving thought and consideration to this issue for a long period of time. Their advice, their counsel, their recommendations are going to be invaluable as we move to consider this issue.

ACIR is working to answer some of the difficult questions on mandates, questions which have vexed us from the start: For example, how do you define a mandate? What is an unfunded mandate? We need them to complete this very important project. It is an agency that is focused, it has a clear mandate to do this, and I think, Mr. Chairman, we would be absolutely ridiculous if we were to unfund this project or this Commission at this time.

Mr. Chairman, let me just remind my colleagues that the Commission this year is funded at one one-thousandth of the cost of the unfunded mandates on States and localities, and that is not, it seems to me, an unreasonable price to pay. Considering what we are asking States and local governments to pay, this is a minuscule amount to try and straighten out this incredible thicket.

Mr. Chairman, I would also point out that a number of the groups that conceivably or purportedly could pick up the slack, National Association of Counties, National League of Cities, National Government Association, it was suggested these groups could take up the burden which the ACIR is now carrying.

The point is, Mr. Chairman, all of these organizations support the ACIR. They are solidly behind the ACIR, and were very concerned a year ago when we were proposing to eliminate the ACIR. They must feel that this has utility, that it has merit and value. Mr. Chairman, I would urge in the strongest possible way that this amendment be defeated.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the comments that were made by the gentleman from Pennsylvania [Mr. CLINGER], as well as the gentlewoman from District of Columbia [Ms. NORTON]. They pointed out some of the principal reasons why the Advisory Commission on Intergovernmental Relations exists and why it must be maintained.

Mr. Chairman, when we look back over recent history in terms of intergovernmental relations, we will find that the ACIR has in fact has been a persuasive voice and had a significant influence on some of the policies we have adopted here in the Congress. They do not get any credit for it, it is not a particularly visible organization, but they have a tremendous amount of credibility and professionalism, as well as objectivity and bipartisanship. That is what guides the commission.

Mr. Chairman, as we all know, during the 1960's and 1970's there was an attitude on the part of the Federal Government, the Feds could do almost everything better, more equitably, we were more progressive and so on. We gradually assumed more and more responsibility from States and localities.

Whether the accusations that were leveled at States and localities were true or not, they are no longer true today. One of our principal objectives has got to be to devolve some of those responsibilities now that we have taken on at the Federal level, give them back to States and localities where States and localities can implement them in a fair, responsible, particularly fiscally responsible way, and in a way that is consistent with the priorities of local communities. That is what the Advisory Commission on Intergovernmental Relations is focusing on today.

□ 1710

Mr. Chairman, they were a principal consultant to the National Performance Review. In fact, they were an integral part of that effort to consolidate Federal programs, to devolve some of the Federal responsibility, to beef up the capacity of States and localities to carry out programs in a way that best meets the priorities of the citizens within communities who pay the money, who are most affected by the quality of schools, of public safety and the like.

They made these recommendations, they largely result in the National Performance Review. It is now up to us to act on those National Performance Review recommendations. One aspect of that is going to be the issue of unfunded Federal mandates as that is integral to the role of the Federal Government versus States and localities.

Mr. Chairman, we cannot pass the kind of legislation that addresses the problems that we know need to be addressed in terms of all the mandates that are being put upon States and localities without the money accompanying them to meet those mandates. What will be the effect if we go ahead and pass an unfunded mandate bill that says there will be no more Federal mandates unless they are fully funded? What will be the impact on the regulatory bodies, on the environment, on public works, on many other social programs that people are dependent upon? We do not have adequate information. We need to acquire that kind of information. That is exactly what ACIR is doing today. They are doing that objective, bipartisan analysis of what role can States and localities assume that the Federal Government is now doing and perhaps not doing as efficiently as it could.

Mr. Chairman, I do not know what their recommendations are going to be, because they are objective. They do not represent any particular perspective. They are not funded by the States, they are not funded by localities, they are not funded by the Federal Government exclusively or by the private sector. As the gentlewoman from the District of Columbia [Ms. NORTON], said, if there was not an Advisory Commission on Intergovernmental Relations, we would have to create one, create one that would give us the kind of objective perspective that the ACIR gives us.

Mr. Chairman, it is important to recognize that the ACIR traditionally was funded at about $2.6 million, we have cut it to almost a third of the funding that it is used to having available, and yet it has not cut back on the scope of its activities. This is a very important organization. If we cut this out, I promise one day we are going to be on the floor trying to create it again. It has been in existence for 35 years, the people who work with it are the best testament to its importance, to its objectivity and to its professionalism. I would strongly urge my colleagues to maintain the Advisory Commission on Intergovernmental Relations. For the paltry sum of $1 million, it sure gives us advice that is worth far more than the amount of money it costs us.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with regret to oppose the amendment, and I say "with regret" because I think the entire house should commend a Member who is willing to go through the budget item by item by item and to propose those expenditures which in the Member's opinion we can eliminate. I personally supported the previous amendment which passed the committee sponsored by the gentleman from Oklahoma.

Mr. Chairman, I rise in opposition to this amendment, though, because I think the Advisory Commission on Intergovernmental Relations has been a bit mischaracterized. It has been characterized as do we really need as Members of Congress, for example, to call them to ask their advice on how to deal with our counterparts in State and local government. That is not really, of course, the function of the Commission.

The Commission, by being constituted with commissioners from the Federal level of Government, the State level of government and from local

governments attempts to be a forum to examine and discuss policies and to try to resolve the problems that exist, now perhaps in a more complicated fashion than ever, between the different levels of government.

Mr. Chairman, as several speakers have already indicated, the prime subject which the Commission is studying now is unfunded mandates. If the Commission can, through its role of processing information, come up with even part of the solution to that problem, a problem that has been complained about on the House floor as well as by our counterparts in State and local government, I think it is an expenditure well-made. Therefore, I urge that we preserve the Commission and reject the amendment.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from Oklahoma [Mr. ISTOOK] to eliminate funding for the Advisory Commission on Intergovernmental Relations. I commend him for his efforts to cut unnecessary fat out of a budget which is in excess of $1 trillion but at this time I think he is looking in the wrong place. He can be penny-wise and pound-foolish in this particular item.

The Advisory Commission on Intergovernmental Relations was established to ensure coordination between the different levels of Government. It is uniquely qualified to provide us with the expertise to give technical assistance on current issues at every level of Government, from here in the Congress to the most local level of government. As a former member of the municipal council of the city of Newark, NJ, a member of the county commission, the Essex County NJ Board of Chosen Freeholders, and a NJ State commissioner of the hospital rate setting commission, I realize the importance of coordination between the various levels of government and the interdependence of one level to the other.

The Commission has garnered an impressive body of research on intergovernmental issues and has convened regularly to develop consensus on issues important at every level of government.

It is easy for us here in the Congress to become removed from issues that affect the very people who elected us here and to vote on them without having the foggiest idea as to how they will impact the local governments and the communities that they serve. The Advisory Commission is an invaluable resource at providing a holistic picture of the issues before us.

Most of my colleagues are very concerned about the issue of unfunded mandates. This organization is a prime source of information for everyone involved in this very important debate.

I was pleased when my colleagues accepted my proposal to have the Advisory Commission on Intergovernmental Relations take the lead in overseeing the implementation of the recommendations and principles set out in Vice President GORE's National Performance Review, his plan for reinventing government.

The Advisory Commission on Intergovernmental Relations, under the leadership of the newly appointed chairman, William F. Winter, the former Governor of Mississippi, is enjoying a new surge of energy. President Clinton attended the reorganizational meeting last year to lend his interest and support of our task. The ACIR has adopted an ambitious new agenda to take on the challenges facing our Nation today. Mr. Chairman, I urge my colleagues to oppose this amendment so that it may continue its work.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in opposition to this amendment as I did last year. This has been funded by the previous two administrations and this Administration as expressed by the gentleman from Pennsylvania [Mr. CLINGER], the gentleman from New Mexico [Mr. SCHIFF], and by others on our side of the aisle.

Mr. Chairman, I had the opportunity in the early 1970's to work with the ACIR. I believe, as has been stated, they are a valuable resource for the Federal, State, and local governments. I think it would be, as someone has said, penny-wise and pound-foolish to eliminate this agency.

Mr. Chairman, $1 million is a significant sum of money. But when we divide that between 50 States, thousands of municipalities and the Federal Government, it becomes a very small sum as it relates to each and every instrument of Government which it serves. As a result, I think it is a wise investment, and I would hope very much that the body would concur with two previous Administrations and this Administration that this organization is worthwhile and provides a service that will save the Government money and will, in fact, help the Government divide responsibilities between its various levels.

Mr. Chairman, I would also observe in closing, the gentleman from New Jersey [Mr. PAYNE], mentioned that Gov. William Winter, the former Governor of the State of Mississippi, now heads this organization. The Governor testified before our committee. I share the gentleman from New Jersey, Mr. PAYNE's view that Mr. Winter is reinvigorating the Advisory Committee's work, I believe we will find it even more effective than it has been in the past, and I urge the House to reject this amendment which eliminates it as an active agency of our Government.

Mr. BACHUS of Alabama. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Alabama for yielding.

Mr. Chairman, I think it is obvious when occasionally we strike a nerve when we have people fearful that the Federal Government is going to eliminate a program that spends $1 million. Supposedly the program exists to do all the coordination, the communication, grease the wheels, if you will, between, and somebody gave me this figure, 86,000 units of State and local and Federal Government in this country.

□ 1720

And we expect that agency that we fund for a million dollars is going to be handling that coordination? If so, Mr. Chairman, I submit we ought to change that to the Advisory Council on Intergovernmental Magic rather than Intergovernmental Relations.

There is an encyclopedia that is published. This is just the cover page of the Encyclopedia of Governmental Advisory Organizations, the 1994–1995 edition. It is a reference guide to over 6,500, I repeat those numbers, a guide to over 6,500 permanent, continuing, and ad hoc U.S. Presidential advisory committees, congressional advisory committees, public advisory committees, interagency committees, and other government-related boards, panels, task forces, commissions, conferences, and other similar bodies serving in a consultative, coordinating, advisory, research, or investigative capacity.

We have 6,500 of these around this country, and people here are saying we cannot do without one to cut Federal spending by $1 million.

Now, I realize in the Government of the United States and in our budget, $1 million is the Federal equivalent of picking up a penny off the sidewalk. Mr. Chairman, I tried to teach my kids pick up those pennies. They are going to add up. Benjamin Franklin taught us a penny saved is a penny earned. But, you know it is still not a penny, it is still a million dollars. It is still duplicating what is done in almost every Federal agency that we have.

They have their own intergovernmental relations office. We are constantly petitioned and visited by people representing the State and local and area governments, and we have 6,500 advisory groups that seem to think that they can advise us.

Why do we say that the Federal Government has to be in charge to have just one more to pile on top of all the other Federal spending to pile on top of all the other national debt? I do not think anybody here depends upon the ACIR to make their decisions, and it is the height of audacity for someone to think that this is the agency that coordinates the problems with unfunded

mandates or the national performance review or anything else. That is ridiculous.

It is just another group that has been sucked in to play minor roles in almost everything, and such a minor role that it will not be missed.

I would urge everyone, Mr. Chairman, to adopt this amendment to save the million dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 210, not voting 6, as follows:

[Roll No. 240]

AYES—223

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bliley
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Calvert
Camp
Canady
Cantwell
Chapman
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeFazio
DeLay
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Glickman
Goodlatte
Goss
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Laughlin
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
Margolies-Mezvinsky
Markey
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Neal (MA)
Nussle
Owens
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanders
Santorum
Saxton
Schaefer
Schenk
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Torricelli
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walsh
Weldon
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—210

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Darden
Coppersmith
Coyne
Cramer
de la Garza
de Lugo (VI)
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gingrich
Gonzalez
Goodling
Gordon
Grams
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Price (NC)
Quillen
Rahall
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schiff
Schroeder
Scott
Serrano
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stokes
Sundquist
Swett
Swift
Synar
Tanner
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Walker
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Cooper
Ford (MI)
Reynolds
Rostenkowski
Sharp
Washington

□ 1744

Messrs. SUNDQUIST, QUILLEN, and DOOLEY changed their vote from "aye" to "no."

Mr. POMEROY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; $1,682,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $27,106,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIVINGSTON: On page 29, line 12, strike "$27,106,000" and insert "$23,564,000".

Mr. LIVINGSTON. Mr. Chairman, my amendment would reduce the 1995 appropriation for the Federal Election Commission from $27.1 million to $23.564 million, which represents the fiscal year 1994 level. In 1990, Mr. Chairman, the Federal Election Commission got $15.3 million. The next year it got an 11.9-percent increase. The next year after that, a 9.7-percent increase. Following that year it got an 11.8-percent increase. And in 1994, which brings us to the level that I want to keep us at, it got a 12-percent increase.

So, Mr. Chairman, since 1990, when the FEC level was $15 million, and this last year the FEC asked for almost $22 million, or a 34.9-percent increase. Even OMB could not swallow that; the Office of Management and Budget agreed to a 15-percent increase, at a level in the bill of roughly $27 million. Interestingly enough though, Mr. Chairman, OMB's request intended to provide $4 million in fenced-off money for a computer upgrade which would speed efficiency of the FEC.

□ 1750

The committee gave the FEC the extra $4 million, over and above the fiscal year 1994 levels, but did not fence off the computer money. So the money will be used for additional personnel and personnel expenses, but not for any computer upgrade. In other words, there is not going to be any improvement in the FEC after we spend the additional $4 million.

We do have a 15-percent increase, and the FEC still cannot afford to improve their computers. And that is only one example of how the Federal Elections Commission has failed to prioritize their efforts effectively.

There is a strong concern among candidates and political committees that

the FEC has become a burdensome bureaucracy, which makes running for office and participating in the electoral process a complex and dangerous endeavor. The FEC has spun out so many regulations over the years and dragged on so many enforcement cases, and yet performed so few audits in House and Senate elections, that I fear what is happening is that the Federal Elections Commission is making criminals out of honest folk, while it does not effectively deter the serious offender.

I am concerned about the FEC's decision last December to dismiss 137 enforcement cases, showing that the FEC is not able to carry out its duties in a timely and efficient manner. They just wipe the troublesome cases off the books.

I am reluctant to vote for extra money for this Government agency that is not capable of fulfilling its responsibilities. Over the last couple of years, I have proposed 11 amendments, at least, to the authorizing committee on which I serve with the distinguished chairman, the gentleman from Washington, [Mr. SWIFT] but none of my amendments and none of the gentleman's amendments have ever seen the light of day.

We have not changed this commission since its inception 20 years ago. It needs improvement, it needs to be upgraded into the modern computer age, and it never gets attention, because an authorization bill never gets passed. Hence, my need to come before the House on an appropriations bill and try to send a message to the Federal Elections Commission that they are not doing their job, and, if you are not doing your job, you need no more money.

While the FEC complains about not having the resources to handle its workload, it has continued to promulgate such new regulations on how Federal candidates can spend campaign funds. It appears that the FEC is still actively searching for more and more activities to regulate, while not adequately addressing the agenda currently on its plate.

Over regulation and inability to prioritize has tied the FEC in knots, while it has mystified candidates and their supporters above how they can exercise their first amendment right to participate in the electoral process.

The FEC has only conducted 17 audits of House candidates in 9 years: two in 1985, two in 1986, and six in 1987; but in the years 1988, 1989, and 1990, zero; and in 1991, three, 1992, four, and 1993, four.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 5 additional minutes.)

Mr. LIVINGSTON. Mr. Chairman, they have taken up to 8 years to conduct audits of presidential campaigns, only recently finalizing some of the 1988 presidential audits and enforcement actions. The FEC dismissed 137 ongoing cases in December of 1993 because of its inability to keep up with the caseload, as I have noted. A truly wonderful example is an audit they began of a Texas Republican congressional committee in July 1985, and yet they didn't reach a final decision on that audit until July 10, 1992, some 7 years later.

During that case, the matter was in the hands of the Commission for 73 months, while the Texas Republican congressional committee responded to all the FEC requests in the short space of 11 months.

In an unbelievable twist, after waiting 84 months to reach a conclusion in the case, the FEC issued an ultimatum that the case had to be settled within a couple of weeks, or a lawsuit would be filed prior to June 5, 1993, during the special election for the U.S. Senator from Texas. The FEC procrastinated for 84 months, and suddenly chose to threaten the new Senate candidate just before the election.

That is either rank partisanship, or at the very least, ineptitude, and cases like it are reported by many attorneys who practice before the Commission. They are just some examples of the wrongs committed by the FEC.

The partisanship could have something to do with the fact that the general counsel of the FEC just happens to have been a former employer of Ralph Nader. Maybe, maybe not.

One episode clearly demonstrates the FEC's partisan bias. Last year the D.C. Circuit Court ruled in FEC versus The National Rifle Association that Congress exceeded its authority when placing its agents, the Secretary of the Senate and the Clerk of the House, on the Commission as nonvoting ex officio members. The Court said the makeup of the Commission was unconstitutional, thereby calling into question every single decision by the FEC since its inception.

One would think the FEC would quickly remedy the situation and remove the special deputy of the ex officio members from the Federal Elections Commission. But the FEC decided to allow the ex officio special deputy to keep office space inside the Commission and to provide him with an ad hoc secretarial staff assistant, not to mention his $100,000-plus salary.

The special deputy should not be there. He has been told by the court that he makes the whole process illegal, yet he is still in the building, and this kind of decisionmaking does not make me enthusiastic about supporting a 15-percent increase in the FEC's budget.

My amendment would freeze the funding of the Federal Election Commission at the 1994 figure. We should not reward the FEC's poor performance with a 15-percent increase, and therefore I move the adoption of my amendment.

Mr. Chairman, I include the following chart and Wall Street Journal article for the RECORD.

AUDIT REPORTS ISSUED BY FEC 1985–93

[Non-presidential committees]

Type of committee	1985	1986	1987	1988	1989	1990	1991	1992	1993
Senate candidates	0	0	0	0	1	0	2	0	0
House candidates	2	2	6	0	0	0	3	4	4
National parties	0	0	0	0	0	0	0	0	0
Other parties [1]	1	3	5	4	1	0	0	2	4
PAC's	1	5	1	4	0	1	0	1	2
Total	4	10	12	8	2	1	5	7	10

[1] Includes minor national, state, and local party committees.

[From the Wall Street Journal, Feb. 14, 1994]

CONGRESS' REPRESENTATIVE TO ELECTION COMMISSION HAS SIX-FIGURE SALARY, BIG OFFICE AND LITTLE TO DO

(By Rick Wartzman)

WASHINGTON.—Douglas Patton has a great government job. He has a six-figure salary, a big office, a secretary and an assistant.

Just one thing is missing: For the past few months he has had relatively little to do.

Since 1976, Mr. Patton has served as Congress's nonvoting representative on the Federal Election Commission, the agency that oversees the campaign-finance laws. Critics have long sneered at the position, arguing that it's absurd for a group that is being regulated to have a seat at the regulator's table.

Last October, the U.S. Court of Appeals here took essentially the same view. It ruled that the inclusion of congressional employees on the FEC violates the constitutional separation of powers between the legislative and executive branches of government.

While the case is pending before the Supreme Court, Mr. Patton has been unable to participate in closed-door commission meeting and has been forced to turn back all confidential FEC documents in his possession. That has left some wondering just what he does all day for a salary that in 1993, according to congressional payroll records, totaled $108,234.

"This guy is just sitting there . . . and taking up space," charges Rep. Bob Livingston of Louisiana, who is the ranking Republican on the House subcommittee on elections.

IN CONSTITUTIONAL LIMBO

Only in Washington, it seems, could someone find himself in Mr. Patton's predicament: stuck in constitutional limbo, unable to carry out a job that is hard to justify in the first place.

Mr. Patton, who carries the title of special deputy, declined to comment.

Over the past few weeks, Mr. Patton's status has caused great consternation inside the FEC. Mr. Patton's boss, Clerk-of-the-House Donnald Anderson, asked the FEC to allow the special deputy to maintain his ninth-floor office at the agency's downtown headquarters until the Supreme Court resolves the matter. After some hand-wringing, the FEC's six voting members—three Democrats and three Republicans—agreed to do so.

STAFF CUTS

Meanwhile, some FEC officials are grumbling privately that Mr. Patton gets to keep his job while the FEC is slated to be squeezed by the Clinton budget released last week; under the president's plan, the FEC says it would be forced to cut 33 staff positions.

How Mr. Patton is earning his pay these days isn't clear. Trevor Potter, the FEC chairman, notes that he hasn't seen Mr. Patton sitting in the audience at any of the agency's public meetings. But FEC officials say Mr. Patton sends his assistant to keep an eye on things. And some figure Mr. Patton can keep pretty busy fielding calls from members of Congress who have questions about the election laws.

Raymond Colley, the deputy clerk of the House, says he won't discuss Mr. Patton's situation, except to suggest that Mr. Patton continues to play an important liaison role at the FEC. "He's still our eyes and ears there," Mr. Colley says.

Of course, to critics of the special deputy slot, that's precisely the problem. Some, like Rep. Livingston, believe it's unfair that because the Democrats control both the House and Senate, it's the Democratic leaders who get to select two special deputies, while the GOP picks none. The Senate special deputy retired last September and hasn't been replaced.

NOTHING BUT A SPY

But others think the issue is more fundamental. They contend that the special deputy—no matter which party appoints him—is nothing but a spy in the FEC's midst. "There is no legitimate rationale" for the post, says Larry Sabato, a professor of government at the University of Virginia. With such a setup, "this is a commission guaranteed to fail."

The special deputy positions have been around since the early days of the FEC, which was established in the aftermath of Watergate. At first, the FEC had eight commissioners. Six of them—two picked by the president, two by the House and two by the Senate—were voting members. In addition, the Clerk of the House and the Secretary of the Senate each got to act as nonvoting members of the FEC. But in 1976, the Supreme Court ruled that such an arrangement violated the separation-of-powers principle. So Congress rewrote the rules: The president would appoint and the Senate confirm all six voting members of the FEC.

Yet despite a stern warning from Antonin Scalia—who was then a senior Justice Department official and is now a Supreme Court justice—that the presence of congressional representatives "perpetuates a serious constitutional issue," they remained part of the FEC.

"Congress was real nervous and I guess they wanted to keep an eye on the commission," says Rep. Al Swift, the Washington Democrat who heads the House subcommittee on elections. "They're still not our favorite agency because they regulate us," he adds. "But that high-level of paranoia has since abated into a simmering one."

Scott Thomas, an FEC commissioner who has been with the agency since 1975, says that having the special deputies around doesn't make things uncomfortable. "I haven't really seen any kind of improper influence," says Mr. Thomas, a Democrat.

Republican Joan Aikens, who has been an FEC commissioner since the agency's creation, says that the special deputies often bring added perspective to deliberations. "When questions arise on various issues, they can provide useful information, "she says, noting that Mr. Patton, for example, is a director of First National Bank of Maryland/DC.

FOWLER APPOINTMENT

But such sanguine feelings haven't kept the special deputy post from becoming embroiled in controversy. After he lost his Senate seat last year, Georgia Democrat Wyche Fowler was named a special deputy—even though the FEC had gotten complaints alleging that Mr. Fowler and Paul Coverdell, his Republican opponent who won the election, had received excessive campaign contributions from their respective national parties.

Mr. Fowler, who has since left the FEC for a private law practice, insists that his sole mission at the agency was to help bring along campaign finance reform legislation. "I'd like to think I made a contribution," he says.

Last fall's appeals court decision has led to its own difficulties. The case involved a challenge by the National Rifle Association of an FEC ruling concerning a transfer of $416,000 from one branch of the NRA to the gun group's political action committee. The appeals court agreed with the NRA that the FEC couldn't pursue the case because of the separation-of-powers problem. Now, seven other FEC rulings are being challenged on the same grounds. Among them are cases involving former presidential candidates Pat Robertson and Lyndon LaRouche.

As for Mr. Patton, he still has his share of defenders. "Should he be laid off until the Supreme Court case is decided?" Rep. Swift asks. "Is that fair?" Nonetheless, the congressman recently agreed with Rep. Livingston to consider abolishing the special deputies positions as part of a broader restructuring of the FEC.

In the meantime, Mr. Patton appears to be trying to fill his time the best he can. "He's here when I leave, and I leave around 6 o'clock," says John Surina, the FEC staff director. "He seems very busy. But the assurance I can give you is that he's not busy on matters he ought not be busy on."

Mr. SWIFT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a body that likes, in most recent times, to talk a lot about reform—reform this and reform that, and reform something else, and be purer than the driven snow. We have had a great deal of discussion here just in the most recent days about the need to see that laws we apply to other people apply to ourselves.

The FEC appropriation is an excellent place to find out whether we really mean all of that, because the Federal Elections Commission is essentially an agency Congress created to regulate us. Now, for all of that rhetoric about how we should have everything apply to us that we apply to others, let us look at the sorry record of what Congress has done with the agency that regulates it when it comes to our campaigns.

We have starved it to death year after year after year. We have cut it, we have pared it back, and we have criticized it for not doing its job.

Make no mistake about it, this vote on this amendment is a reform vote. If you are for reform, you vote "no," because you cannot be for reform and vote to cut the guts out of the agency that is set up to supervise our behavior when we go out to campaign. But that is precisely what this amendment does.

What the FEC has had to sustain is a series of incredibly cheap appropriations, beginning in the early eighties. This is not an agency that is now suddenly finding that it is going to have to face severe cuts because Congress and the administration are finally getting down to deal with the deficit.

□ 1800

This agency gave at the office in 1981 and has been having its appropriations reduced by both OMB and this Congress every year since.

What has the agency had to do? Well, they were just criticized in the well because they took a great number of the cases, gave them cursory examination, and felt that they simply did not have the wherewithal to go into them, that they were not major cases in any event. And they dismissed them.

They have done other things. The law has said for years that they need to have available to the public information on any campaign contribution of $200 or more. The FEC for years did not even have the personnel to input the information to provide it for anything below $500.

If we talk about reform, one of the key reforms is that the public can find out what is going on. There, in fact, have been editorial calls and calls by public interest groups that that threshold should be $100, that people should know where we get any contribution for $100 or more.

The question is, where do we find the people? Where do we find the resources? Where do we find the time so that we can, in fact, provide that information?

If we want to make the case that the FEC in many instances has not done the job the way Congress envisioned, I think we have to plead guilty to that. But then Congress should also stand up and plead guilty to the fact that it is the cause of the FEC being incapable of delivering on its responsibilities in the fashion that they should.

If they do not have the money, they cannot do it. And we have been cutting their appropriation for decades. So if we are going to talk about reform, if we are going to talk about living up to the kinds of things we expect others to do, we should start by living up to what we have set up as an agency to guide us in our campaigns and not keep cutting the budget so it cannot do it and then piously taking the floor and criticizing the agency because it has not done a good enough job.

If I understand the remedy that is being offered for the ills at the FEC, caused because they do not have enough money, the remedy being proposed here is give them even less money.

(By unanimous consent, Mr. SWIFT was allowed to proceed for 2 additional minutes.)

Mr. SWIFT. Mr. Chairman, the situation in which we find ourselves is we are talking seriously about passing a big new campaign finance reform law. We want to do that because we want to clean up campaigns even further. We want to do a better job than we have done in the past. But we are not going to do that on the cheap. It is going to cost money.

And here we are, in the very session in which we will no doubt vote on that bill, we are cutting the FEC's ability to carry out even what it has got already.

Now, are we for reform or are we not? If we are for reform, this vote is "no." If we vote "yes," the public can draw its own conclusions.

We are talking about campaign reform bills and more and more we have the calls, as I suggested, to lower the threshold in which they have to keep records down to $100. And what does OMB do? It cuts their budget. And what does the Committee on Appropriations do? It cuts that figure. And what does this amendment do? It cuts that figure and then says, go out and do right.

They cannot do it, and this vote, make no mistake, is about reform. If we are for reform and if we are willing to put our money where our mouths are, vote "no."

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

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

Mr. HOYER. Mr. Chairman, I just wanted to make it clear, in fact, the committee gave what the OMB requested, $27,106,000. I just wanted to make that clear.

Mr. SWIFT. Mr. Chairman, I thank the committee for doing that. In the past, that has not always been the case. It is the case of where they tell OMB what they need. That gets pared. We pare it and there are always amendments on the floor to pare it back.

This is an agency that started out, maybe like all agencies did, way back when I came here 16 years ago. Maybe it had a little fat. That fat was gone 15 years ago.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

I associate myself with the remarks that have been made by the Chairman of the authorizing committee. I happen also to serve on that authorizing committee with its ranking member, the gentleman from Louisiana [Mr. LIVINGSTON].

Clearly, I think most of us believe that if we are going to ask this agency to perform a task and expect it to then perform the task, then we need to give it the resources to do so. I agree with the remarks of the chairman, the gentleman from Washington [Mr. SWIFT], when he says that we made a very substantial reform.

The reform in campaign financing was to tell the public where money comes from to fund their politics and their politicians.

Frankly, I am one of those who do not believe that the level of giving ought to be reduced. I am one of those who does not believe that PAC's, which were adopted as a reform to allow small givers to come together, are bad. But I do believe that the public ought to have the information to form a judgment on whether or not campaign giving affects the policies of those to whom those contributions are made.

Let me review the bidding just a little bit on this in terms of the dollars. The FEC, which under statute has the right to make a budget request directly to the Congress, requested $31,793,000 for fiscal year 1995. That is $4 million more than OMB gave them and $4 million more than the Committee was able to give them.

This is one of the few agencies that we have approved an increase. As I said, we took, for the most part, the 1994 level or the 1995 request, whichever was lower. In this case, however, we gave an increase.

My opinion is that the committee gave the increase that OMB suggested for the same reason that the gentleman from Washington [Mr. SWIFT] enunciated. If we are going to tell the public that we believe disclosure is essential, then we need to give the resources to the agency that we have given the responsibility to oversee disclosure.

I would urge the Members to reject this amendment.

In addition to their present responsibilities, when we pass campaign finance reform, it is the FEC's opinion that it will take them an additional $4 million to carry out the responsibility expected of them in the campaign finance reform bill. So the bottom line is, the gentleman from Washington [Mr. SWIFT] is right.

If we want reform, if we want disclosure, if we want the public to know what we are doing, we need to give the agency the responsibility to make sure this happens and the resources to carry out that objective.

I understand the concern of my good friend, the gentleman from Louisiana [Mr. LIVINGSTON] with whom I not only serve on the Committee on House Administration but also this committee, the Committee on Appropriations. It is not an unfounded concern. I look forward to working with him in both the Committee on Appropriations and the authorizing committee as we try to make sure this agency operates effectively and fairly.

I urge the Members to reject the amendment.

□ 1810

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is appropriate, as we discuss what should or should not be done with the Federal Election Commission, to remember that over the years we have relied on the Office of Management and Budget, whether it was under the Reagan administration or the Bush administration or now the Clinton administration, to advise us about what we ought to do in expenditures for the Federal Election Commission.

Mr. Chairman, this is from a letter dated March 4, 1994. The signature is Leon Panetta, Director of the Office of Management and Budget. It says this:

> To put the Commission's budget in perspective, it is worth noting that, compared to most agencies, the Commission has received substantial increases in recent appropriations; for example, the $27.2 million in budget authority the President's budget proposes for 1995 is 45 percent over the 1992 level of $18.8 million.

And continuing to quote: "About $4 million of the increase is for new computer capacity. Factoring out that increase"—that is, going from the $27.1 million, factoring out the $4 million, and therefore leaving $23.1 million, which is the position of the amendment of the gentleman from Louisiana [Mr. LIVINGSTON]—"does mean that the FEC would have a flat budget between 1994 and 1995."

> Even so, the agency has done very well recently. The fiscal year 1995 budget authority is $3.6 million over 1993, and in a time when most of the government is being asked to reduce staffing drastically, the Commission's full-time equivalent level of 294 people proposed in the budget is 10 percent over the comparable 266 full-time equivalent the Commission had in 1992.

The Director of the Office of Management and Budget said that $23.1 million is enough, and the number of employees at the FEC is enough. If we give them the $27.1 million, we should give it to them in increased computer capacity. What will they do with increased computer capacity? They will do exactly what the gentleman from Washington [Mr. SWIFT] has passionately pleaded for us to do, and that is to increase the ability of the FEC to do the job, to check returns, to determine who gives and who does not give.

What has happened in the Committee on Appropriations is the fence requiring that funds be spent to computerize was broken down. The FEC is not going to spend that $4 million for the computers that would in fact make it better able to do the job that the gentleman from Washington wanted it to. What the FEC is going to do is hire more people.

Leon Panetta has already said that there are enough people in the $23.1 million budgets do not add more people. Breaking down the fence between the $4 million for computers and the $23.1 million to keep the funding of the FEC reasonable, according to Leon Panetta, creates a situation in which the FEC will add more people, and more people will not do a better job, along the lines that the gentleman from Washington [Mr. SWIFT] wants to see done.

Mr. Chairman, it seems entirely appropriate that if we do not want to give the FEC the money for the computers, we should not give them more people. Do not take my word for it, that is what the Director of the Office of Management and Budget, Leon Panetta, said should be done. Leon Panetta asks Members to vote "yes" on the Livingston amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 197, not voting 11, as follows:

[Roll No. 241]

AYES—231

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Ford (MI)
Fowler
Franks (CT)
Furse
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manton
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Watt
Weldon
Williams
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—197

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Goodling
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klein
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Richardson
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Blackwell
Cooper
Fish
Kennelly
Neal (NC)
Reynolds
Rush
Sharp
Underwood (GU)
Washington
Wolf

□ 1833

The Clerk announced the following pair on this vote:

Mr. Cooper for, with Mrs. Kennelly against.

Mr. RAHALL changed his vote from "aye" to "no."

Messrs. QUILLEN, TAUZIN, KLINK, and VOLKMER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GEKAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage the distinguished chairman of the committee in a colloquy for two purposes, first, to thank him for his interest as indicated by a letter that he has written recently on the two-tier system that now exists in the administrative judges between AJ's and ALJ's, and how the chairman inquiringly wants to try to accomplish some conversion in the near future.

I want the Chair to know, and I want the chairman to know, that I have, as he knows, introduced legislation to try to bring about that conversion, because I think it is in the best interests of our Federal employees as they seek justice in their various claims not to have to be bogged down in perhaps a system that is overlapping and perhaps self-defeating.

So I ask the Chairman to concur with me, if he can, that this problem will be one that we will be facing shortly following the debate on the present legislation.

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

Mr. GEKAS. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments. I also thank him for focusing on this issue and bringing it to our attention.

We have written, on behalf of the committee, for further information on this issue that the gentleman just referred to.

We expect to get some information back before conference, and I will be

working with the gentleman and with our Committee to address this at conference, if that seems to be appropriate.

Mr. GEKAS. I thank the Chair, and I am satisfied with that response.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,341,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $366,896,000, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $4,979,106,000, of which (1) not to exceed $507,990,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:

Alabama:

Montgomery, Courthouse Annex, $40,547,000

Arizona:

Tucson, Courthouse, $12,241,000

California:

Santa Ana, Courthouse, $25,193,000

Colorado:

Lakewood, U.S. Geological Survey Laboratory/Building, $25,802,000

Florida:

Jacksonville, Courthouse, $4,600,000

Orlando, Courthouse Annex, $7,724,000

Georgia:

Albany, Courthouse, $6,000,000

Savannah, Courthouse Annex, $5,597,000

Kentucky:

Covington, Courthouse, $3,100,000

London, Courthouse, $1,620,000

Louisiana:

Lafayette, Courthouse, $5,363,000

Montana:

Babb, Border Station, $333,000

Missouri:

Kansas City, Federal Building-Courthouse, $84,895,000

St. Louis, Courthouse, $176,863,000

North Dakota:

Pembina, Border Station, $11,113,000

Ohio:

Cleveland, Courthouse, $30,048,000

Steubenville, Courthouse, $3,000,000

Pennyslvania:

Erie, Courts Complex, $3,335,000

Tennessee:

Greeneville, Courthouse, $3,123,000

Texas:

Austin, VA Annex, $1,430,000

Brownsville, Federal Building-Courthouse, $6,361,000

Corpus Christi, Courthouse, $6,857,000

Laredo, Courthouse, $24,341,000

Virginia:

Charlottesville, U.S. Army Foreign Science & Technology Center, $4,178,000

Washington:

Blaine, Border Station, $4,472,000

Oroville, Border Station, $1,483,000

Point Roberts, Border Station, $698,000

West Virginia:

Martinsburg, IRS Computer Center, $7,547,000

Non-prospectus construction projects, $126,000: *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 per centum unless advanced approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $815,268,000, which shall remain available until expended, for repairs and alterations which, beginning with fiscal year 1995 and in subsequent fiscal years, includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

California:

Los Angeles, U.S. Courthouse, $24,910,000

Menlo Park, USGS Building 3, $7,631,000

Sacramento, Federal Building, $16,574,000

San Pedro, Custom House, $5,429,000

Colorado:

Denver, Federal Building and Custom House, $8,896,000

District of Columbia:

Ariel Rios-Facades, $3,946,000

Customs/ICC/Connecting Wing Complex (phase 1), $9,662,000

National Courts, $4,588,000

Illinois:

Chicago, Federal Center, $52,982,000

Maryland:

Baltimore, George H. Fallon Federal Building (phase 3), $17,179,000

Woodlawn, SSA East High-Low Rise Buildings, $19,212,000

New Jersey:

Trenton, Clarkson S. Fisher Courthouse, $15,675,000

New York:

Holtsville, IRS Service Center, $21,313,000

New York, Jacob K. Javits Federal Building, $2,891,000

New York, Silvio V. Mollo Federal Building, $963,000

North Carolina:

Asheville, Federal Building and U.S. Courthouse, $7,052,000

Ohio:

Cleveland, Anthony J. Celebreeze Federal Building, $12,192,000

Oklahoma:

Oklahoma City, Alfred P. Murrah Federal Building, $5,878,000

Pennsylvania:

Harrisburg, Federal Building and U.S. Courthouse, $16,903,000

Philadelphia, Byrne-Green Complex, $34,028,000

Philadelphia, R.N.C. Nix, Sr., Federal Building and U.S. Courthouse (phase 3), $14,730,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $8,600,000

Texas:

Lubbock, Federal Building and U.S. Courthouse, $13,517,000

Virginia:

Richmond, U.S. Courthouse and Annex, $13,899,000

Washington:

Walla Walla, Corps of Engineers Building, $2,827,000

Nationwide:

Chlorofluorocarbons Program, $100,135,000

Energy Program, $50,803,000

Advance Design:

$21,685,000

Minor Repairs and Alterations, $301,168,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1996, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds

have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed $127,531,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed $2,204,628,000 for rental of space which shall remain available until expended and (5) not to exceed $1,323,689,000 for building operations which shall remain available until expended of which $3,400,000 shall be available for essential functional requirements for primary structural, electrical, and security systems of the Bureau of Census, New Computer Center: *Provided further*, That of the funds available to the General Services Administration for the Albany, Georgia, Courthouse; Stuebenville, Ohio, Courthouse; Corpus Christi, Texas, Courthouse; Providence, Rhode Island, Kennedy Plaza Federal Courthouse; and the Walla Walla, Washington, Corps of Engineers Building, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair and alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1995, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $4,979,106,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

Page 31, line 23, strike "$40,547,000" and insert "$39,091,363".

Page 31, line 25, strike "$12,241,000" and insert "$10,980,177".

Page 32, line 2, strike "$25,193,000" and insert "$21,917,910".

Page 32, line 7, strike "$4,600,000" and insert "$4,186,000".

Page 32, line 8, strike "$7,724,000" and insert "$7,075,184".

Page 32, line 10, strike "$6,000,000" and insert "$5,676,000".

Page 32, line 11, strike "$5,597,000" and insert "$5,294,762".

Page 32, line 13, strike "$3,100,000" and insert "$2,917,100".

Page 32, line 14, strike "$1,620,000" and insert "$1,500,120".

Page 32, line 16, strike "$5,363,000" and insert "$4,971,501".

Page 32, line 21, strike "$84,895,000" and insert "$82,945,635".

Page 32, line 22, strike "$176,863,000" and insert "$159,353,570".

Page 33, line 1, strike "$30,048,000" and insert "$27,523,968".

Page 33, line 2, strike "$3,000,000" and insert "$2,982,300".

Page 33, line 4, strike "$3,335,000" and insert "$2,964,815".

Page 33, line 6, strike "$3,123,000" and insert "$2,863,791".

Page 33, line 10, strike "$6,361,000" and insert "$5,979,340".

Page 33, line 11, strike "$6,857,000" and insert "$6,274,155".

Page 33, line 12, strike "$24,341,000" and insert "$24,260,675".

Conform accordingly the 3 aggregate amounts set forth on page 31, line 15; and page 40, line 22.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Chairman, this amendment relates to the $508 million which this bill expends on Federal courthouse construction.

The bottom line of this amendment is that it does not eliminate any of the courthouse construction projects. However, it does reduce the total amount of spending on courthouse construction by $32 million, apportioned among 19 different projects. It is not an across-the-board percentage. Instead, this amendment relates most to those which are most expensive in terms of cost per square foot.

Mr. Chairman, now, there have been a number of studies recently. There has been a great deal of activity in the Senate. The GAO has become involved. There have been multiple media reports. Some of them questioned the construction of Federal courthouses in general and questioned the total square feet that are being added, and others related to what we are doing.

How many times are we putting marble rather than some other form of construction in place? Are we putting in hardwood or decorative wood? Are we putting in private kitchenettes in chambers, multiple law libraries rather than shared law libraries, larger space than is necessary, and otherwise are we increasing the cost to the taxpayers of this construction?

Here is a telling point, Mr. Chairman: If you are building a courthouse for State government or local government, it will cost you less than $100 per square foot. In fact, a company in Boston that did a report on this reported that to build a typical State courthouse or local courthouse, the cost is $90 per square foot. The State of Arizona recently built a new supreme court building at a cost of $93 per square foot. And I understand that is even with the use of expensive stone.

Yet for a Federal courthouse the average cost is about $200 per square foot, more than twice as much as it costs the State government to build a courthouse or local government to build a courthouse.

□ 1840

We can talk about differences, Mr. Chairman, between how you construct a Federal courthouse or one for any other level of Government, but I do not believe we can justify spending twice as much per square foot to build it because it is for the Federal Government. This amendment is proportional, as I say; basically we took a formula and we took the projects the new projects proposed in this bill, and we calculated, or actually the GSA had already calculated, the cost per square foot. And as to those which exceeded $100 per square foot, we are proposing reducing the excess above $100 per foot by 25 percent.

Now, this difference in per-square-footage cost is not because of regional variations. We have checked with services that report average construction costs in different parts of the country, to make sure these were not regional differences in construction costs.

So, for example, Mr. Chairman, the bill, as written, has a courthouse in Cleveland at $200 per square foot. This amendment would reduce the allowance to $175 per square foot. There is a courthouse in St. Louis that is proposed for $187 per square foot; the amendment would reduce the cost of that building by $22 per square foot.

The point, Mr. Chairman, is that this does not say that everyone has to have the same price per square foot, because there are regional differences; this does not kill anybody's project. But it does try to bring a lower level of per-square-

foot construction expense into this process.

What has been the experience of many people is they find that funds are over-allocated for construction, and then at some stage in the process extra expense is added. It may be extra space, it may be enlarging something, it may be making it fancier, it may be using brass rather than cheaper metal; it may be any of a number of things. But this puts us on record as saying that we want to meet the needs of the Federal judiciary but we want to meet the needs of the taxpayers as well. If State and local government can spend $90 and construct very fine and satisfactory courthouses, then I do not think we need to spend twice that much to construct a Federal facility. I believe this is a commonsense approach, Mr. Chairman. The bottom line, as I say, is that it reduces the $508 million in this bill for Federal courthouse construction by $32 million.

Mr. Chairman, I would urge adoption of the amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word, and I rise in opposition to this amendment.

Mr. Chairman, first of all let me put in context where we are in Federal courthouses. First of all, as the committee knows, last year the committee recommended a 10 percent cut across the board in courthouse construction funding. On the floor we cut an additional 2 percent. So that meant we cut 12 percent.

In addition, the administration undertook, under Administrator Johnson in the General Services Administration, a pause and review of all GSA projects that were recommended. In that pause and review they recommended that certain savings be affected. In fact, in our bill we did, not at the administration's request but our own initiative, cut an additional $78.2 million through rescissions. Now, that is in juxtaposition to adding $28 million.

So that there was a net reduction in Federal construction of $60 million by the committee at our instigation below what the President asked for. That was because of the rescission.

Now, the fact of the matter is there is a difference. There have been recent news reports on the cost to build Federal courthouses. The reports are focused on the cost per square foot of a Federal courthouse versus a country courthouse as well as the extra touches often found in Federal courthouses which could be viewed as too generous and too opulent. Frankly, that is why we made the 12-percent cut. That is why we urged GSA to make a very careful review of the Federal courthouse proposals.

Mr. Chairman, the gentleman from Oklahoma, Mr. ISTOOK's amendment is across the board, and that is based on his view of what the cost per square foot for construction of these courthouses ought to be. Let me make it clear, however, there has been no testimony before our committee with respect to this issue

There were questions asked, but we have not had a hearing on all the components that would be impacted by Mr. ISTOOK's amendment.

Despite the way Mr. ISTOOK may have come up with the figures, it is an across-the-board reduction, pure and simple, similar to Mr. POMEROY's to reduce the amount available for construction of each of the named courthouses.

Ladies and gentleman of the House, Mr. POMEROY intends to offer an amendment to reduce by 6 percent the courthouses that are being proposed. We will support that amendment. The reason we will support that amendment is the newly recommended courthouses were not subjected to the previous cut last year. We believe, therefore, that it is fair and appropriate that the new courthouses be subjected to the same cut.

I am pleased that Mr. POMEROY's diligence brought that to our attention. And he has been very tenacious in trying to make sure that we have, in effect, such savings as we can make while at the same time providing courthouses for our people so that justice can be served.

Mr. ISTOOK's amendment, however, also reduces funds for courthouses which are beyond the design stage, not just new.

Now, what does that mean? Santa Ana and St. Louis and others will cut money of their construction, though they are under way. They are already being proposed and they have been subjected, I will tell you again, to the GSA timeout and review. What Mr. ISTOOK should be interested in, in my opinion, is the courthouses which are being initiated this year for which design has not yet been complete.

Quite obviously, if design is not complete and the cuts are made, as Mr. POMEROY suggests, then in fact that can be accommodated.

Now, I see the gentleman from California, who has one of the major courthouses in this bill, on his feet, and I would be glad to yield to him.

Mr. DORNAN. I thank the gentleman for yielding and tell him that he assumes correctly, I say to my distinguished colleague from Maryland.

I cannot speak for the St. Louis courthouse, I will let the gentleman eloquently do that. However, with a heavy heart, and I do not say that sarcastically, I go against my distinguished colleague, the gentleman from Oklahoma. May his tribe increase on November 8, at least by 30 people. But the Santa Ana courthouse is in an earthquake-prone area. After all, we do call it the San Andreas fault that runs very close to there. Our Santa Ana courthouse has already taken about 4 hits. I point out it is not the charming name of Ronald Reagan——

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 3 additional minutes.)

Mr. HOYER. I yield further to the gentleman from California, my newfound friend.

Mr. DORNAN. I will wrap up by saying that if Orange County were a State, it would be bigger than 19 States. We have passed in the past 3 years Oklahoma, with all due respect, Mississippi and Arkansas. Look out, Oregon, here we come.

My point is you cannot ask people to get in the gridlock of traffic on those main arteries between San Diego, our second biggest county, and Los Angeles, our biggest, and spend 3 hours going to court and 4 and 5 hours driving home. Orange County is entitled to a modern courthouse. It has come down—and I will submit this for the record—5 times already. We are now into the bone of the seismographic building to withstand an earthquake. So, I repeat, with great pause I will have to vote against this amendment.

I rise today in opposition to the amendment by the gentleman from Oklahoma that would cut funding for construction of the Ronald Reagan Courthouse.

The Ronald Reagan Courthouse in Santa Ana, California has already experienced more than its share of cuts. Indeed, if every courthouse project in the country were scrutinized and held to the same standards as the Ronald Reagan Courthouse, the budget would be in much better shape.

Let me recite a few facts. Orange County's population is greater than the States of Mississippi, Kansas and Arkansas and 16 others and is rapidly approaching passing the population of Oklahoma. Look out Oregon here we come. So Orange County right now is more populous than 19 States. Currently, the Federal court system in Orange County has just three permanent courtrooms and three temporary courtrooms which are in modular structures. The long-range need of the courthouse, however, is for 29 courtrooms. So the current facilities, which are spread throughout Santa Ana, are obviously grossly inadequate. But get this, even upon completion of the Ronald Reagan Courthouse there will still not be adequate space.

But as we consider this further cut to the Ronald Reagan Courthouse, let me remind my colleagues that the project has already been cut substantially, by one-third. It started out as a $168 million project. It was then subjected to cuts of 10 percent and then 2 percent. After those cuts, it was subjected to the time-out-and-review process, which

recommended an additional $25 million cut. Eventually, after all this, we arrived at the $123 million figure in the committee bill.

The cuts have resulted in substantive changes to the courthouse's design. An entire floor has been chopped off and most of the parking has been lost. These are not luxuries that are being cut. We have looked long and hard at the expenses, and we have cut them, in my mind, beyond the bone.

I believe that although past cuts may well have been justified, this additional cut attacks the substance of the project.

Furthermore, consider that the citizens of Santa Ana, a working class city in the center of my district, support the project so much that they have donated the land for the courthouse. Their donation has saved the Federal Government $4.5 million.

And with all due respect to my friend from Oklahoma, construction costs in southern California cannot be compared to construction costs in Tulsa. Orange County has one of the most expensive real estate markets in the country, especially when you add in the increased expenses stemming from seismic requirements. Anybody who has been to Southern California knows what I am talking about. Again it is simply ridiculous to think that you can build in southern California for the same price you can build in Oklahoma.

Lastly, if this cut goes through, the courthouse will have to be redesigned for the third time, wasting even more taxpayer dollars. This amendment may seem penny wise but, in the case of the Ronald Reagan Courthouse, it is definitely pound foolish.

The Ronald Reagan Courthouse in Santa Ana, CA has been chopped, topped, and scrubbed. And while I have great respect for my distinguished colleague from Oklahoma and I applaud his commitment to reducing the deficit and in probably every other case will be supporting him, I must say that in this case he is just plain wrong. The Ronald Reagan Courthouse, which will serve a legitimate Federal function, has already been subject to severe cuts. I therefore urge my colleagues to vote against this amendment.

Mr. HOYER. I thank the gentleman from California for his comments. He reflects the problem caused by adoption of this amendment. To reduce the cost per square foot would require a redesign in some instances of these buildings, which would cost more, not less, in the final analysis.

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

Mr. HOYER. I would be glad to yield to my friend.

□ 1850

Mr. ISTOOK. Just to clarify, I understand, of course, Mr. Chairman, what the gentleman is saying regarding the necessity to redesign in some instances, but is he contending that the cost of redesign would exceed the 32 million dollars worth of savings, because we have figures here on what it costs to design these buildings today—

Mr. HOYER. It is our contention to pause at this point in time. The Santa Ana Courthouse, as the gentleman knows, at this time is under way, and the gentleman has pointed out what is going on. To pause at this time, not just in the redesign costs, but in delay and construction, yes, our premise is that it could approximate or exceed the savings the gentleman seeks.

Mr. ISTOOK. Mr. Chairman, I would certainly disagree with that contention, but I will seek my own time and present those things rather than doing it on the gentleman's time.

Mr. HOYER. In fairness to the gentleman, Mr. Chairman, I do not have an estimate on that, but the information I have is that it is possible to exceed the costs so that the savings may be somewhat illusory. But the gentleman could speak to that question.

Mr. Chairman, the Members will have an opportunity to reduce the cost of construction of new courthouses with the amendment offered by the gentleman from North Dakota [Mr. POMEROY]. The Pomeroy amendment reduces funding for the new courthouses which have not yet been designed. This will ensure that savings which will reduce the cost per square foot will be built into the design of the facility. The Committee has included a provision in the GSA portion of the bill which prohibits the transmission of a fiscal year 1996 request for courthouse construction which does not meet the standards established by GSA and OMB.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 3 additional minutes.)

Mr. HOYER. I am taking this time, Mr. Chairman, because I think this is a substantive, important amendment, but I think there are very important reasons to oppose this amendment and support the amendment offered by the gentleman from North Dakota [Mr. POMEROY].

The committee, as I said, has included in the GSA portion of the bill language which prohibits the transmission of a 1996 request for courthouse construction, which, as I said, does not meet the standards applied by GSA and OMB. These standards include benchmarks currently being developed by GSA which establish a design for courthouses to lower the cost per square foot of these facilities.

Again, Mr. Chairman, let me reiterate to the Members of the House that we have reduced, not at the administration's request, but on our own initiative, by $78 million existing facilities, not all courthouses. Let me say, as the gentleman from Oklahoma [Mr. ISTOOK] knows, $30 million of that comes out of a reduction in a project, frankly, in my district because I was convinced that in fact that money could be saved without diminishing the scope and quality of the project.

The benchmarks that the GSA will come up with will also increase the occupiable square footage from the current 60 percent to 67 percent, an appropriate step forward. This effort has the effect of lowering the cost by approximately 10 percent. While the discussion of cost per square foot for the courthouses is a valid one, of course we have not had such a discussion in our hearings, and to base an amendment on such a proposal without the opportunity to question GSA about the basis or the effects of such a reduction on their cost estimate in our opinion is not warranted.

Mr. Chairman, I would, therefore, ask that the Committee defeat this amendment.

AMENDMENT OFFERED BY MR. POMEROY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. POMEROY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. POMEROY as a substitute for the amendment offered by Mr. ISTOOK:

Page 30, line 15, strike "$366,896,000" and insert "$361,615,520";

Page 31, line 15, strike "$4,979,106,000" and insert "$4,973,825,520";

Page 31, line 15, strike "$507,990,000" and insert "$502,709,520";

Page 31, line 25, strike "$12,241,000" and insert "$11,506,540";

Page 32, line 8, strike "$7,724,000" and insert "$7,260,560";

Page 32, line 10, strike "$6,000,000" and insert "$5,640,000";

Page 32, line 11, strike "$5,597,000" and insert "$5,261,180";

Page 32, line 13, strike "$3,100,000" and insert "$2,914,000";

Page 32, line 14, strike "$1,620,000" and insert "$1,522,800";

Page 32, line 16, strike "$5,363,000" and insert "$5,041,220";

Page 33, line 1, strike "$30,048,000" and insert "$28,245,120";

Page 33, line 2, strike "$3,000,000" and insert "$2,820,000";

Page 33, line 4, strike "$3,335,000" and insert "$3,134,900";

Page 33, line 6, strike "$3,123,000" and insert "$2,935,620";

Page 33, line 10, strike "$6,361,000" and insert "$5,979,340";

Page 33, line 11, strike "$6,857,000" and insert "$6,445,580";

Page 40, line 22, strike "$4,979,106,000" and insert "$4,973,825,520";.

Mr. POMEROY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. Mr. Chairman, my substitute amendment addresses the issue addressed by the gentleman from Oklahoma [Mr. ISTOOK], and I applaud him for his attention to the issue of excessive courthouse construction costs with a difference in one important respect, and that is it addresses contracts not yet let, agreements not yet made, on behalf of this Government for the formal construction of Federal courthouses.

As my colleagues know, we believe and talk every day that Government ought to be run like a business. Government ought to be run like a business. Well, that is darn right, Government ought to be run like a business, and that means a contract is a contract. I think it is bad business to have let the construction contracts on these projects, and come back through a slapdash House amendment this afternoon, and redo those agreements. I think the cost savings to be generated by the amendment for which I am offering this substitute will be uncertain in light of design changes that might be necessary

In addition, Mr. Chairman, I would point out that the construction costs at issue were addressed by an amendment I offered last year which added to the 10-percent reduction made by the committee an additional 2-percent cut saving millions for taxpayers across the country.

Finally, Mr. Chairman, I worry about the forward precedent of not holding some sanctity to the contracts let by the Government. I believe we would force an agency like the GSA with so many millions of dollars of construction under its authority to rush forth the construction so that they would not find themselves caught in the plight they are presented with this afternoon.

However I believe cuts can and must be made in the construction projects for courthouses not yet let. My amendment addresses specifically projects where I am convinced costs can be cut. We have seen examples of excess in the construction including expensive marble, soaring ceilings, plush judges chambers, and ornate woods. Those are just a few of the examples of the wasteful spending rolled into the Federal construction projects for our courthouses. The amendment to cut 6 percent from the 13 new courthouses would save taxpayers $5.6 million and encourage the type of belt tightening which taxpayers have rightfully been calling for.

Last year, as I mentioned, the House took this step, put a 10-percent cut in the committee, passed an additional 2-percent cut offered by me in an amendment last year. I mentioned in that debate last year, and I mention it again this year because of its direct applicability, an example where Fargo, ND, led the way in reducing unnecessary courthouse construction costs. Two years ago Congress authorized $46 million for a new courthouse in Fargo. My colleagues would not have believed what happened on the way to the Federal Treasury. The folks of Fargo, ND, said, "That is ridiculous. That is way too much of a taxpayer investment. We don't care if it's coming right here to Fargo. It's too much. Build it for half of that cost." And sure enough costs of that project have been rolled back 50 percent. Imagine a community saying no to Federal spending right in their backyard.

Mr. Chairman, if Fargo can take a 50-percent cut, then these new projects can certainly take a 6-percent cut. I urge my colleagues to support my substitute amendment.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would not want anyone to mistake what the gentleman from North Dakota [Mr. POMEROY] proposes in his amendment. The Pomeroy substitute for my amendment proposes reducing spending by $5.6 million. However at the same time it does away with the proposed additional $26 million in spending in my amendment because the Istook amendment proposes a $32 million cut, and the Pomeroy substitute seeks to reduce the $32 million cut to $5.6 million. So, although we agree upon the basic principles of reduction to spending, there is a significant difference in the degree.

Someone mentioned to me, "Well, Pomeroy is kind of Istook Lite on this." I think that what we have is a mistaken premise that somehow it costs more money to save on these projects. There is a mistaken notion, perhaps, that these are buildings that are almost complete. That is not the case. In most cases they are buildings that exist only on paper, and I think in only two instances in all the bill have they even gotten so far as to even break ground for site preparation. It is not a matter of changing existing contracts. It is a matter of saving taxpayers' money.

Certainly it is common in construction to have change orders, if necessary, when the scope of a project is changed, especially in the planning stages, which is what we are seeking to do. That is routine. It happens frequently, and the cost is not the cost of the change order that is proposed. The cost, depending upon the architectural fees involved, may be, 10 percent of the change orders, and may be even far less than that.

□ 1900

The question then is, would we spend 5 percent of $32 million in order to save that $32 million? And I submit that the answer to that is yes. I have not heard the opponents of my amendment say that we have not overplanned. I have not heard them say that we need all the space, that we need all the trim, that we need all the marble, that we need all the private baths and the private kitchenettes and the high ceilings. I have not heard that suggestion. But that is what my amendment is trying to do, strictly to go and cut out the frills which routinely pop up. And usually we do not see them until the edifice is completed, and we read the press accounts of the new Taj Mahal that has been constructed at Federal expense.

Taxpayers going to a courthouse are seeking simple justice, not a fancy building. As an attorney by profession, I can tell you I have been in plenty of courthouses and plenty of courtrooms. And I can see, and anybody that goes into them, can see the difference between a state and local and a Federal Courthouse, or the courtrooms.

I have been in huge courtrooms that you rattled around in and the sound gets lost. I have seen judges that each have their own private law libraries, rather than sharing books with the judge next door, who may be as far as 50 or 100 feet away.

I think we need to meet the needs of our judiciary, but we also need to meet the needs of our taxpayers. And I submit it would be inappropriate to say let us not cut spending by $32 million, let us adopt the Pomeroy substitute and say that $5 million is enough savings.

We have got to put a halt to the practice. They have been having hearings on this over in the Senate. I have copies of transcripts of much of that. They have had the testimony, they have had the studies. We simply need to pay attention to it.

Again, I reiterate, this is not a threat to a project in anyone's district. This does not cancel any project. This merely says we are not going to be as fancy, we are not going to have as many frills, we are going to use more common sense, we are going to save the taxpayers $32 million.

I request that Members reject the Pomeroy substitute and adopt the Istook amendment.

Mr. BARCA of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, I do not want to prolong the debate, because I am not really completely aware of the courthouse contracts that currently exist. I do want to strongly support the Pomeroy-Dickey amendment, because I think it moves us in the right direction.

Last year, of course, I watched with great interest as the gentleman from North Dakota [Mr. POMEROY] had discussed the experience they had in Fargo, ND. I think his point was very well taken.

On the overall issue, I think really we are in agreement, Mr. Chairman. The goal here is to try to cut down on some of the frills we spend in courthouse spending.

I think this amendment that the gentleman from North Dakota [Mr. POMEROY], and the gentleman from Arkansas [Mr. DICKEY], have put forward accomplishes that goal. It is a way to try to save money over the long-term, and I think it is a good amendment. I strongly support it, and I hope we adopt it.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pomeroy amendment. I believe, as I said in the initial debate, that the Pomeroy amendment does reach the objective the proper way. The reason I believe that is because it deals prospectively with projects that are not now on the ground and in construction as the Santa Ana and others are.

I understand what the gentleman is saying, that he believes this will just do away with frills. The fact of the matter is, as was discussed by the gentleman from California, there are other things that make costs expensive unrelated to frills. His happens to be in the earthquake fault area, and therefore construction requirements are heightened.

The fact of the matter is that the GSA has had a time out and review and looked at existing courthouses with the specific objective of reducing frills. In fact, we have reduced numerous courthouses, as the gentleman knows, as a result of that time out and review, part of which was in some instances scope changes, and others were known as value engineering savings.

Mr. Chairman, I would urge the House to adopt this amendment. It does save about $5.5 million, and it does so appropriately, and I think without adverse consequences to projects that are ongoing.

I would reiterate, I do not have the figures and I cannot therefore say it definitively, but it is not just redesign costs that are involved here, it is delay costs as well. I do not know what they would be, frankly, because I do not know how long the delays would be, but that would be a consequence of moving forward and trying to adopt this amendment.

Mr. Chairman, I believe the substitute is appropriate, it will not adversely affect us, and will speak to the issues raised by both the gentleman from Oklahoma and the gentleman from North Dakota of excessive costs on courthouses. I urge the adoption of the Pomeroy amendment.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Without objection, the gentleman may proceed.

There was no objection.

Mr. ISTOOK. Mr. Chairman, I do so simply to try to wind it down.

Since the gentleman from Maryland [Mr. HOYER] mentioned the Santa Ana Courthouse, that particular project is proposed at $123 million. This amendment, because of the amount that is appropriated this year as opposed to prior years, would only diminish that $123 million projected by $3.5 million. So it is less than 3.5 percent differential on that particular one.

Furthermore, although the national average construction is less than $100 per square foot, and according to the Associated Building Contractors, the differential for building in Los Angeles is only about 15 percent higher than elsewhere in the country. Nevertheless, the per square foot cost of this courthouse in California is $205 per square foot, more than double what I have been talking about on the average, even though the local differential would only be 15 percent. I commend that to the gentleman's attention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. POMEROY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a vote may be taken on the Istook amendment.

The vote was taken by electronic device, and there were—ayes 302, noes 120, not voting 17, as follows:

[Roll No. 242]

AYES—302

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Barton
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McInnis
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Rangel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—120

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bishop
Bliley
Boehner
Bonilla
Brown (FL)
Bunning
Burton
Callahan
Camp
Canady
Castle
Clyburn
Coble
Crane
Crapo
DeLay
Doolittle
Dreier
Duncan
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Herger
Hoekstra
Hoke
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
King
Klug
Knollenberg
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
Margolies-Mezvinsky
McCollum
McCrery
McDade
McHugh
McKeon
McKinney
Meek
Mica
Miller (FL)
Moorhead
Murtha
Myers

Nussle
Oxley
Paxon
Petri
Porter
Portman
Quillen
Rahall
Ramstad
Ravenel
Rogers
Rohrabacher
Romero-Barcelo (PR)
Roth
Royce
Saxton
Schaefer
Sensenbrenner
Shaw
Smith (MI)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Towns
Upton
Vucanovich
Walker
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Cooper
Edwards (CA)
Fish
Ford (MI)
Kanjorski
McCandless
McCurdy
Michel
Neal (NC)
Reynolds
Sharp
Torres
Underwood (GU)
Washington
Whitten
Wilson
Wolf

□ 1927

Messrs. BATEMAN, LEWIS of Florida, BEREUTER, COBLE, GUNDERSON, HANCOCK, SAM JOHNSON of Texas, BARRETT of Nebraska, HERGER, SAXTON, QUILLEN, SUNDQUIST, MOORHEAD, HALL of Texas, LINDER, and BOEHNER changed their vote from "aye" to "no."

Messrs. KOPETSKI, SHAYS, and PACKARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CARR of Michigan changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 393, noes 22, not voting 24, as follows:

[Roll No. 243]

AYES—393

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Weldon
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—22

Ackerman
Bacchus (FL)
Bishop
Brown (FL)
Bunning
Clyburn
Fowler
Hochbrueckner
Hoke
Lazio
Lewis (CA)
Lewis (KY)
McCollum
McDade
McKinney
Meek
Mica
Quillen
Rahall
Rogers
Serrano
Vucanovich

NOT VOTING—24

Bonior
Clay
Cooper
Cunningham
Edwards (CA)
Fish
Ford (MI)
Gingrich
Hunter
McCandless
McCurdy
Michel
Neal (NC)
Reynolds
Sharp
Slaughter
Torres
Torricelli
Underwood (GU)
Washington
Waxman
Whitten
Wilson
Wolf

□ 1936

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL:

Page 31, line 15, insert "(less $11,427,000)" before ", of which".

Page 34, line 16, insert "(less $11,427,000" before ", which shall".

Page 36, strike line 25 and all that follows through page 37, line 2.

Page 37, strike lines 9 through 11.

Page 38, line 24, insert "and" after the 1st semicolon.

Page 38, line 24, strike the last semicolon and all that follows through "Building"on page 39, line 2.

Page 40, line 22, insert "(less $11,427,000)" before "shall remain".

Mr. FAWELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FAWELL. Mr. Chairman, this is the first of two amendments that I will offer to strike unauthorized and unrequested projects from the bill. These amendments are supported by our bipartisan porkbusters group.

Mr. Chairman, the first amendment strikes three unauthorized new courthouse construction projects. These new projects are $6 million for a courthouse in Albany, GA; $3 million for a courthouse in Steubenville, OH; and $6.8 million for a courthouse in Corpus Christi, TX.

Mr. Chairman, the Albany, GA, project is unauthorized and was not requested by the administration for fiscal year 1995. The Steubenville, OH, courthouse was not requested by the administration and it was not requested by the General Services Administration for fiscal year 1995, either.

The GSA study of Steubenville, OH, came back with this verdict:

"Federal space needs can easily be met with low cost leases."

Moreover, it was not authorized by the Committee on Public Works and Transportation, which means that they are in violation, of course, of the rules. That is true with all of these projects, but, of course, the rules were waived, and so although I would have had a right to make a point of order and we could have all gone home, I do not have that right, and we have to have a debate on the subject of striking these projects.

Mr. Chairman, the $6.9 million Corpus Christi, TX, courthouse was not requested by the administration, it was not requested by the General Services Administration for fiscal year 1995, it was denied funding by the Office of Management and Budget, and it was not authorized by the Committee on Public Works and Transportation.

To the many taxpayers who may be listening in at this later hour, what is at stake here, I believe, is whether to allow a few Members of Congress to circumvent the rules and to spend millions of tax dollars on what could be called pork-barrel projects.

□ 1940

And by that, I mean not substantively referring to those particular projects, but I mean that they had no authorization, no hearings, no determination of the needs for these projects. That is to say, there was a complete failure to follow the basic procedures in the House in regard to spending.

To taxpayers who want to know why, why Congress will not cut unnecessary spending, watch the vote on this amendment. A vote against this amendment is a vote in favor of breaking the rules of the House and to spend $16 million on what I think can be called pork-barrel projects.

And who wants these projects built? Neither the General Services Administration nor the Committee on Public Works and Transportation that alone have the statutory authority to request them via a prospectus.

In addition, these projects are all over the President's budget. How much over? Even the Committee on Public Works and Transportation cannot estimate the final cost of these projects. There have been no estimates, and most important of all, no prospectus.

Public Works has not had, therefore, the chance to really pass on in-depth information about these projects.

The appropriators will say, "Do not worry, funding for construction of these projects is still subject to the approval of a prospectus by the Committee on Public Works and Transportation." The Committee on Appropriations, by the way, then in their appropriation proceeded to authorize expenditures for a prospectus on these projects. But, in fact, the appropriators know that once the prospectus is under way there is no way of stopping this train. A prospectus will, in essence, set in motion funding for these projects.

But the underlying law, the Public Buildings Act of 1959, gives this power only to the General Services Administration and to the Committee on Public Works. The Committee on Appropriations just usurped that power and said, "Go ahead now, we authorize you to come up with a prospectus."

This is a classic case also, from my viewpoint, of legislating on an appropriation bill. That is against the House rules, too. But there is no problem. The Committee on Rules simply waived that rule, too.

Furthermore, last year similar language requiring subsequent authorization in an appropriation bill was dropped by the conference version of the Treasury, Postal appropriations.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, in closing, I would say this: We are being asked as a body to approve this spending when neither this body nor the GSA nor the authorizing committee know the facts. Shall we vote blind? No. Because that is why prospectuses and authorizations and facts ought to precede appropriations.

This is our only chance, at least insofar as someone like myself, an average Member of this Congress, to ever vote on whether to start the funding train for these unstudied and unauthorized projects.

These projects have to be stopped before the prospectus is funded or ordered to be funded, or there will be no way, of course, of stopping them.

The communities back home and everyone else will say, "Well, this is just something that has to be done, because after all, the appropriations have approved this."

A "yes" vote on the Fawell amendment is a vote for cutting $16 million unauthorized pork-barrel projects. A "yes" vote is a vote for cutting wasteful spending. A "yes" vote is a vote for fiscal responsibility.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment which speaks to three projects, as the gentleman has indicated.

I will speak to them briefly. But let me first make the general point that historically the so-called pork-busters have referred to projects that were, in fact, being passed by the Committee on Appropriations without approval of the authorizing committee, and going through the regular process.

Now, the gentleman from Illinois [Mr. FAWELL] mentions that, "Oh, well, the Committee on Appropriations will get up and say it has language." That language is critical.

Now, I think we will have some members of the Committee on Public Works and Transportation reference that. We work very closely and have told the gentleman from California [Mr. MINETA] and the gentleman from Ohio [Mr. TRAFICANT], the chairmen of the full committee and the subcommittee, who do very, very careful work on these projects, that we would not either appropriate something they had not authorized or not appropriate funds and not make them subject to authorization. In other words, in the final analysis, none of these projects can go forward without the Committee on Public Works and Transportation giving them approval. That is the process. That is what we have agreed to follow.

We have a good, close working relationship, and that is what we do.

Now, the gentleman is correct. These projects were not in the President's request. However, as you will hear from the Members who represent the areas that these projects are located in, there was very strong feeling that there was a need. I will not speak to that, because I presume they will.

On pages 38 and 39 of the bill, we say that the funds available to the General Services Administration for Albany, GA, for Steubenville, OH, and for Corpus Christi, as well as the two projects that will come in the next amendment, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition projects for which a prospectus, if required pursuant to the public law, has not been approved. That is the key.

In other words, this committee is not saying we are the final word on this. We understand there is an authorizing process. We understand that we need to make sure that both committees, as well as this House, believe those projects are appropriate.

I will yield in just one second. But let me finish my comments here.

That is the way the process is set up to work.

The gentleman is correct. We are putting the appropriation in now so that if the Committee on Public Works decides this is appropriate, they can move forward. We do, as the gentleman observes, provide for the limited authority so that the prospectus can be prepared for review by the Committee on Public Works and Transportation. The gentleman is absolutely correct on that. And the gentleman is also correct that it is legislation on an appropriation bill.

We adopted a rule, of course, that said that we would be all right on that.

Now, let me say that the law to which you refer says that, subject to the exceptions contained in the preceding proviso, in no case shall funds be

made available for any lease, line item, construction, repair and alteration project referred to in the preceding proviso if, prior to February 1, 1994, the lease, line item, construction, repair and alteration project has been disapproved by the House Committee on Public Works and Transportation or the Senate Committee on Environment.

Now, that refers to last year's language which the gentleman mentioned. He is correct. We did change that language as a result of conference, and as a result of the request of the Senate. That is what the Senate did.

However, they wanted to have it just by the Senate committee. We said no, that is not the way we are going to play; obviously two Houses need to act on this. As a result, we made it subject to the actions of both committees and had either committee disapproved the project, it would not have been able to go forward.

Happily, the committee concurred with the judgment of the Committee on Appropriations in both the House and the Senate, and those projects went forward. But I would suggest to the gentleman that this is not the kind of pork projects that the gentleman has historically had great concern about.

□ 1950

And the reason it is not is because this project is going to have to go through the same review process ultimately. It may not go through in the same sequence, but it ultimately has to go through in the same way of any other project in order for money to be spent.

Mr. Chairman, I will have more to say on this as we conclude, but I know that Members who know intimately about these three projects will want to speak to them.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, despite the pleas from our chairman of the subcommittee, we have rules. The rules say we do not appropriate money unless there is an authorization. The fact is that the chairman of the subcommittee has just admitted that there is no authorization for these projects today, which means, under the rules, that the money should not be appropriated.

The second point I would make is, under the rules of the House, under the proceedings of the House, unauthorized projects in a bill such as this should be subject to a point of order, except that once again the Committee on Rules has waived all points of order.

Now, what kind of a body do we have if we ignore the rules that we set up for ourselves? And we have been through this on appropriation bills for the 3½ years that I have been here, and probably for some time before that. But I think it is time that we all vote on the rules; those of you on the other side of the aisle impose the rules on us, and yet you cannot live by your rules.

So, to stand up and say that this is not pork is wrong; because it has not been authorized, it is pork-barrel spending. It is business as usual.

The authorization committee, if they felt this was so important, why in fact was it not authorized? Why has it not been brought to the floor? We do not know whether these projects have merit, whether they are practical, whether they are needed. We are probably going to hear from some Members in whose districts they happen to be located come to the floor and tell us that. But the fact is they are not authorized. We all know what the rules are. So, to say it is not pork, let us all be honest, this is nothing but pork-barrel spending, business as usual.

If you really want to send a message home to your constituents, stand up and do the right thing and vote for the Fawell amendment and for fiscal sanity.

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

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

Mr. HOYER. I thank the gentleman for yielding.

The gentleman understands, of course, how the authorizations are affected, I am sure. That is by resolutions of the authorizing committees both in the Senate and the House. Once that is done, it is presumed to be authorized. It does not have to be signed into law. The gentleman, does he understand that?

Mr. BOEHNER. I understand that.

Mr. HOYER. That being the case, exactly the same process, the gentleman is correct, has to occur in order for these projects to go forward. It just doesn't have to happen in the same order. That is my point.

Mr. BOEHNER. Reclaiming my time, what the gentleman is saying is we are not going to follow what the rules say, that because we do not have the authorization bills, we are going to go ahead and appropriate this and say if they get authorized, the money is going to be there. Is that what the process of the sequence is going to be on this?

Mr. HOYER. What I am saying is that historically we have found a problem, not all the time, but a consistent problem. That is that the committee of the other body simply has not acted. So we went for literally years without any authorizations on the other side. So what happened was the House committee would do its work in timely fashion, authorize the project, we would put it in the appropriation bill, send it over to the other body, and it would be passed and signed by the President.

You talk about the rules, this is a law. This cannot go anywhere unless the House acts, the Senate acts, and the President signs it. This is the law of the Congress of the United States that makes these expenditures. Unfortunately, though there is a process it has to go through, it has not worked all the time. It has worked better in the House, I would suggest to the gentleman. All we are doing is providing for these projects at the request of Members that these are, in their judgment, necessary in their districts. But to also say, as the gentleman says, because our rules require authorization, these are subject to authorization as any other project would be.

Mr. BOEHNER. Reclaiming my time, the chairman has made it clear to all of the Members that we are not following the rules. Now, we can complain that the Senate has not acted on our authorizations, and maybe there is good reason, maybe there is not. I do not know the history of it. But we know that to get an authorizing bill passed, that it has to pass the House and the Senate and be signed by the President. If the projects cannot get through that process, then under the rules we are not allowed to appropriate money. Now, the chairman of the subcommittee knows that. Now, the question is: Are we going to follow the rules or are we not?

I suggest to all my colleagues that if we vote for the Fawell amendment, we will be supporting ourselves, we will be supporting our rules, and you bring some fiscal sanity to what is going on in this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. FAWELL] for a correction.

Mr. FAWELL. Mr. Chairman, I understand perhaps the wrong amendment was read. I just wanted to ascertain if that is so. It should be 0.020. If that is not the case, I would make a unanimous consent request.

The CHAIRMAN. Without objection, the Clerk will report the originally intended amendment, which in fact has been debated.

There was no objection:

Amendment offered by Mr. FAWELL:

Page 31, line 15, insert "(less $15,857,000)" before ", of which".

Page 31, line 16, insert "(less $15,857,000)" before "shall remain".

Page 32, strike line 10.

Page 33, strike line 2.

Page 33, strike line 11.

Page 38, line 23, strike "Albany" and all that follows through the last semicolon on line 24.

Page 40, line 22, insert "(less $15,857,000)" before "shall remain".

The CHAIRMAN (during the reading). Without objection, the amendment is considered as read and printed in the RECORD.

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Illinois

[Mr. FAWELL] is properly before the House.

Mr. PENNY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fawell amendment.

The Fawell amendment is straightforward. It deals with three construction projects in the Treasury/Postal Service appropriations bill.

The projects have been described earlier: one for Corpus Christi, TX. This project was not requested by the administration, was denied funding by the Office of Management and Budget for fiscal 1995, and it has not yet been authorized by the Committee on Public Works and Transportation.

The second project, in Albany, GA, was not requested by the administration, was denied funding by OMB, and has not yet been authorized by the Committee on Public Works and Transportation.

The project in Steubenville, OH, again not requested by the administration, has not yet been authorized by the Committee on Public Works and Transportation. In fact, the General Services Administration has stated that downtown Steubenville currently has an office vacancy rate of 18 percent, or 36,000 square feet. There appears to be very little demand for this available space. Federal space needs can easily continue to be met through low-cost leases.

Three examples of projects that have found their way into an appropriations will without having gone through the committee process on Capitol Hill that may have, may have, demonstrated their merit. These projects were clearly not on a priority list in terms of the Clinton administration's budget submission to Congress. For that reason, it is important to draw attention to the fact that this represents, once again, an example of the appropriations legislation funding projects which are primarily local in their importance and questionable in terms of the expenditure of Federal tax dollars.

Mr. Chairman, I applaud the gentleman from Illinois, Mr. FAWELL, for his diligent work over the years in gleaning appropriation bills in order to identify this sort of spending, unauthorized and unrequested projects which have no place in our appropriation bills. I join with him again this year, as I have in the past, in support of amendments to strike these projects from the legislation before us.

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

Mr. PENNY. I yield to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman for yielding. Just briefly, I do want to make it clear—and this is not understood by a lot of people, and it was not understood by me until I went to the books and reviewed it—that before you can have a new construction—and, by the way, there are $507 million toward new construction. So it is not that we are not spending money on new construction. But before you can have one under the Public Buildings Act, either GSA on its own initiative or the authorizing committee can ask for and commence the prospectus—ask for a prospectus, which is a full evaluation of the needs. They review the area where the courthouse would be built, the amount of office space that must be available. It is an in-depth survey. Then the GSA has to go through OMB, and it is quite a process before they ultimately come up with a prospectus which basically allows the authorizing committee to do the authorizing.

□ 2000

Now obviously none of that has taken place, and there has been plenty of time for it. Now whether it might sometime in the future, because of one or two people that may believe it can or may take care of it, is something else, but I think that it is important to know that on all of these projects there has never been a favorable prospectus that has come out of the GSA, and that is awfully important, I think.

Mr. PENNY. Reclaiming my time, Mr. Chairman, the gentleman is making the point that clearly this is an example where the cart is now before the horse. We do not have any, any of the elements, in place that would normally precede the funding of a construction project, and yet here we are today dealing with an appropriations bill that offers funds for these projects that are not requested, that are not authorized and that have not even received the benefit of a prospectus.

Mr. FAWELL. That is the way I view it, yes.

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

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

Mr. HOYER. The gentleman, I think, would agree that, pursuant to the language, the cart cannot get there without the horse. What I mean by that is the process that the gentleman referred to is required by this bill.

The gentleman is correct obviously; the cart, as he says, is before the horse, they both have to get there or this project does not go forward.

Mr. DUNCAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois [Mr. FAWELL].

I want to say, first of all, that this has nothing to do with the personalities involved because the Members whose districts are affected by this are some of the finest Members that we have in this body. But as the last two speakers have accurately stated, this is putting the cart before the horse.

Mr. Chairman, this is not the way that people want us to do their business. None of these projects have been authorized. There have not been hearings held in the authorizing committee on these projects. None of these projects have been requested by the GSA. To vote against this amendment would be to vote for millions of dollars with no real knowledge of the need, the ultimate cost or anything else about these projects.

The overspending, the exorbitant, excessive spending, on courthouses around the Nation is fast becoming, and has become, a national issue. It has been reported on in recent months by all the national networks and by many of the leading national journalists. The people are becoming very angry about all the waste that is popping up in these courthouses. In Boston we have a courthouse plan with 33 kitchens, a $1.5 million boat dock, a six-story atrium, 709,000 dollars' worth of artwork and so many other things. Can we really be sure that these courthouses will not have private kitchens, marble floors, private elevators, and all these over-elaborate things we are seeing in these other courthouses? The judges in the Foley Square project in New York City have upgraded their gold-plated project with over $30 million of elaborate extras.

The GAO, the General Accounting Office, in a September 1993 audit, Mr. Chairman, found that Federal courts had overestimated their needs by 3 million square feet, which is probably $4 to $6 billion conservatively at the present rate of the cost of these Federal courts. In fact, the Boston Courthouse, as I mentioned, if it comes in on budget, will be $285 a square foot. Many others are coming at over $200 a square foot. One of the national networks reported that the average hospital cost in this country was $97 a square foot even with all of their special construction needs, and yet these Federal courthouses are coming in at ridiculous amounts, and that will be the case with these courthouses if we do not really look at them first, if we do not go over them with a fine tooth comb and if we do not go through the normal procedures, the processes, that are called for by the Public Buildings Act of 1959 which specifically says that these courthouses must start with the authorizing work done first.

This is not a partisan issue. This is becoming one of the most bipartisan issues in the Congress, and, in fact, in my position as ranking member, ranking Republican, on the Subcommittee on Public Buildings and Grounds, I have just a few days ago signed a letter requesting a new GAO investigation of the exorbitant and excessive costs in regard to these courthouses. That letter was signed by 8 Members of the Congress: Senator DORGAN, Senator GLENN, Senator SASSER, Senator KERREY, all Democrats, Senator COHEN, Senator MCCAIN, the gentleman from Oklahoma [Mr. ISTOOK] and myself.

So, Mr. Chairman, I think that the gentleman from Illinois [Mr. FAWELL] has a fair and reasonable amendment here. It does not means that these courthouses will not be approved later, at least we will be doing it. If we follow this amendment, we will be doing what the people want us to do, and that is spending their money as if it were our own instead of just blowing it right and left as if we did not have a $4½ trillion national debt, as if we were not still losing hundreds of millions of dollars each day on top of it.

We cannot afford to keep doing business as usual in this Congress. There has to be a stop some place, and this amendment is a good place to stand up in favor of some fiscal sanity and to pay some regard to the taxpayers sacrifices that they are making on a daily basis to provide the money that is doing all the things we want to do.

I urge support for the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Mr. ROWLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment would strike $6 million, which has been included in the appropriations bill, to begin construction on the courthouse in Albany, GA. The Albany courthouse has been on the General Services Administration list of requests in fiscal year 1994 as well as for fiscal year 1995. According to GSA, this is a sound project.

It is my understanding that the design for the Albany courthouse is 95 percent complete and will be 100 percent complete on July 5, 1994. The city of Albany has already donated a prime site for the courthouse.

Pages 38 and 39 of H.R. 4539 clearly state that the funds appropriated for the Albany courthouse and the other courthouses the gentleman from Illinois has referred to will not be spent without the authorization of the Committee on Public Works and Transportation. So, I really do not know what the gentleman's problem is.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words to speak on behalf of the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Mr. Chairman, the old adage in politics is that one man's pork is another man's project. More often than not parochial debate about what is or is not pork gets wrapped up in personalities and partisan politics. The gentleman from Illinois has sought to put an end to that shallow and vindictive way of approaching the public purse strings and has said, along with his colleagues, we ought to have some objective criteria, objective criteria that focuses on procedures of decisionmaking consistent with the rules of the House of Representatives, and only, only if a project for spending in an appropriation bill is brought to the floor without having gone through this decisionmaking process, shall we deign to call it pork or otherwise characterize it as unjustifiable spending, never on the basis of geographical region, personality or party definition.

I watched the gentleman from Illinois [Mr. FAWELL] today after having done his research into the spending bill, after having checked, project by project, to see the extent to which the separate projects have fulfilled their criteria of decisionmaking procedure of this body in its own rules, identify some that failed, failed the test of process, and with total disregard to all other considerations that brought them forward. Furthermore, I have come and gone from the floor today, and I have watched the gentleman from Illinois diligently and passionately wait his turn within the processes of this House as we assign turns to offer amendments, and so it has come his lot to make his offer late in the evening. The gentleman from Illinois has, more than anybody I have ever seen in this process, consistently put principle ahead of parochialism, principle ahead of partisanship, and principle ahead of personalities.

□ 2010

This is not some random selection on his part. It is a matter of saying we should have a consistent process by which we make decisions that every Member should bring a project to the process and compete against every other project by every other Member, fairly, and without consideration to stature of the Member involved, party of the Member involved, schmooze, as we know it in politics, but on the merits of the project relative to the others.

Now, the chairman gives us an elaborate explanation about the relationship of the appropriations bill to the authorizing bill, all of that in consideration to our relationship with the other body. And then he makes the very cogent point to the gentleman from Illinois, "That is the way," the chairman says, "That is the way the system is intended to work."

But, Mr. Chairman, if that is the way the system is intended to work, why does the chairman of the appropriations subcommittee then need to go to the Committee on Rules and ask the Committee on Rules to waive the rules of this body, and bar the gentleman from Illinois of the normal procedure of raising a point of order against these expenditures, by the House waiving its own rules in defense of these projects?

No, I reject that argument. When the system works the way the system was intended to work, the Committee on Rules does not have to waive the rules of the House and preempt the system to preserve the pork.

So, as I applaud the gentleman from Illinois for his commitment, the quality of his workmanship, and his persistence and patient tenacity, I implore the Members of this body, vote "yes" for the gentleman's amendment, vote "yes" for a process by which we as a body can put principle and process and procedure ahead of personality, parochialism, and partisanship.

Mr. BISHOP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Fawell and in support of the funding for the Albany courthouse. I say no to obstructionists. I say no to those people who engage in obstreperous debate. I say yes for action.

In fiscal year 1992 in the appropriations bill, legislation was passed to fund designs for a new courthouse in Albany, GA. In July 1991, the city of Albany adopted a resolution donating land for the construction of a new courthouse. In fiscal year 1993, Congress appropriated $6 million of the total almost $12 million necessary for construction, management and inspection of the building.

Now, in order to complete this project, the people who live within the jurisdiction of the United States District Court for the Middle District of Georgia need the additional $6 million.

Mr. Chairman, the House recently passed a major crime bill to keep criminals off the streets. How can we expect to get and keep criminals off the streets if our U.S. judges, probation officers, clerks of court, and other administrative officers of the court are handicapped by insufficient work space?

We now have four district judges, three bankruptcy judges, two magistrates, serving 70 counties in the middle district of Georgia, operating out of one courtroom when they sit in Albany, GA.

The existing courthouse cannot accommodate the requirements of the Federal courts and the related agencies. As designed, the proposed courthouse could accommodate the future growth of the courts beyond their 10 year requirements. An additional courtroom can be provided by converting office space. Noncourt court agencies can be relocated when additional space is needed.

Mr. Chairman, plans for the Albany courthouse have been around since fiscal year 1992. This project did not just appear out of thin air. The gentleman from Illinois [Mr. FAWELL] knows very well that before any money can be spent on the courthouse, the House Committee on Public Works will have to approve an 11(b) prospectus for the courthouse. A vote against the Fawell amendment means that the city of Albany will be eligible for funding in March or April of next year, rather than waiting until November of 1995, when costs and inflation will make the construction costs go higher.

GSA is well aware of this project. According to the prospectus, in May 1993, leasing agreements over 30 years could cost the Federal Government more than it will cost to construct this facility.

Mr. Chairman, this is not pork. Our area and areas like ours where jobs can be created through the construction of a major facility, where justice can be had and communities made safer by the swift and efficient administration of justice, this is not pork. This is beef and potatoes.

Vote "no" on the Fawell amendment.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would call this body's attention to the report from the Committee on Appropriations for this particular bill, page 3, and would read the following words. It says:

> The American people want their government to be held accountable. As the Committee on Appropriations, we hold a special responsibility in restoring their faith in their government by ensuring them that their money is being spent wisely on programs that they want and in a way that they can judge results. We must ensure that governmental institutions are in place and functioning effectively to eliminate government waste and inefficiency that do nothing but increase our national debt. The debt is strangling our economy. If this country is to grow, create jobs, and compete in the world marketplace, we must reduce our national defense, and one of the methods for doing so must be the reduction of waste and inefficiency in government spending.

Mr. Chairman, the whole purpose of this matter coming before the authorization committee and the argument that the gentleman from Georgia just gave should not be made here, but should have been made in the appropriate committee. That is the whole purpose of that committee, and that is to authorize the construction and the nature of the construction. In fact, that is to comply with that law that was passed, the Public Buildings Act of 1959. But what we see here is using this body, using this forum this evening as a hearing, as a total program for saying we need this, let us go ahead and do it.

Mr. Chairman, we are talking about three courthouses. We are talking about $60 million. These expenditures may be necessary, they may not be necessary.

I have in front of me a letter from a Federal district judge in one of the districts saying, "in my opinion, the construction of a courthouse would be a monumental waste of the taxpayers' dollars." If we are to fulfill these words and the words in the preamble of this report from the Committee on Appropriations, then we should hold those hearings in the appropriate committee. We should bring in the judge that wrote this letter saying this is a waste. But let us not thrash out the necessary and the desire for these courthouses here in this body, bypassing the authorization process.

Therefore, Mr. Chairman, I would request and ask the Members of this body that they vote in favor of the Fawell amendment to eliminate those expenditures that have not been authorized. They can always come back next year and use the appropriate procedures. And if these in fact are necessary, as the gentleman from Georgia, Mr. BISHOP, has stated, then do so at that time, using the appropriate remedy.

Mr. ORTIZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Illinois, Mr. FAWELL.

I agree with the thrifty spirit of the gentleman's amendment and appreciate his intentions. This is not parochialism, this is dire need.

We both agree on the importance of authorizing the expenditure of funds before they are appropriated.

Unfortunately, in this case, fate has delayed the authorization.

I was scheduled to appear before the authorizing committee, chaired at the subcommittee level by the gentleman from Ohio, Mr. TRAFICANT, to testify to the need for the courthouse in Corpus Christi.

That hearing was delayed but will take place tomorrow.

The Corpus Christi courthouse was included in this appropriations bill because the need is so great—and the authorization course will be followed this week.

In fact, the General Services Administration does support this project, and I understand it is ready to release an 11(b) study as soon as it is requested by the Public Works and Transportation Committee.

I have every reason to expect that an 11(b) request will be made by the committee.

Most importantly, this appropriations bill has a safeguard built in.

It requires that a prospectus be approved before any funds appropriated in this bill will be made available.

This protection assures that the authorization process must be complied with before the funding is released.

The Appropriations Committee did not want to delay for a year this badly needed courthouse.

The need here is great—the current courthouse was built in 1916.

We have judges in three different locations; security officers in three different locations; and files in three separate locations across the downtown area.

This operation is inefficient to the clerk's operations, as well as to the judges and the community they serve.

Corpus Christi needs a courthouse 70 percent times larger than current housing just to meet today's needs.

The volume of criminal cases before the Southern District of Texas is influenced by the increased instances of illegal drugs, illegal immigration, and illegal financial practices associated with the S&L disaster of the 1980s.

These trials are complex and cumbersome—and can consume as much as a month.

The process is slowed even more by the lack of space.

For these reasons, I respectfully rise in opposition to the amendment by the gentleman from Illinois.

□ 2020

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fawell amendment to strike three unauthorized courthouses from the fiscal year 1995 Treasury/Postal Appropriations bill. Mr. FAWELL has been tireless in his efforts to strike porkbarrel spending from various appropriation bills, and I am glad to stand with him on this particular amendment.

The courthouses funded in this bill are located in Albany, GA, at a cost of $6 million; Steubenville, OH, at a cost of $3 million; $6.9 million for a courthouse in Corpus Christi, TX.

None of these courthouses were authorized by the Public Works and Transportation Committee; there have been no congressional hearings on the proposed projects; the three projects were not awarded on a competitive basis; and the projects are for purely local interest.

After this amendment there will still be over $4½ billion for courthouses left in the budget justified by standard procedures. Additionally, these three projects at a cost to the taxpayers of $15.9 million were not requested by the President or agency of oversight, the General Services Administration.

Now, maybe these three new Federal courthouses are needed; maybe they each have merit; we do not know, because there were no hearings in committee. The practice of placing projects such as these in appropriations bills without following the standard congressional procedure must end.

Let us not saddle the taxpayers with the bill for more pork. Vote in favor of the Fawell amendment to strike these three examples of porkbarrel spending.

Mr. ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment of the gentleman from Illinois [Mr. FAWELL]. I would like to congratulate the gentleman for his diligent efforts in trying to take on the problem we have with pork projects. Once again, we have an appropriations bill with a number of unauthorized projects.

Within this bill there are close to 25 million dollars' worth of unauthorized courthouse projects. Some will argue that this is not a lot of money. Why

should we bother? But if every day this year Congress found just $25 million to cut, we could reduce spending by over $9 billion by the end of the year.

Finding items to cut is basically our job. I believe that the American people want it done. They are tired of waste, and they are tired of unauthorized pork barrel projects.

Under the rules of the House, each of these courthouse projects are subject to a point of order because they are unauthorized. The leadership knows this, and that is why they have crafted a rule that waives all points of order.

This unfortunate practice has become routine and so what is the point of having budget points of order, if the House is going to wage them whenever a violation is identified?

Let us restore the rules of the House and strike these projects. If they are important and necessary expenditures, then they should be authorized.

I believe that we should go through a process that says we go through the authorization process first and then, after we have gone through the authorization process, we make the funds available for those specific projects.

It is also my belief that we have the rules of the House here for a purpose, and that is to assure a certain amount of reliability in the process in the House. This guarantees fairness to all Members, both in the majority and the minority. I think that we need to make more of a conscientious effort to stick with the rules of the House and diminish the times that we have to waive the points of order because we have not followed the rules of the House.

Mr. APPLEGATE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Let me just say, there is a couple of points I want to make, but first of all, I would like to address a couple things.

I hear all these arguments about authorizations and appropriations, and I know that, I have been around here long enough to know that we are not going to appropriate without the authorizations.

We went through that last year with the Transportation Subcommittee on Appropriations. We did not ask to kill all the amendments, only that they be subjected to authorization first, which is the way it ought to be. And it was not always that way with appropriations. They used to go about doing whatever they wanted. Bill Natcher came in, and he made those changes and so the Members now come to the authorizing committee.

So we know what that situation is, and it does not make any difference whether it has to be first or second. The point is that one cannot spend the money unless one has the authorization. It is as simple as that.

And it will show, as the chairman pointed out on page 38 and 39 of the bill, it states exactly in there that this is subject to authorization.

Now, as to Steubenville, I have to say, I have a great respect for my friend, the gentleman from Illinois [Mr. FAWELL] and all, but the gentleman from Illinois [Mr. FAWELL] in this instance simply does not know what he is talking about. He states that, and he is quoting the GSA, says that downtown Steubenville currently has an office vacancy rate of approximately 18 percent or 36,000 square feet. True. I do not argue that. It is true. But that is when we were looking for a federal building, a federal office building.

This is a courthouse now. This is for courtrooms. This is not to bring in the Social Security office, the IRS, the FBI and the rest of them. This is for something that is needed. So I think that the gentleman is wrong on that point.

□ 2030

Mr. Chairman, I have a letter from the Chief Judge of the Southern District of Ohio. I will not read the whole thing, but I will just go through and say a couple of things that he had mentioned.

Mr. Chairman, he said,

> Judicial officers who travel to Steubenville must depend on the courtesy of the Common Pleas Court of Jefferson County to provide state court facilities * * *, an arrangement that has obvious disadvantages for the judicial officers and federal litigants. Federal court judicial officers should not * * * be dependent on state officials for the conduct of federal court business.

"The Southern District of Ohio includes forty-eight counties" with 5 million people in them. "Lawsuits must be filed in Columbus," in which people must travel 150 to 200 miles away, and it makes it very inconvenient for litigants, for lawyers to have to make this trip.

The judge says it is his belief that "litigants who otherwise would prefer to have their cases determined in the federal court, file in a local court if jurisdiction is concurrent in order to avoid the hardships and increased costs of filing in Columbus."

"By statute," now listen to this, "by statute, Steubenville has been designated a seat of this Court, 28 U.S.C. Section 115(b), but, at the present time, there is no federal building" in Steubenville. As a matter of fact, Mr. Chairman, there is not one Federal building in my whole congressional district, outside of a post office.

"Until such time as a suitable facility is provided, the citizens who reside in this area of Ohio will continue to be deprived of convenient access. . . ."

The judge says he believes "that a suitable federal building in Steubenville should be established for this purpose." This is the Chief Judge of the Southern District. And he says, "this does not require the building of an elaborate, costly structure of the style frequently associated with United States courthouses," so we are not looking for one of these granite-type big column courthouses. We want something practical.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. APPLEGATE] has expired.

(By unanimous consent, Mr. APPLEGATE was allowed to proceed for 2 additional minutes.)

Mr. APPLEGATE. Mr. Chairman, this is what the judge says. He says that he believes what is required is "a Federal building of modest proportions that would be sufficient to accommodate courtroom chambers for a District Judge, chambers for a Magistrate Judge, chambers for a Bankruptcy Judge, and chambers for an Administrative Law Judge," with an office for the clerk and the United States Attorney.

It would be nice if we could be included as part of the Southern District, but the way it is, we are not.

I could go on, Mr. Chairman, and talk about some other of the arguments that the Chief Judge has stated. However, his point is very cogent. He is very accurate. He knows what the needs are.

What we are looking for, Mr. Chairman, is a re-evaluation by the General Services Administration, a new 11(b) for a courthouse and not a Federal building.

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

Mr. APPLEGATE. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, the gentleman had mentioned the fact that the Hon. John D. Holschuh had written a letter, and I was not going to bring this up, but inasmuch as the gentleman has, I think it is only fair.

I have a letter from, I think, the Chief Judge, James L. Graham, where, and I will just read it, he said:

> Representative Douglas Applegate recently requested that our Chief Judge, the Honorable John D. Holschuh, send him a letter supporting H.R. 2562, which directs the GSA to design and acquire a site for a Federal building to be constructed in Steubenville. When Judge Holschuh circulated his proposed letter among judges here in Columbus, I and others took exception to the need for a Federal building in Steubenville, and even stronger objection to the creation of additional judgeship positions for a district judge, a magistrate judge, and a bankruptcy judge to be located in Steubenville.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. APPLEGATE] has expired.

(On request of Mr. FAWELL and by unanimous consent, Mr. APPLEGATE was allowed to proceed for 2 additional minutes.)

Mr. FAWELL. I continue:

> Judge Holschuh proceeded to send the letter, but enclosed it with a covering letter which indicated that it represented his personal views only.

I frankly doubt that anyone will ever see the covering letter, and Judge Holschuh's letter may be presented as representing the views of this court, since he is Chief Judge. In my opinion, the construction of a courthouse in Steubenville and the creation of additional judgeships there would be a monumental waste of the taxpayers' money.

Enclosed you will find copies of the letters other members of this court sent Chief Judge Holschuh expressing their reservations or outright disagreement with Representative Applegate's bill. Judge Rubin's letter is in particular very much to the point.

The only thing I would want to add to that, Mr. Chairman, is that in all three of these projects, as well as the two other projects which would be in the second amendment, it is very, very clear that there never has been an authorization, never, and never has there been a prospectus issued by GSA.

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

If the gentleman would, give us time and we will have that to you. Let me just say this. Maybe that is why Judge Reuben is not the Chief Judge, I do not know.

Let me say this, that Judge Holschuh has recommended additional judgeship positions for a district judge, additional ones, because the workload is getting too large for Columbus, and they need the offices in other areas, so it is only one judge's word, perhaps, against the other.

The fact of the matter is we need the courthouse in Steubenville.

Mr. Chairman, I include for the RECORD the letter by Judge Holschuh:

U.S. DISTRICT COURT,
Columbus, OH, December 20, 1993.

Hon. DOUGLAS APPLEGATE.
610 Ohio Valley Towers, Steubenville, OH

DEAR CONGRESSMAN APPLEGATE: It has come to my attention that during the last session of Congress you introduced H.R. 2562 to direct the Administrator of General Services Administration to design, and acquire a site for, a federal building to be constructed in Steubenville, Ohio.

As you are aware, since 1987 when the former Post Office and United States Courthouse was sold by the Postal Service to a private party, there has been no federal court facility located in the eastern part of this State. Judicial officers who travel to Steubenville must depend on the courtesy of the Common Pleas Court of Jefferson County to provide state court facilities for their use, an arrangement that has obvious disadvantages for the judicial officers and federal litigants. Federal court judicial officers should not, in my opinion, be dependent on state officials for the conduct of federal court business.

The Southern District of Ohio includes forty-eight counties having a population of approximately 5,000,000 people, and a large part of the district geographically and a substantial portion of its population are contained in the eastern and southeastern counties. The citizens of Ohio who reside in this part of the state undoubtedly face major obstacles in seeking access to the federal court. Lawsuits must be filed in Columbus, a distance of approximately 150 miles from Steubenville. Thereafter, counsel and litigants must make the round trip of approximately 300 miles for preliminary pretrial conferences, status conferences, discovery hearings, settlement conferences, and final pretrial conferences and trial. Attending trial in Columbus, or attending any other hearing which extends more than one day, requires staying overnight in Columbus, away from the homes of the attorneys and litigants and away from the law offices of the attorneys. Aside from the inconveniences involved, the costs of litigation under these circumstances is greatly increased. In short, the citizens who reside in the eastern and southeastern part of this state must endure considerable hardship and greater expenses to utilize the federal court than that required of other citizens who have ready access to the court system at Columbus, Cincinnati and Dayton.

It is my belief that, as a result, litigants who otherwise would prefer to have their cases determined in the federal court, file in a local state court if jurisdiction is concurrent in order to avoid the hardships and increased costs of filing in Columbus. A federal court facility in Steubenville would eliminate those hardships and costs for the great number of citizens who live in the eastern and southeastern part of our state and, in my opinion, would result in a greater utilization of the federal court by those citizens.

By statute, Steubenville has been designated a seat of this Court, 28 U.S.C. §115(b), but, at the present time, there is no federal building in which judicial officers of this district can conduct proceedings at Steubenville. Until such time as a suitable facility is provided, the citizens who reside in this area of Ohio will continue to be deprived of convenient access to the federal judicial system. I believe, therefore, that a suitable federal building in Steubenville should be established for this purpose. In my view, this does not require the building of an elaborate, costly structure of the style frequently associated with United States courthouses. Instead, I believe that what is required is a federal building of modest proportions that would be sufficient to accommodate a courtroom and chambers for a District Judge, chambers for a Magistrate Judge, chambers for a Bankruptcy Judge and chambers for an Administrative Law Judge, Satellite offices for the Clerk and United States Attorney should also be included. There should also be space sufficient to house those federal agencies in Steubenville which are currently using leased property in the city. A federal building of this nature would be adequate, in my view, for the needs of the community it would serve.

I also believe that if there is a federal courthouse constructed at Steubenville, serious consideration should be given to the authorization of additional judgeship positions for a District Judge, a Magistrate Judge and a Bankruptcy Judge to be located at Steubenville. The Judges at Columbus are extremely busy in an effort to cope with their own present dockets. For the year ended June 30, 1993, weighted filings per district judgeship in this district were 388. This is barely under the standard of 400 weighted filings per judgeship established by the Judicial Conference Subcommittee on Judicial Statistics as the threshold indicator that additional judgeships may be needed for the Court. In responding to the questionnaire for the 1984 Biennial Survey of Judgeship Needs, I considered requesting an additional judgeship at Steubenville, but I felt that the statistics and the lack of any court facilities at that location would foreclose consideration of such a request. If, however, adequate court facilities are established at Steubenville, I would anticipate an increase of the court's business at that location which would justify an additional district court judgeship at that location. The same justification would support an additional magistrate judge and bankruptcy judge to be located at Steubenville. If the Steubenville docket should not require the full time services of these judges at that location, their work assignments can be adjusted so that some portion of their time would be spent in Columbus in order to assist the Columbus judges in disposing of the business of the Court at that location. The additional judgeships would benefit the entire Eastern Division of the Southern District of Ohio, but especially would be of benefit to the citizens who live in the eastern and southeastern sections of our state and who truly need convenient and inexpensive access to the federal court system.

With highest regards and best wishes.

Sincerely,

JOHN D. HOLSCHUH.

Mr. DARDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the subcommittee which considered this bill and reported this bill out for the consideration of the House, I want to rise in strong opposition to the Fawell amendment, and state to my colleagues that we have considered some 50 different courthouse projects in this bill. We are singling out three for some reason, just because they have not been authorized officially by the Committee on Public Works and Transportation.

However, as members of the Subcommittee on Treasury-Postal Service-General Government of the Committee on Appropriations, we have consulted with the authorizing committee, and we have determined that in our view these projects ought to go forward.

None of these projects are in my district. I want to repeat that one more time: None of these projects are in the district that I represent.

However, Mr. Chairman, I want to talk a little bit about the Albany site. They had needed a courthouse in that area for many years. The city of Albany even donated land upon which a courthouse could be built. Six million dollars has already been appropriated for this courthouse, and the project cannot go forward until the other $6 million is appropriated by this body.

Mr. Chairman, the case for the Albany courthouse has already been made by our good friends who represent that area, the gentlemen from Georgia, Mr. BISHOP and Mr. ROWLAND, but I want to add there is a dire need there, and this project should not be singled out. We talk about $22 million.

Let me say to the gentleman from Illinois [Mr. FAWELL] if he wants to save money for the taxpayers, why does he not take out this $53 million that we are throwing away to the Chicago Federal Center? That is pork. If the gentleman is looking for pork, why does he not eliminate that $53 million in the gentleman's own home State?

There is a certain irony here that everyone wants to be a pork buster in

somebody else's State, in somebody else's area. I say, Mr. Chairman, if the gentleman is really serious about this, let us save $53 million and eliminate the Chicago Federal Center. That is $30 million more than the gentleman has proposed. Of course, the gentleman is not going to do that, because, again, this goes back to the irony of it. Pork is something in somebody else's State for somebody else's area.

With that, Mr. Chairman, I yield the remaining amount of my time to the distinguished chairman of the subcommittee, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

I hope, Mr. Chairman, we are getting to the end of this debate. I think everybody understands what the debate is about. I think some good points have been made.

Mr. Chairman, I, too, am opposed to the Fawell amendment, and reiterate once again, everybody understands that not a nickel can be spent on any of these courthouses until such time as the authorizors make a determination that the project should go forward and approve a prospectus.

That is the bottom line. I say that is the bottom line because historically, the offense has been that the appropriators would put in projects, be protected by the rule, pass them into law, and the authorizing committees would never see them. The authorizers did not think that was appropriate. We have, over the last two years, agreed with that, and these three projects must pass muster with the authorizing committees before more money is spent on acquisition of land, construction, or design.

□ 2040

The only thing that money can be spent on is to provide the prospectus to the committee.

I urge the House, the Committee on the Whole, to reject the Fawell amendment.

I want to tell Members in all honesty, there are other projects in this bill that have not been included in this amendment that come from other areas and other Members projects on that side of the aisle that are not totally authorized. They are good projects and they ought to move forward. These projects in particular, however, have not been authorized in the Senate. The law says both but these projects have not been authorized in the Senate. I am not sure what the Senators will think in conference of the other projects.

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

Mr. DARDEN. I yield to the gentleman from Illinois.

Mr. FAWELL. If there are other unauthorized projects, I do not know of them, but I certainly would like to.

Mr. HOYER. We are going to speak to the gentleman's amendment. I want to limit myself to the gentleman's amendment.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Illinois for the opportunity to speak on his amendment and for all the hard work the gentleman has done in the fight against pork barrel spending. As cochairman of the Porkbuster Coalition, he and his staff are to be commended for all of their hours of hard work.

Mr. Chairman, Congress is worse than the kid who buys a candy bar with money that mom gave him for a loaf of bread. Some Members of Congress still have never learned to follow directions and they know we cannot punish them because all points of order have been waived against this bill. We can, however, take their money away.

Mr. Chairman, the distinguished chairman of the subcommittee points out that the bill, as it is written, would require authorization before we have any funds expended that are appropriated here. But we all know how this works. Once we get the train going down the track, we get it through the House of Representatives, it is taken up in conference with the Senate, those requirements are dropped out, and before we know it, we are on the way.

Mr. Chairman, the Committee on Appropriations has taken it upon themselves to tell how best the money should be spent. This is not their role and they have not been granted the authority to do this. Unfortunately, the rules that the House has implemented to avoid this scenario are conveniently being ignored. In addition, not only were these courthouses not approved for appropriations, they were not requested by anyone who has the authority to make a request. The Public Buildings Act of 1959 gave the power to request funding for these projects to the General Services Administration and the Committee on Public Works and Transportation. Neither of these authorizing bodies have asked for the courthouses. Yet somehow $15.8 million found its way without direction from those who are supposed to be involved in this process. It is little wonder why these authorizing committees have not acted when we consider the case of the Ohio courthouse.

We have letters not only from the senior chief judge but we also have letters from every other judge that serves in that district in Ohio, and every one of them expresses reservation about that courthouse:

Judge Carl Rubin, Judge George Smith, Judge Arthur Spiegel who says, "The above is by way of saying that if the Government wants to spend some money, they could refurbish the Federal courtroom and chambers in Steubenville rather than spending a fortune building a new courthouse which is probably unnecessary."

The same with Judge Sandra Beckwith. The list goes on.

I urge every Member who has heard from his constituents to stop pork barrel spending to vote for the Fawell amendment. These three projects are the very definition of pork barrel spending. The President did not ask for them, the authorizing agency did not ask for them, the authorizing committee did not ask for them. A vote for the Fawell amendment will be a vote for responsibility and integrity.

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

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

Mr. HOYER. Mr. Chairman, I just want, before the other gentleman from Ohio [Mr. TRAFICANT] speaks on this, to say to the gentleman, the gentleman indicated, "We all know how the game is played." I do not believe this is a game.

Mr. GOODLATTE. Mr. Chairman, I did not call it a game. I said, "how the process works."

Mr. HOYER. "We all know how the process works."

I want to tell the gentleman as seriously as I can, that I have discussed this language with the Chairman of the Senate Committee. This language requiring prior authorization and a prospectus approval will be in the conference report that comes back to this House. This Chairman is not playing games. When I tell the gentleman this is going to be subject to authorization, as I have told the gentleman from Corpus Christi, as I have told the gentleman from Steubenville, as I have told the gentleman from Albany, this project will not go forward unless the House Committee passes a prospectus.

I want the gentleman to be assured that this language will not be dropped in conference. We are not playing games, we are not gaming the process, we are saying that the authorization and the appropriation will go together.

Mr. Chairman, I agree with the gentleman that the appropriation is coming here, but it is coming subject to authorization, so that the appropriations cannot and will not go forward absent the Committee on Public Works and Transportation action.

Mr. GOODLATTE. Reclaiming my time, I thank the chairman for his determination in that regard.

I would ask the chairman why it is we cannot simply wait on the action of the authorizing committees if there is such controversy regarding these courthouses.

Mr. HOYER. The determination of the committee, as the gentleman from Georgia has indicated, is that we felt that these were projects that had merit. We have, therefore, included them in this bill because it will accelerate their construction time if, in

fact, at some point in time in the future the Committee on Public Works and Transportation acts. We thought that appropriate and it did not in any way undermine our policies.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. GOODLATTE] has expired.

(By unanimous consent, Mr. GOODLATTE was allowed to proceed for 1 additional minute.)

Mr. GOODLATTE. Mr. Chairman, I would urge that we adopt the Fawell amendment, and follow the process that is here. I respect the judgment of the committee, but I think the judgment of the GSA, the judgment of the Committee on Public Works and Transportation, the judgment of the administration and the judgment of those of us who are concerned about unauthorized projects be recognized and that this amendment be carried.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate and I have listened to a lot of misnomer here tonight.

The last I heard, the Office of Management and Budget was an executive branch agency. they have no constitutional right to tell Congress where the courthouses shall be and where the judges will sit. Let me say that again, because we are not listening in this debate, ladies and gentlemen.

Mr. Chairman, when Members on that side of the aisle came to me, I took their cause as if they were a Democrat and I have been completely fair. I want to say this. Four year ago I raised 71 points of order on this bill, and it had one of the greatest chairmen in our history, Chairman Roybal, because everybody legislated in it but they would not allow a Traficant IRS provision. They were going to strike that. It came in the size of an encyclopedia and left the size of a comic book when it went to the Senate.

Mr. Chairman, I am for these projects. The Congress of the United States shall determine not only where the courts will be, but where the judges will sit. That is our constitutional empowerment and we have been transferring it to the White House in every code of our government budget from day one.

Let us look at some facts. Corpus Christi, Albany, Providence, GSA had them in their request, they said they were needed. The Office of Management and Budget said, "Keep them out of the budget."

Let me ask this to Members: What if the Office of Management and Budget does not like the vote that a Republican casts on a President's measure, and they leave your project out? Do you want fairness? You will get fairness and you have gotten fairness.

Mr. Chairman, let us talk about Steubenville. Those judges in Columbus are worried they are going to be assigned to Steubenville. It is not their decision if one of them need be assigned. The people from Steubenville have to drive 200 miles to have a damn Social Security appeal hearing, maybe stay overnight. we have asked for a new 11(b) prospectus on a courthouse in Steubenville. Not one of these projects will be funded if our committee does not approve them, and that is the technical legal language.

Mr. Chairman, I want to say one other thing here. We have gotten off base. Two years ago, I cut courthouse projects 10 percent across the board. Then I came to this House and some Member stood up with a great speech for another 2 percent cut. I supported the 2 percent cut, and I supported the gentleman from North Dakota, Mr. POMEROY's cut today, even though some would say, "Well, hell, aren't you doing your job over there" because we are cannibalizing everything and we are all going to go on with this, but here is what I am saying to Members.

□ 2050

Not one of these projects is funded by Chairman HOYER. Chairman HOYER, in consultation with the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], and myself, deemed that they were appropriate, deemed that they maybe needed pending approval, and we concurred, and they have given us the courtesy.

And do you know what? Do you know how much authorization really exists in these bills? And do you want to jump on Albany, Corpus Christi, and Steubenville, OH?

If our committee does not approve these projects, they will not be approved.

Ladies and gentlemen, let me say this is a man who raised 71 points of order. It may be a record.

The appropriators used to write all the laws. We have come to the point where appropriators are concurring with authorizing committees, and we are developing that type of relationship.

I did not raise a point of order. I did not need to. I think Chairman HOYER has done a great job with this committee, and it is pretty tough to replace a Chairman Roybal.

I am asking the Members to vote for our due power process here. We govern. The President executes and administers the people's law. We govern. We set policy. We are not beyond the boundaries of that process here tonight.

So I am asking you to vote no on the gentleman from Illinois [Mr. FAWELL], and I think that the gentleman from Illinois [Mr. FAWELL] is one of the most distinguished Members we have. I commend him. But in this point, in this case here, I say to the gentleman from Illinois [Mr. FAWELL], I believe you are wrong, and I am asking everybody who had gotten fairness with these Members now looking for that fairness to remember when you drove up.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to congratulate the gentleman from Ohio [Mr. TRAFICANT] for that very ringing speech on behalf of his area and the things he believes in with his courthouse. I think that is very appropriate.

I would point out he is absolutely historically correct. The change in the Committee on Rules began at the time that he made his 71 points of order against this bill 3 years ago, I think it was, and that is what started it. Ever since then we have been left in sort of a funny limbo up in the Committee on Rules, and we are no longer playing by the House rules. We are playing by whatever rules come along that suit a certain number of people in the majority that day.

Now, that may be fine, but that is not fair to the other Members of this House.

I think there are probably some in the majority who are a little surprised the minority is not more grateful for the open amendment process that we have had on this bill. We are grateful that all Members have the chance to offer cutting amendments, and there have been plenty. Given the restrictive tendency, particularly that we have seen in the past, we are making some progress in getting amendments out, and that is good.

But this open amendment process is not a gift from the majority on the Committee on Rules. It is the standing operating procedures of this House under which spending bills are supposed to be considered. So it is not anything special.

If we lived by our rules, we would be doing the normal order. In fact, the reason this bill went to the Committee on Rules in the first place is not because the appropriators wanted to shut out any amendments, and there were some that probably should have been shut out, but this bill went to the Committee on Rules because the appropriators wanted protection, protection for provisions in the bill that violate standing House rules, and they got protection from the majority side of the Committee on Rules.

Among those violations are these unauthorized courthouses, projects worth $25 million or so that have not been authorized as priorities by this Congress or by the administration or even by the GSA, and I do not know what they are doing authorizing things either.

Had the Committee on Rules not granted those courthouses special protection today, Members would have been able to strike them out of this bill automatically by raising a point of order as the gentleman from Ohio [Mr.

TRAFICANT] did 3 years ago 71 times. But because of the protective action by the Committee on Rules, today's Members have to instead vote on whether or not these courthouses are going to be given special clearance. Here we are at 9 o'clock at night still debating these things. It is not automatic. The same privilege is not available as the gentleman from Ohio [Mr. TRAFICANT] had 3 years ago.

The burden is now on those seeking to uphold the rules of the House, not on those attempting to break them. That is wrong. It is a dangerous shift in responsibility when you consider the enormity of our budget crisis.

I am going to urge my colleagues to support the Fawell amendment from the point of view of the minority of the Committee on Rules. We need to send a signal to the House that we do live within our own rules. That is why we have them. We need to send a signal that says we do not penalize those who do honor the rules, because every Member has got to realize that if we keep this up on the trend we are on now, they are not only going to have to get appropriations from the appropriators for their projects, they are going to have to get protection, and that has a bad sound to it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I feel that there is a requirement to answer the implication just left by the previous speaker.

The gentleman talks about the actions taken by the Committee on Rules to protect projects which were unauthorized. I would point out that that is a convenience which is often provided by the Committee on Rules in order to facilitate a rational order of business.

I just have to say that despite all of the pious posing I have heard on the floor over the past 9 hours from various Members, I find it quaint, indeed, but not at all surprising, that the only objections made to projects which were protected by the Committee on Rules in the way which the gentleman finds outrageous are to projects in the districts of Democrats. I find no such outrage expressed by the fact that those same rules protect a number of projects in the districts of Members on that side of the aisle. I see three on the page I am looking at right now.

And yet I see no amendment coming from that side of the aisle to eliminate projects in Republican districts. One of those projects is in the district of one of the Republicans sitting on the floor now.

Now, I would suggest that if the gentleman is going to express moral outrage, that he target it in a balanced way to targets on both sides of the aisle.

This is the first time I have taken the floor on this bill. I had not intended to take it at all. The fact is that there are going to be literally hundreds of projects that come through this House in bills ranging from this bill to the defense appropriation bill, and if we are going to be officious and nit-picking about the stage in which some of those projects are, and if we are going to have selective amendments offered from that side of the aisle to eliminate only projects in Democratic districts, then I suggest to you that there are going to be a lot of amendments offered from this side of the aisle eliminating projects which are similarly not authorized on that side of the aisle.

I do not think that is the way the game ought to be played. I think the committees have a right to make a judgment about whether or not a project is meritorious or not regardless of whether it is located in a Republican district or a Democratic district.

No Congress has ever changed any President's budget by more than 3 percent. That 3-percent difference is what makes a President and not a king. I make absolutely no apologies for the fact that the Congress on occasion exercises judgment and approves an occasional project which has not yet made it through the authorizing process, even though in the end most of them probably will.

But I just note with great interest the partisan selectivity of the amendments before us on the floor tonight, and in the interests of avoiding partisan nastiness on bills to come, I would urge Members to recognize that if those targets are going to be exclusively on the Democratic side of the aisle, there are going to be a lot of targets on the Republican side of the aisle when the coming bills come to the House floor.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make only two short statements.

First of all, I do not like to be threatened, and if the individual wants to threaten, we can handle that real good.

It had not gotten nasty. At least, I had not understood the debate had gotten nasty until the last speaker spoke. If the gentleman wants to do something, he can just come right over here.

□ 2100

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

Mr. CUNNINGHAM. I am happy to yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, we do not need to do that.

Mr. CUNNINGHAM. And the chairman does not need to threaten this side of the aisle, either, I agree. It had not gotten nasty. It had not gotten nasty, but I do not like to be threatened personally or have my colleagues on this side of the aisle—and I think the gentleman from Maryland does not do that. I think it was inappropriate.

Mr. HOYER. Well, then why do we not keep the debate on the issue? We will all be better off.

Mr. CUNNINGHAM. And I agree.

The only other statement I wanted to make is that Mr. TRAFICANT is probably one of the most honest, bipartisan individuals that you have over there, and I appreciate that. I agree with the gentleman.

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

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. GOSS. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to take a few seconds to respond. I want to assure the distinguished chairman of the Committee on Appropriations that I have no idea whose districts all of these projects are in, and I do not know whether they are Republicans or Democrats. The tenor of my remarks has nothing to do with partisanship. The tenor of my remarks has everything to do with the rules of the House and how they are managed by the majority and has a whole lot to do with the question of the fiscal crisis confronting this country. That is what my motives are. We have a lot of decisions to make. We do not have a good set of House rules.

The distinguished chairman at this point has referred to us as nit-picking, to be suggesting we should be following the rules. If that is the only regard that the chairman of the Committee on Appropriations has for the rules of the House, that every time we are trying to waive them we are nit-picking, then why do we have a Rules Committee, Mr. Chairman?

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

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman for yielding.

I do hope we all can just cool down a bit. The gentleman from Ohio [Mr. TRAFICANT] and I came into the Congress together, I think. I have watched this man as a fierce, independent person, blaze his way, set up new concepts, new ideas, because he is truly an independent thinker. I feel badly that we disagree in this one regard. I went to the Committee on Rules. I waited 2 or 3 hours to finally ask if I might have the right to raise a point of order against these 5 projects because they were not authorized. They were determined by a bipartisan group, by the way, not a partisan group, and if the chairman would put Republican projects in the list where no authorization is required, then I can assure you that as our staff labors over these appropriations in the little time that we have, we most certainly would include them. And I think the next amendment

that is coming up, Congressman MACHTLEY, for instance, will be taking a position against us. He happens to be a Republican against the Rhode Island project. But I simply want to say that when you are, as a member of the minority, especially, consistently denied the rules which theoretically are there, I would have had a right if the rules had been recognized, to simply stand up here and make a point of order and that would be the end of these projects for this year.

Now, there are efforts being made, and understandably so, that there should be a prospectus that will be ultimately issued and, yes, Jim, you are going to have to deal with GSA, which is an executive branch. The law says GSA has got to be a part of the prospectus procedure, and reviewing where that courthouse is going to be, making a very in-depth analysis. Then when they bring that prospectus to OMB, with a favorable recommendation—it may not get the approval of OMB. In regard to Corpus Christi, OMB said, "no, we don't think it should be funded." That is what OMB said. It is part of the legal process, it is part of what your committee has to work with, it is part of what we have to work with.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I simply say in response to the gentleman from Florida that what I find interesting is not the gentleman's nit-picking, but his selective nit-picking and his selective outrage. I repeat, if the gentleman is so pious and so concerned about the purity of the rules of the House, why did he not include in his amendment the three Republican projects I am looking at, all of which are designated not authorized, not authorized, not authorized?

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

Mr. CUNNINGHAM. I yield to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman for yielding.

Mr. Chairman, all I can say is we have the staff of this porkbusters group. They worked it over. They are bipartisan. We did not find any other projects which had not been approved by the authorizing committee. There are five—we have four courthouses, we have the Walla Walla Corps of Engineers facility, but if the gentleman would show me any other project which has not been authorized by the Public Works Committee, I would be glad to take a look at them.

Mr. OBEY. I am not impressed by the gentleman's selective piety.

Mr. FAWELL. If there is anybody with selective piety, I know of no one who has more than the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has again expired.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just make the point, the Rules Committee has been referred to. On the question of being in the minority, the gentleman may very well on that afternoon have lived through the testimony given by our colleague [Mr. TRAFICANT] and myself. I would point out for the record that I am vice chair of the subcommittee of jurisdiction on this bill. Mr. TRAFICANT and I were turned down on an amendment that we wanted to offer on this bill. I think that establishes the judicious nature of the decisionmaking process in the Committee on Rules.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 23, as follows:

[Roll No. 244]

AYES—145

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Danner
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Klug
Knollenberg
Kyl
LaFalce
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Linder
Lucas
Maloney
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Pallone
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schiff
Sensenbrenner
Shays
Shuster
Slattery
Smith (MI)
Smith (OR)
Snowe
Solomon
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Walker
Weldon
Zeliff
Zimmer

NOES—271

Abercrombie
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Serrano
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman

Wheat	Wolf	Yates
Williams	Woolsey	Young (AK)
Wilson	Wyden	Young (FL)
Wise	Wynn	

NOT VOTING—23

Ackerman	Ford (TN)	Saxton
Applegate	Fowler	Sharp
Berman	Glickman	Tauzin
Cooper	McDade	Thomas (CA)
Dooley	Neal (NC)	Torres
Dornan	Reynolds	Underwood (GU)
Fish	Romero-Barcelo (PR)	Washington
Ford (MI)		Whitten

□ 2126

The Clerk announced the following pair:

On this vote:

Mr. Cooper for, with Mr. Ackerman against.

Messrs. GILMAN, EVERETT, PACKARD, FINGERHUT, and TAYLOR of Mississippi changed their vote from "aye" to "no."

Mr. HOAGLAND changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAWELL:

Page 31, line 15, insert "(less $11,427,000)" before ", of which".

Page 34, line 16, insert "(less $11,427,000)" before ", which shall".

Page 36, strike line 25 and all that follows through page 37, line 2.

Page 37, strike lines 9 through 11.

Page 38, line 24, insert "and" after the 1st semicolon.

Page 38, line 24, strike the last semicolon and all that follows through "Building" on page 39, line 2.

Page 40, line 22, insert "(less $11,427,000)" before "shall remain".

Mr. FAWELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FAWELL. Mr. Chairman, I am going to be very brief. I do want to, however, clear up one point. The gentleman from Wisconsin [Mr. OBEY] made the statement that three projects being in districts of Republicans in Covington, Kentucky, London, Kentucky, and Greenville, Tennessee, were not authorized and yet included in the appropriation.

This is not true. All, and we have just verified this, all were authorized in the House; all had approved prospectuses.

□ 2130

Mr. Chairman, these three projects to which the gentleman from Wisconsin [Mr. OBEY] referred, the latter being in Greenville, Tennessee, all had been authorized and gone through the process, fully approved. And the GSA had issued prospectuses. I am sorry that there was partisanship introduced in that aspect, because if it is any one thing that we have tried to do in the porkbuster group is to try to be fair about the projects that we select. I do not even ask staff of our different Members which Members of Congress might be affected. And oftentimes, those projects are in Illinois. Oftentimes, I have received a lot of criticism even from my fellow colleagues from Illinois. So enough of that.

I am not going to go into the arguments. Members have heard all the arguments.

I want to describe, at least I would like Members to know the two projects that are a part of this amendment.

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

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

Mr. HOYER. Mr. Chairman, before the gentleman gets to those projects, I want to make the point, I happen to be for all three of the projects that the gentleman just mentioned. But under the law, they have to be authorized in both Houses. At an earlier time in the debate, I told the House that one of the problems here was that a lot of times the other House simply does not act. Under the law, to be fully authorized and follow the rules, they must be authorized in both Houses.

The three projects that gentleman mentioned have not been authorized by the other House. It is this Member's opinion that is not because any one of those projects lacks merit. They ought to be approved. We included them in our bill. But technically, under the rules, they are not fully authorized.

Mr. FAWELL. Mr. Chairman, I cannot control the Senate. But what we do is to look for what we can control and what violates the rules of this House. And that is what we try to do, that is what we look at. We certainly cannot control the other body.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield, I just want to tell the gentleman that under the law, the Chairman was correct.

Mr. FAWELL. Mr. Chairman, I would respectfully disagree.

The first project deals with an office complex utilized by the Corps of Engineers in an office complex in Walla Walla, WA, the building project, although, listed under repairs and alternation under the federal building fund is for $2.8 million for demolition of the office complex on lands being returned to the city of Walla Walla. After many, many years of use by the Corps of Engineers under a long-term agreement that expressly states that upon the abandonment of the facilities they would revert to Walla Walla, and I quote, "And the Federal Government shall not be required to provide any restoration whatsoever of any of the facilities conveyed." That is a $2.8 million project.

The other project, which is in Providence, Rhode Island, is for $8.6 million in reference to the repair and improvement of the federal courthouse.

I will end my remarks, briefly, as I promised, by saying that both of these were never requested by the administration.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. They were not requested by the administration. They were not requested or authorized by the Committee on Public Works and Transportation. No prospectus by the GSA has ever been given as required by the Public Buildings Act, and they are in violation of the rules which state that an appropriation bill without authority violates our rules. And they also have legislating in the appropriation. Both of these have been waived. All of the arguments which Members heard pro and con before apply here.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman is, I think, very honest when he says all the arguments that were made last time apply here. So that those 271 Members who voted no on the previous amendment should feel comfortable voting no on this amendment.

The reason is that not a nickel can be spent, as we said previously, without going to the Committee on Public Works and Transportation and having the Committee on Public Works and Transportation approve both the Providence, RI, and the Walla Walla projects. We did that because the gentleman is correct. We want to follow the appropriate process. It will be an appropriation, but it cannot be spent until such time as, as the gentleman correctly observed, the Committee on Public Works and Transportation authorizes that expense.

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

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, if we were to follow what the gentleman has just said with every appropriation, all the appropriators would ever have to do is to say, no, there is no authorization. It is over budget, unrequested and, yes, there is legislating in the appropriation, but trust us. Sometime, somewhere, some way down that line you will find magically, through the hands of one or two Members, and I trust this gentleman, that some authorization will take place. Trust us. And that is part and parcel of why we are big spenders and are disappointing the people of this Nation time and time again when we do these kinds of things.

The rules mean nothing. They mean nothing. And this is a good example of it.

Mr. HOYER. Mr. Chairman, reclaiming my time, we are too late. I understand that.

The rules do mean something. The rules are being followed. The rules simply provide for waivers. The rules have been adopted by a majority of this House.

I am tired of hearing the rules are not being followed. The rules are being followed, and the rules provide for waivers.

Why? We could not fund Customs if we did not have a waiver. We could not fund the Mint, if we did not have a waiver in this bill. Why? Because no authorizing legislation has been enacted.

We could sit there and say, the rules say that we should not fund Customs because there is no authorization and, therefore, the Customs agents would not be paid and, therefore, drug interdiction would stop. NAFTA would not be enforced because the rules were not being followed, because they have not been authorized.

Yes, we have waived the rules, under the rules. We amend the Constitution of the United States under the rules of the Constitution of the United States.

□ 2140

I am tired, Mr. Chairman, of hearing that the rules are not being followed. What the gentleman do not like is that the rules provide for waivers. They then are reported to the floor, and 218 people, or at least a majority voting on the question, have to vote for them.

We are following the rules here. The gentleman does not like the rule that has been adopted. He probably voted against it. I understand that. I respect the gentleman's disagreement with it, but we are following the rules.

Mr. LIGHTFOOT. Will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa [Mr. LIGHTFOOT], my friend and distinguished Member.

Mr. LIGHTFOOT. Mr. Chairman, I would only add to the discussion that the issue around the debate, and what the amendment of the gentleman from Illinois [Mr. FAWELL] is over, that we add to an authorization the clause that we do not appropriate the money until it has been authorized, or the authorizing committee acts. However, being a member of the Appropriations Committee, because I had a project that we used these rules on, it was not authorized, and therefore the money was not appropriated, so the system we are using does work.

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

Mr. Chairman, I thank the gentleman for his comment, and I urge a no vote on the amendment.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. SOLOMON. Will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would ask if my friend, the gentleman from Maryland [Mr. HOYER] is listening. I am so sorry to hear my friend, the gentleman from Maryland, STENY HOYER, say that he is tired of hearing about these rules being waived. Let me tell the gentleman, my good friend, and he is my good friend, he is going to hear about it.

Mr. HOYER. If the gentleman will yield so I can be precise, I said I was tired of hearing that the rules are not being followed.

Mr. SOLOMON. Mr. Chairman, if the gentleman will continue to yield, the rules are not being followed, and I will say it over and over and over again, and I will try to keep my cool in saying it over and over and over again.

The truth of the matter is that the rules around here are waived about 80 percent of the time. That means that the rules that the Democrats, with all due respect, because they are the majority, but the rules that they adopt on the first day of the beginning of the session every 2 years are nothing but a subterfuge. They do not intend to follow the rules. They intend to waive the rules, and they do it 75 percent of the time.

Mr. ARMEY. The Chairman, I thank the gentleman. I would like to reclaim my time.

Mr. SOLOMON. Mr. Chairman, I will give the gentleman another 5 minutes.

Mr. ARMEY. Mr. Chairman, I have 5 minutes, and I would like to have part of it.

Mr. SOLOMON. I will give the gentleman another 5 minutes beyond that.

Mr. Chairman, if the gentleman will continue to yield, I want to make the point, there is another bill coming up here.

Mr. ARMEY. Mr. Chairman, I continue to yield to the gentleman from New York [Mr. SOLOMON], after his generous offer.

Mr. SOLOMON. Mr. Chairman, who said regular order over there? Do they want to come down and discuss it? What is regular and what is irregular about it?

Mr. Chairman, let me just say that there is a rule coming up in a few minutes that is going to keep everybody here, except there will not be a vote here, because we were nice enough to put over the last 15 minutes of the rule until tomorrow, so we do not have to keep the gentleman waiting. I see the gentleman from Maryland [Mr. HOYER] there, and the gentleman from Virginia [Mr. WOLF].

Now we have the rules of the House, but in this rule that is coming up in a few minutes, we are going to mistreat just 1 Member of the 435 Members of this body. We are going to mistreat the gentleman sitting here, the gentleman from Virginia [Mr. WOLF], because he is the only person that we do not waive the rules for in this transportation appropriation bill that is coming up in a few minutes.

Mr. Chairman, we are going to waive the rule for the gentleman from Maryland [Mr. HOYER], so he can have his parochial piece of legislation approved in the bill, but we are not going to do that for the gentleman from Virginia [Mr. WOLF], because he happens to be a Republican.

Therefore, I would say to the gentleman, STENY HOYER, not to stand up here with all this drama and say he is tired of hearing that we are not obeying the rules. We are misusing the rules by waiving them time after time after time, 75 percent of the time.

It is a subterfuge. The gentleman knows it, and every Member of this body knows it. All the special interest people, the good government groups, know it. They came and testified before our committee to reform this House. They all said so.

The gentleman knows it, so he should not stand up here and be outraged. We are abusing the rules, and the gentleman knows it.

Mr. ARMEY. Mr. Chairman, I think I can be very brief here. I have watched this debate for a long time, and I have for ten years now admired my friend, the gentleman from Illinois [Mr. FAWELL] and enjoyed working with him.

Mr. Chairman, the protocols of our House admonish us not to question a Member's motives. Most of us are very diligent in observing that, almost all the time.

In addition to the protocols of our House that govern our discourse, we would all agree that it is, Mr. Chairman, bad form, at least, to threaten in debate Members with reprisal on either a personal, a partisan, or a parochial basis.

The gentleman from Mississippi [Mr. WHITTEN] would never have done that. Mr. Natcher would never have done that. Unhappily for this body, the new chairman of the Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY], has done that tonight. I think that is a tragic betrayal of the legacy of both the gentleman from Mississippi [Mr. WHITTEN] and Mr. Natcher.

It is also unfortunate that should be done in direction to the gentleman from Illinois [Mr. FAWELL], because for those of us who have had the privilege of working and working closely with the gentleman from Illinois [Mr. FAWELL] experience tells us that there can be no basis by which we can question either the thoroughness, the accuracy, or the objectivity of his work.

The gentleman from Illinois has been patient here, has been thorough in his research, has been patient in the Committee on Rules, has suffered his disappointments in not getting leave of the waivers that protected his right to

offer a point of order, and has waited throughout most of this day to offer in the most good faith, based on the greatest diligence of workmanship, his amendments. He neither deserves to have his motives challenged, to be threatened with reprisal, or to have anybody question the quality of his work.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has been consumed.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 30 additional seconds.)

Mr. ARMEY. Mr. Chairman, let me encourage the body to vote for honest hard work, good intentions, and sincere purpose. Vote yes on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just have to say that I think what Members need more than anything else to get through this debate tonight is simply a good fat sense of humor.

Mr. Chairman, I have just heard the remarks from the economist from Texas [Mr. ARMEY], indicating that somehow I am not living up to the fine traditions of the Committee on Appropriations when I take the time to point out selective piety among the body.

What I said was very simple. I noted that there were a number of unauthorized projects in this bill, projects in Democratic districts, projects in Republican districts. I noted the selective piety that led the author of the amendment to reach a high level of moral outrage concerning three projects in Democratic districts, and I simply asked why it was that that piety did not extend itself to unauthorized projects in Republican districts. I have yet to receive an answer.

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

Mr. OBEY. The gentleman has had his time.

Mr. FAWELL. I will give you the answer right now.

Mr. OBEY. Mr. Chairman, I will ask for order until I have completed my statement. I will be happy to yield when I have completed my statement, but I have had to listen to the gentleman a long time, and he is going to listen to me for 2 minutes.

Mr. FAWELL. OK. OK.

Mr. OBEY. Mr. Chairman, I simply then made the observation, to recite what happened on the previous amendment, I simply made the observation that I thought that projects ought to be reviewed by this committee, whether Republican or Democratic, on the basis of their merit.

Then I went on to say: But if, however, we were going to get from the Minority side a review of projects which was focused only on one side of the aisle, then I thought that the Members on that side of the aisle had much, much more to lose than do Members on this side of the aisle, because, frankly, we have more votes than they do. I do not think those votes ought to be exercised in an abusive or unfair way, but I do think they should be exercised to enforce consistency.

I would simply say, repeating what I said earlier, that I think the committees ought to feel free to review projects on their merit. This Congress has the right on occasion to make a judgment which differs from that of the executive branch. But in the end, if we see Members insisting on going after only Democratic projects, then all I suggested is that there are an awful lot of Republican projects in appropriation bills yet to come, and I think we have a right to take note of that when those bills come before the body.

□ 2150

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

Mr. OBEY. I am happy to yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I think the gentleman was not here when I made my comments that the three projects to which the gentleman made reference, I have checked this with staff, are all authorized in the House, all approved by means of a prospectus issued by GSA in accordance with the Public Building Act. I mean this very sincerely, if the gentleman can show to me anywhere in there where there are projects which we have missed, I will be glad to take a look at them.

Mr. OBEY. Reclaiming my time, I will simply say, the gentleman very carefully said the Republican projects that I referred to, the gentleman very carefully said were authorized "in the House." But the objection on the gentleman's side of the aisle earlier was that somehow the Committee on Rules had violated normal processes, because they had not allowed the gentleman to make a point of order against unauthorized projects.

My point is that if the gentleman is allowed to make a point of order against unauthorized projects, those three projects would have been just as vulnerable as those on the Democratic side of the aisle, and if the gentleman does not know that, he should.

Mr. FAWELL. They are authorized, fully authorized.

Mr. OBEY. No, they are not.

Mr. FAWELL. Check with the committee.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just came to talk about a little place called Walla Walla. I kind of feel like the person that showed up at a white tie affair with brown shoes. Maybe we can get back here to what we were talking about.

When I was in college, I used to announce at KUJ in Walla Walla, my first job in radio so I have an affection for the town. If Members want to consider a mental hazard, because we are all public speakers, one gets certain things in his mind, afraid of mispronouncing a word and he does try sitting for a half hour listening to the network knowing that all you have got to say in a half hour is "This is KUJ in Walla Walla." One cannot say Walla Walla if he thinks about it for 10 minutes.

Mr. Chairman, what we have in this particular amendment is a project that, in fact, is subject to authorization, what we have been saying all evening long, nothing is going to happen, no dollars are going to be spent unless the Public Works Committee, unless the Committee on Public Works authorizes it.

Mr. Chairman, what this is all about is the people in Walla Walla deeded this property to the Federal Government in 1949 for a buck. The terms of the contract state that the property will revert to the local community on abandonment by the Federal Government. Both parties in good faith intended that the facility would revert to the local community in a few years. No one anticipated that the Corps of Engineers who was the occupant was going to inhabit this temporary World War II era barracks for 40 years. The buildings were constructed in 1941 and 1942 and at that time they were intended to be used for a period of 15 to 20 years. Fifty-two years later, they are still standing. The buildings are asbestos-ridden, major maintenance has been deferred because of the temporary, the 52-year temporary nature of this arrangement, and the site does not even begin to approach contemporary code standards.

In 1985 the GSA commissioned a professional fire safety engineer to do a report on the site when the following items showed up:

Deteriorating electrical wiring, highly combustible wood paneling, highly combustible cane ceiling tile, no automatic sprinkler system in six buildings, no manual fire system, no emergency or exit lighting.

In short, 50 years later this community is now saddled with a site that is structurally unsafe. The community that gave the property for a buck 45 years ago, the community is saddled with buildings that are structurally unsafe, environmentally hazardous, and on which stand a series of buildings whose useful life ended 20 years ago.

Mr. Chairman, what this appropriation subject to authorization would do is tear them down and give the property back to Walla Walla. Let us vote one for Walla Walla tonight. Vote no.

Mr. MACHTLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try and be brief as the previous gentleman who tried to

express the facts in the case of Walla Walla. I would like to express the facts in the case of the Providence courthouse.

Mr. Chairman, this is not in my district, but because we only have one Federal courthouse in the State of Rhode Island, it is in fact imperative that this body understand the facts on which this amendment is being based. I have the greatest respect for my distinguished colleague, the gentleman from Illinois [Mr. FAWELL], but the courthouse in Rhode Island is in serious need of repair. In fact, yesterday during the rain, the computer room flooded and was unusable. If we are going to have a crime bill which is going to put billions of dollars to try and deal with crime in our Nation, we must have a facility which can administer justice.

In this particular courthouse, which was built in 1908, this is not a new building, this is merely an appropriation to repair an existing structure. This building has 56,000 square feet of office space which house 107 Federal employees who are involved in trying to administer justice in Rhode Island. It is one of the busiest courthouses in the country. These renovation plans have been in the system for over 10 years. For the last 4 years, GSA has been working on them.

Mr. Chairman, the alternatives to not funding this renovation are, first, to build a new courthouse which would be almost four times as expensive as these renovations. The second alternative would be to vacate this courthouse and lease spaces which over a 30-year present value figure would again be four times the expense of renovating this courthouse.

We have a situation where a jury which is trying to be empaneled, which would normally take 70 to 100 people, can only sit in one individual room 40 people, we have people in the corridors waiting to hear jury instructions. When our prisoners are brought into this courthouse, they must ride in public elevators and stand with the public because there are no facilities.

Yes, there are times when I think we ought to look beyond rules which would limit our ability to deal with serious issues, and I would suggest this is one of those times. No one who is running a company would say that we should bind ourselves and not fix and protect our assets. No one who is a legislator would say we should become so involved that we do not take appropriate action when we see necessary repairs needed. Yes, if we are going to dispense justice in this country and we have, I believe, some of the finest jurists in the Nation in Rhode Island, we should give them the tools that they need to dispense that justice, and that is a facility that has a courtroom, a facility which could administer justice properly, and one which is in repair. We should not let this facility become deteriorated to the point of uselessness. We should, in fact, appropriate this money.

Mr. REED. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment, and I join my colleague, the gentleman from Rhode Island, and express the same concern.

Mr. Chairman, the status of the authorization versus the appropriation has been well discussed by Chairman HOYER and others. I want to reinforce some of the facts my colleague raised.

This building was built in 1904. It has undergone no major structural renovations since the last part of the 1970's. It is one of the busiest courts in the country. It ranks 8 out of 94 courthouses in this country in terms of trials per judge. It is, and I confirmed this Monday morning by walking through the building, in dire need of serious structural repairs and other repairs. The walls are bespotted by watermarks as the rain creeps through the buildings. The bricks need to be repointed. The library on the top floor was recently subject to a flood when the roof leaked seriously. There is poor ventilation in the building. In the computer room that my colleague referred to, it is enclosed within an interior space without windows. They literally have to have an external air circulator brought into the floor to circulate the air so that people can work in the building.

Mr. Chairman, we swore in a new Federal judge last Monday. Her courtroom is barely the size of a small garage. It has no windows. It has no jury box. They simply roll in chairs to seat the jury. Her jury room in which the jury debates the fate of citizens before the bar is a corridor. They put a chair between, right outside the ladies' room and the men's room in the hall and they lock off two doors and post guards so the jury can deliberate. If those are the standards and the atmosphere for appropriate rendering of justice, I think not.

□ 2200

I urge that this amendment be rejected. These repairs are desperately needed. We should go forward and reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAWELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 276, not voting 27, as follows:

[Roll No. 245]

AYES—136

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bereuter
Bliley
Boehlert
Boehner
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Danner
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Horn
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Leach
Levy
Lewis (FL)
Lewis (KY)
Linder
Lucas
Manzullo
Margolies-Mezvinsky
McCandless
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Moorhead
Morella
Nussle
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Weldon
Zeliff
Zimmer

NOES—276

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Cunningham
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hunter
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski

Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—27

Berman
Boucher
Collins (IL)
Cooper
Fish
Ford (MI)
Ford (TN)
Fowler
Glickman
McCloskey
McDade
Moran
Neal (NC)
Pelosi
Penny
Pickle
Reynolds
Romero-Barcelo (PR)
Saxton
Sharp
Stark
Tauzin
Torres
Underwood (GU)
Washington
Whitten
Williams

□ 2219

Mr. DORNAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2220

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading for new construction in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, $4,900,000 are rescinded for the following projects in the following amounts:

Iowa:

Burlington, Federal Parking Facility, $2,400,000

Indiana:

Hammond, U.S. Courthouse, $2,500,000.

Of the funds made available under this heading for new construction in Public Law 102–393, the Independent Agencies Appropriations Act, 1993, $24,295,000 are rescinded for the following projects in the following amounts:

District of Columbia:

United States Secret Service, Headquarters, $13,958,000

White House Remote Delivery and Vehicle Maintenance Facilities, $4,918,000

Federal Bureau of Investigation, Field Office, $4,419,000

Florida:

Hollywood, Federal Building, $1,000,000.

Of the funds made available under this heading for new construction in Public Law 101–509, the Independent Agencies Appropriations Act, 1991, $30,100,000 are rescinded for the following project in the following amount:

Maryland:

Prince George's County, Internal Revenue Service, Headquarters, $30,100,000.

Of the funds made available under this heading for new construction in Public Law 100–440, the Independent Agencies Appropriations Act, 1989, $4,400,000 is rescinded for the following project in the following amount:

Florida:

Lakeland, Federal Building, $4,400,000.

Of the funds made available under this heading for repairs and alterations in Public Law 103–123, the Independent Agencies Appropriations Act, 1994, $4,715,000 are rescinded for the following projects in the following amounts:

Arizona:

Lukeville, Commercial Lot Expansion, $1,219,000

San Luis, Primary lane expansion and administrative office space, $3,496,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101–509, the Independent Agencies Appropriations Act, 1991, $7,707,000 are rescinded for the following projects in the following amounts:

New Mexico:

Santa Teresa, New Border Station, $6,000,000

Texas:

Del Rio, Border Station, $1,707,000.

Of the funds made available under this heading for repairs and alterations in Public Law 101–136, the Independent Agencies Appropriations Act, 1990, $2,088,000 are rescinded for the following project in the following amount:

New Mexico:

Santa Teresa, New Border Station, $2,088,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for asset management activities; utilization of excess and disposal of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities; the Information Security Oversight Office established pursuant to Executive Order No. 12356; the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $123,020,000: *Provided*, That of the offsetting collections credited to this account, $172,000 are permanently canceled.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,090,000: *Provided*, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138; $2,215,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES OF TRANSPORTATION AUDIT CONTRACTS AND CONTRACT ADMINISTRATION

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $30,000.

GENERAL SUPPLY FUND

Of the offsetting collections credited to this account, $1,009,000 are permanently canceled.

INFORMATION RESOURCES MANAGEMENT SERVICE INFORMATION TECHNOLOGY FUND

Of the offsetting collections credited to this account, $609,000 are permanently canceled.

WORKING CAPITAL FUND

Amounts received for administrative support services provided under this head shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund and for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget): *Provided*, That entities for which such services are performed shall be charged at rates which will return in full the cost of operations.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1995 for

Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 5. (a) Of the budgetary resources available to the General Services Administration during fiscal year 1995, $8,959,000 are permanently canceled.

(b) The Administrator of the General Services Administration shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 6. Rent rates charged by the General Services Administration for fiscal year 1995 shall reflect the reductions contained in the President's budget amendment dated March 16, 1994, Estimate No. 9, 103rd Congress, 2nd Session.

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 8. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 9. No funds made available by this Act shall be used to transmit a fiscal year 1996 request for United States Courthouse construction that does not meet the standards for construction as established by the General Services Administration and the Office of Management and Budget.

SEC. 10. The Administrator of the General Services Administration is directed to obligate the funds appropriated in Public Law 103-123 for the purposes stated in section 804 of that Act.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,549,000, together with not to exceed $2,420,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $194,638,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, $325,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2): *Provided further*, That of the offsetting collections credited to this account, $441,000 are permanently canceled.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,000,000 to remain available until expended: *Provided*, That $2,000,000 shall be a grant to the Thomas P. O'Neill, Jr. Library.

NATIONAL ARCHIVES TRUST FUND

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $16,000.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,104,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $115,139,000, and in addition $93,934,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $10,956,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7-1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1995, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles; $4,009,000, and in addition, not to exceed $6,156,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $4,210,560,000 to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $19,159,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter

be paid out of the Civil Service Retirement and Disability Fund.

REVOLVING FUND

Of the offsetting collections credited to this account, $649,000 are permanently canceled.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISIONS

SECTION 1. (a) Of the budgetary resources available to the Office of Personnel Management during fiscal year 1995, $1,256,000 are permanently canceled.

(b) The Director of the Office of Personnel Management shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,955,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $33,650,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1995".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title IV of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there amendments to the remainder of title IV?

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER: On page 50, after line 23, insert the following:

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,418,000, to remain available until expended.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I will not take much time on this. I think we have agreement. It is noncontroversial.

Subsequent to our markup, Mr. Chairman, we were given the responsibility in the Committee on Appropriations for the John F. Kennedy Assassination Records Review Board. As a result, we had not appropriated any funds for this. This amendment simply proposes $2.418 million for the JFK Assassination Records Review Board. This is pursuant to getting these records out to the public, cataloging them.

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

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, we have discussed this with the majority, and we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

SEC. 506. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 507. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Tucson, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 508. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 509. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or

contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 510. Funds under this Act shall be available as authorized by sections 4501–4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1995.

SEC. 511. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 512. The Office of Personnel Management may, during the fiscal year ending September 30, 1994, accept donations of supplies, services, land and equipment for the Federal Executive Institute, the Federal Quality Institute, and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 513. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6–104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 514. The United States Secret Service may, during the fiscal year ending September 30, 1995, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 515. None of the funds made available by this Act for "Allowances and Office Staff for Former Presidents" may be used for partisan political activities.

SEC. 516. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 517. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 518. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 519. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. 520. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 521. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

SEC. 522. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 523. COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 524. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 525. PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 526. No funds appropriated by this Act may be used to relocate any Federal agency, bureau, office or other entity funded in this Act if the sole reason for the relocation is that locality pay was increased.

SEC. 527. (a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	99	Woven fabrics of synthetic filament yarn (provided for in subheading 5407.42.00), certified at the time of entry by the importer to be intended for use in the manufacture of hot air balloons (of the type provided for in subheading 8801.90.00)			"

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the fifteenth (15th) day after the date of enactment of this Act.

SEC. 528. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1995 from appropriations made available for salaries and expenses for fiscal year 1995 in this Act, shall remain available through September 30, 1996 for each such account for the purposes authorized: *Provided*, That notice of the amounts available pursuant to this section shall be given to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed 2 percent of the funds so carried over may be used to pay cash awards to employees, as authorized by law, and not to exceed 3 percent of the funds so carried over may be used for employee training programs.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title V of the bill be considered as read, printed in the RECORD, and open to amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there points of order to title V?

Mr. HOYER. Mr. Chairman, the gentleman from California [Mr. MATSUI] has, I believe, points of order.

POINTS OF ORDER

Mr. MATSUI. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MATSUI. Mr. Chairman, I ask unanimous consent to interpose a point of order on title I, page 4, lines 6 to 9.

I spoke with the majority and minority earlier.

The CHAIRMAN. The Chair will inform the gentleman from California [Mr. MATSUI] that permission has already been secured. The gentleman may state his point of order.

Mr. HOYER. Mr. Chairman, I and the ranking member are aware of the points of order to be raised by the gentleman from California. We would prefer that he did not make them, but he is going to make them, and he is correct.

Mr. MATSUI. Mr. Chairman, I make a point of order against lines 6 through 9 on page 4 of H.R. 4539 that require the

Secretary of the Treasury to transfer $32,960,000 from the Treasury Forfeiture Fund to the General Fund of the Treasury, on the grounds that this provision violates clause 2 of Rule Twenty-One of the Rules of the House of Representatives.

Under present law, the Treasury Forfeiture Fund, which is the successor to the Customs Forfeiture Fund, contains deposits of forfeiture proceeds under tariff and narcotics laws generated by the Customs Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, and the Secret Service to be used for specific law enforcement activities of those agencies and the U.S. Coast Guard. The bill would require a transfer of certain of these funds to the Treasury General Fund notwithstanding existing law, which does not authorize such a transfer.

This provision constitutes legislation, which is within the jurisdiction of the Committee on Ways and Means, on an appropriations bill in violation of clause 2, Rule Twenty-One. I urge that this point of order be sustained.

Mr. HOYER. We concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. STUDDS). The point of order is conceded and sustained.

The section is stricken.

Mr. MATSUI. Mr. Chairman, I make a point of order against section 527 of H.R. 4539 on the grounds that it violates paragraph (b), clause 5 of Rule Twenty-One of the Rules of the House of Representatives.

Section 527 amends the Harmonized Tariff Schedule of the United States to create a new tariff classification changing the rate of duty on imports of woven fabrics of synthetic filament yarn intended for use in the manufacture of hot air balloons.

Paragraph (b), clause 5 of Rule Twenty-One makes tax or tariff measures in any bill or resolution reported by any committee not having jurisdiction to report tax and tariff measures subject to a point of order.

The proposed tariff reclassification is clearly a tariff measure that would have a direct impact on customs revenues. Such a measure is within the exclusive jurisdiction of the Committee on Ways and Means.

For these reasons, section 527 clearly violates the rule against tariff measures on bills not reported by the committee of jurisdiction. I urge that this point of order be sustained.

Mr. HOYER. We concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. STUDDS). The point of order is conceded and sustained.

The section is stricken.

Are there amendments to title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

The Administrator of General Services or his designee is authorized to transfer funds received into the Federal Buildings Fund pursuant to section 11 of GSA—General Provisions, Public Law 102-141, October 28, 1991, 105 Stat. 856, 40 U.S.C., sec. 490(f) (7) and (8), or sec. 490g, prior to the effective date of this legislation, to other Federal agencies for use by those agencies for the purposes set forth in those statutes. Such funds shall be available until expended and shall be in addition to any amounts appropriated for such purposes.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 617. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1995, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 615 of the Treasury, Postal Service and General Government Appropriations Act, 1994, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1995, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 615; and

(2) during the period consisting of the remainder of fiscal year 1995, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1995 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1995 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1994 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1994, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1994, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1994.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, the Department of Transportation, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same

meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply), and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1995 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling."

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 622. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After July 31, 1995, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, funds made available for fiscal year 1995 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 625. Notwithstanding any provisions of this or any other Act, during fiscal year ending September 30, 1995, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 627. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 628. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1995 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 629. (a) Beginning in fiscal year 1995 and thereafter, for each Federal agency, except the Department of Defense, an amount equal to 50 percent of—

(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

(2) the amount of the agency's share of the measured energy savings resulting from energy savings performance contracts

may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102-486).

(b) The remaining 50 percent of each rebate, and the amount of the agency's share of savings from energy savings performance contracts shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.

SEC. 630. (a)(1) Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"§ 6327. Absence in connection with serving as a bone-marrow or organ donor

"(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

"(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.

"(c) The Office of Personnel Management may prescribe regulations for the administration of this section.".

(2)(A) Section 6129 of title 5, United States Code, is amended by inserting "6327," after "6326,".

(B) The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6326 the following:

"6327. Absence in connection with serving as a bone-marrow or organ donor.".

(b)(1) Section 6307 of title 5, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following:

"(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child."; and

(C) in subsection (d) (as so redesignated by subparagraph (A)) by inserting "or for purposes relating to the adoption of a child," after "ailment,".

(2) Section 6129 of title 5, United States Code, is amended by striking "6307 (a) and (c)," and inserting "6307 (a) and (d),".

(3)(A) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this subsection may, upon appropriate written application, elect to have such employee's leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

(B) An application under this paragraph may not be approved unless it is submitted—

(i) within 1 year after the date of the enactment of this Act or such later date as the Office may prescribe;

(ii) in such form and manner as the Office shall require; and

(iii) by an individual who is an employee as of the time of application.

(C) For the purpose of this paragraph, the term "employee" has the meaning given such term by section 6301(2) of title 5, United States Code.

SEC. 631. (a)(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent.

(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems.

(3) For purposes of this subsection, the term "statutory pay system" shall have the meaning given such term by section 5302(1) of title 5, United States Code.

(b) For purposes of any locality-based comparability payments taking effect in fiscal year 1995 under subchapter I of chapter 53 of title 5, United States Code (whether by adjustment or otherwise)—

(1) section 5304(a)(3)(B) of such title shall be deemed to be amended by striking "3/10" and inserting "1/4"; and

(2) section 5304a of such title shall be deemed to be without force or effect.

SEC. 632. Section 5(f) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) is amended by adding at the end the following new paragraph:

"(3) APPLICABILITY OF BACKFILL PREVENTION PROVISIONS TO AGENCIES OTHERWISE EXEMPTED FROM FTE REDUCTION.—

"(A) IN GENERAL.—If any agency is otherwise exempted by any law from the limitations on full-time equivalent positions or the restrictions on hiring established by this section—

"(i) paragraph (1) shall apply to vacancies created in such agency; and

"(ii) the reductions required pursuant to clause (i) shall be made in the number of funded employee positions in such agency.

"(B) WAIVER AUTHORITY.—In the case of a particular position in an agency, subparagraph (A) may be waived upon a determination by the head of the agency that the performance of a critical agency mission requires the waiver.

"(C) RELATION TO OTHER LAW.—No law may be construed as suspending or modifying this paragraph unless such law specifically amends this paragraph.".

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that title VI of the bill through line 7 on page 92 be considered as read, printed in the RECORD, and open to amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, in accordance with the rule, I make a point of order against section 629 of the bill, beginning on page 87, line 3, through page 88, line 2, on the grounds that this section constitutes legislation in an appropriations bill in violation of rule XXI, clause 2 of the Rules of the House.

Mr. HOYER. Mr. Chairman, the gentleman from Michigan [Mr. DINGELL] is correct, and we concede the point of order.

The CHAIRMAN (Mr. STUDDS). The point of order is conceded and sustained.

The language is stricken.

Are there further points of order?

Mr. BACHUS of Alabama. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know the hour is late, but I want to alert the Members of the House to an outrageous practice by the Resolution Trust Corporation which I had hoped to address in an amendment before this body, but points of order were not waived.

Mr. Chairman, there are 3,000,000 Federal employees, and these 3,000,000 Federal employees are paid at one pay scale, and the 3,000 employees of the Resolution Trust Corporation are paid 10 percent more.

Now that may be justified, but in addition to being paid 10 percent more for doing the same work, Mr. Chairman, this body has also given that agency the right to set their own geographical cost-of-living pay increases, and, Mr. Chairman and Members of this House, they have tremendously abused their discretion, and let me give my colleagues one example.

An employee of the Resolution Trust Corporation working in Washington, making a salary of $30,000, receives an additional 10 percent above employees of other Federal agencies, and then they receive an 18-percent cost-of-living adjustment, 18 percent, making their salary $38,400. How about an employee of the Agriculture Department? How about an employee of the Energy Department? They make $30,000, but they do not get the 10-percent bonus, and they only get a 4-percent cost-of-living increase. So, where we pay all other Federal employees $31,200, Mr. Chairman, we pay these employees $38,400. That is a difference per employee of $7,200.

In San Francisco an employee of the Resolution Trust Corporation gets the 10-percent bonus, and then that agency gives them a 31-percent cost-of-living increase where all other Federal employees working in San Francisco get an 8-percent cost-of-living adjustment. Now, Mr. Chairman and Members of this House, what is the cost-of-living adjustment that is needed in San Francisco? Is it the 31 percent that RTC employees get, or is it the 8 percent that all other government workers get?

Should we continue to pay 3,000 employees of this government a 10-percent bonus and, in addition to that, pay them a cost-of-living adjustment that is four times what we pay other Federal employees?

□ 2230

Mr. Chairman, this is an insult to the 3 million Federal employees. There is no equity here. There is no fairness here. This is an abuse and an outrage.

Finally, I would say this to you, to tell you what we are talking about in money terms. I have a son who is working this summer between his junior and senior years of school. He is paying $40 each week in Federal income tax. It would take his salary and the salary of 19 other teenagers making that same salary to compensate for RTC employee's extra compensation that we pay them over what we pay for the same work at other Federal agencies.

Mr. Chairman, I close simply by saying this chosen few at the RTC, this privileged few among our Federal employees, this is an abuse that I hope we end in fairness to the other 3 million Federal employees, and in fairness to the taxpayers who are paying millions of dollars each year in grossly exaggerated cost of living adjustments and bonuses.

Last year this body, and I commend it, ended the abusive practices of large bonuses over at the RTC, after years of abusing that. The time is now for us to put the hammer down on more abuse at this runaway agency.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER: Page 92, after line 7, insert the following new section:

SEC. 633. (a) IN GENERAL.—Hereafter, the employment of any individual within the Executive Office of the President shall be placed in leave without pay status if the individual—

(1) has not, within 30 days of commencing such employment or by October 31, 1994 (whichever occurs later), submitted a completed questionnaire for sensitive positions (SF-86); or

(2) has not, within 6 months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigation, if completed, forwarded by the counsel to the President to

the United States Secret Service for issuance of the appropriate White House pass.

(b) EXEMPTION.—Subsection (a) shall not apply to any individual specifically exempted from such subsection by the President or his designee.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I believe this is agreed upon. This is language that the gentleman from Virginia [Mr. WOLF] and I have agreed upon. The gentleman has expressed great concerns about security provisions at the White House. I have discussed this with the gentleman from Virginia [Mr. WOLF] and the gentleman from Iowa [Mr. LIGHTFOOT] and I believe we have agreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the end of the proceedings I am going to offer a limitation amendment which is at the desk. But, very briefly, to explain it, much of the debate today I think has been about oversight. We have been here 12 hours and a few minutes now, so maybe this is a new record of some kind.

During the previous 12 years of Republican administrations, there were some 36 oversight hearings held by the Congress, including 6 by a GOP controlled Senate. Again, I think much of the debate today has been over the oversight issue. Other than the amendment we just accepted on behalf of the gentleman from Virginia [Mr. WOLF], the bill contains virtually no language on many of the White House concerns that have surfaced.

During the past 18 months, we really have had a pretty poor record. The only hearing I am aware of is the one we held in our subcommittee, and, again, I wanted to thank Chairman HOYER for his cooperation in that respect.

I think we must do better. We are responsible for dishing out taxpayers' dollars. The American people expect accountability. So it is important that we are able to show that accountability in oversight.

At this point, I am urging Members to defeat the motion to rise so we can address some of these issues.

Also, in closing, again I would like to thank the chairman for his cooperation through this, and the good work of the staff, and maybe this is a new record in the book. I am not sure.

The CHAIRMAN. The Clerk will read the final two lines of the bill.

The clerk read as follows:

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1995."

Mr. HOYER. Mr. Chairman, I move the Committee do now rise and report the bill with amendments back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maryland [Mr. HOYER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIGHTFOOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 175, not voting 19, as follows:

[Roll No. 246]

AYES—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—175

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Berman
Blackwell
Collins (IL)
Cooper
Fish
Ford (MI)
Glickman
McDade
Moran
Neal (NC)
Reynolds
Romero-Barcelo (PR)
Saxton
Sharp
Swift
Torres
Underwood (GU)
Washington
Whitten

□ 2251

Messrs. HEFLEY, BLILEY, and BLUTE, and Ms. SNOWE changed their vote from "aye" to "no."

Mr. CARR of Michigan changed his vote from "no" to "aye."

So the motion to rise and report was agreed to.

The result of the vote was announced as above recorded.

□ 2254

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, pursuant to House Resolution 447, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. 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.

MOTION TO RECOMMIT OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MYERS of Indiana. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MYERS of Indiana moves to recommit the bill, H.R. 4539, to the Committee on Appropriations with instructions to examine funding levels for accounts included under Title III of the bill in light of current White House policy regarding the use of White House legal counsel on matters not related to the performance of official duties and promptly report it back to the House with such recommendations as may be necessary to ensure that all applicable executive orders, directives, regulations and laws regarding the use of White House legal counsel are complied with.

Mr. MYERS of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Speaker, this motion is straightforward. It sends the bill back to the Committee with instructions to report it back to the House after examining key White House operations on: The use of White House legal counsel on matters not related to the performance of official duties.

The vote on this motion is a vote on this House's willingness to provide effective oversight of federal programs and agencies and, specifically, oversight of the operations of the Executive Office of the President.

This not a partisan issue. The fact that this motion targets White House operations has nothing to do with politics. But it has everything to do with applying the same operational standards to the White House that are applied to other federal agencies. It has to do with good government.

The bill before us today does a remarkable job of addressing the potential operational inefficiencies and inadequacies of programs and agencies within the jurisdiction of the Subcommittee on Treasury, Postal Service and General Government.

A quick look through the report accompanying this bill confirms this:

On page 6, the Committee noted that it would not tolerate wasteful spending on unnecessary travel government wide.

On page 35, the Committee noted its concern over the ability of IRS to increase revenue collections based on past performance.

On page 35, the Committee noted it has frequently expressed its concerns over Tax Systems Modernization (and in fact cut the program by $517 million).

On page 40, the Committee noted its concern over certain Postal Service regulations.

On page 49, the Committee noted its concern that a certain agency failed to return transcripts of hearings in a timely and appropriate manner.

On page 55, the Committee is concerned that an agency doesn't apply stringent performance management criteria to its operations.

The list goes on.

The point is this: This committee has gone through programs within its jurisdiction and noted its concerns over operational inefficiencies, as appropriate. The only exception is the Executive Office of the President. On this, the Committee is silent.

Why? Some are claiming that a review of White House operations has not been done before. That simply isn't the case. On July 1, 1992, this body debated an amendment to restore funding for the Vice President's Council on Competitiveness, which had been terminated by the full Appropriations Committee. The objections over the Council on Competitiveness were strenuous and strong as voiced during debate on this floor and the amendment failed.

The Council refused to cooperate with congressional committees exercising their constitutional oversight responsibilities.

The Council's executive director may have violated the Federal conflict of interest statute.

The Council operated in secrecy and wouldn't turn over its records to congressional committees.

Again, the Committee and this body believed that there were serious operational inefficiencies and conflicts of interests associated with the Council on Competitiveness and took the bold step of outright terminating the Council. Some thought this was an extreme measure. The Republicans defended it, saying that the President had the right to organize his office and cabinet any way he chooses. But, the bottom line was that there were perceived problems and this committee and the House took action to terminate the Council.

If we could address White House operations in 1992, why can we not address White House operations in 1994? What has changed?

I urge my colleagues to return this bill to committee and insist that the committee do what is necessary to ensure that the White House operates in a way that is in compliance with the expectations of good government and the expectations of the American people.

The SPEAKER pro tempore. Is the gentleman from Maryland [Mr. HOYER] opposed to the motion to recommit?

Mr. HOYER. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized in opposition to the motion.

Mr. HOYER. Mr. Speaker, I rise in opposition to the motion to recommit. This is an open rule, Mr. Speaker. We have considered every amendment that has been offered. We have extensively reviewed this bill.

I do not think there is any doubt but we have looked at this very, very closely.

I want to say with respect to the legal counsel, Mr. Speaker, I will tell the Members that we are assured that no funds are being expended for any private use of the counsel. We do not believe this is necessary. I ask Members to vote against the motion to recommit.

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 motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 139, not voting 19, as follows:

[Roll No. 247]

AYES—276

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bevill
Bilbray
Bishop
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Inslee
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Morella
Murphy
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Solomon
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Tanner
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—139

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blute
Boehner
Burton
Buyer
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hastert
Hefley
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Levy
Lewis (FL)
Linder
Lucas
Manzullo
McCandless
McCurdy
McInnis
McKeon
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Oxley
Pallone
Paxon
Penny
Petri
Pombo
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Torkildsen
Upton
Walker
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—19

Berman
Blackwell
Chapman
Collins (IL)
Cooper
Fish
Ford (MI)
Glickman
McDade
Moran
Neal (NC)
Reynolds
Saxton
Sharp
Thomas (CA)
Torres
Washington
Whitten
Wilson

□ 2313

Mr. KASICH and Mr. REGULA changed their 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.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4554, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-548) on the resolution (H. Res. 455) waiving certain points of order against the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. GINGRICH. Mr. Speaker, by direction of the Minority Leader, I offer a privileged resolution (H. Res. 456) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 456

Resolved, That Representative RON LEWIS of Kentucky be and is hereby elected to the following standing committees of the House of Representatives: the Committee on Agriculture, and the Committee on Veterans' Affairs

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCING INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT

Mr. MCCOLLUM. Mr. Speaker, pursuant to clause 1(c) of rule 28, I am announcing to the House that I intend to offer a motion to instruct conferees on the crime bill, H.R. 3355.

The form of the motion is as follows:

MOTION TO INSTRUCT CONFEREES

Mr. MCCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill HR 3355 be instructed not to agree to Title IX, relating to racially discriminatory sentencing, of the House amendment or to any similar provision.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1818

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1818.

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

There was no objection.

SELF-DEFENSE IN BOSNIA

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

Mr. HORN. Mr. Speaker, last week a majority of this House voted to lift the embargo that has crippled the people of Bosnia from defending themselves under the inherent right of self-defense that is recognized in the United Nations Charter. One hundred and nine nations in the United Nations have said Bosnia ought to be permitted arms as a matter of that inherent right of self-defense.

On June 10, Mr. Speaker, in the Wall Street Journal, Dr. Albert Wohlstetter—University Professor Emeritus at the University of Chicago and one of America's greatest strategic thinkers—wrote an article that takes apart, piece by piece, every single argument we have heard from this administration as to why the embargo should not be lifted. I commend this wise article to my colleagues.

When you realize that only one out of every four Bosnian soldiers has a rifle, it is clear that the other three could use rifles and light infantry equipment to stop tanks and armored personnel carriers which now roam freely over the Bosnian countryside. We are not talking about sending American troops. We are talking about the Free World, and others, providing supplies for a besieged people.

Mr. Speaker, I think my colleagues will find of particular interest Dr. Wohlstetter's comments on the need for leadership by the United States in ending this world tragedy. If this administration would stand up and cease the procrastination that has made the Bosnian people who want to be free, tragic victims of oppression in the last decade of the 20th century, then we might well also encourage—as Dr. Wohlstetter concludes the democratic forces in Russia to "oppose the resurgence of a Russian interest in dominating tens of millions of people who are against such Russian domination in the now independent former Soviet republics."

I attach the Wohlstetter article:

[From the Wall Street Journal, June 10, 1994]

NOTES TO CLINTON ON BOSNIA

(By Albert Wohlstetter)

Yesterday the House voted to order President Clinton to lift the U.S. arms embargo against Bosnia. The administration had told its supporters in Congress that allowing the Bosnians to be armed for their self-defense would:

(a) prolong, widen and intensify the war, and drag the U.S. into it.

But in fact, as many authorities on international law testify, the embargo in UN 713 (Sept. 1991) applied to a "Yugoslavia" that no longer exists and never had a valid application to Bosnia, a state whose independence has been recognized by the U.S., Europe and the U.N. Moreover, it was the arms embargo, requested by Slobodan Milosevic, that invited Serbian aggression by keeping his victims out-gunned. It has prolonged the war for three years so far, while its advocates have claimed the embargo would shorten it. Depriving the victims of arms invited the widening from Slovenia to Croatia to Bosnia, and now threatens to widen it further in Kosova, the Sandjak and Macedonia; and it increased the intensity of the genocidal slaughter.

It is the promise that the U.S. has made to insert a large contingent of lightly armed ground forces in the guise of "peacekeepers," to enforce an ethnic partition between unarmed Bosnians and armed Serbs—which the United Nations and the EC have themselves stated would inevitably be unstable and unenforceable—that might drag the U.S. into a war of aggression, and on the wrong side.

(b) involve the U.S. in an infeasible program for transporting weapons that Deputy Secretary of State Strobe Talbott says he "presumes" must match in number and caliber the heavy weapons, the medium tanks and the armored personnel carriers that have been supplied by Serbia to its proxies in Bosnia.

And (c) that this would involve an infeasibly large and lengthy program of American soldiers training the Bosnian army in their use.

But, in fact, what the Bosnians (and the new federation between Bosnians and Croats, whose alliance the administration has just brokered) need primarily are: light infantry weapons of the sort that can stop the tanks and armored personnel carriers of the ill-disciplined Serbian invaders, whom the Bosnians greatly exceed in number and motivation; rifles: e.g., Soviet-designed AK-47s; light and heavy machine guns; light mortars and some of more extended range; anti-tank guided missiles of the sort the U.S. provided to the Afghans; and light communications and jamming equipment of the kind that helped the Slovenian guerrilla operations route the Serbian-controlled Yugoslav Army in less than two weeks at the start, in June 1991, of Serbia's genocidal aggression in the Balkans.

Such weapons are widely available and easy to transport. The Bosnians, who have had, for example, only one rifle for each four of its soldiers, have been receiving some such weapons since their new federation with the Croats, and this has already had an effect on turning the tide on the battlefield.

Gen. Martin Spegelj, formerly of the Yugoslav Army and former Croatian defense minister, has pointed out that Bosnians as well as Croats during their military service have been trained in the use of such weapons. To operate the Soviet-designed versions of them in particular, they will need little or no extra training.

(d) be acting unilaterally and would jeopardize relief efforts and endanger the United Nations Protection Force.

In fact, it is absurd to keep repeating that the U.S. would be acting unilaterally. One hundred and nine members of the U.N. General Assembly, including some of our NATO partners, voted to allow Bosnia to receive arms in exercise of its inherent right of self-defense. No country voted against it.

Preventing the Bosnians from defending themselves has meant the slaughter of over 200,000 innocent men, women and children, and the maiming, torture and systematic rape of countless others. Softening this disaster slightly by sending bandages and anesthetics for surgeons forced to amputate a child's leg can hardly compensate for the continued shelling and maiming of children and other innocents. As for the dangers to the United Nations Protection Force, these have come almost exclusively from the Serbs, who haven't hesitated to harass, shoot at and take hostage the French, British, and even Russian soldiers whose operations have functioned to consolidate Serbian gains, releasing Serbian forces to seize more.

(e) jeopardize other U.N. sanctions, including those against Iraq, Haiti and Serbia.

This is the most outrageous claim of all. The sanctions against Iraq were a condition of the U.S.-led coalition's ceasing to fire at the end of Desert Storm, as well as of valid U.N. resolutions directed against Iraq rather than its victims. And also, the U.S., France and Germany—as well as the U.N. bureaucracy—are ignoring the most flagrant violations of the sanctions against Serbia. They are ignoring the network of drug smugglers, pickpockets and thieves in Europe who have been flooding Belgrade with luxury goods and hard currency. And, most outrageous, they are ignoring the thousands of vehicles that daily carry arms and supplies from Serbia to its proxies in Bosnia and Croatia, in direct violation of the *valid* embargo against Serbia embodied in UN 757.

As many Europeans and an increasing number of Americans understand, it is this that damages the reputation of the U.N. as an impartial, universal organization, and the genuine interests of Europe and the U.S. Congress should demand the enforcement of the valid embargo against Serbia's continuing supply of arms to its proxies in Bosnia and Croatia, and of the U.N.'s demand that Serbia withdraw the weapons and supplies it has sent its proxies in Bosnia.

(f) cause a rift between the U.S. and its NATO allies, and with Russia.

In fact, the interests of the U.S., of NATO and of Europe will be served only by the exercise of U.S. leadership—not by the collapse of the U.S. whenever some European government in disarray expresses misgivings. That this collapse disturbs some European governments has recently been observed by several thoughtful European experts on the defense of Western Europe. In the Persian Gulf, the U.S. led a coalition of willing NATO members and other interested powers—in spite of the fact that the Russians opposed it, the Greeks opposed it, the Belgians wouldn't sell ammunition to the British; and the French, who had opposed the use of force against Iraq, went along only when they saw that the U.S. was going to go ahead anyway with those who were willing.

The exercise of such leadership today would strengthen those democrats in Russia who oppose the resurgence of a Russian interest in dominating tens of millions of people who are against such Russian domination in the now-independent former Soviet republics. These democrats recognize that this resurgence is incompatible with the movement of Russia toward democracy and free markets.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each:

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in full committee in the Education and Labor Committee on June 14, and in the Ways and Means Committee on June 14 and 15, 1994:

HEALTH CARE MARK-UP, JUNE 14, 1994

The following recorded votes were taken on June 14, 1994 in the Committee on Education and Labor during full Committee consideration of Chairman Ford's mark, H.R. 3600, Health Security Act of 1994:

1. A Substitute amendment by Mr. Goodling to the Chairman's mark includes provisions of H.R. 3080 (Michel) within the jurisdiction of the Committee on Education and Labor and additional provisions providing for universal access to health coverage including Pooled Employer Health Programs and state-based Voluntary Accessible Health Programs. Defeated 15–28.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay."
Ms. Mink, "nay" by proxy.
Mr. Andrews, "nay."
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay."
Ms. Woolsey, "nay."
Mr. Romero-Barcelo, "nay."
Mr. Klink, "nay."
Ms. English, "nay."
Mr. Strickland, "nay."
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea."
Ms. Roukema, "yea."
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."
Mr. Miller [FL], "yea" by proxy.
Mr. Castle, "yea."

2. An amendment by Mr. Fawell to provide that an individual in a state my purchase any health plan or health insurance of the individual's choice regardless of the status of community rating areas, regional alliances, or purchasing cooperatives that may be established within a state. In addition, the amendment says that individuals may not be required to enroll under or make payments for the health plan or health insurance defined under the Chairman's mark. Mr. Scott offered an amendment to the amendment to delete the last sentence above. The amendment to the amendment was agreed to by voice vote. The Fawell amendment, as amended was defeated 16–27.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "yea."
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay" by proxy.
Ms. Mink, "nay" by proxy.
Mr. Andrews, "nay."
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay."
Mr. Romero-Barceló, "nay."
Mr. Klink, "nay."
Ms. English, "nay."
Mr. Strickland, "nay" by proxy.
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea" by proxy.
Ms. Roukema, "yea."
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea."
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea" by proxy.
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea."

3. An amendment by Mr. Boehner to eliminate those provisions in the Chairman's mark relating to the requirement that employers pay for health insurance coverage. In addition, the amendment provides that employers are not required to offer the plans in the Chairman's mark. The amendment was defeated 18–25.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay."
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay."
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay."
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay."
Ms. Mink, "nay."
Mr. Andrews, "yea."
Mr. Reed, "nay."
Mr. Roemer, "yea."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay."
Mr. Klink, "nay."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay."
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "yea."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea" by proxy.
Ms. Roukema, "yea."
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea."
Mr. Boehner, "yea."
Mr. Cunningham, "yea."
Mr. Hoekstra, "yea."
Mr. McKeon, "yea" by proxy.
Mr. Miller (FL), "yea" by proxy.
Mr. Castle, "yea."

4. An amendment by Mr. Hoekstra to strike the subsidies for early retiree health premimus and preclude any Federal assessments on employers relating to their previous retiree health costs. The amendment was defeated 15–28.

DEMOCRATS

Mr. Ford, "nay."
Mr. Clay, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Murphy, "nay" by proxy.
Mr. Kildee, "nay."
Mr. Williams, "nay."
Mr. Martinez, "nay."
Mr. Martinez, "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Sawyer, "nay."
Mr. Payne, "nay" by proxy.
Ms. Unsoeld, "nay."
Ms. Mink, "nay."
Mr. Andrews, "nay" by proxy.
Mr. Reed, "nay."
Mr. Roemer, "nay."
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Scott, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay" by proxy.
Mr. Romero-Barcelo, "nay."
Mr. Klink, "nay."
Ms. English, "nay" by proxy.
Mr. Strickland, "nay."
Mr. De Lugo, "nay."
Mr. Faleomavaega, "nay" by proxy.
Mr. Baesler, "nay."
Mr. Underwood, "nay" by proxy.

REPUBLICANS

Mr. Goodling, "yea."
Mr. Petri, "yea."
Ms. Roukema, "yea."
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea" by proxy.
Mr. Fawell, "yea" by proxy.
Mr. Ballenger, "yea."
Ms. Molinari, "yea."
Mr. Barrett, "yea" by proxy.
Mr. Boehner, "yea" by proxy.
Mr. Cunningham, "yea" by proxy.
Mr. Hoekstra, "yea."
Mr. McKeon, "yea."
Mr. Miller (FL),"yea" by proxy.
Mr. Castle, "yea."

The following recorded vote was taken on June 14, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Grandy to strike Title II of the bill which provides employer and individual mandates to purchase health insurance. The amendment strikes the requirement that an employer must pay for a

portion of employee health insurance premiums and eliminates additional employer obligations and penalties for failure to meet those obligations. The amendment also strikes the requirement that individuals must obtain health insurance coverage and pay any portion of the insurance premium that is not covered by their employers. Defeated 20–18.

DEMOCRATS

Mr. Gibbons, "nay."
Mr. Rostenkowski, "nay."
Mr. Pickle, "nay."
Mr. Rangel, "nay."
Mr. Stark, "nay."
Mr. Jacobs, "yea."
Mr. Ford (TN), "nay."
Mr. Matsui, "nay."
Mrs. Kennelly, "nay."
Mr. Coyne, "nay."
Mr. Andrews (TX), "yea."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."
Mr. Payne (VA), "yea."
Mr. Neal (MASS), "nay."
Mr. Hoagland, "nay."
Mr. McNulty, "nay."
Mr. Kopetski, "nay."
Mr. Jefferson, "nay."
Mr. Brewster, "yea."
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea."
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea" by proxy.
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea."
Mr. Grandy, "yea."
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

The following recorded vote was taken on June 15, 1994 in the Committee on Ways and Means during consideration of Acting Chairman Gibbons' substitute proposal for H.R. 3600, The Health Security Act of 1994:

An amendment by Mr. Thomas to strike Title II of the bill which provides employer and individual mandates to purchase health insurance. Employers would be required to offer health insurance to their employees but would not be required to pay any portion of the premiums. The amendment strikes the requirement that an employer must pay for a portion of employee health insurance premiums and eliminates additional employer obligations and penalties for failure to meet those obligations. The amendment also strikes the requirement that individuals must obtain health insurance coverage and pay any portion of the insurance premium that is not covered by their employers. Defeated 20–18.

DEMOCRATS

Mr. Gibbons, "nay."
Mr. Rostenkowski, "nay."
Mr. Pickle, "nay."
Mr. Rangel, "nay."
Mr. Stark, "nay."
Mr. Jacobs, "yea."
Mr. Ford (TN), "nay."
Mr. Matsui, "nay."
Mrs. Kennelly, "nay."
Mr. Coyne, "nay."
Mr. Andrews (TX), "yea."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."
Mr. Payne (VA), "yea."
Mr. Neal (MA), "nay" by proxy.
Mr. Hoagland, "nay."
Mr. McNulty, "nay."
Mr. Kopetski, "nay."
Mr. Jefferson, "nay."
Mr. Brewster, "yea."
Mr. Reynolds, "nay" by proxy.

REPUBLICANS

Mr. Archer, "yea."
Mr. Crane, "yea."
Mr. Thomas (CA), "yea."
Mr. Shaw, "yea."
Mr. Sundquist, "yea."
Mrs. Johnson (CT), "yea."
Mr. Bunning, "yea."
Mr. Grandy, "yea."
Mr. Houghton, "yea."
Mr. Herger, "yea."
Mr. McCrery, "yea."
Mr. Hancock, "yea."
Mr. Santorum, "yea."
Mr. Camp, "yea."

□ 2320

WHY DOESN'T HAWAII HAVE TO PARTICIPATE IN HEALTH CARE REFORM?

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I rise to ask a very simple question: Why does not Hawaii have to participate in health care reform? It has been an ongoing debate in our committee, the Committee on Education and Labor, for the last number of months. Today we decided that Hawaii would not have to participate in health care reform. Today in the Committee on Education and Labor markup of H.R. 3600, the health care reform bill, members voted to allow the State of Hawaii to be exempted from having to participate in the plan. I find this an intriguing idea, but I cannot understand why the committee stopped at just exempting Hawaii.

I know that people in my district believe that they receive superior health care for a reasonable cost in western Michigan. Studies have shown that the average cost per hospital stay in western Michigan is much lower than many of the models used by the administration to develop its plan as outlined in H.R. 3600. In essence, I agree that different areas of the country should be allowed to be exempted from this health care reform if those areas do not believe it will be beneficial to them. In fact, I believe that each State should be given the opportunity to opt into the plan but should not be required to do so. If it is good enough to let Hawaii opt out, why cannot other States and other Americans have the same option?

It is for this reason that tomorrow I will propose an amendment to H.R. 3600 in the Committee on Education and Labor to allow States to hold a referendum vote if they want to participate in the plan. If the voters in that State cast a majority of ballots in favor of joining in the plan, then they are in. If less than a majority of the voters choose to belong, then the State would not be in the plan and they could continue the health care system that they currently have in place, and which obviously their voters believe is better than the proposal that is being developed here in Washington.

No State would be required to hold such a referendum; only those States that believe joining the plan is in their best interests would have to go to the voters to ask them if they can join.

Over the past 2 years or so we have heard a lot of discussion over whether health care reform is a need and what form it should take. Soon we will have a plan that everyone can look at. But before we impose that plan on all of the American people except those that live in Hawaii, I think we should ask, "Is this the plan you are looking for? Will this plan fix the problems that you see in your health care system in your State, or would we be better off leaving the system in your State as it is?"

Mr. Speaker, poll after poll tells us the American public does not trust Congress. They do not trust Congress to make good decisions, and they certainly do not think Congress is going to produce a good health care reform bill. Well, I say let us let the American people tell us what they think of the work we are doing. We should not be afraid to put our product on the shelf to see if anybody will buy it. At least we should not be afraid if we are so proud of the product that we believe that we are going to produce, or are we afraid that more people from other States besides Hawaii are going to tell us that, "But no thanks, we will stick with what we have. We like the system. We would like to just keep what we have. It is working fine. We recognize there may be flaws in our system, but at least it is a better alternative than the proposal that is being cooked up in Washington."

If we are going to allow one State to opt out of the plan, then every State should have that same opportunity. Actually, not every State, but every State's voters should have the opportunity to decide whether they want to continue the plan that they have in place or whether they want to select the plan that we are developing here in Washington.

So, tomorrow we will offer a very simple amendment to H.R. 3600. The amendment will simply state, "No State shall be considered to be a participating State for purposes of this act unless a majority of voters in the State by State referendum approve the State becoming a participating State."

What a novel approach. This is not a mandate. As a matter of fact, we are

going to give voters in 49 other States the opportunity to make a decision that has already been made for them in Hawaii about whether they want to participate in this plan or not.

REFORMING THE RULES OF THE HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New York [Mr. SOLOMON] is recognized, until midnight, as the designee of the minority leader.

Mr. SOLOMON. I thank the Speaker, and I deeply apologize to you and to the loyal staff that we have, and other Members, for keeping you all here until midnight. But I feel compelled to do so after the spectacle that we have seen on the floor for the last 12 hours, when there has been, in my opinion, a very flagrant abuse of the rules of the House. It will continue tomorrow when we take up yet another bill where we are going to see further flagrant abuses of the rules of this House.

Mr. Speaker, our colleague from Washington [Mr. SWIFT], recently charged that the Joint Committee on the Reorganization of Congress, of which we were both members, never discussed or set any goals for its effort to reform Congress. I must respectfully disagree with him. I would hasten to add that the joint committee did not go far enough in addressing those goals.

At this point, Mr. Speaker, let me yield to one of the very distinguished Members of this House. I am pleased to yield at this time to the hardworking and very valued member of the joint committee, who has also done yeoman work on the Committee on Agriculture and the Committee on Public Works and Transportation, the gentleman from Cape Girardeau, MO [Mr. EMERSON].

Mr. EMERSON. I thank the gentleman for yielding, and I commend him for the very valuable service that he is rendering in fostering this discussion here this evening.

Mr. Speaker, I too regret that the hour is late, but I want to say that I think when we contemplate reforming this institution of Congress, somehow we have the feeling that it is such a monumental task that it cannot possibly be undertaken. I want to say I think there are so many things that we could do that would simplify and make more meaningful to the American people what it is that we do here, more understandable to them, that we should be about the business.

I regret that our committee, having met all of last year, all of 1993, and last November having made its recommendations to the House, I regret that the recommendations of the committee have not yet been seriously considered and presented to the House to be acted upon.

I would hope that this may occur soon. We know that in our deliberations the gentleman from Indiana, Chairman HAMILTON, told us that he would try to see that the recommendations were presented to the Congress with—he did not use the term—open rule, but it was a very generous rule. And I would hope that we may see some progress.

There is a very strong bipartisan fervor for reforming this institution. I think if we can get the fundamental document out on the floor under a generous rule, that the House could work its will and we could make some very substantial improvement.

So, I commend the gentleman for his service here this evening in calling attention to the fact that our proposal has not yet been acted upon.

I look forward to further discussions of this sort with the gentleman and thank him for yielding to me at this time.

Mr. SOLOMON. I certainly thank the gentleman for his cogent remarks. The gentleman has been a very valued member of this joint committee.

Mr. Speaker, at this time let me say that when our colleague, the gentleman from Ohio [Mr. GRADISON], retired from the Congress and the vice chairmanship of the joint committee at the beginning of this Congress, our Republican leader made an excellent choice in picking our next speaker to fill that vacancy. Although she is a first-termer new to this whole process, she mastered the details of her new responsibilities very, very quickly, while also serving as the ranking Republican in her very first year on the House Administration Subcommittee as well as the Committee on Science, Space, and Technology, and the Committee on Public Works and Transportation on which I served when I first came to this body 16 years ago.

□ 2330

Mr. Speaker, I am please to yield to the gentlewoman from Bellevue, WA [Ms. DUNN].

Ms. DUNN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for taking the initiative to coordinate this special order so we can let the American public really know what has been going on in the area of congressional reform.

Mr. Speaker, I just would like to observe that during the next few speakers it will become very clear that there are great bipartisan ideas that truly could improve the deliberative nature and the responsiveness of the Congress, but the bottom line, the message, must be that we must move forward with congressional reform. I would like to share some bipartisan ideas that I believe would serve to make the House more accountable to the taxpayers we represent. First of all, sunshine:

In 1976, Mr. Speaker, the Congress passed what is know as the Government in Sunshine Act. Passage of that act reflected the belief that there would be greater accountability if the public's access to information gathered by the Federal agencies were increased. This concept greatly paralleled similar laws that exist in all 50 States. In fact, in my State of Washington we were one of the very pioneers on this area about 20 years ago.

Well, as a result of the Congress' Government in Sunshine Act, citizens today enjoy greater access to Federal agencies. Sadly, however, the taxpayers have less access here in the House than they do in those Federal agencies.

Taxpayers pay for this process, Mr. Speaker, and thus they should have every right to see the process in action. Committee meetings should never be closed to the tax-paying public unless there is a legitimate issue of national security or the potential defamation of somebody's character, and if taxpayers cannot personally be there in the meetings, then they have a right to be represented at those hearings by the free press.

Yet today a congressional committee may vote to close it doors, to kick the public out. Mr. Speaker, and to remove the free press with a simple majority vote of the Members present, and very rarely is it today for reasons as noble as national security.

This is a fundamental reform that must be made to House Rules. If we are to be the "People's House" then the people have to know what we are doing. Yet, somewhat arrogantly in my view, our House Rules currently state that press coverage of our committee meetings around here is a privilege extended by the House.

Let me read from current Rules: "The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House . . ."

This is fundamentally wrong, Mr. Speaker. Let me offer an example:

Last year the gentleman from Illinois [Mr. ROSTENKOWSKI] and the Committee on Ways and Means crafted legislative language that ended up being the largest tax increase in American history. Somebody thought that might be an embarrassing moment, so the press and the American public were escorted out of the room. Despite opposition from all the Republican members of that committee, the doors were closed. The taxes went up. And the American people were left in the dark.

My strong belief is that Members of Congress will be more accountable if and when they realize that the press and the public are watching. Counterarguments about decisions being best made in private are wrong. If our decisions cannot stand public scrutiny, something is very wrong with those decisions, Mr. Speaker.

So, the first and most fundamental thing I believe we can do to make this institution and its Members more accountable to the taxpayers we represent is this: let the taxpayers watch. Let the sun shine in.

This goal would be included in any reform package forwarded by Members on this side of the aisle. Indeed it is already formal policy of the House Republican Conference.

There are some other things that we can do to increase accountability of Members. They all revolve around this simple concept: let the people know what their elected Representatives are doing. I truly believe that is how basic the reforms must be if we are ever going to address the growing cynicism of taxpayers in our great country.

So, let us make sure that voters are informed about votes cast in committees and subcommittees and which Members actually showed up for this vital part of the legislative process. We should be able to make that information available to the public the very next day. And the press should have free and virtually immediate access to that information.

We made a small step forward in this regard in the markup done by the Joint Committee. The House markup approved an amendment of mine to require that committee attendance and votes be published at least twice a year in the CONGRESSIONAL RECORD.

That is a first step, but we can, and we should, go much farther to make Members accountable to the taxpayers. Let us let them know how we are voting in committee. Let us let them know who is showing up to vote in committees, and who is not showing up, and whose votes are being cast through proxies.

I think there's another step that can be taken to make us more accountable: let us try to establish a more understandable schedule that allows Members to be home for predictable, regular and substantial periods of time.

The Senate endeavors to work here for 3 weeks, then allow Members to return to their States for a full week. That is one approach, Mr. Speaker, one that you, yourself, have taken a great leadership role in and have done a superb job in advocating. Regardless of the specifics though, we need more time at home listening to the real problems, the problems of our constituents, problems that often are starkly different from the problems that we find ourselves enmeshed in here in Washington, DC.

As a West Coast Member, I am often able to get back home to the Seattle area only for Saturday and Sunday before I have to return here to the House for votes. I cannot meet with the Chambers of Commerce or the Rotary Clubs. I cannot visit schools or drop in on businesses and meet with their employees. They simply are not around on weekends.

Mr. Speaker, we would all be more accountable to the people who elect us if we spent more time at home with our constituents, listening to them and pledging to them to address the problems they talked to us about.

Once again I thank the gentleman from New York [Mr. SOLOMON] for his leadership. There is much on congressional reform that we can do, and these basic notions, letting some sunshine in so the taxpayers can see what their Congress is doing and spending more time with the folks back home, these basic notions are two necessary components to the kind of congressional reform the taxpayers thought they were voting for in 1992.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentlewoman for, first of all, her input to this joint committee. I know that this committee met almost daily for an entire year, and the gentlewoman from Washington [Ms. DUNN] certainly attended every one of those meetings and did yeoman work, and we really do appreciate that, Mr. Speaker.

At this time I am pleased to yield to the most knowledgeable House Member from either party when it comes to House rules and procedures, our Republican chief deputy whip and Republican chairman of the Committee on Science, Space, and Technology who also found time to serve with us on the joint committee, the gentleman from East Petersburg, PA, [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding and thank him for taking this special order and giving us a chance to talk briefly this evening about the House rules and about reforming some of those rules and making this a more productive body. My concern this evening is going to center on one particular rule that I think needs to be dramatically changed in order to make this body more worthy of public respect, and that is the practice of proxy voting in committees. In my view the situation that we now have is entirely unacceptable.

When men and women run for Congress, they certainly do not go to their district and suggest:

"If you send me to Congress, I will go there and cast a vote, but I won't necessarily cast the vote myself. I, on occasion, will turn it over to someone else and allow them to cast the vote for me."

When the American public understands that that goes on in the Congress, they become extremely disturbed, and they should.

□ 2340

Yet, in committee after committee, that happens regularly, where Members of Congress, instead of being there voting themselves, have their vote cast by what we call proxy. That is a practice has then caused this body not to practice the right kind of legislative behavior.

We have expanded committees and committee staffs largely because if no one is going to show up and all the votes are cast by proxy, you can do nearly anything, and you can do it on nearly any schedule.

We would in fact be a more productive body, we would do it in a more compact way, if everybody had to show up and actually be there present and voting. What we find in committees that do not allow proxy votes is the Members do come, and those committees tend to work more efficiently and the product of their labors is often more in tune with the House than what we have typically had on committees that allow the problems I votes.

Mr. DREIER. If the gentleman will yield, I would just like to comment on this issue of proxy voting. I appreciate the hard work that my friend from East Petersburg has done on this particular issue.

The issue of proxy voting I think hits near and dear to this issue of showing up for work, frankly. I think the average American can relate to the fact when they get up in the morning they do in fact have to show up for work. This argument there are so many committees and subcommittees is used as an excuse. But, quite frankly, it is used in a very arrogant manner, in most cases by the majority, to defeat amendments that are offered by Members of the minority.

In fact, the entire minority caucus of a committee could be sitting in that committee offering thoughtful amendments, and the only majority Member, the only Democrat in the room, could conceivably be the chairman, who could defeat those amendments by simply reaching into his desk and bringing out the proxies of other Members, who do not even know how their votes are being cast. That kind of arrogance shows again the majority has hegemony, jeopardizing the rights of the Members sitting in the room.

Mr. WALKER. I thank the gentleman for pointing that out. It has happened to me on several occasions, where we have been in the room and often won the vote by the Members voting, often on a bipartisan basis. We win the vote by the people who sat and listened to the debate, only to have the proxies pulled out and have the vote go the other way as a result of the proxies. And I think the American people get cheated, and I think the legislative process gets cheated at that point, because the fact is, that then that legislation comes to the floor, having been not a product of a working committee, but being a product of votes that were not even in the room when the action took place.

Those kinds of issues then get raised on the House floor, and often cause a lot of controversy on the House floor, needlessly, because they might have been rejected or approved by the committee, depending upon where you were

headed, if the committees simply stuck with what was actually going on and stuck with the votes of people who were there. Instead they come to the floor, we create a lot of controversy, and it is just bad practice.

Ultimately the real issue here is whether or not the American people don't get cheated by sending people to Congress, who then do not cast their own vote in one of the most important functions of Congress, the committee deliberations.

Mr. SOLOMON. The gentleman brings up such a good point. There are two committees that don't allow proxy voting. I happen to have served as the ranking Republican on the Committee on Veterans' Affairs for many, many years, and the Democrat chairman of that committee did not allow proxy voting. I commend him for it, the gentleman from Mississippi [Mr. MONTGOMERY]. We also do not allow it in the Committee on Rules.

It is a Federal offense if you allow someone else to vote for you on the floor of this House. Yet you can just carte blanche give your vote without having exercised your constitutional authority to represent your 600,000 people or however many you represent. That is a shame, and it should not be allowed. Under our Congressional reform program, we would do away with all proxy voting.

Mr. WALKER. The gentleman raises an interesting point. Isn't it interesting in Veterans' Affairs, where they do not allow proxy votes, nearly every bill brought out of that committee is brought under the suspension calendar. The things are worked out where they are brought to the floor in such a noncontroversial manner where they can be considered under the suspension calendar and moved expeditiously through the House.

Where we run into problems is in those committees where people are not present and voting, have given their vote to someone else, and it creates all kinds of problems for the system. This is one where if you want to truly reform the Congress, we have to end the practice of proxy voting. There is no way that you can call a reform real if we have not abolished proxy voting in the House of Representatives, and said to the American people that when you send a Member of Congress to this body, that their vote is going to be cast not only on the floor, but it is going to be cast in committee, by them personally being there to cast it. I thank the gentleman very much for yielding.

Mr. SOLOMON. I thank the gentleman for all his hard work as a Member of that joint committee. He has been invaluable.

At this time let me yield, Mr. Speaker, to our next speaker. We were very fortunate to have him as a Member of the joint committee, someone as bright and diligent as our next speaker. He also serves on the Committee on Agriculture, the Committee on the Budget, and the Committee on Natural Resources. And I am pleased at this time to yield to the gentleman from Loveland, CO [Mr. ALLARD].

Mr. ALLARD. Thank you very much. I would like to thank the gentleman from New York for yielding.

Mr. Speaker, I came to this committee and came to the Congress as somebody who had served in a state legislature, a state legislature from a state that is very progressive. We had done a lot of reforms in our own legislative process so it was more accountable, and we did a lot of things to hold down costs.

So I was absolutely delighted when I had an opportunity to serve on this Committee on the Organization of Congress, because I could begin to talk about those things that I did as a legislator in my own state, and how successful they were and how we should begin to apply them to the Congress, and particularly to the House of Representatives.

I came to this body with the concept of a citizen legislator, that is, somebody who had to live under the very laws that they passed. In the Colorado State Senate I carried a piece of legislation that limited our session to 120 days, because it felt like the members from that legislative body had to go back and spend some time at home, and not spend a whole year in session. Because of that experience at home, they would be better legislators.

Today the issue I frequently hear from local communities, is we continually are being flooded with mandates. I say look, you know, there is a fundamental problem there about Congress being able to understand your problems. Your elected representative, your elected representative to the school board, your elected representative to the county commissioners, or your elected representative to the city council, or even you state legislators, have to live under a set of laws where Congress has exempted itself from.

This has created a fundamental problem. It is a problem that just has not been recently recognized. It was recognized as far back as James Madison, who in so many words stated that if you have a legislative body that exempts itself from the same laws everybody else has to live under, you in effect have created an elite body.

So I saw some very fundamental changes that had to occur in a way that we did business here. And I have had an opportunity to talk about many of those and work with many of the Members that are here tonight that are talking about a lot of change that needs to occur in the Congress.

It has been a pleasure to work with those Members, because they are very sincere in their efforts. They truly believe that change has to occur in the House of Representatives, as I do.

So I feel like I have aligned myself with a very distinguished group as far as the House of Representatives is concerned.

I spent a good deal of time looking at how we could make the Congress, that is, the House and the Senate, more efficient in the way they did business. In the legislative body that I came from, we, for example, had a joint administrative body that looked at the general business in that body, and said look, when we get to issues like printing, the Senate and House should not have separate printing offices, that these efforts can be combined, and by combining them you make the administrative process much more accountable and you also reduce the number of employees that you have that manage your particular institution.

So I have seen today a real need to do some consolidating between both the House and the Senate, to have this joint effort come together with some kind of committee that is going to make some decisions so that we see administrative policies that are carried on the same in both the House and the Senate.

By the way, we would reduce the number of employees we have. We have tight budgets, and I think we should be prepared to deal with those right budgets. One way we can do it is by consolidating services.

□ 2350

Areas that I saw and we actually included in the report that we got from the organization of the committee were, we were going to set up a committee. We set up a committee to look seriously at these areas. I would have wished that the committee itself would have taken even more direct action on these areas, but I will accept the fact that perhaps they need studying because they are very complicated. But there are certain areas where I think we could so some consolidation.

One of them, as I alluded to earlier, was printing. I think we can look to recording issues, where we have a recording studio on one side and a recording studio on the other. No reason why we cannot combine some of those facilities. Photography and guide services and folding and packaging services, the Chaplain's and the flag office and the parking permits and security and the Congressional Budget Office and disbursements and receipts and the Architect of the Capitol, maintenance and grounds and the buildings, the library and drafting services, research and computer services are all areas that we need to look at so that we can begin to consolidate services and set up a process where you have clear administrative decisions being made so the person in charge has to be accountable and so he can hold those agencies underneath him accountable.

The way the system works today, we do not have that accountability. It is

something that I saw happening in the Colorado State Legislature. It is something that I know happens in many legislatures all over the United States. I think there is a lesson to be learned, but the Congress needs to take the time to find out what other legislators are doing and helping to manage their body in the various state legislative bodies and bring those concepts in here. And it is my hope that perhaps maybe that study will begin to accomplish some of those things and bring some common sense, bring some real management decisions that can make a difference in the way that we do business.

I was joked at occasionally from some of my constituents, you know, Congressman, we see a lot of problems with the House. And here you are, you have set up another committee within the House of Representatives and the Senate to try and address some of these problems. All we need is another committee.

I said, look, I really believe that this committee is made up of some Members who sincerely want to have change as I do. I think that it is a good place to start, and I think that if we get something out of there that the leadership will treat that recommendation seriously. I have to report back in a somewhat embarrassed situation, back to my constituents and say what I see happening. The report that came out of that committee is virtually being ignored by the leadership in the House and the Senate. We are not getting our recommendations, some of which I seriously brought up here today, talked about. And we need to bring these issues to the floor, and we need to have some serious debate on the House floor by the Members that were elected by their constituents and get them brought before the American public.

I think that we will find that many Members of this House will vote for a lot of the changes that we talked about in that committee. I am very disappointed that it has become bogged down and has not been brought forward as I would have hoped that it would have been. We took a lot of time. We had more than 36 days of testimony on the committee itself to organize Congress. And this made up hours and hours of testimony. I am not sure that in recent history there has ever been a committee that took as much time as we did on that committee to talk about the problems facing Congress.

I would just like to thank the gentleman from New York for his leadership. I think there is a lot that needs to be done and can be done by this body. All we need to do is open the gates, and I think that the American people will respond. I think the Members of this House will respond.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman for his very, very telling remarks.

Mr. Speaker, our colleague from Washington [Mr. SWIFT], recently charged that the Joint Committee on the Organization of Congress, of which we were both members, never discussed or set any goals for its efforts to reform Congress.

I must respectfully disagree with him, though I would hasten to add that the joint committee did not go far enough in addressing those goals.

Our goals were actually set out for us in House Concurrent Resolution 192 which established the joint committee back in 1992.

We were mandated by that resolution "to recommend improvements in the organization and operation of the Congress with a view to strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with and oversight of other branches of the U.S. Government, and improving the orderly consideration of legislation."

In short, the joint committee was charged with making recommendations to simplify and improve our existing structures and procedures so that we can do a more effective job of legislating and overseeing the executive branch.

Implicit in this stated goal is the assumption that the Congress is not now properly organized or operated to effectively carry out our constitutional responsibilities to make the laws and monitor their implementation. If this were not the case, we would not have gone to all the trouble to create a joint committee to make recommended improvements.

Indeed, the validity of that assumption was confirmed by the Members and public witnesses appearing before the joint committee during the course of its 6 months of hearings. It was also evident in the results of a survey of Members conducted for the joint committee.

In response to the question, Are major procedural or organizational improvements needed in the way Congress conducts its legislative business? 91.2 percent of the House respondents said yes. That includes 77.7 percent of the Democratic respondents and 96.4 percent of the Republican respondents.

Mr. Speaker, we don't get such overwhelming, bipartisan agreement on much else around here; but, when it comes to the need to reform this institution, there is presumably near unanimous support for major improvements in the way we conduct our legislative business.

So there's our goal, I would say to Mr. SWIFT: Improve the way we conduct our legislative business!

It's in our authorizing resolution; it's in our hearing record; it's in the Member survey results; and it's in our final report.

The final report, after repeating the authorizing resolution's mandate that we recommend improvements to strengthen the effectiveness of Congress simplify its operations, and improve its oversight and the orderly consideration of legislation, then goes on to say, and I quote: "In short, the joint committee was formed to address how to make Congress more effective, accountable, and credible."

Mr. Speaker, Mr. SWIFT argues that many of the goals cited by reformers are directly contradictory. He would argue that you cannot be more democratic, more representative, more responsive, more accountable and more deliberative, on the one hand, and more efficient, decisive, orderly, and productive on the other.

Well, Mr. Speaker, it must be conceded that democracy is inherently inefficient and even messy at times, and that the single-minded pursuit of efficiency and order can only diminish our democratic character. But, as far as I know, no true reformers are urging us to commit democracide for the sake of making the trains run on time.

But, I would argue that true reformers can have it both ways—that they can make this institution more efficient while also making it more open, accountable, responsive and deliberative. These goals are not contradictory or mutually exclusive.

Mr. Speaker, one of the greatest inefficiencies of this institution is the duplication of effort that goes on in our 22 standing committees and scores of subcommittees—all because of something called multiple referrals. That was an innovation of the 1974 Bolling reforms. Before that, any bill could be referred to only one committee.

But, the part of the Bolling committee reform package that was not enacted, was the realignment of committee jurisdictions along more rational and functional lines. So what we ended up with was pretty much the same tangle of jurisdictional responsibilities as before, combined for the first time with the possibility that bills could be referred to two or more committees at a time, or in sequence.

And the multiple referral authority, which was mandated on the Speaker, encouraged committees to fight to broaden their jurisdictions even further into the territories of other committees.

So what we have ended-up with is a double inefficiency: two or more committees holding hearings and markups on the same bills, and also expending time and resources in constant jurisdictional turf battles to preserve, protect and expand their own legislative authority.

What we have proposed in the alternative on the Republican side is that:

First, we reduce the number of committees and subcommittees;

Second, realign and consolidate jurisdictions where possible;

Third, eliminate joint bill referrals, require the designation of a principal

committee for each bill, and keep sequential referrals as discretionary with the Speaker, subject to time limits for reporting; and

Fourth, place strict limits on the number of committee and subcommittee assignments a Member may serve on.

All these reforms are designed to make our legislative process more efficient by eliminating duplication of effort and maximizing the amount of time and effort a Member may devote to each assignment.

Moreover, by pinpointing responsibility for each bill in a single, primary or principal committee, we will restore the kind of accountability which has been lacking since the institution of multiple referrals back in 1974.

At the same time, the implementation of these reforms should help to make the process more representative and deliberative. With Members having fewer committee and subcommittee assignments, there should be greater Member participation in hearings and bill markups, meaning that the legislative products of these subcommittees and committees will receive fuller and more representative participation, deliberation and results.

In short, in the case of these reforms, efficiency and deliberative democracy are not contradictory—they are mutually complementary.

And Mr. Speaker, with fewer committees, subcommittees and Member assignments, it should also be feasible to eliminate the practice of proxy voting.

Now Mr. Speaker, some Democrats argue that proxy voting is more efficient since it does not require the presence of Members for their votes to be recorded on amendments and reporting bills. But it is clearly an efficiency that runs directly contrary to deliberative and participatory democracy, and certainly contradictory to a Members constitutional obligation to responsibly represent his or her constituents.

Because by giving away a proxy vote, Members do not know what specific amendments will be offered, or hear the arguments for or against them, when they entrust their proxy to another Member and the resulting decisions will not necessarily reflect the true sentiments of a committee majority, and the constituents they represent.

By the same token, one-third committee quorums for amending bills and a new rule allowing so-called rolling quorums for reporting them, whereby Members can drop by and vote after the deliberative process is completed, are absolutely contrary to majority rule and deliberative decision making.

Mr. Speaker, the principle for committee action enunciated by Jefferson in his Manual should apply with the same force today as it did in his time, and that is that a majority of the committee constitutes a quorum for business, they can only act when together, and not by separate consultation and consent—absolutely nothing being in the report of the committee but what has been agreed to in committee actually assembled.

Mr. Speaker, and Members, when one looks at the way we handle major legislation on the House floor, we are again confronted with a system that increasingly embraces undemocratic procedures in the name of efficiency at the expense of deliberative and representative government.

In this Congress, 80 percent of the bills brought through the Rules Committee have been considered on this floor under a process that restricts the full and free right of Members to offer amendments.

The survey of House Members taken for the joint committee reveals that this is not merely a complaint or concern of the minority party. It is a very legitimate concern. When House Members were asked whether they agree or disagree that there have been too many limitations on debates and amendments on the House floor this year, 68 percent of the respondents agreed, including 41 percent of the Democrats and 98 percent of the Republicans.

It is ironic, but sadly true, that the inefficiencies of our current committee system are being compensated for, by an overly efficient House floor system that reduces, rather than improves, our chances of improving upon the legislative products of those committees. Is it any wonder the people have less respect for the laws we enact, when they see how undemocratically we conduct our business around here.

We have squeezed out representative and deliberative democracy at both ends of the process through a combination of inefficiency and efficiency. Both the committee process and the House floor process have increasingly denied us the opportunity to be representative and responsive legislators.

In conclusion, Mr. Speaker, I must respectfully disagree with my colleague from Washington [Mr. SWIFT] on both of his charges that the joint committee never had any agreed upon goals, and that the goals of reformers are contradictory.

The recommendations of the joint committee, while not going far enough, reflect the consensus, not only of the joint committee members, but of other House Members who testified and responded to the Member survey.

And that consensus is that the existing legislative structure and process are not sufficiently rational, responsive, representative or deliberative. Members are being asked to do more than they can responsibly and conscientiously manage at the committee level, and then are being prevented from doing what they were elected to do, when a bill reaches the House floor.

There are reforms that can be instituted that are both internally consistent and which promote the fulfillment of those goals. We can again make the committee system a more efficient and participatory policy process.

And, if committees once again produce legislation that is more representative and responsive to problems and our constituents, we have less to fear about an open amendment process on the House floor.

Mr. Speaker, as with any genuine and bold reform effort, the major obstacle to its success is the resistance of some powerful Members who are wedded to the status quo out of personal power considerations, in clear defiance of what is in the best interests of improving the organization and operation of the institution as a whole.

In the meantime, public respect, confidence and job approval ratings of the Congress continue to decline to dangerously low levels. The question confronting us is whether we will have the courage and foresight to reform ourselves now, in a rational way, before this tidal wave of sentiment engulfs us and imposes on us more extreme and irrational changes?

We must act now to bring the recommendations of the joint committee on congressional reform to the House floor as a single bill, and consider them under an open amendment process that will enable us to further strengthen them, and make the changes that are necessary in our organization and operations. Time is running out.

Mr. Speaker, at this time I want to yield to a very, very important person in the reform of this Congress. When our colleague, again from Ohio [Mr. GRADISON], retired from the Congress and the vice chairmanship of this joint committee at the beginning of this Congress, our Republican leader made another outstanding choice in picking our next Speaker to become vice chairman of the joint committee.

Mr. Speaker, I am referring to and yield to the very distinguished and hard-working vice chairman of the Joint Committee on the Organization of Congress and my colleague on the Rules Committee, the gentleman from La Verne, CA [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I include for the RECORD a statement from our distinguished Republican leader, Mr. MICHEL.

Mr. MICHEL. Mr. Speaker, I thank my colleagues, especially JERRY SOLOMON and DAVID DREIER, for taking this important special order.

Why reform Congress? To most people in the country, that is like asking the question: Why breathe? It simply must be done if we want to survive.

My comments today are directed not at the reform process for this year. The Democratic leadership has already demonstrated that real reform, for all intents and purposes, is dead in this Congress. No, my comments go to my Republican colleagues, once they take control of this institution.

In 1780, Abigail Adams wrote to her young son about the nature of virtue: "It is not in the still calm of life or in the repose of a pacific situation, that great challenges are formed * * * Great necessities call out great virtues * * *"

As I near the end of 38 years of public service in the House of Representatives, I believe the words of Abigail Adams to her young son (who in later years would be elected to the House after his presidency) must be heeded by Congress today. The institution is in a time of "great necessities," its credibility torn to shreds by repeated scandals, its ability to do the people's work in serious doubt after forty years of total control by one party, its image tarnished by the Democrats' refusal to reform. Only the heroic exercise of great legislative virtues—fairness, accountability, thrift honesty, efficiency, humility and courage—can save the reputation of the House.

The end of the 103d Congress will mark the beginning of a new stage in my life (a more upbeat way of saying "I'm retiring."), so I will not be a Member of Congress on the inevitable—and, in my view fast-approaching—day when a House Republican is once again honored with the proud title of "Mr. Speaker." But nearly four decades of service have taught me some lessons. Perhaps the following ideas on House reform can be of help as our great party prepares itself for the responsibilities of leadership in every committee, subcommittee, and legislative aspect of the people's House. Let me explain how each great virtue can manifest itself in specific reforms for the House:

Fairness: Fairness means different things to different people. In Congress, it should mean—at a minimum—an equal ability to represent your constituents. This is a basic right, not a privilege granted or denied by a whim of the majority, and the refusal to recognize that right is a direct attack on the very idea of representative government. By taking away a Member's right to amend legislation and to make the case for that amendment, the majority in effect takes away the right of Members to represent their constituents. Since each district has equal importance in the eyes of the law, each Member theoretically should have equal opportunity to craft legislation according to his or her principles and judgment. By this I do not mean you always get the legislative result you desire, but you get the opportunity to let all of your colleagues see what you have to offer and vote on it. Whether it concerns offering amendments, equal access to staff and resources, or an equal ability to gather necessary documents, a little fairness goes a long way in improving comity, cooperation and courtesy and would help the House improve its legislative product and its reputation in the eyes of the public.

Unfortunately, the House has become increasingly unfair over the last decade in several respects. For instance, the Rules Committee—controlled by Democrats—has clamped down on the granting of open rules, making it more and more difficult for Members to offer amendments to legislation. In fact, the open rule, once a fairly common aspect of legislative life, has become one of the most endangered species in the political landscape, a kind of spotted owl of parliamentary procedure. To restore fairness, the House should make it more difficult for the Rules Committee to issue closed rules that strictly limit the number of amendments to be offered by the minority party. I would also guarantee the right of the minority party to offer a last chance to recommit a bill with instructions.

Of course, there is also a problem with the unfair division of resources. Some committee chairmen over the years have come to believe the committees they head are quite literally their committees, personal fiefdoms over which they wield absolute power, while everyone else is treated as an underling. With the arrogance of a titled lord of the manor, these committee chieftains refuse to give the minority adequate staff resources, while hiring more than enough staff for their own uses. While I believe that the taxpayers would be better served by a large reduction in overall staff (see below, under "Thrift"), the minority cannot be further penalized by denying them the staff they need to begin to overcome the advantages of majority power.

Accountability: The dictum that power tends to corrupt is overused, but also instructive when it comes to the Congress. It is only to be expected that forty consecutive years in total power have aggrandized some of the less attractive aspects of political life and sometimes clouded the ethical prudential judgment of those who have wielded such power. One party is not more virtuous than the other, but common sense tells us that forty years of uninterrupted power has a corrosive effect on the ability to perceive accurately one's shortcomings and scrutinize one's motives.

Fiscal, political and ethical accountability are now desperately needed because the House is in a period of decline in public popularity unparalleled in my years as a member. One way to impose accountability is to overhaul our campaign finance laws. There is a huge imbalance in favor of incumbents over challengers in House elections. I support three critical reforms of our campaign finance system:

First, we should require that most of the money raised in campaigns come from the constituents of the districts. The people being represented in the district—not the elite from New York or Hollywood—should have the greatest say in who is elected.

Second, I would ban PACs. PACs were initially created as a reform in the 1970's, but it is time for us to admit that they have not only failed to reform the system, but have created new problems. PACs can give undue influence to special interest groups to control the legislative agenda—or at the very least they give the perception of doing so. Let's get rid of them, as quickly as possible.

Third, we need to ban the use of soft money in elections. Soft money gives campaigns resources, such as phone banks, without the risk of disclosure. By using such resources, powerful special interests have a profound impact on elections without the voters ever knowing about their role. We should ban these kinds of contributions, or at least require their full disclosure.

Of course, accountability is not only a problem with the Congress. It is also a problem with the executive branch. When the administration is of one party and the Congress is of another, executive branch accountability becomes much easier. In fact, during the Reagan and Bush years, the Democrats in the Congress were zealous in making the Administration accountable. It seemed at times that not a week went by without the Democratic pit bulls of oversight snarling and yapping at one Republican appointee or another.

But like the dog that didn't bark in the Sherlock Holmes' story, the Democrat guard dogs have been strangely silent during the Clinton administration despite a number of scandals, near-scandals, and abuses by Clinton appointees. Of course, it is more difficult to fully conduct oversight on members of your own party, to put it in the mildest possible terms. That is why I have urged that we put control of the Government Operations Committee into the hands of the minority when the majority in the Congress and the executive branch are of the same party. This simple change will give the minority party the resources and power to investigate wrongdoing while giving the Government greater credibility in pursuit of accountability. Again, I favor such a reform even when we gain majority status.

Thrift: If the Congress wants to regain the goodwill of the taxpayers, it must exhibit thrift, that most exemplary of the virtues of governance. I am reminded of the example of that great and recently deceased Congressman, Bill Natcher. Bill, to his last days in the House, exemplified the best qualities of thrift. He realized that his personal example mattered. He kept his office staff small, he rarely spent half of his office allowance, and his campaigns were inexpensive and simple. He knew the value of the taxpayers' dollar.

That is why I have long supported measures that cut spending in the legislative branch, and other measures that allow for deficit reduction in appropriation bills and entitlement spending. For instance, I proposed that Republicans, if they controlled the 103d Congress, would cut committee staffs in half.

I also support other efforts to cut waste in spending. We should give the President line item veto authority. We need to pass the balanced budget amendment to the Constitution. And we need to make it easier in the House rules to move money in appropriations bills from pork barrel projects to deficit reduction. In short, the rules of the House are currently stacked against efforts to cut spending. We need to change those rules to make it easier to cut spending and harder to spend more.

Honesty: Perhaps the biggest complaint that the voters have with their elected officials in Washington concerns the basic virtue of honesty. Official Washington is simply not honest enough with the American people. Whether it is sugar coating the truth or generating artificial "crises" to push political agendas, we have created the perception—and, more often than we care to admit, the reality—of being participants in an endless game of rhetorical sleight-of-hand and media manipulation. There are certain things that can be done to restore a sense of truth to our process, and since we deal so often with numbers, reform should begin with how Congress creates its budget baseline numbers.

Baseline budgeting allows the Congress to fudge the numbers by including the expected rise in spending as part of the calculations. That means when the President or the Congress say they are cutting spending, they

mostly are really just slowing the growth of spending. I believe we should go back to the old method of zero-based budgeting, so that every year we reexamine the assumptions made in the first funding resolution.

Another budget reform also involved deficit reduction. Most cutting amendments to appropriations bills do not actually cut the deficit. Instead, they are reprogrammed for spending on other projects. For example, when Members voted to kill the Superconducting Supercollider, the money saved did not go to deficit reduction as all the supporters of the amendment promised but instead to other programs like public housing within that appropriation bill. If we are going to be honest with the American people, we should make certain that a deficit reduction amendment actually reduced the deficit.

Efficiency: When hearings for the creation of the Joint Committee on the Organization of the Congress initially were held, the majority leader and the Speaker stressed the need for great efficiency while I stressed the need for greater fairness. After watching the committee system's handling of the health care issue, I am beginning to come around to the efficiency argument.

We have seen three committees in the House and two committees in the Senate develop different and often contradictory health care reform plans, and at this moment, it is still doubtful that those differences will ever be worked out. These jurisdictional battles and redundant efforts are an inefficient use of the Congress' time and the taxpayers' money. We need a complete restructuring of the committee system to make these battles less common. The House should also examine a mechanism to create temporary committees for issues that are too big for one committee to handle.

Efficiency can also be achieved by the creation of a more orderly and "family friendly" schedule. We in the House spend so much of our time in the early months doing too little, while spending so little of our time in the later months doing too much. We need to regularize our schedule to make a more efficient use of our time.

Another important way to create more efficiency in the House is to eliminate the patronage system. Forty years of single party control of this institution has eroded many checks and balances, but perhaps the most blatant abuse is the system of patronage. We tried in the 102d Congress to change it all by creating the office of Director of Non-Legislative Affairs to handle many of the operations of the House. Unfortunately, our first director resigned in disgust because the majority would not allow him the necessary powers to complete his mission. We need reform that will eliminate the cronyism and the lack of professionalism which hurt the House in so many ways.

Humility: The most common criticism of the Members of the U.S. Congress comes from voters who are struck by the arrogance of power, powerfully exemplified by the debate over congressional coverage under laws we impose on all other Americans.

As the House and Senate work on legislation that affects small businesses and private citizens, they often see fit to exempt the Congress from those laws. Compliance with OSHA is but one example. If the Congress were forced to comply with the myriad of safety rules and regulations they pass on to small businesses, the legislative branch would close down. In fact, that is one reason why the Congress gave itself an exemption from OSHA regulations. But the question we should ask ourselves before we pass these burdensome mandates is this: If we can't handle these laws, how can we expect the private sector to handle them?

This double standard understandably outrages the American public. If, in constitutional theory, no one is above the law, how can the Congress work out a private exemption for itself? The feeble response, based on the constitutional checks and balances argument, frankly doesn't mean much to taxpayers who have to obey laws from which their elected representatives exempt themselves. That is why I strongly support a requirement that all laws the Congress passes, the Congress must obey.

There's another way to assert some humility in the House: impose term limits on committee chairmen and ranking members. I originally proposed this change in the rules of the House as a way to break up much of the institutional gridlock that haunted the House during the Bush administration. Arrogance comes from power, and power comes from an unyielding, and seemingly eternal, grip on the levers of the committees. By loosening that grip and giving Members a time limit to serve as head of a committee, we may be able to do two things. First, give other important reforms such as a full committee restructuring a chance to survive. And two, give these chairs a taste of humility.

Courage: None of the virtues listed above are possible without courage. And courage comes in many forms. There is the courage to face down a committee chairman in the face of threats and intimidation, the courage to tell the voters they are wrong when you believe they are wrong, and to stand up to threats from powerful colleagues when you think you are right. There must be the courage to listen to all sides of a debate and admit when you are wrong, to be accountable to the taxpayers, and to deal with budget challenges honestly, and if we are to achieve true reform, there must be the courage to give up some power for the better operation of the House. None of the other virtues is possible unless Members are informed and inspired by the courage that comes only with the belief that a Member of the House is here to serve the people—not his party or his committee chairman or some special interest or the various and assorted pundits, prophets, and polemicists of the media.

"And your Children shall wander in the wilderness for forty years." Scripture describes a situation very familiar to House Republicans. For 40 years, we have been wandering in the political wilderness as the minority party in the U.S. House of Representatives,

I have been here for 38 of those long years. Elections have come and gone, but for almost half a century, no Republican has chaired a committee, or wielded the gavel on the House floor.

But as I look to the future, I can see the promised land of a Republican majority. I will not be the Republican who finally regains the Speaker's chair, but I am glad to know the principles we have all fought for during the years in the wilderness will soon triumph in the House and in the Nation.

For all the faults of its individual Members, for all the real grievances that have accumulated during forty years of one-power control, the United States House of Representatives remains the greatest representative legislative body in the world. Our system is emulated and admired in many nations and for good reason. Admittedly, we have hit some rough spots over the last several years, and I must confess that there have been days when in the face of some new scandal it was not easy going to work each morning. It is clear we live in a time when those great necessities of congressional reform must be addressed directly, forcefully and quickly.

One final word to my Republican friends and colleagues in the House: I know that after 38 years of minority status, it would be all too human to want to wreak revenge on the Democrats when we become the majority and do unto them as they have been doing unto us for so long. The temptation is great and understandable, but in my view it is precisely because we Republicans know from bitter experience the arrogance of unchecked power, the abuse of the system, and the unfairness of rules that stifle open debate, that we should as a majority do all we can to make the process work fairly. We are going to be judged by the people not on how often we can stick it to those who have stuck it to us, but on how close we come to running the House in the best interests of the Nation. To paraphrase an old saying, governing well is the best revenge.

Reform of the House is coming. As my Republican colleagues take over the Congress, I hope they remember those who, during the years in the wilderness, tried our best to make this great House work for the people. And I hope they keep in mind these seven virtues of reform on that great day in January, when a Democrat stands near the Speaker's chair on the House floor, hands the gavel to a Republican and says, "Congratulations, Mr. Speaker!"

Mr. DREIER. Mr. Speaker, I have just a very few minutes. I wanted to talk specifically about the issue of committee reform.

I would like to thank my colleagues, the gentleman from New York [Mr. SOLOMON] and the gentleman from Colorado [Mr. ALLARD], both of whom are still here in the Chamber; our colleagues, the gentleman from Missouri [Mr. EMERSON] and the gentlewoman from Washington [Ms. DUNN] and the gentleman from Pennsylvania [Mr. WALKER], all of whom worked very closely with me as we tried in a bipartisan way to deal with issue of reform of the institution.

This committee came about because of the many crises that this institution faced: the House Bank, the Post Office, the restaurant, and a wide range of other concerns, many of which still remain today in the eyes of the American people.

On the issue of committee reform, Mr. Speaker, if you look at the early

history of this country, virtually every decade, when the census was taken, the Congress brought about a change in the structure of the committee system in the Congress. Clearly, the committee system is, I believe, the most important aspect. In fact, our friend, Norm Ornstein, at the American Enterprise Interstate, said, in one of the many opportunities he had to testify before our joint committee and then again before the Rules Committee, he said that the committee system is the linchpin in the deliberative process. That clearly is the case.

We have 266 committees and subcommittees here in the Congress. The unfortunate thing is that we have observed really the development of fiefdoms, if you will, and it seems to me that we have a responsibility to try and reduce that so that one of the issues that was mentioned earlier by our friend from Pennsylvania, Mr. WALKER, that issue being proxy voting, can in fact be addressed.

If we can reduce the number of committees and subcommittees, Members will in fact be able to show up to do their committee work. If you look at the jurisdictional overlap that exists today, there are 52 committees and subcommittees that have responsibility over programs for children and families. The Environmental Protection Agency answers to 90 committees and subcommittees. There are 107 committees and subcommittees that claim some oversight role over the Pentagon, and there are more than 40 subcommittees and committees that have jurisdiction over surface transportation.

If you look at that kind of jurisdictional overlap, it creates gridlock here in the Congress and at the same time it says to members in the executive branch, Cabinet Secretaries, Undersecretaries, they have to often come before the Congress and provide virtually identical testimony time after time after time, often to the same Members who sit on several different panels, jeopardizing their ability to effectively do their job at the executive branch.

Recognizing that an important part of that is reporting here, but the kind of duplication that we see through the present committee structure is unfortunately, I believe, a very bad thing. So it seems to me that what we should do, as we look at this question, is we should have an opportunity to bring about meaningful reform of the committee structure as we know it.

Last fall, just before we adjourned at Thanksgiving, we had the markup of this committee. I offered the one plan calling for major committee reform. We now have 22 standing committees here. My plan called for reducing that to 16 standing committees. Unfortunately, the plan I offered was defeated on a 6–6 tie vote.

One of the things about this committee, it is the first time in nearly half a century that a joint House/Senate committee, made up of an equal number of Republicans and an equal number of Democrats, has been put into place. One of the great things was its bipartisanship.

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Yet, not a single Democrat joined in support of the package that I offered, making an attempt to bring about some kind of change in the committee structure.

Mr. Speaker, I believe that virtually everyone recognizes the very important need to deal with this kind of reform, and I hope very much that as we move ahead with this bill, and it is now pending before the Committee on Rules and pending before the Committee on House Administration, I hope that we will be able to get what my counterpart, the gentleman from Indiana [Mr. HAMILTON], described as a generous rule that will allow for deliberation over this issue of committee structure reform.

Mr. Speaker, I think it is that important, and I think that it is something that we must get to if we are going to bring about any kind of meaningful reform of this institution.

Mr. Speaker, I see that we are about to embark on the bewitching hour of midnight. The Speaker has the gavel in his hand. I suspect that under this new structure that we have here, once we reach midnight, everything comes to a close. I thank the Chair for the kindness of the staff members here, and our colleagues, and again, I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Colorado [Mr. ALLARD] for staying here, and the other members of the joint committee who have worked so diligently to ensure that we can bring about meaningful reform of the U.S. Congress.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1994

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1994.

This report is to be used in applying the fiscal year 1994 budget resolution, House Concurrent Resolution 64, for legislation having spending or revenue effects in fiscal year 1994. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal years 1995 through 1999, to be used in applying the fiscal year 1995 budget resolution, House Concurrent Resolution 218.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 15, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 1994.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted as of June 10, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 64, the concurrent resolution on the budget for fiscal year 1994. This comparison is need to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 64 for fiscal year 1994. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations were printed in the CONGRESSIONAL RECORD for March 31, 1993, on pages H. 1784–87.

The third table compares the current levels of discretionary appropriations for fiscal year 1994 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 30, 1993 (H. Rept. 103–271).

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures:

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 64

REFLECTING ACTION COMPLETED AS OF JUNE 10, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1994
Appropriate level (as set by H. Con. Res. 64):	
Budget authority	1,223,400
Outlays	1,218,300
Revenues	905,500
Current level:	
Budget authority	1,218,333
Outlays	1,216,994
Revenues	905,429

REFLECTING ACTION COMPLETED AS OF JUNE 10, 1994—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 1994
Current level over(+)/under(−) appropriate level:	
Budget authority	−5,067
Outlays	−1,306
Revenues	−71

BUDGET AUTHORITY

Enactment of measures providing more than $5.067 billion in new budget authority for FY 1994 (if not already included in the current level estimate) would case FY 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1994 outlays by more than $1.306 billion (if not already included in the current level estimate) would cause FY 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal year, in millions of dollars]

	1994		
	Budget authority	Outlays	[1] NEA
HOUSE COMMITTEE			
Agriculture:			
Allocation	−65	−66	−60
Current level	−99	−106	−402
Difference	−34	−40	−342
Armed Services:			
Allocation	−128	−128	−128
Current level	−153	−163	−167
Difference	−25	−35	−39
Banking, Finance and Urban Affairs:			
Allocation	0	−338	0
Current level	−417	−915	0
Difference	−417	−577	0
District of Columbia:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Education and Labor:			
Allocation	0	0	118
Current level	−142	−155	−787
Difference	−142	−155	−905
Energy and Commerce:			
Allocation	0	−1700	−180
Current level	2	−2398	42
Difference	2	−698	222
Foreign Affairs:			
Allocation	0	0	0
Current level	−35	−35	−3
Difference	−35	−35	−3
Government Operations:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
House Administration:			
Allocation	0	0	0
Current level	1	1	0
Difference	1	1	0
Judiciary:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Merchant Marine and Fisheries:			
Allocation	0	0	0
Current level	−1	3	0
Difference	−1	3	0
Natural Resources:			
Allocation	−117	−112	0
Current level	−74	−78	0
Difference	43	34	0
Post Office and Civil Service:			
Allocation	−66	−66	−77
Current level	−256	−256	−218
Difference	−190	−190	−141
Public Works and Transportation:			
Allocation	2092	−13	0
Current level	−78	−13	0
Difference	−2170	0	0
Science, Space, and Technology:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Small Business:			
Allocation	0	0	0
Current level	0	0	0
Difference	0	0	0
Veterans' Affairs:			
Allocation	−11	−11	70
Current level	−11	−11	28
Difference	0	0	−42
Ways and Means:			
Allocation	−2876	−2054	−2036
Current level	−1216	−824	261
Difference	1660	1230	2297
Perm. Select Committee on Intelligence:			
Allocation	0	0	0
Current level	7	7	7
Difference	7	7	7

[1] New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (Sept. 30, 1993)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	14,819	14,317	14,595	14,205	−224	−112
Commerce, State, Judiciary	23,119	23,231	22,800	23,217	−319	−14
Defense	240,446	255,465	239,897	255,151	−549	−314
District of Columbia	700	698	700	698	0	0
Energy and Water Development	22,017	21,702	21,689	21,585	−328	−117
Foreign Operations	13,444	13,918	12,690	13,878	−754	−40
Interior	13,736	13,731	13,727	13,726	−9	−5
Labor, Health and Human Services, and Education	67,283	68,140	67,189	68,012	−94	−128
Legislative Branch	2,270	2,267	2,264	2,262	−6	−5
Military Construction	10,066	8,784	9,464	8,759	−602	−25
Transportation	13,284	34,889	12,435	34,878	−849	−11
Treasury-Postal Service	11,469	11,642	11,312	11,639	−157	−3
VA-HUD-Independent Agencies	68,311	69,973	68,053	69,978	−258	5
Grand total	500,964	538,757	496,815	537,988	−4149	−769

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 13, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through June 10, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	1,218,333	1,223,400	−5,067
Outlays	1,216,994	1,218,300	−1,306
Revenues:			
1994	905,429	905,500	−71
1994–98	5,105,866	5,153,400	−47,534

Since my last report, dated May 2, 1994, the President has signed the Foreign Relations Authorization Act (P.L. 103–236), the Marine Mammal Protection Act Amendments (P.L. 103–238), and the Airport Improvement Program Temporary Assistance Act (P.L. 103–260). These actions changed the current level of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER.

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JUNE 10, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,126	695,196	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,648	1,216,855	905,429
ENACTED THIS SESSION			
Emergency Disaster Supplemental (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JUNE 10, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Extending Loan Ineligibility Exemption for Certain Colleges (P.L. 103–235)	5	3	.....
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	.....
Marine Mammal Protection Act Amendments (P.L. 103–238)	.....	4	.....
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)	.....	.....
Total enacted this session	(2,748)	(643)	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,567)	781	.....
Total Current Level [3 4]	1,218,333	1,216,994	905,429
Total Budget Resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under Budget Resolution	5,067	1,306	71
Over Budget Resolution	.....	.....	.....

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66 and P.L. 103–140.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEAR 1995–1999

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal years 1995 through 1999. I am also submitting today a separate report dealing with the current levels of spending and revenues for fiscal year 1994, to be used in applying the fiscal year 1994 budget resolution (H. Con. Res. 64).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, June 15, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of section 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1996 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted as of June 9, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years will not be considered this session.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal year 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) and the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations are printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490).

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under this section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on June 9, 1994 (H. Rept. 103–539).

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218

REFLECTING ACTION COMPLETED AS OF JUNE 9, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1995	Fiscal years 1995–1999
Appropriate level (as set by H.Con.Res. 218):		
Budget authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget authority	727,644	(1)
Outlays	914,046	(1)
Revenues	977,700	5,393,058
Current level over (+)/under (−) Appropriate Level:		
Budget authority	−511,061	(1)
Outlays	−303,559	(1)
Revenues	0	−22,142

[1] Not applicable because annual appropriations Acts for Fiscal Years 1996 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $511.061 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H.Con.Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $303.559 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H.Con.Res. 218.

REVENUES

Enactment of any measure producing any net revenue loss in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H.Con.Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H.Con.Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA[1]	Budget authority	Outlays	NEA[1]
HOUSE COMMITTEE:						
Agriculture:						
Allocation	0	0	0	0	0	4861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4861
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
District of Columbia:						
Allocation	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	Budget authority	Outlays	NEA[1]	Budget authority	Outlays	NEA[1]
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	309	0	0	5943
Current level	0	0	0	0	0	0
Difference	0	0	−309	0	0	−5943
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−4	−4	0	2	2	0
Difference	−4	−4	0	2	−2	0
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	0	0	0
Current level	0	3	0	0	−2	0
Difference	0	0	3	0	−2	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Post Office and Civil Service:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Allocation	2161	0	0	64741	0	0
Current level	0	0	0	0	0	0
Difference	−2161	0	0	−64741	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	0	0	340	0	0	5743
Current level	0	0	−340	0	0	0
Difference	0	0	0	0	0	−5743
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−214
Perm. Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

[1] New Entitlement Authority.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (June 9, 1994)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Rural Development	13,817	13,945	0	4,197	−13,817	−9,748
Commerce, State, Judiciary	26,057	24,818	2	6,322	−26,055	−18,496
Defense	243,432	250,515	0	86,480	−243,432	−164,035
District of Columbia	720	722	0	2	−720	−720
Energy and Water Development	20,373	20,853	0	8,801	−20,373	−12,052
Foreign Operations	13,795	13,736	0	8,167	−13,795	−5,569
Interior	13,525	13,943	375	5,063	−13,150	−8,880
Labor, Health and Human Services, and Education	69,978	69,819	1,771	41,702	68,207	−28,117
Legislative branch	2,468	2,424	0	206	−2,468	−2,218
Military Construction	8,837	8,554	0	6,345	−8,837	−2,209
Transportation	13,584	36,445	0	24,562	−13,584	−11,883
Treasury-Postal Service	12,049	12,260	0	2,953	−12,049	−9,307
VA–HUD Independent Agencies	70,418	72,945	816	43,269	−69,602	−29,676
Reserve	2,106		0	0	−2,106	0
Grand total	511,159	540,979	2,964	238,069	−508,195	−302,910

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 13, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995 in comparison with the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and is current through June 9, 1994. A summary of this tabulation, my first for fiscal year 1995, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget authority	727,644	1,238,705	−511,061
Outlays	914,046	1,217,605	−303,559
Revenues:			
1995	977,700	977,700	
1995–99	5,393,058	5,415,200	−22,142

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 9, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			977,700
Permanents and other spending legislation	747,135	705,985	
Appropriaton legislation		242,066	
Offsetting receipts	(203,682)	(203,682)	
Total previously enacted	543,453	744,370	977,700
ENACTED THIS SESSION			
Emergency supplemental appropriations, FY 1994 (P.L. 103–211)	18	(832)	
Federal Workforce Restructuring Act (P.L. 103–226)	443	443	
Offsetting receipts	(269)	(269)	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	
Total enacted this session	188	(659)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	184,003	170,335	
Total current level [1]	727,644	914,046	977,700
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution	511,061	303,559	
Over budget resolution			

[1] In accordance with the Budget Enforcement Act, the total does not include $4,355 million in outlays for emergency funding.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. MICHEL) for today from 7:30 p.m. until 10:45 p.m. on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

(The following Members (at the request of Mr. COPPERSMITH) to revise and extend their remarks and include extraneous material:)

Mr. FINGERHUT, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. EHLERS.

Mr. COBLE.

Mr. SOLOMON in four instances.

Mr. GINGRICH.

Mr. KING.

Mr. DORNAN.

Mr. SMITH of Michigan.

Mr. PACKARD.

Mr. GUNDERSON in two instances.

Mr. SAXTON.

Mr. HANSEN.

Mrs. BENTLEY.

Mr. MCINNIS.

(The following Members (at the request of Mr. COPPERSMITH) and to include extraneous matter:)

Mr. POSHARD.

Mr. BROOKS.

Mr. UNDERWOOD, in two instances.

Mr. HAMILTON.

Mr. SWETT.

Mr. STARK.

Mr. FORD of Michigan, in two instances.

Ms. NORTON.

Mr. GIBBONS.

Mr. NADLER, in two instances.

Mr. SERRANO.

Mr. GORDON.

Mr. TRAFICANT.

Mr. MEEHAN, in two instances.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3676. An act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 4205. An act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock midnight), the House adjourned until Thursday, June 16, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3380. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3381. A letter from the Commissioner, National Center for Education Statistics, Department of Education, transmitting a report entitled "The Condition of Education, 1994," pursuant to 20 U.S.C. 1221e–1(d)(1); to the Committee on Education and Labor.

3382. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report of the inspector general for the period October 1, 1993 through March 31, 1994, and the Department's Management Report on actions taken in response to audit recommendations, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

3383. A letter from the Secretary of Health and Human Services, transmitting the final report on the geographic variation in hospital nonlabor input prices and expenditures; to the Committee on Ways and Means.

3384. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to improve coordination of benefits information by sharing health insurance information from the Medicare and Medicaid Coverage Data Bank; jointly, to the Committees on Energy and Commerce, Ways and Means, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 455. Resolution waiving certain points of order against the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–548). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DE LA GARZA:

H.R 4581. A bill to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agriculture Commodities Act, 1930; to the Committee on Agriculture.

By Ms. NORTON (for herself, Mr. WYNN, Mr. MFUME, and Mr. RANGEL):

H.R 4582. A bill to require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. OBERSTAR:

H.R 4584. A bill to impose restrictions on the use of certain special purpose aircraft; to the Committee on Public Works and Transportation.

By Mr. GINGRICH:

H. Res. 456. Resolution electing Representative Lewis of Kentucky to the Committees on Agriculture and Veterans' Affairs; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII.

429. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to funding for the Edward Byrne Memorial Formula Grant Program; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. GILCHREST introduced a bill (H.R. 4583) to clear certain impediments to the licensing of a vessel for employment in coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. LIPINSKI.
H.R. 65: Mr. LIVINGSTON and Mr. MINETA.
H.R. 82: Mr. DEAL.
H.R. 123: Mr. KOLBE.
H.R. 349: Mr. LUCAS.
H.R. 702: Mr. BARCA of Wisconsin, and Mr. MCCLOSKEY.
H.R. 794: Mr. WYNN and Mr. STUPAK.
H.R. 911: Mr. EVANS and Mr. THOMPSON.
H.R. 998: Mr. SHAYS.
H.R. 1293: Mr. PENNY.
H.R. 1423: Mr. SAXTON, Mr. BATEMAN, Mr. EHLERS, Mr. ANDREWS of New Jersey, Mr. LEVY, Mr. NEAL of Massachusetts, Mr. KLINK, Mr. LAFALCE, Mr. HAMBURG, and Mr. MCNULTY.
H.R. 1595: Mr. ROEMER.
1671: Mr. BRYANT, Mrs. BENTLEY, and Mr. GENE GREEN of Texas.
H.R. 1737: Mr. LIPINSKI.
H.R. 1968: Mr. CLEMENT.
H.R. 2019: Mr. SMITH of New Jersey.
H.R. 2035: Mr. SHAYS.
H.R. 2292: Mr. MEEHAN and Mr. RICHARDSON.
H.R. 2418: Mr. WOLF and Mr. HOBSON.
H.R. 2556: Mr. DUNCAN.
H.R. 2863: Mr. MCDADE.
H.R. 2929: Mr. FINGERHUT.
H.R. 3017: Mr. WISE.
H.R. 3271: Mr. HYDE.
H.R. 3762: Mrs. FOWLER.
H.R. 3871: Mr. TALENT and Mr. COX.
H.R. 3900: Mr. SERRANO.
H.R. 3940: Mr. DELLUMS and Mr. FROST.
H.R. 4014: Mr. WILSON.
H.R. 4040: Ms. NORTON, Mr. NEAL of Massachusetts, Mr. BLACKWELL, Mr. OLVER, Mr. MCCLOSKEY, Mr. HOLDEN, Mr. STOKES, and Mr. RANGEL.
H.R. 4050: Mr. GUNDERSON.
H.R. 4095: Mr. CLEMENT and Mr. KOLBE.
H.R. 4129: Mr. LAUGHLIN and Mr. HINCHEY.
H.R. 4158: Mr. RANGEL, Mr. MANTON, and Mr. ENGEL.
H.R. 4222: Mr. CANADY and Mr. BATEMAN.
H.R. 4271: Mr. GONZALEZ and Mrs. MEEK of Florida.
H.R. 4370: Mrs. MALONEY.
H.R. 4375: Mr. VENTO, Mr. TORRES, and Mr. ROMERO-BARCELO.
H.R. 4386: Mrs. LLOYD, Mr. ACKERMAN, Mr. ORTIZ, Mr. BATEMAN, Mr. DELLUMS, Mr. CAMP, Mr. HOCHBRUECKNER, Mr. WELDON, Mr. LIPINSKI, Mr. PETE GEREN of Texas, Mr. PRICE of North Carolina, Mr. GENE GREEN of Texas, Mr. FILNER, and Mr. FROST.
H.R. 4399: Mr. STUPAK, Mr. ROMERO-BARCELO, Mr. BARCIA of Michigan, Mr. THOMPSON, and Mr. ORTON.
H.R. 4404: Mr. MORAN, Mr. QUILLEN, Mr. BOEHLERT, Mr. CARDIN, Mr. PORTER, Mr. EHLERS, Mr. UPTON, Mr. LEACH, Mr. REGULA, Mr. HYDE, Mr. KASICH, Mr. MFUME, Mr. HASTERT, and Mr. HOEKSTRA.
H.R. 4414: Mr. MCHALE.
H.R. 4522: Mr. BOUCHER.
H.R. 4527: Mr. JOHNSON of South Dakota.
H.R. 4540: Mr. GENE GREEN of Texas and Mr. SANGMEISTER.
H.R. 4579: Mrs. MEEK of Florida, Ms. BROWN of Florida, and Ms. MCKINNEY.
H.J. Res. 90: Mr. PACKARD and Mr. OXLEY.
H.J. Res. 338: Mr. UPTON and Ms. BROWN of Florida.
H.J. Res. 353: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VENTO, Mr. DELLUMS, Mr. BILBRAY, Mr. WAXMAN, Mr. TEJEDA, Mr. NEAL of Massachusetts, Mr. LEWIS of Florida, Mr. KASICH, Mr. SMITH of Texas, Mr. BLUTE, Mrs. THURMAN, Mr. FLAKE, Mr. GENE GREEN of Texas, Mrs. MEYERS of Kansas, Mr. SAXTON, Mr. MCCRERY, Mr. FAWELL, Mr. LEVIN, Mr. DOOLEY, Ms. PELOSI, Mr. EDWARDS of California, Mr. HAMBURG, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. DE LUGO, Mr. STOKES, Mr. FRANK of Massachusetts, Mr. HOBSON, Mr. HEFNER, Mr. CLEMENT, Mr. MARKEY, Mr. RICHARDSON, Mr. MEEHAN, Mr. GEKAS, Mr. PARKER, MR. ROEMER, Mr. TRAFICANT, Mr. HASTINGS, Ms. ENGLISH of Arizona, Mr. WILSON, Ms. NORTON, Mr. SABO, Mr. KENNEDY, Mr. KING, Mr. MYERS of Indiana, Mr. HUTCHINSON, Mr. HILLIARD, Mr. APPLEGATE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BLILEY, Mr. DELAY, Ms. DUNN, Mr. MCDADE, Mr. MCCOLLUM, Mrs. MORELLA, Mr. HALL of Texas, Mr. HAMILTON, Mr. BRYANT, Mr. MARTINEZ, Mrs. MINK of Hawaii, Mr. EDWARDS of Texas, Mr. BOUCHER, Mr. SISISKY, Mr. CALLAHAN, Mr. LEWIS of Georgia, Mr. DINGELL, Mr. RAHALL, Mr. MATSUI, Mr. HYDE, Mr. JOHNSON of South Dakota, Mr. THORNTON, Ms. SLAUGHTER, Mr. LIVINGSTON, Mr. VOLKMER, Mr. BREWSTER, Mr. JEFFERSON, Mr. DORNAN, Mr. FARR, Mr. EMERSON, Mr. MCNULTY, Mrs. JOHNSON of Connecticut, Mr. BISHOP, Mr. LANTOS, Mr. MORAN, Mr. COLEMAN, Mr. SARPALIUS, and Mrs. UNSOELD.
H.J. Res. 359: Mr. PARKER, Mr. SCOTT, Ms. NORTON, Mr. DIAZ-BALART, Mr. COX, Mr. MACHTLEY, Ms. ROYBAL-ALLARD, Mr. CLYBURN, Mr. WELDON, Mr. PASTOR, Mr. UNDERWOOD, Ms. MOLINARI, Mr. PICKETT, Mr. LAFALCE, Mr. CLEMENT, and Ms. DELAURO.
H.J. Res. 362: Mr. EVANS, Mr. VALENTINE, Mr. DEUTSCH, Mr. KASICH, Mr. LIPINSKI, Mr. FILNER, and Mr. LAFALCE.
H.J. Res. 373: Mr. BUNNING and Mr. WOLF.
H. Con. Res. 6: Ms. MOLINARI.
H. Con. Res. 195: Mr. FINGERHUT.
H. Con. Res. 210: Ms. SLAUGHTER and Mr. MANN.
H. Con. Res. 245: Ms. FURSE.
H. Con. Res. 253: Mr. HAMBURG, Ms. MARGOLIES-MEZVINSKY, Mr. EVANS, and Mr. GILCHREST.
H. Res. 255: Mrs. VUCANOVICH.
H. Res. 434: Mr. JOHNSON of South Dakota.
H. Res. 446: Mr. FRANKS of New Jersey, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HOKE, Mr. PENNY, Mr. RAVENEL, and Mr. SKEEN.

DELECTIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1818. Mr. GUTIERREZ.

EXTENSIONS OF REMARKS

DRUG LEGALIZATION/THE NATURE OF EVIL

HON. GERALD B.H. SOLOMON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, over the next few months the American public is going to become much more aware of the people and organizations who are behind the movement promoting the legalization of drugs. The worst of these organizations is the sinister Drug Policy Foundation and the wacky but dangerous National Organization for Reform of Marijuana Laws.

On the other side of this issue are major profamily organizations which have sprung up to alert the American public to the dangers of legalization and the network and organizations backing the movement.

All Americans should be thankful to the thoughtful work done by Drug Watch International and the International Drug Strategy Institute.

At this time, Mr. Speaker, I would insert an excellent work done by the chairman of the International Drug Strategy Institute, Dr. Voth, which outlines the arguments against drug legalization.

ARGUMENTS AGAINST LEGALIZATION OF DRUGS
(Eric A. Voth, M.D. FACP)

1. Legalization of Drugs will decrease the profit of selling drugs and therefore drive dealers out of the market.—Most drugs are already cheap. Crack may sell for $5 per rock. Because drugs are addictive, they create their own market. The addict will simply increase his usage to meet the finances available. Furthermore, drug abuse does not fit into a simple supply/demand economic model. Most of the several thousand addicts I have treated relate that cost and availability of finances are the major limiting factors to their drug abuse. If they had more money or if drugs were cheaper they would use more drugs. Since drugs create their own demand, dealers would stay in business by profiting from sale of more drugs; only perhaps cheaper drugs. If drugs were distributed by "legitimate" businesses, they would be priced to be enticing. If priced too high, they would drive users back to the black market.

2. Crime would decrease if drugs were legalized.—The addict who resorts to crime will still resort to crime to pay for his habit. The only way to achieve decreased crime would be to supply the addict with his drug of choice. This has failed dismally in England and in the U.S. in the form of methadone clinics. Again, drug use would increase. Holdups have increased over 60% and shootings have increase 40% in Holland since the softening of drug laws. That country is now strengthening its drug laws. About 75% of felonies are drug related, and these are largely related to crime while intoxicated and acquisition of funds to buy drugs.

3. Legalization works in other countries.—Incorrect. The only form of legalization which exists in England has been in regard to heroin for known addicts. In the Netherlands, one of the repercussions of legalization has been addicts flocking in from other countries. One must also seriously question that country's viability in the world. With marijuana in Alaska besides the obvious fallout of drug addiction, more people became unemployable because of inability to pass tests by employers.

4. Prohibition failed for alcohol and it is failing for drug abuse.—In fact prohibition was a response to the tremendous problems that were seen with alcohol at the turn of the century. It did work. Since Prohibition was repealed, alcohol related deaths have steadily increased. One of the reasons that there was a problem with prohibition is that alcohol had enjoyed a prior legal status and then was given an illegal status.

5. The government should reap some profit by taxation of drugs.—As we have seen, the government is slow to tax drugs such as alcohol and tobacco. If legal, there would no doubt be lobbying efforts to limit taxation of drugs. Further, taxation would immediately create a black market for non-taxed drugs. With current amount of usage, estimates of the cost of alcohol and drug abuse range from 170 to 300 billion dollars per year. Could our society bear the increased cost of drug treatment alone on top of our staggering national debt? Taxation initiatives in Holland were defeated by the drug lobby.

6. Legalization would allow restrictions to be placed on quality control.—Once again, this only creates another black market. This also raises the question as to how drugs would be legalized and distributed. Would all drugs be legalized, who would produce them and distribute, what would happen to distributors with illegal ties, what concentrations would be allowed, etc.?

7. It is a personal right whether or not to use drugs.—Although the use of an intoxicant drug is only an individual choice, it is certainly not a constitutional, legal, or moral right. Any behavior which affects society as well as others so adversely must be regulated by society. Drug addiction costs society in loss of life, spread of disease such as AIDS, treatment of addicts, and involvement of innocent parties such as with DUI related deaths, and crime related to the acquisition of drugs. The use of drugs is no more a personal right than any destructive, self centered behavior, and many of those who use drugs (especially young people) lack the judgment to adequately assess the risks involved. This is particularly true in light of the efforts of organizations such as NORML to downplay the risks and consequences of drug abuse.

8. Enforcement of drug laws is full of racial bias and does not work. By reducing or eliminating mandatory sentences the prison system can be unburdened. Why are we jailing people with a disease?—In fact, legalization would be markedly racist. Not only is drug use more prevalent in minorities than whites, but with legalization drug use would climb and disproportionately affect minorities. No one wants to see first time low level users spend tremendous time in jail, but this is virtually not happening in the U.S. unless it is with regard to dealing. In that regard the individual is taking known risks.

We jail people with all kinds of diseases; heart disease, diabetes, psychiatric disorders, etc. if their behavior deviates from social norms and if they put society at risk. Having addiction is not license to break the law.

9. We should provide pain relief and antinausea treatment for cancer patients and HIV patients.—This recent position statement is clearly aimed at the legalization of drugs and far more fulfills the self-interest of the pro-legalization movement than ever beginning to address the needs of cancer patients. There are numerous effective agents on the market for all of these problems. Moreover, if marijuana were legalized, the pro-legalization lobby would no doubt drop their thinly veiled concern for cancer and HIV patients once their self-interest was fulfilled.

10. Illegal drugs are less of a problem than alcohol and tobacco.—This is true so far, but it is actually a compelling reason to maintain the illegal status of our illegal drugs. Why add more problems to the current ones seen with alcohol and tobacco?

11. We can dramatically reduce mortality and morbidity by redirecting America's drug strategy to reduce the use of tobacco and alcohol.—Indeed, we need to broaden the effort to decrease the serious effects of alcohol and tobacco. These drugs serve as excellent modes of the consequences of legalizing drugs. The current prevention movement has addressed these drugs, but much of the pro-legalization based literature does not support complete abstinence; rather it supports "responsible use" which among especially youth is irresponsible and dangerous.

12. We should abandon enforcement and address the drug problem through a prevention and treatment approach.—The most effective approach to drug abuse is a three-legged balanced approach which enlists prevention, intervention (enforcement), and rehabilitation. Enforcement has a substantial preventative effect and certainly reduces the availability of drugs. It keeps the user and the dealer constantly off balance and concerned about arrest. The other two areas certainly need to be expanded, and equally controls need to be instituted to assure high quality treatment and prevention programs.

13. What are some of the claims made about the beneficial effects of legalized hemp?—These are examples of the claims: Hemp for ecology, hemp makes cleaner air, hemp builds soil, hemp helps children, hemp for cancer, hemp for eyes, hemp for rheumatism, hemp relieves stress. The pro-drug forces even mix the rescheduling of marijuana into the issue.

14. Why not use hemp as an alternative source for energy conservation and for lumber products?—The movement behind the "ecological" uses of marijuana stems from the same people who pressed for medical uses of THC and later leaf marijuana. Their technique is to identify hot topics which stir public emotion and to dovetail with these. What is more timely than concern over the environment and energy problems. There are some basic flaws in their theories. While

they contend that hemp makes cleaner air by processing carbon dioxide (one of the major "greenhouse effect" chemicals), they support using hemp to break down to create alcohol to mix with gasoline for energy. Fossil fuel pollution remains a problem with or without hemp. They overlook the major impact on the lumber industry that would result from moving heavily to another form of pulp for paper. There are already efforts to define alternate forms of pulp from legal sources.

While asserting potential ecological benefits, supporters refer to "health" benefits which are identical to the supposed benefits of cannabis. This is the same technique that NORML has always used. Furthermore, even IF there were pulp and energy uses, this does not justify ingestion or use for intoxication. If an attempt were made at producing forms of marijuana for hemp that was sterile and therefore unable to produce intoxication, it would be a matter of time before NORML pushed again for general legalization. Do not forget that this new movement stems from NORML! The further reading that is recommended in the hemp literature is all pro-legalization literature written by major proponents of legalization.

15. The war on drugs has failed and we should abandon it.—The pro-drug lobby uses this propaganda as a morale breaker. We have only fought a limited war to date yet there have been successes. Although heavy use of drugs has increased, the casual or more recreational use has declined 33% from 1985–1988. The war on drugs needs to be expanded on all fronts.

IN OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II IN THE MARIANA ISLANDS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. UNDERWOOD. Mr. Speaker, as this great Nation of ours has just completed its celebration commemorating the 50th anniversary of D-day, those of us from the Pacific are just beginning our own celebration in observance of the 50th anniversary of another D-day marking the beginning of the end of World War II in the Pacific. I am submitting here, for inclusion in the RECORD, a statement by the Resident Representative of the Commonwealth of the Northern Marianas in remembrance of the 50th anniversary of World War II in the Pacific.

IN OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II IN THE MARIANA ISLANDS

(By Juan N. Babuta, Resident Representative of the Commonwealth of the Northern Mariana Islands)

While most American communities all across this great Nation have ended their celebration commemorating the 50th anniversary of the Allied offensive on the beaches of Normandy during World War II, the people of the Northern Mariana Islands are carrying on the celebration throughout this month, as we build toward a climax of June 15—when the people of the islands celebrate their liberation by U.S. forces in World War II.

The people of the Mariana Islands, whom Delegate Robert Underwood and I represent, are the only members of the American family whose lives and homes were bloodied in violent conflict during World War II. Unlike the people of Guam, however, the people of the Northern Marianas were not Americans at the time of the U.S. invasion. We were in the hands of the Japanese, as we had been in the hands of the Germans before that and in the hands of the Spanish before that—a period of colonization stretching back more than 300 years.

For our people, the American invasion and capture of our islands could have been just another chapter in a long history of colonization. But it was not. The coming of the United States to our islands heralded the beginning of the end of our colonization. For the United States armed forces brought with them the ideals of freedom and democratic self-government. They shared those principles with us and we gladly embraced them.

Today, the people of the Northern Marianas are members of the American family—not because we were conquered, but because America gave us the opportunity to choose freely our political destiny. America gave us the chance to be self-governing; and America—with great generosity—gave us the chance to be part of this great Nation.

The 19,000 men of the 2d and 4th Marine Divisions and the 27th Army Division who were killed or wounded during the battles on Saipan and Tinian in the Northern Marianas probably thought only of the strategic importance of these islands. The Marianas were geographically central in the Western Pacific and were crucial in staging points for the taking of the Philippines, Iwo Jima, and Okinawa. Most importantly, the Marianas provided a platform placing U.S. warplanes within striking distance of the Japanese homeland. It was from Tinian that the Enola Gay, with its single atomic payload "Little Boy" departed for Hiroshima—a flight that changed the very nature of our modern world.

The capture of the Marianas directly resulted in the fall of the Tojo government in Tokyo. Truly, in the words of General Holland L. Smith, this was "the decisive battle of the Pacific offensive."

The troops who crawled ashore and fought the bitter fight to take the Northern Marianas thought of immediate strategic goals. They probably did not imagine how their struggle would change the lives of the people of these islands. But change our lives they did. The Commonwealth today is a proud and vibrant community. As American citizens on U.S. soil at the gateway to Asia, the people of the Northern Marianas are performing an important role in protecting and advancing the Nation's interest.

And we remember. We honor the thousands of U.S. soldiers who made the supreme sacrifice so that the people of the Northern Marianas might live in liberty. Their valor and selflessness will live in our hearts and memories.

And we are grateful—for today we celebrate freedom and democracy.

LIMITS ON PACS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. MEEHAN. Mr. Speaker, Massachusetts today made law a campaign finance bill that limits gubernatorial candidates to $150,000 in PAC money, with no more than $500 from any single PAC. If lawmakers in Massachusetts can agree to these limits, candidates for Congress could certainly run robust campaigns with an overall PAC limit of no more than $200,000—as provided in the House bill—and a single-PAC limit of $1,000 or less.

The Massachusetts bill applies to races for Governor in a State with almost 6 million people and five major media markets. Candidates for Congress typically face a far less daunting challenge in communicating with voters, and they would have far more freedom to raise money from PACs even after cutting the current $5,000 cap by four-fifths or more.

I do not accept PAC donations campaigns, and I think reducing the size of each PAC contribution would be healthy for the political process, not to mention extremely helpful in getting a campaign finance bill passed into law. President Clinton campaigned on a specific promise to lower the PAC limit, and Congress ought to follow through by helping him live up to that pledge.

ENCRYPTION POLICY ENDANGERS U.S. COMPETITIVENESS IN GLOBAL MARKETPLACE

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. BROOKS. Mr. Speaker, for some time now, a debate has been raging in the media and in the Halls of Congress over the administration's intention to require U.S. corporations to use and market the clipper chip, an encryption device developed in secret by the National Security Agency.

The clipper chip will provide industry and others with the ability to encode telephone and computer communications. The use of the clipper chip as the U.S. encryption standard is a concept promoted by both the intelligence and law enforcement communities because it is designed with a back door to make it relatively easy for these agencies to listen in on these communications.

The law enforcement and intelligence communities have a legitimate concern that advances in technology will make their jobs more difficult. But the issue here is whether attempts to restrict the development, use, and export of encryption amounts to closing the barn door after the horse has already escaped.

The notion that we can limit encryption is just plain fanciful. Encryption technology is available worldwide—and will become more available as time goes on.

First, generally available software with encryption capabilities is sold within the U.S. at thousands of retail outlets, my mail, even over the phone. These programs may be transferred abroad in minutes by anyone using a public telephone line and a computer modem.

Second, it is estimated that over 200 products from some 22 countries—including Great Britain, France, Germany, Russia, Japan, India, and South Africa—use some form of the encryption that the Government currently prohibits United States companies from exporting. And this is just the beginning. According to the

May 16, 1994, issue of Fortune, not only are U.S. companies willing to purchase foreign encryption devices, American producers of encrypted software are also moving production overseas to escape the current U.S. export controls.

Third, encryption techniques and technology are well understood throughout the world, encryption is routinely taught in computer science programs. Textbooks explain the underlying encryption technology. International organizations have published protocols for implementing high-level encryption. Actual implementations of encryption—programs ready to use by even computer novices—are on the Internet.

The only result of continued U.S. export controls is to threaten the continued preeminence of America's computer software and hardware companies in world markets. These restrictive policies jeopardize the health of American companies, and the jobs and revenues they generate.

I support, therefore, the immediate revision of current export controls over encryption devices to comport with the reality of worldwide encryption availability.

I believe law enforcement and the intelligence community would be better served by finding real, and targeted ways to deal with international terrorists and criminals rather than promoting scattershot policies, which restrict American industries' ability to design, produce, and market technology.

Now—more than ever—we cannot afford to harm our economic competitiveness and justify it in the name of national security.

MEDICARE DOES A BETTER JOB HOLDING DOWN COSTS THAN THE PRIVATE SECTOR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. STARK. Mr. Speaker, overall, Medicare does a better job than the private sector in holding down per capita health care costs and not overpaying for medical procedures.

If anyone doubts this, I refer them to GAO report HEHS-94-65, entitled "Impact of OBRA-90's Dialysis Provisions on Providers and Beneficiaries." For over 20 years, Medicare has been paying roughly $125–$130 for the dialysis of kidney disease patients. The program has saved the lives of tens of thousands of people. We basically have never raised the amount we paid. Productivity and technology have allowed us to keep paying the same dollar figure—a figure which in real value terms is less than 40 percent of the original payment rate.

Medicare historically did not pay for the first 12 months of dialysis. In OBRA 1990, to save some money, we delayed the start of Medicare payments for people who had private insurance until a person had been on dialysis for 18 months. The dialysis companies lobbied for this change, because they generally charge private insurance companies more than the Government will pay. They'd rather have the so-called great, efficient highly competitive insurance companies paying them than Uncle Sam, because they know they can get away with a lot more.

How much more? $41 million per year. Says the GAO, "This increase occurred because employer-sponsored plans generally paid dialysis providers more than the cost-based Medicare rates * * * because the higher payments involve no increase in the type or level of services provided, they generally represent profits for the providers who receive them."

Mr. Speaker, dialysis is an old technology and an old billing procedure. Medicare has shown how to do it for over 20 years. But the GAO found that:

"The [dialysis providers] in our sample received an average of 80% more when employer-provided health insurance plans acted as the primary payer for kidney dialysis services than they would have received if Medicare had been the primary payer. On average, providers received $690 per week for such services, compared to $383, which they would have received under the Medicare composite rate.

Of the 583 patients whose bills the GAO examined, 139 had bills that were $500 or more higher than the matching Medicare rate. The GAO found 15 patients who were being paid more than a $1000 per dialysis.

Mr. Speaker, in the year 1994 for a private insurance company to be paying more than a $1000 for a dialysis—three times a week, 52 weeks a year—is just plain dumb. It makes $600 Air Force toilet seats look like a bargain.

Just turn cost containment over to us, say the big insurance companies.

Not when they are paying these kinds of charges, Mr. Speaker.

NEW YORK RANGERS—CHAMPIONS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. KING. Mr. Speaker, I rise today in celebration. The curse has been lifted. For the first time in 54 long years, the Broadway Blues have tasted champagne from Lord Stanley's Cup. The New York Rangers are champions of the National Hockey League.

No more will the derisive chant of "1940" be heard.

I salute the 1993–94 Stanley Cup champion New York Rangers, head coach Mike Keenan, captain Mark Messier, Conn Smythe trophy winner Brian Leetch, goalie Mike Richter, and all the other players and members of this fine organization who have proved that anything is possible if you stick to it long enough.

"1994."

TRIBUTE TO TONY CONSOLINO

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SMITH of Michigan. Mr. Speaker, I rise to announce to the House, with great sadness, the passing of one of Jackson's most devoted leaders, Tony Consolino.

Many civic, business, and community groups have been enriched by Mr. Consolino's wise counsel. The new Foote Hospital was built with his fundraising help. The entire community benefited from his optimistic leadership as chairman of the Greater Jackson Chamber of Commerce during the dark period when Clark Equipment and Goodyear Tire and Rubber Co. left town. There is a trail for the blind at the Dahlem Center that is due in no small part to his help. Because of his tireless management, a small Jackson cleaning business—Aalen Aides—grew into a multi-million-dollar enterprise that has provided a livelihood for dozens of employees. His contributions were so diverse that in 1992 the Jackson Citizen Patriot named him "Citizen of the Year."

Mr. Consolino's most heartfelt civic involvement in recent years was the "Tony Open," a golf tournament that has raised more than $900,000 for the American Cancer Society. Rodney Budnick, executive director of the society's Jackson unit said, "I can't think of another individual who has done as much for the American Cancer Society as Tony Consolino." That event was special to him because of his personal battle with lung cancer, a battle he appeared to have won. "The greatest tribute people can pay would be to show support for the thing dad worked hardest at," said Phillip Consolino, one of Tony Consolino's six children.

A man who devoted his adult life to hard work, charitable causes and his family, Tony Consolino will be missed by friends and family for his devotion to others which is evident in a statement he made: "A community is like a business. You can't keep taking out of it without putting something back, or it starts to deteriorate."

You can multiply all of the good things Tony Consolino did many times over, for he was the patriarch of a large family. Whatever he was to the community, he was first of all an example to the six children he and his wife Emma brought into this world, and to the many grandchildren those children bore. His legacy and influence will continue through those children and grandchildren because of the strong values he left with them.

CONGRATULATIONS TO ROSE MARY SHEPHERD FOR 37 YEARS OF DEDICATED SERVICE AS AN EDUCATOR AND SCHOOL ADMINISTRATOR

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Rose Mary Shepherd, an educator and school administrator, who has enriched the quality of education for thousands of children in my district. Her strong commitment to the betterment of education in southern Illinois and across the Nation has provided students an opportunity to realize and achieve their goals and dreams.

Rose Mary Shepherd has served the southern Illinois school system for 37 years in several important capacities. After graduating

from Southern Illinois University in 1957, Rose Mary began her teaching career as an English teacher at Edwardsville High School in Edwardsville, IL. Rose Mary continued to teach in high schools and universities in southern Illinois until 1973. In 1977, Rose Mary began serving with diligence in the office of the regional superintendent as Assistant Regional Superintendent. In 1985, Rose Mary was appointed Regional School Superintendent of Clark, Coles, Cumberland, Edgar, Moultrie and Shelby Counties, a position she has proudly held until her retirement this year.

As an educator, I understand the commitment and hard work that goes into developing and maintaining a sound and successful educational program. On behalf of the people of the 19th Congressional District, I would like to congratulate Rose Mary Shepherd on her retirement, and personally thank her for dedicating her life to one of the most important and necessary professions in our country.

BOSNIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, last week we in the House did ourselves proud by voting to lift the arms embargo against the beleaguered people of Bosnia. I would first like to extend my thanks and congratulations to the 242 Members who voted to do the right thing. The Western response to the Serb onslaught in the Balkans has been cowardly and myopic and I am proud to be a part of this body which chose to rise above the level of the bureaucrats who have scripted this shameful disgrace.

Mr. Speaker, George Melloan of the Wall Street Journal has written a magnificent article on the Bosnian situation, and I would like to submit it for the RECORD.

Mr. Melloan reveals what the true stakes in Bosnia are, eloquently weaving in the lessons we learned from WW II and D-day. The author also caustically, but accurately, describes the intellectual and moral poverty of the United Nations, European Community, and United States response to this 3-year-old crisis.

Basically, says Mr. Melloan, the issue in Bosnia is not peace, but peace with freedom and justice. Just as it was during WW II. If the logic of the peace-at-any-price bureaucrats running our Bosnia policy were applied to WW II, D-day would have never happened. We and the British would have just rolled over, all in the name of peace. Well, Mr. Speaker, fortunately we had some moral leadership during WW II, as well as during the cold war. But today we have no moral leadership. We have only bureaucrats. As Mr. Melloan aptly states, "Only real leaders deal in values. Bureaucrats just do arrangements." I share Mr. Melloan's contempt for these bureaucrats and I am sure the majority of those who voted to lift the embargo do too.

The problem, Mr. Speaker, is that the Clinton administration still does not appear to have gotten the message. As we read in the article, Secretary Christopher, on the day we voted to lift the Bosnian embargo, was busy doing an arrangement of his own, telling Serbs that we will lift the embargo against them if they accede to a plan to divide Bosnia. But asked whether we would resurrect our discarded plan to arm the Bosnians in the event that the Serbs blocked the partition plan, Secretary Christopher wasn't talking. In other words, a carrot for the aggressor Serbs, and a stick for the Bosnian victims. In other words, an arrangement, not justice.

This is why I have dubbed this administration the "appeasement" administration, Mr. Speaker, and it is why the conferees on the defense bill should include the House language on Bosnia. For without congressional leadership, there won't be any leadership.

I thank the Speaker and submit the article by Mr. Melloan for the RECORD.

[From the Wall Street Journal, June 13, 1994]

NOT JUST PEACE, BUT JUSTICE, IS WHAT BOSNIA WANTS

(By George Melloan)

President Clinton should take a few minutes this week to listen to the tapes of his own D-Day speeches. What he said about the war of a half century ago has application to a bloody struggle on European soil today. The Bosnian war was shoved off the front pages and airwaves by last week's Normandy celebrations, but it hasn't gone away.

The Allies of 50 years ago knew what they were doing. It wasn't "peacekeeping." It was war-making, against a tyranny that had locked its iron grip on Europe. Generals and privates alike believed in the Allied cause, which helps explain why so many willingly faced death and why the Allies ultimately prevailed.

It has been argued by President Clinton, among others, that things were "simpler" back then. Everyone knew that the Nazis were the bad guys. But are things really so much more complicated today? Only a little over a year ago, the West was willing to call Serbia the aggressor against the Bosnian government, something that seemed self-evident to everyone in the world who owned a television set. "Ethnic cleansing" and lobbing shells into crowded market places did not qualify the top Serbs, Slobodan Milosevic and Radovan Karadzic, to be anyone's heroes or role models.

Things only got complicated in May 1993, when the Clinton administration decided that the U.S. should avoid "taking sides" in Bosnia. In other words, the U.S. approach would be purged of all considerations of values or ethics. While that might be consistent with the way much public policy is made these days, it's a shallow-minded way to approach a war. The Bosnians want peace, but more than peace they want justice. Because the thirst for justice is a powerful human impulse, the Bosnians have fought on, even though outgunned by Serbia and constantly advised to settle—and even threatened if they don't—by the U.N. and U.S.

If the United Nations had been conducting U.S. foreign policy in 1940, as it appears to be today, it would have advised England to accept Hitler's offers of peace. A politically decadent France had been quickly vanquished and Hitler's armies were poised to vault the channel. We'll send some "peacekeepers" to protect you, the U.N. would have said. There were no such seductive promises to Winston Churchill, not that it would have mattered. He defied Hitler and began preparing to defeat the evil Nazi empire.

The relevance today of those long ago events has to do with that word "justice." The Bosnians don't think the U.N. is interested in delivering justice. Why should they? Only real leaders deal in values. Bureaucrats just do arrangements, such as the proposal that Bosnia accept Serb control over 70% of its territory. The communities and properties Bosnians had lost to ethnic cleansing would go to Serbs. What kind of justice is that?

Since then, and particularly since the Bosnian army began demonstrating greater effectiveness, the U.N. has sweetened its offer. But if the Bosnians have strong suspicions that the U.N. and the West have been merely following the path of least resistance, they have ample justification. The U.N. embargo crippled Bosnia's ability to obtain heavy weapons to fight the well-armed Serbs. It put Bosnia at a great early disadvantage it has not yet overcome.

Moreover, Yasushi Akashi, the U.N.'s limp-wristed vicar in Bosnia, even seems willing to spare the Serbs from embargo hardships. An article in London's Daily Telegraph last month said that quantities of imports, including oil and material for armaments, are flowing into Serbia across its border with Macedonia. An anonymous U.N. official was quoted as saying that Mr. Akashi had termed this violation an "external" matter having nothing to do with him.

Mr. Akashi, as with most bureaucrats, keeps his finger to the wind. He has no doubt noticed that the Russians are back in business, as of February, and are siding with the Serbs. The French, unabashed by the fact that they have lost three wars and caused untold hardship for their allies in this century, are applying their vaunted realisme to trying to stage-manage this war. Mr. Clinton, apparently, would just like to forget the whole thing.

Bosnians and Serbs agreed to yet another "ceasefire" last week. For the moment, the horrors of Rwanda, the Yemens and Haiti and a bellicose North Korea dominate TV screens. But nothing is settled. Just before last week's agreement to suspend hostilities for a month—a deal that has at least reduced the level of violence—the war had reached a crucial strategic juncture. The Serbs were beginning to feel that their gains were threatened.

Two things have happened. The Croats, who were the first victims of Serbian aggression, are aligning themselves when it suits their interests with the Bosnian army. That's because a few local beatings have persuaded them that the Bosnians are becoming a more effective military force. The second development is that the focus of the war has shifted to a town called Brcko, which controls the route through which supplies from Serbia move to Serb forces in Bosnia and Croatia. Should the Bosnian and Croatian forces retake Brcko—a Bosnian Muslim enclave before the Serbs "cleansed" it early in the war—it could swing the military advantage away from Serbia and toward the Bosnians.

The U.N.'s reaction to this possibility was to try to make Brcko a safe haven—for the Serbs who now occupy it. Then Mr. Akashi pushed for a ceasefire, which the Serbs badly wanted, no doubt to enable them to strengthen their grip on the strategic corridor that runs through Brcko. Standing up to heavy pressure from the U.N. for a long cessation of hostilities, the Bosnians last week agreed to stop fighting, but only for a month.

So what is the U.S. position now? At a NATO gathering in Istanbul last week, Secretary of State Warren Christopher offered a

clue. He said that the Clinton administration would consider lifting the sanctions against Serbia if the Bosnians didn't accept a settlement the U.S. will soon devise. That's a rather idle threat when you consider that the U.N. isn't stopping much materiel from getting into Serbia now. But it was symbolic. It meant that the U.S. has turned over world leadership to France.

From having branded Serbia the aggressor, the U.S. has swung 180 degrees and is now putting the heat on the victims, just when the Bosnians are beginning to fight back with some effectiveness. Realisme indeed. No wonder the Bosnians, and much of the world, wonder whatever happened to that sense of justice that motivated the heroics of D-Day.

THE ISLAND OF GUAM MOURNS FOR THE ARRIOLA FAMILY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. UNDERWOOD. Mr. Speaker, this week, the people of Guam and Chamorrus all over the Nation share the sorrow of the Arriola family. Last Monday morning in Oceanside, CA, Marine lance corporal Jesse Arriola and his wife, Angela, left their children with Jesse's brother, Joey. Shortly thereafter, a fire broke out in the residence, killing the Arriola's four children and Joey.

Our prayers are with the Arriola family as they grieve for the souls of Joshua, Jesse, Joseph, Jeremiah, and Joey. On our island, we value family above all else and view our community as more than just a collection of strangers. The person down the street is not an anonymous face but a cousin, a brother, a sister. This familial bond does not stop at the shores of our island. Wherever a member of our family feels pain, we all share that sentiment.

The tragedy that has befallen the Arriola family strikes at the heart of our community. A family has been torn apart. So our extended family must respond with love and prayer and hope. We are with the Arriola's in their time of need.

INFO-HIGHWAY TO NOWHERE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. MEEHAN. Mr. Speaker, the information superhighway envisioned by Vice President GORE and officials in the industry, has taken flight. The information age is allowing companies to conduct research at record speed and with minimal cost. New businesses have cropped up around the United States which specialize only in the dissemination of data and statistics. One such business, IQ Inc. was featured in a Christian Science Monitor article which I would like to share with you.

[From the Christian Science Monitor, Mar. 30, 1994]

INFO-HIGHWAY TO NOWHERE

(By James Matarazzo and David Manshel)

A stunning irony underlies the current push to create a National Information Superhighway. The United States government is preparing to spend a minimum of $400 million to get the proposed information conduit up and running over the next several years—but is ignoring the dwindling supply of information professionals trained in "data acquisition" that the National Information Superhighway will require to operate.

The U.S. government has to foster the growth of "information managers," or we will have built a road at the same time we have closed some of the most important onramps.

That is because corporations and others are closing their business and technical information centers at a furious pace. Since 1990, hundreds of prestigious information centers, such as those at the Bank of America, Liberty Mutual Insurance, Department of Defense bases, Department of Defense bases, Department of Interior, Houghton Mifflin, Digital Equipment Corporation, and the Engineering Societies Library have closed or been drastically curtailed. Many of these units were in operation 30 years of more.

Furthermore, fewer aspects are around who have the necessary experience and credentials. The number of Masters of Library and Information Science Degrees conferred to the last decade has decreased 50 percent. These graduates will be many of those with the skill and know-how needed to navigate 150,000 on-line sources of information and 200 million on-line records.

Yet we see self-congratulatory rhetoric that "information" is America's competitive edge and that the federal government will foster the growth of these information conduits or networks.

Do public officials really believe that harried executives will find the time or acquire the expertise to use a GOPHER program? Or patiently investigate the data bank categories of Dialog? Much less quarry the card catalogue of the Library of Congress.

The answer to this vacuum of expertise lies in a two-pronged solution. First, in tandem with the kind of government support and subsidy that is impelling creation of the information superhighway, there has to be support for the training and employment of experts in "data acquisition"—the intelligent identification, sifting, collating and interpreting of the oceans of data ready to course through this information superhighway.

Second, the government should encourage a recently introduced entity in the private sector: professional "informators" at commercial information agencies—small, technology-rich, information-skilled entrepreneurial companies they have carved a niche by supplying "briefings" on demand on an overnight basis to the nation's decisionmakers.

Such widely respected companies as ITT/Sheraton, McCann-Erickson, Phillips Petroleum, FMC Corp., Smith Barney Shearson, Maxwell Laboratories, and McGraw-Hill have tentatively begun using the "informator" alternative and are achieving results.

They need to be encouraged to continue using this commercial information agency option; both to spur the growth of these important new riders on the nascent information highway and because their use maximizes management time and resources that are often frittered away on dead-end research.

Simply giving desktop access to information resources to untrained, overburdened, or unmotivated executives only adds to the "hidden costs" of corporate downsizing. Corporate executives now face a "make or buy" decision: If they are to maintain the competitive advantages of our "information society" they must choose to maintain either the in-house information center or the services of "informators" at commercial information agencies, or both. The federal government should encourage any of these options.

If our elected leaders allow the current decline to accelerate, we may find we have built a National Information Superhighway to nowhere.

PERSIAN GULF SYNDROME

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SWETT. Mr. Speaker, thousands of American service personnel who served in the Persian Gulf war are suffering from a multitude of symptoms and ailments, very likely as a result of their service in that region. These ailments include muscle and joint pain, memory loss, and sores and rashes. Thus far, physicians have been unable to diagnose the cause of these disorders. But they know it is real and they have given it a name—Persian Gulf Syndrome. Real people are suffering real illnesses—illnesses that have caused many of them to be unable to serve their country, support their families, or maintain a normal, active life.

What causes this illness? We do not know, and we will not know until our Government conducts a complete, thorough, and honest investigation.

Mr. Speaker, the Senate Committee on Banking, Housing, and Urban Affairs recently released a report which concluded that, despite the Department of Defense's repeated denials, there is substantial evidence that U.S. servicemen and women were exposed to low-level chemical and biological warfare agents and toxins during the gulf war.

If our service personnel in the gulf were exposed to dangerous chemicals, we need to know that and we need to know it now. This exposure may account for many of the symptoms our veterans are experiencing.

If exposure to chemical weapons is not the cause of Persian Gulf Syndrome, then what is? Could it be the smoke from the hundreds of burning oil wells? Or was it the quantity or quality of the nearly 40 protective inoculations given to the soldiers before they left for service overseas? Whatever the reasons, we must be swift and certain in our response to this tragic situation.

Mr. Speaker, I am pleased to be a cosponsor of legislation that will offer some relief to our soldiers who are suffering from this mysterious illness. The Veterans' Persian Gulf War Benefits Act would: First, provide benefits to Persian Gulf veterans with disabilities from their service in the war; second, direct the Veterans' Administration to develop case protocols and definitions; third, establish an outreach program for Persian Gulf vets; and fourth, authorize further research. This legislation has received the full endorsement of Veterans' Affairs Secretary Jesse Brown, the American Legion, and the Vietnam Veterans

of America. I laud the efforts of Secretary Brown and these distinguished organizations and urge all of my colleagues to join me in supporting this important piece of legislation.

Mr. Speaker, Persian Gulf Syndrome, like agent orange before it, is a tragic side effect of war. Unlike agent orange, however, we are immediately confronting this issue and immediately providing support to our veterans. I commend the efforts of the Veterans' Administration and urge the Pentagon to continue to share information as it becomes available—information which will help us restore the health and the well-being of our Persian Gulf war veterans. We owe that much to them, at the very least.

CONGRATULATIONS TO RICHARD J. PLATTE, CONTROLLER, KENT COUNTY, MI

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. EHLERS. Mr. Speaker, I rise today to acknowledge Richard J. Platte for his 29 years of faithful service to Kent County, in the heart of western Michigan. Mr. Platte, known as Dick by his associates and friends, has demonstrated a remarkable dedication to his administrative and fiscal responsibilities over the past 29 years. He will be honored by the community today for his retirement from his position as controller of Kent County.

A native of Kent County, Dick attended Grand Rapids Catholic Central High School, and pursued his degrees in higher education at Grand Rapids Community College, Michigan State University, and Aquinas College. He received a bachelor of science degree in urban planning from Michigan State University followed by graduate study at Aquinas College. In addition to his academic achievements, Dick has been the proud father of two sons, Joe and Dan and a dedicated husband to his wife, Susan.

During his tenure with the county, Dick served as county planner, administrative assistant, deputy controller and controller. For the past 19 years as county controller, Dick has managed the financial position of the county. In addition, he served as administrator for the Kent County Board of Commissioners on policy issues as well as advising and managing all of the county departments.

Dick displays integrity, honesty, and a strong work ethic and expects the same from his employees. His outstanding work performance, coupled with a keen understanding of conservative fiscal policies and commitment to the delivery of high-quality services, are the hallmark of his success. Dick's leadership has secured top bond rating for Kent County, a rating held by only 12 other counties in the country.

Dick has also been actively involved in the community. He is involved with the work of many organizations, including Heart of West Michigan United Way, Kent County Cooperative Extension Program, Close Up, the Grand Valley Metropolitan Council, and the Grand Valley Blood Drive Program.

Mr. Speaker, I ask that the House of Representatives join me, the county board of commissioners, Dick's family, and his many friends in honoring Dick for his extensive and dedicated service. Over the years, Dick has touched the lives of many people in our community and it is fitting that the House recognize him today.

HEALTH CARE WINDFALL FOR ORGANIZED LABOR

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. GINGRICH. Mr. Speaker, I thought my colleagues might be interested in the op-ed written by our colleague, Representative CASS BALLENGER. Representative BALLENGER clearly spells out how the Clinton health care plan creates yet another Government-sponsored windfall for organized labor.

[From the Journal of Commerce, May 6, 1994]

HEALTH-CARE WINDFALL FOR LABOR

(By Cass Ballenger)

With the help of millions of dollars in lobbying funds, organized labor has sent a message: Passage of President Clinton's health Security Act is labor's top priority. A close inspection of the bill shows why. Mr. Clinton's health plan would create yet another government-sponsored windfall for organized labor.

Mr. Clinton's plan will require virtually every employer to pay for 80% of employees' health-care premiums. It also would require employers to honor previous agreements, even if the benefits exceed what is mandated in the national plan.

Consequently, labor representatives in unionized companies will press for new benefits in other areas, such as increased wages or more generous retirement packages. But that's not all. Under the Clinton plan, employers would have to negotiate with labor representatives over who will pay the remaining 20% of premium costs.

Currently, under the National Labor Relations Act, issues that may be negotiated by labor and management are separated into two classes: mandatory and permissive subjects of bargaining.

Mandatory subjects include wages, benefits, working hours and working conditions. Changes to these subjects may not be made by the employer without first bargaining with the union.

Bargaining over a mandatory subject, such as health care, occurs when management and labor insist on different benefits. If they are unable to reach an agreement, labor may strike, or business may "lock out" employees over the issue. If an agreement is reached, changes to mandatory subjects covered in the agreement may not be made unilaterally by the employer.

Permissive subjects of bargaining, on the other hand, include any other item that the union and the employer may bring to the table, such as requiring secret-ballot strike votes and other internal union affairs.

With permissive subjects; either party may initiate bargaining. The talks depend on the willingness of both sides to participate. If one party objects, the issue is taken off the table. Unions may not order a strike, nor employers a lockout, over permissive subjects. The subject is simply left unresolved.

The Clinton health-care plan would give organized labor one more area of mandatory bargaining. This is not the first time the government has proposed to give unions such an advantage. For example, the minimum wage law establishes a floor from which wage rates can only be negotiated upwards. Similarly, health and safety laws substantially diminish the need for bargaining over health and safety issues, allowing unions to spend their bargaining time and resources on other issues, such as increased benefits.

The Health Security Act goes well beyond a minimum wage, or some other mandated minimum. Rather than requiring employers to provide a basic benefits package for employees, the plan would mandate "comprehensive and secure health care coverage."

Included in this comprehensive coverage is hospital care, emergency services, preventive care, mental health and substance abuse services, family planning, pregnancy-related services, hospice care, home health and extended care services, ambulance services, outpatient laboratory and diagnostic services, prescription drugs, vision and hearing care, periodic medical checkups and preventive dental services for children.

Given this "Cadillac" plan, it is ludicrous that employers would be obligated by law to negotiate over additional health-care benefits, on threat of suffering the consequences of a strike. Yet under mandatory bargaining, labor unions would demand even greater concessions from already strapped employers.

Under the Clinton bill, for example, companies with 5,000 or more employees could form a "corporate alliance," rather than joining a "regional alliance" with other firms. The choice carries tremendous implications for companies and workers alike; as a result, it could become a focus of labor negotiations.

Even smaller employers using outside, certified health plans could be forced to negotiate over which provider to choose. Other decisions traditionally left to management also could be affected.

Moreover, employee benefits established under previous collective bargaining agreements would not be affected by the Health Security Act. Union workers would enjoy the best of both worlds: federally mandated benefits and benefits guaranteed under their labor contracts.

According to the Service Employees International Union, health care is the No. 1 issues at the bargaining table and the No. 1 cause of strikes in unionized companies. While allowing management to negotiate health care benefits for their employees may be a good idea, mandating that they do so is not.

Therefore, during markups of the president's bill, I will propose eliminating health care as a mandatory subject of bargaining, thereby reducing much of this tension between labor and management.

Without such an amendment, the Health Security Act will harm employers by requiring them to pay for comprehensive health benefits that far exceed a "basic" package. The act would give unions the force of law to demand even more concessions from companies.

When promoting his health-care plan, the president speaks of the need for equity of care for all Americans. Why, then does the president's plan so obviously favor one group over another?

With millions of union dollars pouring into Democratic campaign coffers, that question is easy to answer.

WASHINGTON REPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 15, 1994 into the CONGRESSIONAL RECORD:

THE U.S. TRADE DEFICIT

During the past year, the U.S. economy has improved on several fronts. Economic growth is up, productivity is up, the federal budget deficit is down, and the unemployment rate is down. But there has been little improvement in one area—the trade deficit.

Last year Americans bought $132 billion more in goods from other countries than they bought from the U.S. About $60 billion of this deficit was with Japan alone. Our trade deficit is lower than it was in the mid-1980s, but it is still much higher than it was a few decades ago, and the 1993 deficit was 37% larger than the previous year's. What are the causes of this deficit? What are the implications? How serious a problem is the trade deficit?

Causes.—Several factors have caused the U.S. trade deficit. First, over the past several years other countries have narrowed the U.S. lead in productivity and technology. That means they need to buy less from us and have more to sell us, thus driving up our trade deficit. A second factor is the value of the dollar. During the 1980s the U.S. dollar reached its highest level relative to other currencies in decades, although it has come down some since then. A higher value for the dollar makes U.S. goods more expensive overseas and also makes foreign products cheaper in the U.S.—thus boosting our trade deficit. Third, the large federal budget deficit also contributes to the trade deficit. The budget deficit has been covered largely by huge inflows of foreign capital attracted by our relatively higher interest rates. That keeps demand for the dollar high, which increases its value and makes U.S. goods more expensive abroad. A fourth factor is the low U.S. savings rate. When U.S. investment demand exceeds national savings, we turn to foreigners to fill the gap—and that means massive imports of capital from abroad in exchange for U.S. assets. In the 1950s and 1960s, the U.S. had considerable trade surpluses because we had more savings than investment. Fifth, we have inadequate market access in other countries. America has large trade deficits with Japan and China. Japan has the world's second-largest market, after the United States, but Japan does not import manufactured goods at anywhere near the rate of other large economies. And China, which is not a member of the General Agreement on Tariffs and Trade (GATT), does not adhere to the same principles of free and open trade that the U.S. does. A sixth cause of the trade deficit is the fact that the economies of Japan and Europe are growing at slower rates than ours. When countries are not growing, their appetite for imports—including U.S. imports—declines. Likewise, when economies are growing, as the U.S. economy did last year, they tend to purchase more goods from abroad.

Significance Of The Problem.—There are two different views on the seriousness of the U.S. trade deficit. The first is that the trade deficit is not a major problem. A large inflow of imports helps keep our inflation rate low, since more imports mean greater price competition. This competition means greater choices and cheaper goods for consumers. Our deficits have also provided developing countries a market for their goods so they in turn will be able to purchase more imports.

The other view contends that the large trade deficit hurts U.S. companies and costs American jobs. This view holds that the trade deficit is a serious problem because it indicates that Americans are buying more foreign products instead of U.S. products, thus creating jobs in other countries. That means lost profits in the U.S. and fewer good-paying jobs for less-skilled workers.

Goods And Services.—The debate has been complicated by different ways of measuring the trade deficit. The merchandise trade balance, which measures trade in manufactured goods, is the figure usually cited as the U.S. trade deficit. But the current-account balance is a broader measure that includes not only manufactured goods but also services such as tourism and insurance. This gives a more comprehensive sense of overall U.S. trade performance, since the U.S. economy is dominated by service industries. In fact, nearly 80% of Americans work in service industries, accounting for about 70% of the nation's gross domestic product. The U.S. current-account figures show a much smaller trade deficit of $76.8 billion in 1993, some 42% less than the merchandise trade deficit of $132.4 billion. To put this in perspective, the $76.8 billion current account deficit is about 1% of the size of the overall U.S. economy.

Policy Prescriptions.—While some economists say that the trade deficit is a nonproblem, my view is that it is serious but not devastating. There is no reason to panic about the trade deficit, but we would be better off getting it down. The basic problem is that it mortgages future U.S. income to foreigners. We must send huge payments abroad on what we owe them, and could be exposed to financial crises whenever the confidence of foreign investors in the U.S. economy is shaken. A large trade deficit tends to feed strong feelings of economic nationalism here at home and increase the risk of a trade war.

Several steps should be taken to improve the overall U.S. trade performance. We should put a heavy emphasis on increasing exports. This has been the approach of the Clinton Administration, which has supported both NAFTA and the GATT in an effort to reduce overall world trade barriers and has implemented several new export promotion programs. We should also demand that specific trading partners provide the same access for U.S. goods as we provide for their goods. Market opening negotiations with Japan, for example, are continuing. We should try to persuade people to switch their demand from imported to U.S. goods. In addition, we should continue to reduce the federal budget deficit in order to reduce domestic demand, and take steps to encourage greater national savings. Finally, we need to give attention not just to the trade numbers but also to what we are exporting. Reducing the trade deficit by selling more computer chips would do more to improve U.S. competitiveness and support high-paying jobs than would exporting more potato chips. Improving our competitive position starts with education and training as well as technology development.

There is no simple solution to reducing the trade deficit. It has worsened over the years due to a variety of factors, and it will take efforts on several fronts to bring it down.

TRIBUTE TO THE SURVIVORS OF D-DAY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. COBLE. Mr. Speaker, I was privileged and honored to participate in a North Carolina ceremony to commemorate the 50th anniversary of the invasion of Normandy. This moving tribute to living D-day participants from our area was held at the Greensboro Historical Museum in Greensboro, NC.

What made this tribute so special for me was the first-person testimony of the surviving servicemen. Each told his story of that fateful day of June 6, 1944, when America and her Allies launched the largest military invasion in history. Each veteran who spoke at the Greensboro event recounted his role in the Allied victory over tyranny. In addition, a Greensboro woman spoke about the situation on the home front at the time of the invasion.

As a Korean war era veteran, I was honored to be asked to participate in the ceremony which commemorated the 50th anniversary of that historic World War II event. On behalf of the citizens of the Sixth Congressional District of North Carolina, we wish to recognize the contributions of the local men who landed at Normandy some 50 years ago. We salute: Bob Benbow of Greensboro, a member of the Navy's landing ship tank group: Gerald Clough of Jamestown, part of the 9th Air Force; Archie Coleman of Greensboro, who flew in with the Army Air Corp's 82d Airborne Division; Frank Ellington of Eden, a member of the Army's 4th Infantry Division; and Weddie Huffman of Greensboro, who operated one of the Navy's landing ship gun positions.

Each member of the D-day invasion gave an eyewitness account of what occurred in Normandy a half-century ago. Mrs. Min Klein of Greensboro also spoke at the commemorative program and told the audience about the activities and concerns back at home. Mrs. Klein and her husband generously opened their home to any serviceman during the war. Her family operated what amounted to a welcome center or USO center out of their Greensboro home. Her family's efforts on the home front helped assure victory overseas.

Our thanks also go to Ned Harrison of Greensboro. Mr. Harrison coordinated and hosted the D-day commemorative program at the Greensboro Historical Museum. Ned, a World War II veteran himself, was not part of the D-day invasion, but served his country well as a member of the 15th Air Force.

The citizens of the Sixth Congressional District of North Carolina salute the surviving members of the D-day invasion, as well as all veterans of World War II. We also thank the Greensboro Historical Museum for honoring their efforts 50 years after their tremendous achievement.

FURTHER REMEMBRANCE OF THE VETERANS OF SOMALIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. DORNAN. Mr. Speaker, I would like to include in the RECORD six more stories on the brave United States fighting men who sacrificed their lives in combat in Somalia.

[From the Army Times, May 30, 1994]

WHEN THE BASS RAN, IT WAS TIME FOR LEAVE

Every May, Spec. Mark E. Gutting, 25, would try to schedule his leave around the opening of bass season.

"To say he liked to fish is an understatement," says his father, Eugene Gutting. Fishing is a Gutting family enterprise, and Mark was an enthusiast. The family would take off for Lake Mitchell in Cadillac, Mich., when Mark was home on leave, says his mother, Barbara Gutting, herself an avid fisherman.

The youngest of six children, Mark Gutting grew up in Michigan with a love of the outdoors. "He enjoyed just going out and sitting in the woods," his mother recalls. "Supposedly he liked hunting, although he never got anything. I think he enjoyed the solitude as much as anything."

"He had a funnier side that we often saw," she says, remembering, too, that Mark had a knack for lifting spirits and making people laugh.

"He had a good sense of humor and a lot of feeling for people," Eugene Gutting says. "He was especially concerned with helping new recruits."

Mark Gutting studied economics and international business at Central Michigan University before enlisting in the Army. "He decided to go into law enforcement, and he thought going into the Army would be good training and a stepping stone to that," Eugene Gutting says.

As a military policeman, Mark Gutting served in Operation Desert Storm and spent two years in Panama before being assigned to Fort Riley, Kan., in June 1993. At Riley, he was hoping the stateside assignment would mean regular hours and time to go back to school. Instead, two months after going to Riley, he went to Somalia with the 977th Military Police Company.

There, on Aug. 9, he and three other soldiers died patrolling Mogadishu when a remotely detonated bomb ripped through their Humvee.

Mark Gutting was awarded the Purple Heart and a Bronze Star, his father says. "I thought the Army did a fine job [handling his death]," Eugene Gutting says. "There is a great deal of compassion there." Calls and letters from Mark Gutting's friends who served with him in Panama and Somalia have given the family a glimpse of their son they might not otherwise have had.

HE HAD "THAT SMILE" AND A DRIVE TO HELP

"That smile" is something people are apt to bring up when they talk about Sgt. Cornell L. Houston.

It was his smile that his wife, Carmen, remembers about their first encounter. She was walking down the street in her hometown of Mobile, Ala., when a car stopped to give her a ride. Inside was a girlfriend and a guy she didn't know. He had a big smile on his face. It was Cornell Houston.

The Rev. Clate Borders of Thomas Memorial AME Zion Church in Watertown, N.Y., remembers that smile, too.

"I'll never forget it. He had a gold tooth up front," Borders said.

Carmen Houston, 29, recalls her late husband's laugh. "He would tell a lot of jokes. He just had a way of making even your worst day . . . better."

In many ways, Cornell Houston, 31, was a typical soldier. He missed his family; being away from them was hard, Carmen Houston said. But in other ways, Cornell Houston stood out. "He wanted to help everybody," Borders said. "He liked to help those who could not help themselves."

He also had "willingness to take hold of anything and get it done," Borders recalled. The minister remembers mentioning to Houston on one occasion that the outside of the church needed to be cleaned. A short time later, Borders said, the grounds had been cleaned. Houston had rounded up a crew and took charge of getting the job done. "He didn't wait for things to get done," Borders said.

Borders also remembers Houston coming to him to talk about joining the choir. "I don't know how to sing, but I've always wanted to do it, and I want to give it a try," Houston said.

Houston was so open and wanted so badly to learn that Borders sent him to the choir director. "I thought he did OK," Borders said.

After arriving at Fort Drum, N.Y., Houston became a Mason and was a board member of the Watertown church.

Houston was assigned to C Company, 41st Engineering Battalion, at Fort Drum. He had arrived in Somalia in August 1993 on his second tour. He was wounded October 3, sustaining chest injuries, and died October 6 in the Landstuhl Army Regional Medical Center in Germany. Houston has been honored posthumously with the Purple Heart medal and the Bronze Star Medal with "V" device for valor.

Borders believes the best way to remember Cornell Houston is for everyone to "pick up his banner and go forward with it into the community."

Carmen Houston also wants people to remember Cornell Houston for his caring side. "It's like . . . ," her voice trails off. "I miss him so much."

THE MEMORIES INCLUDE HIS MEDAL OF HONOR

MSgt. Gary I. Gordon was a smart kid, his teachers used to say, but he spent entirely too much time doodling.

Tanks, battleships, helicopters, "anything and everything military-related," his mother, Betty Gordon, says from her home in Lincoln, Maine. But even though his imagination often drifted to things combative, his mother was surprised the day her son, then 17, announced he had joined the Army.

Gary Gordon, 33, was one of 18 soldiers killed during the Oct. 3, 1993, clash with Somali gunmen in Mogadishu, Somalia. He is credited with saving the life of an injured pilot and was to be awarded the Medal of Honor posthumously May 23.

His family remembers a quiet man with an artistic flair and a desire to write books about children.

"He didn't talk much about his job, but I know he loved it a lot. It was like the ultimate job to him, being in that unit," his wife, Carmen, says of her husband's affiliation with soldiers attached to U.S. Army Special Forces Command, Fort Bragg, N.C.

"He didn't bring the military home though," she says.

"The Gary I saw was all about family . . . and his children. He had these special times with Brittany and Ian," like on Sunday mornings when he would spread the Sunday newspaper out on the kitchen table, she says.

Brittany, 3, "always had to be a part of the newspaper thing," said Carmen Gordon, 29. "Gary would give her a sheet of newspaper and pour a little bit of coffee into her sip cup, and she'd sit there and mimic his every move, right down to the elbows on the table."

And there were the woodworking sessions with Ian, 6.

"When Gary made furniture, Ian was always out there right by his side. Gary would give him some wood scraps, a hammer and a big thing of Elmer's glue, and there they were, the both of them covered in saw dust," Carmen Gordon says.

After his death, Carmen Gordon went through his personal items and came across a letter her husband had written nearly five years before while in a hangar in Panama during Operation Just Cause.

"It was filled with dreams of Ian growing up strong and of having grandchildren on his knee, but his last words were: 'In case something should happen to me, be strong, never give up, and always look inside yourself for strength.'

"Knowing that he felt I was strong makes me want to carry on."

ONCE COMMITTED, HE DIDN'T WAIVER

Sgt. James Casey Joyce was a man who could be counted on once he had committed himself to a project.

Speaking of her son's leadership qualities, his mother, Gail Joyce, remembers "his ability to focus on something and to be completely committed to a cause or an idea; and once he made that commitment, he never wavered."

Nowhere was this trait more apparent than in his military career. After spending three years in two different colleges, changing his major a couple of times in the process, Casey Joyce enlisted in the Army in November 1990.

"He wanted to go into the Army to get some focus and some maturity," says his father, retired Lt. Col. Larry Joyce.

His father's military background "absolutely" influenced Casey Joyce's decision to enlist, says Larry Joyce. "He wanted to prove something to himself and to me."

Determined to excel, Casey Joyce "chose probably the most difficult and challenging assignment he could," says Larry Joyce. He volunteered for service in the 75th Ranger Regiment, Fort Benning, Ga. "I don't think I could have done what he did," the father said during his eulogy at the October 9 memorial service in Casey Joyce's native Plano, Texas.

The extent to which Casey Joyce steeped himself in the values of the Ranger creed can be measured by the awards and decorations he earned in less than three years of service. These included his airborne wings, the Ranger tab, the Pathfinder badge and the Meritorious Service Medal. They are capped by the Bronze Star for valor he was awarded posthumously for his actions on the night of October 3, when he died fighting Somalia guerrillas in the back streets of Mogadishu.

On at least two occasions, Casey Joyce also displayed an uncanny ability to predict the future. An avid Dallas Cowboys fan since boyhood, he had stood by his team during the lean years of the late 1980s. Then, while on leave in the summer of 1992, he went to the team's summer camp in Austin. "He predicted they were going to win the Super

Bowl long before anyone else did," says Gail Joyce.

He had made a similarly accurate prediction four years earlier while he was walking through a mall in Plano and saw DeAnna Gray, then a high school senior, standing behind a counter. "He said to his friend, 'I'm going to marry that girl,'" says DeAnna Joyce. Roughly 2½ years later, he did exactly that, in the same Plano church in which his memorial service was held.

Seven months after Casey Joyce's death, his widow's voice still chokes with emotion as she remembers talking to him by telephone the night before his death. "We were planning a trip—he asked me if New Orleans was OK," she said.

Hours later, a Somali sniper's bullet killed Casey Joyce and cost his family its most dynamic member. "He was the spice in our life," says his mother.

THE ROAD WASN'T EASY, BUT HE'D MAKE IT BETTER

Cpl. Richard W. Kowalewski Jr. didn't have an easy road, but he had plans to make his life better.

He bounced among several high schools as his parents moved, then broke up. He lived with his mother in Texas, with his father in Alabama, then with his grandparents in Pennsylvania. But he kept his sights on his future. Despite the school changes, he stayed enrolled in Junior ROTC. An avid chess player, he knew to plan his next several moves: After high school, he was going to join the Army, earn some money for college, get a degree in electrical engineering, and marry his girlfriend.

"He kind of knew we didn't have the finances to help him through college," says Richard Kowalewski Sr. "It was just something he had all lined up, even before he graduated from high school, that he was going to . . . go to the service, and then he could get his schooling."

The younger Kowalewski completed basic training in June 1992. He was assigned to the 3d Battalion, 75th Ranger Regiment, which deployed to Somalia in August 1993. Thoughts of his future shifted to focusing on a very tense present. "War is very sad and kills everyone in some way," he wrote to Donna Yarish, his fiancee, one week before his death at age 20 in the October 3–4 firefight.

He had been planning to come home Thanksgiving, pick up his fiancee in Pennsylvania and introduce her to his family. By the time Thanksgiving arrived, the elder Kowalewski had attended his son's funeral at Arlington National Cemetery, Va., and a memorial service for the slain Rangers at Fort Benning, Ga.

Richard Kowalewski Jr. was among the Rangers killed while their convoy, under heavy fire, snaked through Mogadishu side streets, trying to rescue U.S. soldiers in a downed helicopter. He was awarded the Bronze Star Medal for valor.

Richard Kowalewski Sr. doesn't feel that sacrifice was repaid. He says for his son's funeral, the Army offered plane tickets and hotel rooms—for him and for his ex-wife. The senior Kowalewski was unable to use the plane ticket because he wanted the entire family to go together. He, his second wife, another son living with them and the grandparents who saw that Richard Jr. completed high school, paid their own way to Washington, then shared a single hotel room, the elder Kowalewski says.

"They wanted to do for the immediate family—the mother and the father—and that was it," he says.

But Army officials say they are limited by law in paying for travel expenses to funerals. The service can pay for travel for a spouse and children, and for parents only if the soldier was not married or childless.

"It wasn't that the Army didn't want to help [the Kowalewskis]; it couldn't," says Harry Campbell, an Army memorial affairs official.

But when the family attended a memorial service at Fort Benning, Ga., the Rangers provided forms for families to list travel expenses for reimbursement.

"When they send us a check, we'll just cash it and send another check back as a donation to the Rangers," Richard Kowalewski Sr. says, ". . . The government, I felt, should have paid for it."

HE HAD WORRIED ABOUT THE FUTILITY OF DYING THERE

It had become a tradition in a family that had sent sons off to war: After Sgt. Dominick M. Pilla, 21, deployed to Somalia with his Ranger company in August 1993, the family put together a package of pepperoni sticks and balls of provolone cheese. Dominick's father, Benjamin Pilla, had gotten such a package when he was serving in Vietnam. Frank Pilla, Dominick's brother, had gotten one while off the coast of Kuwait during the Persian Gulf War.

Dominick Pilla's package was returned unopened to his parents' home in Vineland N.J. He had been killed before it reached him.

Dominick Pilla had heard his father's war stories and had seen the pictures he'd brought home from Vietnam.

"I told him how people get killed and get wounded, lose arms or legs," says his father. "It's not all glory. He knew that."

Regardless, Dominick Pilla decided as an adolescent that he wanted to join the Army and be a Ranger. He enlisted in the Delayed Entry Program while in high school, then took up a rigorous exercise and body-building program to prepare for Ranger training.

Benjamin Pilla and his wife, Diane, say Dominick Pilla had the cockiness of a quick study who excelled at his interests. For example, he liked riding Benjamin Pilla's 1,400cc Harley Davidson motorcycle, among the biggest made. "He took his motorcycle test on it and passed," Benjamin Pilla says. "Most guys fail the first time on the big bike. He was a natural."

The bike sat for months after October 3. "I couldn't ride that thing all winter," Benjamin Pilla says. "I just let it sit there because it reminded me of him too much. . . . The last letter I got from him from Somalia, he said when he comes back, he was going to buy one so we could go riding together."

Dominick Pilla and his father had a long talk in June 1993, during Dominick's last leave before deploying to Somalia. "He said, 'I realize what we do, I could get killed or wounded. I just hope it's not Somalia or Bosnia.' He knew the futility of it," says Benjamin Pilla.

Dominick Pilla was with a convoy taking an injured soldier from the October 3 firefight to be treated. He was killed when the U.S. Humvees were ambushed. Dominick Pilla was posthumously awarded the Bronze Star Medal for valor.

"He was always a good, decent kid," says Benjamin Pilla. "Never in trouble, had good respect for law and for authority. Never gave me any trouble at all.

"That's the kind that die, unfortunately."

ANTI-FLAG DESECRATION AMENDMENT GAINS SUPPORT OF 43 STATES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, after celebrating Flag Day yesterday, it is an appropriate time to take a moment to honor the symbol of our Nation: the American flag.

It was 217 years ago on June 14, 1777, that the Continental Congress adopted a resolution that gave us the American flag, known affectionately as the Stars and Stripes or Old Glory. And the world we live in today, just like the world which generations of Americans have lived in before us, is the best of the times and the worst of times. But at all times, America has honored this most special symbol of the strongest and freest nation on Earth.

Protecting the American flag remains a cause which is dear to my heart, not to mention to the hearts and minds of millions of Americans all across this land. People fought and died for the constitutional rights we hold so dear. However, the Constitution was not at Saratoga or Gettysburg or San Juan Hill or Normandy or the Pork Chop Hill or Khe Sanh or Kuwait City. Instead, the flag which embodied those rights was at all of those battles and many, many more. No wonder then that veterans and their families have such outrage when they see someone burning or otherwise desecrating the flag for political reasons.

Some folks condone this type of activity or surrender to those who portray it as a form of free expression. Well, while five unelected Justices of the Supreme Court say that the Constitution does not permit an antiflag desecration statute today, there is no good reason why we cannot pass a constitutional amendment to allow Congress to penalize this conduct. And I'm not alone on this point. The legislatures of 43 States have passed memorializing resolutions calling on Congress to amend the Constitution to prohibit flag desecration.

For the record, the States which passed these resolutions include: (1) Alabama, (2) Alaska, (3) Arizona, (4) Arkansas, (5) California, (6) Colorado, (7) Connecticut, (8) Delaware, (9) Florida, (10) Georgia, (11) Idaho, (12) Illinois, (13) Indiana, (14) Kansas, (15) Louisiana, (16) Maine, (17) Maryland, (18) Massachusetts, (19) Michigan, (20) Minnesota, (21) Mississippi, (22) Missouri, (23) Montana, (24) Nebraska, (25) Nevada, (26) New Hampshire, (27) New Jersey, (28) New Mexico, (29) New York, (30) North Dakota, (31) Ohio, (32) Oklahoma, (33) Pennsylvania, (34) Rhode Island, (35) South Carolina, (36) South Dakota, (37) Tennessee, (38) Texas, (39) Utah, (40) Virginia, (41) West Virginia, (42) Wisconsin, and (43) Wyoming. State passing such resolutions in one chamber only include: North Carolina, Oregon, Washington, and Vermont.

A TRIBUTE TO CHARLES S. FURCA

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. HANSEN. Mr. Speaker, Mr. Charles S. Furca has served as Civilian Executive Assistant [CEA] of the Tooele Army Depot [TEAD] complex from June 1981 through August 1994. Headquartered at Tooele Army Depot near Tooele, UT, the complex comprises six sites in four States, and employs over 2,300 personnel. As the highest level civilian at TEAD for the last 13 years, Mr. Furca has been the constant at the complex through seven commanders. His continued dedication and loyalty exemplifies the highest ideals and standards of public service.

During his tenure as CEA, Mr. Furca was key in administering an annual operating budget of $191 million, and was held responsible for 67 percent of the Department of Defense's stockpile of toxic chemical munitions. Under Mr. Furca's management, the TEAD complex remained responsive, flexible, environmentally responsible, and cost-effective. He has been adamant that customers' stringent quality and schedule needs be met, and has demanded assurance that dollars spent were fully justified and used wisely.

Mr. Furca was personally involved in the design and construction of TEAD's consolidated maintenance facility, a state-of-the-market automated overhaul facility. Due in large measure to his actions, the $37 million building was completed on time and within projected costs—a rare feat these days—and the $74 million equipment contract was reduced by over $650 thousand with no degradation of required performance.

Under Mr. Furca's management, TEAD continued its enviable record in the environmental arena. The State of Utah praised the depot for running the best environmental management program of any Federal installation in the State. TEAD was also recognized by the Director of Army Safety with a special award of excellence for its proactive safety programs, and has won the Department of Defense's Value Engineering Award 5 straight years in a row with $63 million saved.

Mr. Furca is a man of tested ability, sound judgement, and keen perception. He has performed his official duties with unswerving integrity and fearless determination. His forthright, frank, and honest attitude in relation to governmental matters makes him a public servant to be emulated by others. Time after time, he lead the efforts to make changes to the way the Government does business when the situation warranted. An example of this was his involvement in the development of official policy to utilize the Army Arsenal Act allowing depots to compete in manufacturing supplies for the Army. Mr. Furca led the efforts to design and manufacture a high-mobility trailer that the Army used as a pilot case for the Arsenal Act authority through the use of make-or-buy decisions, thus paving the way for depots to compete in the future.

Mr. Furca's tenure at TEAD has also seen defense downsizing resulting in severe workload reductions and budget cutbacks, which has had a grave impact on the missions and workers at the depot. Through it all, Mr. Furca has provided guidance for closing one depot activity, downsizing three other depot activities, and resizing TEAD's workforce by cutting it nearly 40 percent to match funded workloads. Though TEAD has faced some of its greatest challenges during his administration, Mr. Furca never lost sight of the importance of employees' quality of life, with emphasis on the work environment, morale, and welfare of the people, and his actions have made his concern obvious.

Mr. Furca's outstanding performance of duty is in keeping with the finest traditions of public service, and reflects great credit upon himself, Tooele Army Depot, and the U.S. Army. He is exceedingly well equipped for the office he will shortly assume at Sierra Army Depot, CA. Mr. Furca's sterling character, great ability, and integrity are assurances that he will carry on in a like manner within the U.S. Army Industrial Operations Command. There is no doubt that Mr. Charles S. Furca, who possesses such fine attributes of mind and heart, will enjoy a long, happy, and successful career at Sierra Army Depot, and that he will be a credit to his new organization, to his new friends, and to himself.

40TH ANNIVERSARY OF MARLTON LIONS CLUB

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SAXTON. Mr. Speaker, the International Association of Lions Clubs is the world's largest service organization with a membership of 1.4 million in 41,700 clubs in 180 countries and geographic areas.

Their motto, "We Serve," exemplifies their many community service projects. Those projects include aiding the blind, conducting drug and/or diabetes awareness campaigns, and providing opportunities and support for the handicapped and needy.

The International Association of Lions Clubs has joined hands in a worldwide humanitarian effort to eradicate preventable and reversible blindness through Campaign SightFirst. In fact, the Marlton Lions Club is the only model club in New Jersey for this worldwide project.

On June 11, 1954, 21 members of the community of Marlton, New Jersey were granted a charter to join Lions worldwide in these endeavors and extend to the populace of Marlton these benefits.

Over the past 40 years, the Marlton Lions Club has extended the benefits of Lionism to their community. Specifically, the Club has either contributed to or sponsored such humanitarian projects as a drug awareness program for the community schools; annual scholarships; eye examinations and eyeglasses, as well as food baskets for the needy; and participation in various events in the Marlton community.

The Marlton Lions Club has become an integral part of the community it serves. It brightens the quality of life for the residents.

I, therefore, urge the House of Representatives to join me in recognizing June 11, 1994 as the 40th anniversary of the Marlton Lions Club.

TRIBUTE TO GEN DOAK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to an outstanding Coloradan.

For the past 24 years, Gen Doak of Glenwood Springs has dedicated herself to the Glenwood Springs Library. Now, after so many years of service, she has decided to retire.

Gen and her husband, Ed Doak, will spend their golden years with their children and their grandchildren. They also plan to take advantage of the magnificent Colorado trails and mountains to pursue hiking, camping, and fishing. Ed retired after 44 years of selling lumber, and both of their retirements are richly deserved.

Mr. Speaker, I am pleased to commend Gen and Ed Doak for their outstanding contributions to their community and to the people of Glenwood Springs.

Both have earned reputations as trusted friends, and devoted parents. I ask my colleagues to join me in extending to them both our very best wishes for a wonderful and well-deserved retirement, full of prosperity and good health.

RETIRING DOAK LIKE RARE BOOK: IRREPLACEABLE

(By David Frey)

GLENWOOD SPRINGS—When the Glenwood Springs library moved to its present location a decade ago, head librarian Gen Doak thought she faced a daunting task. It would take days to move shelf after shelf of books, she figured. But before the morning was over, 150 volunteers showed up and wrapped the project up in a matter of hours.

That sort of community support is what Gen remembers most fondly of her 24 years with the library. On Sunday, the community returned its gratitude, joining together at the Hotel Colorado to wish her a happy retirement.

"She's a symbol of the community," said Claudia Lange, vice president of Glenwood's Friends of the Library. Gen's warmth and wit transformed the institution, Lang said, "It makes the library something other than a place to pick up books. It gives it the human element. Gen epitomizes the humanity that we could all use."

Gen credits much of the library's success to the Glenwood community that has supported it. That community spirit, she said, is why she and her husband Ed have no intention of leaving town.

"We want to live in a real community with real people," she said. "I can't think of any better place to live."

Gen's retirement follows shortly after Ed left Big John's Building & Home Center, after 44 years of selling lumber. Ed said that at his age of 72, and Gen's age of 68, the time to retire had come for both of them.

Besides, Gen said, retiring now gives them time to enjoy active retirements together. "I like to play," she said.

Already, their plans for the summer are mounting. Both enthusiasts of the outdoors,

the Doaks have ambitious plans for hiking, camping and fishing, interspersed with visits to children and grandchildren.

Ed, who lent a lot of maintenance work to the library over the years, said he and Gen planned a clean break from the library, giving the newcomers a chance to get settled in. "When we retire, it isn't fair to the person who's coming in (for Gen and I) to be dabbling around" he said.

Gen said she had no plans of giving up the library altogether, though, and still intends to be involved in the citizens group, Friends of the Library.

Meanwhile, the library must search for a new head librarian. Debra Bosna, secretary and treasurer of the Glenwood Friends of the Library, thinks Gen's shoes may be too big to fill, though.

The key to being a great librarian, Bosna said, is experience. "The wealth of experience that (Gen has) is not easily replaced," she said. It would take the new librarian at least another 24 years to match Gen's contribution, she added.

LEGISLATION TO REQUIRE THE ARCHITECT OF THE CAPITOL TO ESTABLISH AND MAINTAIN A PERSONNEL MANAGEMENT SYSTEM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Ms. NORTON. Mr. Speaker, today I introduce a bill to require the Architect of the Capitol [AOC or the Architect] to establish and maintain a personnel management system with modern personnel management principles. This bill establishes a personnel management system, provides a procedure for its implementation, and establishes a procedure to process discrimination complaints.

This bill is another important step in assuring that employees of the House and Senate have the same employment rights as other Americans. The AOC presents a particularly egregious example not only of an absence of most employee rights but of a personnel system that deserves the same as well.

The AOC, a legislative branch agency, is responsible for the structural, mechanical, and domestic care of the U.S. Senate and House buildings, Senate restaurants, Library of Congress buildings, Supreme Court building, the U.S. Capitol Building and Grounds, and the Capitol Power Plant. As of March of 1993, the AOC employed a staff of approximately 2,233 full-time employees. Since the AOC is a legislative branch agency, it is not subject to the provisions of many personnel statutes that guide personnel policy for other Federal agencies. At the request of Senator BARBARA MIKULSKI, a member of the Senate Committee on Rules and Administration and its chair Senator WENDELL FORD, GAO investigated personnel policies at the AOC and published its findings in April of this year. GAO found that the personnel system lacked consistent hiring and promotion practices, had no affirmative action program, was devoid of a performance appraisal system, failed to offer minimal skills-training opportunities, lacked a job classification system, exhibited deplorable underrepresentation among minorities and women in higher paying skilled and managerial positions, and had limited communication between management and the workforce.

This bill requires that systems to address these shortcomings be employed with standards and practices of modern personnel management practiced by other Federal and private sector organizations.

Today, three separate offices handle EEO complaints. The Senate Office of Fair Employment Practices handles complaints for all Senate employees and AOC employees who service buildings on the Senate side. The House Office of Fair Employment Practices handles complaints of all House employees but not AOC employees who work in House buildings. The Architect's Fair Employment Practices Office handles complaints of AOC employees who work in both the House and Senate buildings. Thus, while Senate AOC employees may file complaints with both the Senate Office of Fair Employment Practices and the Architect's Fair Employment Practices Office, the House AOC employees may only file complaints with the Architect's Fair Employment Practices Office. The Architect's Fair Employment Practices Office mediates and recommends resolutions. However, the Architect, against whom complaints are filed, makes the final decisions regarding each complaint.

After a final decision is made by the Ethics Committee, AOC Senate employees may appeal. AOC employees assigned to House buildings are not afforded the opportunity to appeal a hearing decision. AOC employees assigned to the Senate are allowed judicial review of final administrative decisions by the U.S. Court of Appeals for the Federal circuit; House employees do not enjoy this privilege.

This bill will allow all AOC employees to file charges with an independent agency, the General Accounting Office Personnel Appeals Board. The GAO personnel office was selected in order to avoid the cost and time consuming effort it would take to create a structure for a new independent office, and because the GAO already has some oversight over AOC employees.

This bill addresses the needs and concerns of employees in a fair manner in keeping with modern personnel management practices. The House has an urgent responsibility to address the abhorrent practices documented by the GAO. These deficiencies, present in the place where we work, deprive employees who directly serve Members with dedication. This session of Congress must not close without action on a problem of special urgency not merely close to home, but in this House and in the Senate.

MASTER CHIEF GEORGE H. GASSER RETIRES FROM THE U.S. NAVAL RESERVE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SOLOMON. Mr. Speaker, I have the great pleasure of honoring Master Chief Electronic Technician Submarine Warfare George H. Gasser on the occasion of his retirement from the U.S. Naval Reserve after 33 years of tireless service.

Master Chief Gasser enlisted in the Navy on October 16, 1961. His first submarine assignment was aboard U.S.S. *Skate* as an interior communication technician. He went on to become the honorman of his graduating class both at U.S. Submarine School at New London, CT, and IC "A" School at San Diego, CA.

He has been generously decorated throughout his years in the Naval Reserve. They include: the Navy Commendation Medal and Navy Achievement Medal, the Navy Good Conduct Medal, and the National Defense Medal for which he has received two awards.

During his 33 years of service in our Armed Forces George Gasser has earned our commendation and deep gratitude for his lifelong service to the people of these United States and for his great patriotism.

But he has also earned our gratitude for his many volunteer activities in his community and for his years of services as the elected county treasurer of Saratoga County.

Mr. Speaker, in addition to his outstanding service in the U.S. Navy, George Gasser truly is a fine community leader and a man I am proud to call my friend. Would you all rise and join me in paying tribute to this outstanding American citizen.

TRIBUTE TO THE STANLEY CUP CHAMPION NEW YORK RANGERS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. NADLER. Mr. Speaker, I rise today to honor a truly remarkable group of athletes who on June 14 of this year ended a 54-year drought and brought the Stanley Cup back to New York City. I am, of course, speaking of the New York Rangers.

The New York Rangers demonstrated the true spirit of New York City by consistently coming through when the chips were down and their backs were to the wall by winning the Stanley Cup for the best and most loyal fans in the world.

It takes a lot to be a winner, and that starts with the Ranger organization. I would like to congratulate Bob Gutkowski, the president of Madison Square Garden, and Neil Smith, president and general manager of the Rangers, for building this winning team.

You need a good coach who can get the best performance out of his players; the Rangers have a great coach in Mike Keenan. He has excellent coaches in Colin Campbell and Dick Todd, as well as exceptional trainers and equipment managers.

To win the Stanley Cup you need great players. The Rangers are led by their captain and future Hall of Famer, Mark Messier, who scored the winning goal of the Stanley Cup final game. Brian Leetch, who played a key role throughout the season and playoffs, was awarded the Conn-Smythe Trophy as the playoffs' most valuable player. Mike Richter, the Rangers goalie, made many great stops all season and throughout the playoffs to bring the Stanley Cup back to where it belongs.

As we in politics all know, it is not just those who get the credit in the press who make things happen. You need a great core of supporting players, and I would like to congratulate all the members of the playoff roster: Adam Graves, Kevin Lowe, Steve Larmer, Stephane Matteau, Alexei Kovalev, Esa Tikkanen, Sergei Zubov, Glenn Anderson, Sergei Nemchinov, Craig MacTavish, Joe Kocur, Jeff Beukeboom, Jay Wells, Brian Noonan, Doug Lidster, Nick Kypreos, Glenn Healy, Mattias Norstrom, Barry Richter, Eddie Olczyk, Joby Messier, Greg Gilbert, Mike Hartman, Mike Hudson, Alexander Karpovtsev, and Corey Hirsch.

Mr. Speaker, New Yorkers had to wait a long time to bring the Stanley Cup back to our city, but this week their patience and loyalty were amply rewarded. I am proud to represent these loyal sports fans of the finest team in the National Hockey League.

THE RULE ON H.R. 3937, THE EXPORT ADMINISTRATION ACT OF 1994

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 15, 1994

Mr. GIBBONS. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of the bill, H.R. 3937, the Export Administration Act of 1994.

ASTRONAUT DAY IN THE BRONX

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. SERRANO. Mr. Speaker, I rise to tell my colleagues of the wonderful visit astronaut Dr. Franklin Chang-Diaz paid to the South Bronx.

Dr. Chang-Diaz is a veteran of four space shuttle flights, the most recent of which—STS–60—was the first joint Russian-American space launch.

On May 23 Dr. Chang-Diaz visited three schools in my district: Intermediate School 74, Junior High School 120, and All Hallows High School. He gave the students of these schools an inspiring, stimulating presentation which I am hopeful will draw youngsters from my community into the fields of science and mathematics.

Mr. Speaker, I would like to offer my thanks to Dr. Chang-Diaz, to the principals of the schools he visited—Dr. Donald Fulton, Dr. Arnold Nager, and Brother Lawrence T. Murphy—and to all who contributed to the success of Astronaut Day in the Bronx.

LEGISLATION TO MODIFY THE LAFARGE DAM PROJECT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. GUNDERSON. Mr. Speaker, today, I join the citizenry of Wisconsin in bringing to fruition its effort during the past 2 years to resolve an unhappy situation of the past 30 years.

In western Wisconsin, there is the small village of LaFarge. Often inundated by spring floods, the village sought assistance to control this periodic devastation. The Federal Government promised to help buy authorizing $5.5 million to construct a reservoir and dam in 1962; thus, the LaFarge dam and lake project was born.

In pursuit of this goal, by 1969, 144 families were up-rooted from their farms, and the local school system suffered major losses in attendance. Over 8,500 acres were acquired and plans were initiated for the construction of a dam and reservoir for flood control, general recreation, and fish and wildlife purposes. Plans included the reconstruction of State Highway 131 and the construction of an educational/visitors center.

When the environmental impact statement was reviewed, concerns were raised over water quality impacts and the effects on rare species. Numerous archaeologic and historic sites were identified. For environmental reasons, work on the dam was suspended in July 1975, leaving 61 percent of the dam uncompleted, while 80 percent of the land had been acquired.

By 1990, it was estimated that annual losses resulting from the removal of family farms and the unrealized tourism benefits anticipated with the completion of the reservoir and education center totaled over 300 jobs and $8 million for the local economy.

But to continue to look back at the losses only dimmed the potential for a vision for the future.

Recognizing the tragic circumstances in which several generations of families in the area had found themselves, in 1991, Governor Thompson, State Senator Rude, State Representative Johnsrud, and I urged the residents in the Kickapoo Valley to form a citizens advisory committee to initiate a plan for a positive resolution. Governor Thompson appointed Alan Anderson of the University of Wisconsin-Extension as coordinator for the Kickapoo Valley Advisory Committee. The Wisconsin Department of Natural Resources, Department of Transportation, and the State Historical Society provided professional assistance in the spirit of true cooperation. Over a span of 2 years the committee forged a consensus and recommended the establishment of a Kickapoo Valley Reserve. The State of Wisconsin concurred in their recommendation and passed legislation creating the Kickapoo Valley Reserve and Governing Board.

Today, I introduced federal legislation with Representative THOMAS PETRI to modify the LaFarge dam project and to bring this project to a proper conclusion. This legislation will transfer to the State of Wisconsin the lands associated with the project. The legislation also formally terminates, or deauthorizes the construction of the lake and dam portions of the original authorization. The modifications will authorize the $17 million necessary to require the corps to complete two central parts of the original project: finishing the relocation of State Highway 131 and county Highway routes "P" and "F", along with the construction of a visitor and education complex, recreational trails, and canon facilities.

If the original project were to be completed today, the Corps of Engineers estimates the cost would be $102 million. Since the original authorization of the project in 1962, the corps has expended $18 million. Under the legislation introduced today, the Federal responsibility to conclude the original activities would be for $17 million, creating a savings of $66 million to Federal taxpayers.

With the introduction of this legislation we bring renewed hope to the people that Government can right a wrong.

CABLE TELEVISION RATES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. STARK. Mr. Speaker, understanding cable television rate structures seems to require an advanced degree in calculus, but we all understand the bottom line. When the cable monopolies were unregulated, East Bay consumers were gouged: from 1986 to 1991 rates rose up to 120 percent. Consumers demanded relief so Congress passed the 1992 Cable Reform Act ordering the Federal Communications Commission [FCC] to regulate the cable operators and reduce rates.

Last year, the FCC set maximum rates for the cable operators that were intended to lower customer bills. However, the rates were still too high and cable operators too tricky so this year the FCC ordered a second rate reduction.

Last week, I announced that TCI had ignored the first set of Federal rules and overbilled East Bay customers by $1.1 million. This million dollar overcharge was discovered because cities and customers filed rate complaints with the FCC. The 13th Congressional District was one of only a handful in the country where every city filed a complaint to ensure a rollback to legal rates and maximum refunds to customers.

Recently, TCI stated that it is reducing some rates, effective July 15, to comply with the second round of FCC mandated reductions. I always welcome cable rate reductions, but consumers should be wary. These newly announced reductions don't change the fact that TCI has already violated FCC's first rate reduction order, overcharged its customers, and now owes local subscribers a bundle in refunds. Even the newly announced reductions may not be enough to bring the company into compliance with the law and the company may be forced to pay even more refunds in the future.

The cable operators and the Federal bureaucracy are making this too complicated and

we're paying too much! I want to see rates simplified, lowered, and enforced. I also want cable operators to agree to a Cable Customer Bill of Rights and be held accountable, to their customers, for lousy service. I am continuing to work closely with East Bay cities and consumers to achieve these goals.

CONGRATULATIONS TO EDGAR AND MARIE HOLLEY ON THEIR 65TH WEDDING ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to Edgar and Marie Holley of Mode, IL, who celebrate their 65th wedding anniversary today. In an era when families find it harder and harder to stay together, the Holleys are certainly deserving of this recognition for their 65 years of companionship.

Edgar, known to his friends as "Bud", worked as an Illinois farmer for over 50 years. Marie Holley devoted her life to raising their son, Gerald, who has grown up to be a fine young man. Edgar and Marie are active members of the Free Methodist Church in Cowden, IL.

Their commitment to those around them and to each other is a shining example of what is good and right about our Nation. I wish Edgar, Marie, their son Gerald and his family greatest happiness on this very special day. May we all live such rich and distinguished lives as Edgar and Marie Holley.

TRIBUTE TO DR. RAFAEL CORTADA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to Dr. Rafael Cortada, president of Wayne County Community College. Dr. Cortada is a dedicated advocate for public education and a respected friend, who is leaving his current position in order to move on to the next phase in his career.

Dr. Cortada began his career in education in 1957 as a high school teacher in New York and has risen to the position of president at several institutions of higher education, most recently at Wayne County Community College in Detroit, MI. In addition, Dr. Cortada previously served as president and professor of history at the University of the District of Columbia and has used his expertise in Latin American and Iberian history to serve as a desk officer in the Foreign Service.

Throughout the past 4 years, Dr. Cortada has contributed his expertise and leadership as president of Wayne County Community College. This school is a five-campus, multicultural institution with more than 12,000 students. Dr. Cortada has handled the challenges of directing a large educational institution with ease and efficiency, while also working with elected officials to improve the state of public education in Michigan.

In addition to his service as a professor, dean, administrator, and president, Dr. Cortada has always contributed his time and skills as a member of numerous community advisory boards, task forces, and education committees. Whether he was serving as an instructor for the Michigan Cultural Diversity Program, as vice president for the Washington Task Force on African Affairs of African Studies Association, or as a member of the health and welfare council of central Maryland, Dr. Cortada has given tirelessly of his skills and energy.

As he embarks on the next phase of his career, Dr. Cortada and his leadership skills will be missed, as will his dedication to the improvement of public education. I wish him all the best in his future position as dean/director at Ohio State University at Newark and as the president of Central Ohio Technical College.

TRIBUTE TO THE JOINT PUBLIC AFFAIRS COMMITTEE FOR OLDER ADULTS [JPAC]

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. NADLER. Mr. Speaker, I rise to pay tribute to the Joint Public Affairs Committee for Older Adults [JPAC] on the occasion of their 16th anniversary celebration and volunteer recognition day. JPAC is a senior citizen advocacy group of representatives from over 120 senior centers throughout metropolitan New York which has established a long and distinguished record of service to the aging community. JPAC and its older adult volunteers have made great strides in bringing attention to and inspiring legislative action on the issues that concern senior citizens.

Many of the volunteers at JPAC are older adult participants whose work has been the impetus for many worthwhile legislative programs. In January of this year, JPAC's efforts contributed to the passage of lifeline banking legislation in New York State, which would require all banks to offer low-cost checking accounts so that low-income customers are able to afford basic banking services. They were also instrumental in the restoration of $6 million to the fiscal year 1994 NYC budget to fund meals at home and at senior centers.

JPAC has had many other victories in the legislative arena. Their efforts have contributed to the establishment of a New York City Council committee on aging; the enactment of EPIC, a prescription drug cost relief program; increases in the State share of the SSI grant; limiting doctors fees for Medicare beneficiaries and limiting the impact of Federal, State and city budget cuts on the elderly. JPAC has also sponsored annual legislative forums on issues including health care reform, long term care, housing and Social Security.

JPAC's longstanding commitment to the interests and issues of the elderly deserves to be applauded. I wish to acknowledge the hard work and dedication of the staff and volunteers of JPAC whose efforts have truly made a difference. Mr. Speaker, I ask my colleagues in the House of Representatives to join with me in paying tribute to JPAC and its volunteers and in congratulating them on 16 years of exemplary service to the aging community.

JIMMY GAUNCE: 38 YEARS OF LEADERSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. GORDON. Mr. Speaker, whoever it was who said that leaders aren't born—they're made—just might have been thinking of Jimmie Gaunce, because over the course of his 38-year career in Tennessee's labor movement, he's done exactly what leaders do: He put his foot on the bottom rung of the ladder and then pulled others up behind him.

On October 8, 1956, after serving his country for 4 years in the Air Force, Jimmie was initiated into the International Association of Machinists & Aerospace Workers at the Queen City Lodge No. 1501 in Tullahoma, TN.

He quickly moved up through the ranks, first as a job steward in his local lodge, then chief steward, president of District Lodge 169, president and directing business representative of the newly formed district and finally, as executive vice president of the Tennessee AFL–CIO and president of the Tennessee State Council of Machinists.

Today, his commonsense approach to issues and his commitment to what is right for workers, their families, and their communities is respected and admired throughout the State.

But true to his middle Tennessee roots, I suspect the things Jimmie is most proud of don't have a lot to do with the titles he holds or the honors he's received or the conventions he's attended. If those were the things most important to him I doubt he'd be retiring so much earlier than his colleagues can afford to lose him.

In fact, I suspect the things Jimmie is most proud of are his children and their mother Brenda and their six grandchildren and, come October, the birth of his first great-grandchild.

After 38 years of leadership, Jimmie Gaunce is retiring. His leadership will be missed but as he starts a new chapter in his life, he can do so knowing that he always worked for what he thought was best for the hard-working men and women of Tennessee. Please join me in paying tribute to Jimmie Gaunce for his leadership and his diligent efforts to build a brighter future for Tennessee and the Nation.

SCOUTMASTER ELMER McFADDEN CELEBRATES 50 YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize Scoutmaster

Elmer McFadden upon his completion of 50 years of dedicated service to Troop 303, Boy Scouts of America.

In today's society, young people are subject to many negative influences. The reason we have youth crime problems in our communities is the lack of positive role models—men who are physically strong, mentally awake, and morally straight—who have the potential to install a sense of responsibility and confidence in our youth and to teach values and character building. For the past 50 years, Elmer McFadden has been exemplary in fulfilling this role.

Elmer McFadden joined the Boy Scouts in 1944 as a youngster. He earned his Eagle Scout Award in August 1949, and was promoted to assistant Scoutmaster in 1951. He has served nobly as Scoutmaster of Troop 303 since 1957. It is the responsibility of us all to shape the character of America's youth, and Elmer has undertaken this great responsibility in ensuring the future of our Nation. Elmer has taught young males to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent—the laws the Scouts are taught to follow. He has shown a great concern for the welfare of our Nation and I commend his efforts.

Mr. Speaker, my fellow colleagues, I am proud to congratulate Scoutmaster Elmer McFadden upon his completion of 50 years of exceptional service to the Boy Scouts of America and Troop 303.

EXCERPT OF DEMJANJUK ARTICLE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1994

Mr. TRAFICANT. Mr. Speaker, yesterday I submitted part of an article dealing with the case of John Demjanjuk, a retired Cleveland auto worker who was extradited and tried in Israel as Ivan the Terrible. The Israeli Supreme Court acquitted Demjanjuk and returned him to the United States. Below is the second part of this very important article written by Prof. Alfred de Zayas, a visiting professor of international law at the Depaul University College of Law in Chicago. He is also an expert on human rights who has published three books on the subject:

I. UNITED NATIONS COVENANT ON CIVIL AND POLITICAL RIGHTS

RIGHT TO A FAIR HEARING

Article 14, paragraph 1, of the Covenant requires fundamental fairness by the courts, impartiality and equality of arms. Fairness also entails the requirement that a proceeding be held within a reasonable time. Subjecting Mr. Demjanjuk to a criminal proceeding more than 40 years after the offences in question raises issues under this provision, since it is extremely difficult for him—or for anyone in his position—to properly represent himself, in view of his old age and the near impossibility to obtain exculpatory documents, witnesses, or even to remember the events under investigation.

Civil proceedings on his citizenship and on deportation also present considerable problems because of the lapse of time. Immigration records are notoriously incomplete and ambiguous. Apparently there is no written record of Mr. Demjanjuk's having been specifically asked the questions "Were you a Nazi camp guard?," or "Did you engage in racial or religious persecution?," and of his having given a negative answer. Even if such record existed, it would still have to be proven that he had lied. Now, bearing in mind that he immigrated to the U.S. in 1952, in the middle of the cold war and the McCarthy era, it is more probable that the immigration officers only asked him whether he had ever been a Communist or a member of the KGB. In any event, clear proof that he lied to the immigration authorities would have to be produced, and such proof would require a showing of intent, i.e., that he understood a specific question and that he deliberately gave false information. He cannot be penalized for not understanding an ambiguous question or for not volunteering information that was not asked. If the immigration authorities did not pose the crucial question at the time of immigration or at the time of naturalization, the government is estopped from doing so now. In this connection, the court must also consider that at the time of Mr. Demjanjuk's immigration, he probably did not understand the English language and that errors may have occurred in translation. As the case may be, the burden of proof is on the government.

Article 14, paragraph 2, requires strict adherence to the principle of the presumption of innocence, not only in all criminal matters, but also in civil matters with penal elements or consequences, such as denationalization proceedings that may result in exile or forfeiture of an old age pension.

Article 14, paragraph 3, requires that an accused person be tried without undue delay. Criminal proceedings in the Demjanjuk case commenced 41 years after the alleged events; appeal proceedings were concluded seven years later with his acquittal. The objective problems in ensuring an effective defense decades after the events are manifest. In this context some may be tempted to invoke the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. Yet, this Convention cannot derogate from article 14, paragraph 3, of the Human Rights Covenant. Moreover, neither the United States nor Israel are parties to this Convention.

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

With regard to Mr. Demjanjuk's detention, it is clear that to the extent that he was a suspected war criminal and a warrant had been issued for his arrest, his detention was lawful. On the other hand, it is questionable whether the length of detention was appropriate in the circumstances of his case. Article 9, paragraph 3, of the Covenant provides that "it shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial . . ., and should occasion arise, for execution of the judgment." Accordingly, the question must be examined whether Mr. Demjanjuk could have been allowed to remain with his family, on bail, while awaiting the criminal proceedings against him, unless there was a showing that there was an imminent danger of his fleeing the jurisdiction or of his tampering with evidence against him (See Views of the United Nations Human Rights Committee in case No. 238/1987, Bolaños v. Ecuador and in case No. 305/1988, van Alphen v. The Netherlands). Moreover, Mr. Demjanjuk was entitled to immediate release upon his acquittal. Pursuant to the established jurisprudence of the Human Rights Committee, the expert body established to monitor compliance with the Covenant, Mr. Demjanjuk's continued detention in Israel for eight weeks following acquittal would appear to be in breach of article 9, paragraph 1, because the prolonged detention could be seen as arbitrary and thus amount to a violation of the right to liberty and security of the person (Human Rights Committee, Views in case No. 37/1979 Soriano de Bouton v. Uruguay, and in case No. 33/1978 Buffo Carballal v. Uruguay). Since the United States extradited Mr. Demjanjuk to another jurisdiction, it bears responsibility for any violations of his human rights in that jurisdiction.

PROHIBITION OF ARBITRARY DEPORTATION

With regard to the issue of expulsion or deportation, judges must take into consideration that under international law a state cannot expel its own nationals. Similarly, the United Nations Human Rights Committee has made clear in the examination of states reports under the Covenant (*inter alia* those of Burundi, Venezuela and Zaire) that states may not expel their own nationals.

As to aliens, article 13 of the Covenant imposes certain conditions that must be satisfied before any deportation. It would be incompatible with the object and purpose of the Covenant for a state to attempt circumventing this prohibition by simply denationalizing a person in order to facilitate his expulsion as an alien.

RIGHT TO RETURN TO ONE'S COUNTRY

Article 12, paragraph 4, provides that "no one shall be arbitrarily deprived of the right to enter his own country." If deported, Mr. Demjanjuk would be barred from reentering the United States. Considering that Mr. Demjanjuk has lived most of his life in the United States, that he was a citizen for decades, that his entire family lives in the United States and that he has no links to other countries, there can be no doubt that the U.S.A. is "his own country." Unlike the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the 1969 American Convention on Human Rights (Pact of San Jose), both of which grant the right of reentry only to citizens, the Covenant uses the broader term "his own country." An examination of pronouncements by the Human Rights Committee, both in the consideration of states reports and of cases submitted under the Optional Protocol, reveals that "his own country" should be interpreted broadly, so as to apply not only to citizens but also to permanent residents.

RIGHT TO PRIVACY AND FAMILY LIFE

Article 17, paragraph 1, guarantees the right to privacy, home and family life. The concept of family in international human rights law includes not only the "nuclear family" but also grown-up children and grandchildren. The deportation of Mr. Demjanjuk would violate his right to family life, because he would be separated from his entire family. In this context the jurisprudence of the European Court of Human Rights indicates that deportation of a person in Mr. Demjanjuk's situation would entail a violation of article 8 of the European Convention (*see infra*).

Article 17, paragraph 2, stipulates that everyone has the right to the protection of the law against unlawful attacks on one's honour and reputation. Mr. Demjanjuk has endured years of slander and libel as the purported Ivan the Terrible. Now he is treated as if it had already been proven that he was

a Nazi guard, in violation of the presumption of innocence.

RIGHT TO EQUALITY OF TREATMENT

Article 26 requires equality before the law. Currently one particular category of immigrants is being singled out for denationalization and deportation: persons who served the Nazi regime, whether voluntarily or through conscription. By contrast, Japanese immigrants, some of whom fought against the United States in World War II and who may have committed war crimes or engaged in persecution against Koreans and Chinese, are not being investigated or prosecuted. Neither are other immigrants to the United States who may have participated in persecution against racial or religious minorities, including Russian KGB officers who may have been involved in murders such as those at Katyn Forest in 1940. Furthermore, the denial of social security old age benefits only to the category of immigrants who wore German uniforms discriminates against them. The arbitrary nature of some denationalization and deportation proceedings is also manifested by the fact that the target group is being subjected to this treatment not because of proven conduct but only because of their status.

PROHIBITION OF INHUMAN OR DEGRADING TREATMENT

Article 7 stipulates that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment of punishment." The nature of the proceedings against Mr. Demjanjuk, the hostile atmosphere that accompanied the extradition, the surrender for trial in Israel (which engages the responsibility of the United States), the initial trial in Israel, the demonstrations of jubliation following his being sentenced to death in April 1988, the ensuing years of uncertainty—commonly known as "death row phenomenon" following the landmark judgment of the European Court of Human Rights in the Soering v. United Kingdom case—the continued detention for eight weeks following acquittal by the Israeli Supreme Court: all these elements, taken cumulatively, may be deemed to amount to cruel and degrading treatment.

RIGHT TO COMPENSATION

If indeed Mr. Demjanjuk is not Ivan the Terrible, the question arises whether he is entitled to compensate for miscarriage of justice. It is surprising that hitherto both the press and legal literature seem to ignore the fact that Mr. Demjanjuk may have a justifiable claim for compensation; and yet, this is an established right in international law. Article 9, paragraph 5, of the International Covenant on Civil and Political Rights provides that "Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." Article 14, paragraph 6, stipulates that "When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him." The "understanding" appended by the United States Senate on 2 April 1992 when given advice and consent to the president on the ratification of the Convenant provides: "That the United States understands the right to compensation referred to in Articles 9(5) and 14(6) to require the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity. Entitlement to compensation may be subject to the reasonable requirements of domestic law." Thus, it cannot be excluded that Mr. Demjanjuk, who was detained for many years as the presumed Ivan the Terrible, and who has been found not to be this person, may have a legitimate claim for compensation. But it is doubtful whether Mr. Demjanjuk or his family want any compensation. What they would probably prefer is an end to the 17 years of litigation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 16, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 17

9:30 a.m.

Energy and Natural Resources

To hold hearings on implementation of the Department of Energy's alternative fuel vehicle and fleet programs.

SD-366

10:00 a.m.

Agriculture, Nutrition, and Forestry

Nutrition and Investigations Subcommittee

To resume hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and the National School Lunch Act.

SD-562

Finance

Deficits, Debt Management and Long Term Economic Growth Subcommittee

To hold hearings to examine the United States' saving crisis and implications for security and long-term growth.

SD-215

Foreign Relations

To hold hearings on the nominations of Mary Ann Casey, of Colorado, to be Ambassador to the Republic of Tunisia, Raymond Edwin Mabus, Jr., of Mississippi, to be Ambassador to the Kingdom of Saudi Arabia, Ronald E. Neumann, of Virginia, to be Ambassador to the Democratic and Popular Republic of Algeria, and David M. Ransom, of the District of Columbia, to be Ambassador to the State of Bahrain.

SD-419

JUNE 20

8:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on pending nominations.

SR-332

JUNE 21

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold oversight hearings on the proposed location of the Disney's America project and its potential impact on the Manassas National Battlefield Park and other significant historic sites in northern Virginia.

SD-366

10:00 a.m.

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 825, to amend title 28 of the United States Code to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.

SD-226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation relating to public rights of way.

SR-253

JUNE 23

9:00 a.m.

Office of Technology Assessment Board meeting, to consider pending business. EF-100, Capitol

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the scientific and technological basis for radon policy.

SD-366

Rules and Administration

To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.

SR-301

10:30 a.m.

Rules and Administration

To hold oversight hearings on the operations of the Office of the Architect of the Capitol.

SR-301

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

SD-366

JUNE 28

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 2104, to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program.

SD-366

JUNE 29

2:30 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2120, to authorize appropriations for the Corporation for Public Broadcasting for fiscal years 1997 through 1999.

SR-253