SENATE—*Thursday, January 5, 1995*

The Senate met at 10 a.m., and was called to order by the Honorable DAN COATS, a Senator from the State of Indiana.

PRAYER

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

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5, 6.

Mighty God who knoweth all things, Thou knowest the future of the 104th Congress in microscopic detail. Infuse the minds and hearts of the Senators with the reality that You have a perfect plan for the days that lie ahead. Help them to take this seriously, that they may walk and work in the light of God's direction. Grant them grace to follow the wisdom of Solomon, the wisest man who ever lived, that they may trust in the Lord with all their heart, that they may acknowledge Him in all their ways, and be guided through the milieu of legislation with all its difficulties, its pressures, its conflicts. Give them the confidence in God which guided our Founding Fathers through all the complications of revolution and the establishment of a new nation.

Thy will be done in this place as it is in Heaven.

In the name of Him who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 5, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN COATS, a Senator from the State of Indiana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COATS thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:15 a.m. is reserved for the two leaders.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, for the information of Senators, after the leader time, which will expire at 10:15 this morning, the Senate will resume consideration of Senate Resolution 14, the committee ratio resolution.

There is pending the Harkin amendment to the cloture rule on that resolution. Under a previous unanimous-consent agreement, the time for debate on the Harkin amendment is divided as follows: 30 minutes under the control of Senator BYRD; 45 minutes under the control of Senator HARKIN.

Following the debate time at 11:30 this morning, the majority leader or his designee will make a motion to table the Harkin amendment.

Therefore, all Senators should be aware that there will be a 15-minute rollcall vote at 11:30 this morning on the motion to table the Harkin amendment.

If the Harkin amendment is tabled, the Senate will immediately adopt the underlying resolution and begin consideration of S. 2, the congressional coverage bill. Senators should also be on notice that amendments are possible to S. 2. Therefore, additional rollcall votes are possible throughout the day. Also, it is the intention of the leadership to try to complete action on S. 2 this week.

MAKING MAJORITY PARTY APPOINTMENTS TO THE GOVERNMENTAL AFFAIRS COMMITTEE

Mr. COCHRAN. Mr. President, I send a resolution to the desk which has been cleared by both sides.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 26) making majority party appointments to the Governmental Affairs Committee for the 104th Congress.

Mr. COCHRAN. Mr. President, I know of no controversy surrounding the resolution.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 26) was agreed to as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committee for the 104th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. Grassley, Mr. McCain, and Mr. Smith.

Mr. COCHRAN. Mr. President, for clarification and explanation to the Senate, the resolution will permit the Governmental Affairs Committee, which is conducting a hearing this morning on the unfunded mandates legislation to proceed with that hearing while the Senate is in session. We hope that hearing will enable us to bring that legislation to the floor as soon as possible after the disposition of the congressional coverage bill, which we discussed earlier in the announcement.

Mr. President, I reserve the remainder of the leader time.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of Senate Joint Resolution 13 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE DEATH OF DR. ARCHIE H. CARMICHAEL

Mr. HEFLIN. Mr. President, I rise for a point of personal privilege to lament the death yesterday of Dr. Archie H. Carmichael III, of Tuscumbia, Sheffield, and Muscle Shoals, AL. He was a very distinguished physician. He was an internist. Dr. Carmichael graduated from Vanderbilt Medical School and practiced for many years in the Shoals area of Alabama. His grandfather, Archie H. Carmichael, served as a Member of Congress. He comes from a very distinguished family in Alabama. It is sad that he has passed away.

At some later date, I will have more to say about Dr. Carmichael.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Mississippi.

COMMENDING SENATOR HEFLIN

Mr. COCHRAN. Mr. President, first let me commend the distinguished Senator from Alabama for his introduction of the resolution on the subject of a constitutional amendment to balance the budget.

As the Senator knows, it has been an item of high priority in terms of planning for the legislative agenda for this new session of Congress. It is one of the three legislative measures that we hope to call up at the earliest time on the calendar for the attention of the Senate, for debate and for action.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

We welcome, commend, and appreciate the support of the Senator from Alabama for this initiative. He has worked for many years on this subject and in a very effective and constructive way.

BILLS CONSIDERED READ A SECOND TIME

Mr. COCHRAN. Mr. President, I ask unanimous consent that all bills read a first time on January 4, 1995, be considered to have had their second reading and that objection to further proceedings thereon have been made.

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

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. 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.

AMENDING PARAGRAPH 2 OF RULE XXV

Mr. HEFLIN. Mr. President, I will be at committee hearings on the balanced budget amendment shortly, but I would like to oppose the Harkin amendment. It is my judgment that the rules have been effective over the years and I do not feel that we ought to change the rules pertaining to cloture and the right of extended debate.

We sometimes have different alignments pertaining to membership relative to our parties and therefore Senate rules affect us. The rule regarding the right to extended debate can be a two-edge sword at times, and I do not believe it should be changed.

But, in my judgment, the Senate is a deliberative body and the Senate ought not just be a smaller House of Representatives. I think that the present rules are operating effectively. I add my voice to those that are advocating that we continue with the present rule that we have.

I yield the floor.

AMENDING PARAGRAPH 2 OF RULE XXV

The PRESIDENT pro tempore. Under the previous order, the hour of 10:15 a.m. having arrived, the Senate will now resume consideration of Senate Resolution 14, which the clerk will report

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of rule XXV.

The Senate proceeded to consider the resolution.

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Pending: Harkin amendment No. 1, to amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn.

AMENDMENT NO. 1

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. BYRD] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, parliamentary inquiry. I understand we are under a time limit. Could the Chair inform the Senator what the time elements are right now that we are under?

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. BYRD] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. I thank the Chair.

Mr. President, continuing the debate we had last night and to inform Senators who may not have been here and who were attending receptions for newly elected Senators, et cetera, I understand that, but let me bring Senators and their staffs up to date as to where we are.

At 11:30 today, if I am not mistaken, we will have a vote, I understand a tabling motion, made by the majority leader to table the amendment that Senator LIEBERMAN, Senator ROBB, Senator PELL, and I offered yesterday to change the cloture rule, rule XXII. Our amendment would change rule XXII to provide for a new procedure for ending filibusters in the U.S. Senate.

We did not throw out the filibuster completely, but our amendment makes a very modest approach toward ending the gridlock that has gripped this place over the last several years and is increasing in intensity in gridlock in this place.

But our proposal says—and let me make it very clear what our proposal or our amendment says—that on the first cloture vote you need 60 votes to end debate. Then, if you do not get the 60 votes, you can file another cloture motion. You have to wait 2 more days, you have another vote. Then you need 57 votes to end cloture. If you do not get it, you can file another cloture motion—again you need the 16 signatures to do that—wait 2 more days and then you get another vote and then you need 54 votes to end debate. If you do not get that, you can file one more cloture motion, wait 2 more days, and then you need 51 votes to get cloture and move to the merits of a bill.

Utilizing the different steps along the way, this would provide that, to get to the merits of a bill, a determined minority of the Senate who wanted to filibuster could slow it down for 19 days, 19 legislative days, which would be about a month. That is just getting to the bill.

There are other hurdles as a bill goes through the Senate. In fact there are six. There is the motion to proceed, there is the bill itself, there is the appointment of conferees, insisting on Senate amendments, disagreeing with the House, and then there is the conference report. So there are a minimum of six hurdles. That is not counting amendments.

Of course, when a bill comes to the floor someone could offer an amendment and that amendment can be filibustered. All we are saying is that in that first initial time you need 19 days. If you added up all the hurdles under our proposal you could slow a bill down for a minimum of 57 days, 57 legislative days. That would translate into about 3 months. So it is a modest proposal. We are not saying get rid of the filibuster, but we are saying at some point in time a majority of the Senate ought to be able to end debate and get to the merits of the legislation.

A distinguished group of American independents, Republicans and Democrats, formed a group called "Action Not Gridlock." Former Senator Mac Mathias, Republican, was on the board. Former Senator Goldwater, former Gov. Robert Ray of Iowa among Republicans; there are distinguished Democrats on it; also, independents. They commissioned a poll last summer that showed that 80 percent of independents, 74 percent of Democrats, and 79 percent of Republicans said that when enough time was consumed in debate, that after debate a majority ought to be able to get the bill to the floor. That a majority ought to be able, at some point, to end the debate.

So, the American people want this. They want us to get away from gridlock.

Let me show again the Senators what I am talking about in terms of gridlock what has happened in the last two sessions of Congress. We can see the use of filibuster going back to 1917 and going up here to 1994. In the last session of Congress, we had twice as many filibusters as we had just from 1981 to 1986, the last time Republicans were in charge of the Senate. We had 10 times more filibusters in the last Congress than we did in the entire years from 1789 to 1960. Add up all those years, we had 10 times more filibusters in the last Congress than we did in all those years. I am saying 10 times more in the Congress, on an average in Congress, than we did in the years during that period of time.

Prof. Bruce Oppenheimer, from the University of Houston, wrote an article in 1985, I believe it was, about Congress reconsidered. He made an important point. Let me read from Professor Oppenheimer's treatise. He said,

Congress in the late 20th century is under more severe time constraints than at any

point in its history. Pressures in the political and social environment have periodically forced Congress to deal with problems of time.

For example, in the early part of the 19th century most Members of Congress were not full-time politicians. They could not stay in Congress for large stretches of time. Crops needed planting and harvesting, small businesses required regular attention. Transportation was slow and arduous. But what has happened now, as Professor Oppenheimer has pointed out, is that the time pressures on Congress have increased precipitously. And because of the increased workload of Congress there is more time pressure and, therefore, the power of one Senator to threaten to filibuster is increased. I think Senators ought to keep that in mind.

So what we have is a situation where in the 103d Congress we had 32 filibusters, twice as many as we had in the entire 19th century. Not so much because more Senators are using the filibuster. It is because a handful of Senators understand that one Senator, because of the increased time pressures here, one Senator threatening a filibuster can hold this place up. And thus we have had gridlock.

I think, Mr. President, that it is important or at least noteworthy, let me put it that way, it is noteworthy that the first vote of this new Congress in the Senate will be a vote on whether we slay this dinosaur called a filibuster. It will be our first vote. It will take place at 11:30, a little over an hour from now. Will we heed what the voters have said, that they want this place to change? That they want us to be more productive. Or is it going to be "business as usual?" Stick with a filibuster.

You know the very word "filibuster" conjures up images of the past, horses and buggies, outdoor privies, lamplighters. The very word itself conjures up the 18th and 19th century. So, the first vote of this session, are we for change? Or are we for the status quo? Did we get the message in the election? Or are we going to give the American people more of the same of what they had over the last several years?

Senators hold the key to gridlock. One hundred Senators here at 11:30 hold the key to gridlock. Now is a chance to use this key to open the door to fresh ideas and to a new approach.

I say to my friends on the other side of the aisle, this could be one of the most productive sessions of the Senate in recent history. I may not agree with everything that Republicans are proposing, but they are in the majority and they ought to have the right to have us vote on the merits of what they propose.

Now, as a member of the minority I ought to have the right to debate. I have the unrestrained right of amendment; Nongermane amendments. You will hear a lot of talk about we do not want this body to become like the House. No, I do not either. You will hear about protections for minorities. And for small States and things like that. Those protections are written into the Constitution of the United States and cannot be taken away but by constitutional amendment. We have the right of unfettered debate in the Senate. We have the right to amend with nongermane amendments. We do not have a rules committee that tells us what we can offer and what we cannot offer. This gives the protections to the minority. And, yes, the right to slow things down. I want that right as a minority. I want to be able to slow down things if I think they are going too fast or going in the wrong direction. But, I do not believe that I as a member of the minority ought to have the right to absolutely stop something because I think it is wrong, that that is rule by minority.

Well, I just say if we do not use this key that we have, this key to open the door to get rid of the filibuster, if we do not, I can assure Senators and I can assure the American public that this trend in the use of filibuster is going to continue. This line next time will be even higher. I can assure you that will happen unless we get rid of the filibuster. If we maintain the filibuster, the American people will look to the Senate and say "We elected a bunch of new Senators but 'business as usual.'"

Maybe I might just give a fair warning to my friends on the other side of the aisle. I think the American people were fed up with the way this place was operating. If they see it as "business as usual" and we continue this filibuster, my fair warning to my friends on the other side, 2 years from now it could be the other way around.

I know it is a tough vote. It will be a tough vote for Senators to come here and to vote to give up a little bit of their personal power, their personal privileges that they have here. I mean, I have a lot of power. One Senator has a lot of power under the present filibuster rules. I think for the good of this institution and for the good of this country we have to give up a little bit of our privilege and a little bit of our personal power for the good of this country. I do not blame Republicans for using the rules as they did last time. They used it fairly.

They used the rule that exists to stop legislation that they considered bad. Again, I do not know that that is the proper procedure for us. We have protections for the minority. As the USA Today editorial pointed out, the Constitution of the United States divides powers, provides for the separation of powers, splitting Congress into two parts and dividing Government among three branches, guaranteeing basic rights in the Constitution. We have those that protects the minority.

But I will close with my opening remarks, with this quote:

> It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasoning minority to paralyze the Senate and America's legislative process along with it.

I could not have said it better, and it was said by Senator ROBERT DOLE, February 10, 1971.

If Senator DOLE thought the filibuster was bad in 1971, certainly when we are down here, the filibuster has increased at least threefold on an annual basis since then. So it is time to get rid of this dinosaur. It is time to move ahead with the people's business in a productive manner.

Mr. President, I yield the floor, and I retain the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Iowa is a man of whom I am very fond. I admire him greatly. I admire his spunk, his courage, his tenacity, his determination to do what he thinks is the right thing. He serves on the Appropriations Committee with me and is a fine member of that committee and an excellent chairman of a subcommittee, but he is wrong in this instance.

He refers to the matter of unlimited debate as a dinosaur. He refers to unlimited debate as a dinosaur. He calls the filibuster a dinosaur and has introduced a measure now that will kill this dinosaur. Mr. President, what he is doing here is, he is bringing a sledge hammer into the Chamber to kill a beetle—a beetle—not a dinosaur.

I note the presence on the floor of our colleague who is also a cosponsor of the resolution, the Senator from Connecticut. Does he wish to speak at this point? I would be happy to yield the floor for now.

Mr. LIEBERMAN. Mr. President, I thank the distinguished Senator from West Virginia. I would be most happy to listen to him for a while. I thank him very much for his courtesy.

Mr. BYRD. Mr. President, freedom of speech is of ancient origin. The Senators in the Roman Republic exercised freedom of speech. There were no inhibitions on the freedom of speech. The same thing was true with respect to the members of Parliament. Henry IV, who reigned from 1399 to 1413, publicly declared that the Commons and the Lords should have freedom of speech. There would be no inhibitions on their right to speak freely or to be questioned concerning their speeches.

In 1689, when the Commons designated William III of Orange and Mary as joint sovereigns, the Commons first extracted from William and Mary assurance that they, William III and Mary, would agree to a Declaration of

Rights, to which they did agree. And then, in December of 1689, that Declaration of Rights was put in the form of legislation, and it has since been known as the English Bill of Rights.

In that English Bill of Rights, freedom to speak in Parliament was assured, and no member of Commons or the Lords could have his speech questioned or challenged in any place, I believe the words are, "out of Parliament." In that English Bill of Rights, there is that guaranteed protection of freedom of speech. It is found in article 9 of the English Bill of Rights, and our forefathers copied that language almost word for word as it appears in section 6 of article I of the United States Constitution.

So there is the evidence from ancient times of the desire of free men and the needs of free men to be able to speak freely.

There were early examples of extended debate, unlimited debate, the so-called filibuster, the "dinosaur." Cato utilized this dinosaur in the year 60 B.C. to prevent Caesar from having his way. Caesar wanted to stand as a candidate for consul. He had to be in Rome, the city itself, in order to stand as a candidate. But he was not in the city. He also wanted to be awarded a triumph. He had to be outside the city and come into the city for a triumph. So Caesar's friends in the Senate offered legislation to allow Caesar to stand for consul, the office of consul, while absent from Rome.

Cato frustrated the friends of Caesar by filibustering. The Roman Senate adjourned at sunset each day, and Cato used the time —this is Cato II, Marcus Porcius Cato Uticensis who committed suicide in the year 46 B.C. after Caesar won the battle of Thapsus.

Cato committed suicide because he knew that Caesar was coming to Utica. Cato urged the officers and other people in the military to flee, and he offered to give them the money so that they might leave Utica before Caesar arrived. He advised his own son to go to Caesar and to surrender to Caesar, but Cato did not take his own advice. He stayed in Utica and committed suicide in 46 B.C.

But in 60 B.C., Cato spoke at length in the Roman Senate to spin out the day, and he defeated the designs of Caesar's friends by the use of a filibuster. So we have a successful filibuster in the Roman Senate 2,055 years ago. I have not yet read that anybody arose on the Senate floor on that occasion to accuse Cato of resorting to a dinosaurian action to frustrate the wishes of Caesar and the designs of his friends in the Senate.

Unlimited debate—the filibuster—is of ancient origin.

Well, the distinguished Senator from Iowa says, "I cannot find it in my Constitution that we must have unlimited debate in the Senate." I do not find it either. But we will find in this Constitution that each House may determine the rules of its own proceedings.

Mr. HARKIN. Might I ask an inquiry on that one point?

Mr. BYRD. Why, yes.

Mr. HARKIN. Because it is an important point the Senator raises. It raises a question——

Mr. BYRD. Will the Senator speak on his own time?

Mr. HARKIN. Mr. President, I will speak on my own time to propound the question.

Mr. BYRD. Except for the question. He may ask me a question. If he wants to make a statement, I hope he will make it on his own time.

Mr. HARKIN. I wish to propound a question.

Under the Constitution then, under the clause that each body can establish its own rules, inquiry: Can the Senate establish a rule that is clearly in contradiction to the Constitution of the United States?

Mr. BYRD. The Senate has not established a rule that is clearly in contradiction to the Constitution of the United States. Senators have had the liberty of unlimited debate in the Senate since 1806. In 1806, the rules were codified. Originally, in the Continental Congress, there was the previous question, and the previous question was provided in the original rules of the Senate up until 1806, at which time the rules were codified, and that provision for the previous question, which was to shut off debate, was dropped from the rules, in 1806. So we have had unlimited debate in the Senate a long time.

Aaron Burr, in 1805, when he left the Senate after presiding over the impeachment trial of Samuel Chase, urged the Senate to "discard"—I believe he used the word "discard"—the previous question.

Therefore, for almost 200 years now, the Senate has been without the previous question, which cuts off debate. The Senate is to determine its own rules, and in being the judge of its own rules it elected to dispose, get rid of, the previous question. The House of Representatives has the previous question, but the Senate does not. That was the judgment of the Senate. It has a right to make that judgment under the Constitution, and the Senate does not have the previous question today. Henry Clay wanted to bring back the previous question. Stephen A. Douglas wanted to bring back the previous question, but it was a very unpopular proposal among Senators.

How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has used 14 minutes of his time and has 16 minutes remaining.

Mr. BYRD. I thank the Chair. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 28 minutes remaining of his time.

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank my colleague from Iowa and rise to congratulate him for his determination and consistency in tackling the thorny problem of reform of the Senate cloture rule.

I do so from the vantage point of 34 years in this body, during all of which I have supported cloture motions with but two exceptions: One involving debate on United States policy toward South Africa and the other legislative reapportionment.

I believe it apparent that rule XXII as it now stands has not served the Nation well, nor does it place this institution in a favorable light in the eyes of our people. Time after time in recent years, and with increasing frequency, two-fifths of the Senate, not a majority, determined the outcome of many of the issues before us.

Now the Senator from Iowa puts before us a proposed rule change which is ingenious and accommodating. It allows the advocates of cloture to keep trying to close debate at progressively lower thresholds, starting at three-fifths and gradually reducing it through four steps to a simple majority. Debate could continue for up to 13 days until that lowest threshold is reached, and even then, of course, the majority could still decline to invoke cloture.

It seems to me this is a reasonable proposal and one which would, I believe, provide ample opportunity to colleagues on this side of the aisle to protect our interests in our new-found minority status.

So I hope the Senate will give serious and thoughtful consideration to the proposal of the Senator from Iowa and not reject it out of hand. It goes to the heart of what people expect of this body and should be treated accordingly. I might add in that connection that if we are unable to reach consensus on reform of our own rules to allow the majority to prevail, the larger constitutional issue of majority rule may need to be addressed.

For the moment, I trust we give full and fair consideration as we consider Senator HARKIN's creative effort to change rule XXII.

I yield the floor.

Mr. HARKIN. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 25 minutes remaining.

Mr. HARKIN. I thank the Chair.

I yield such time as he may consume to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Iowa, and I thank the Chair.

I am very privileged to be a cosponsor with the Senator from Iowa of this amendment, and I congratulate him on his willingness to charge the fortress here, to try to remove one of the hurdles to this being a truly representative and productive body.

The filibuster may have made some sense at one point; it may have been a reasonable idea, but it in fact has been badly misused in our time. You can pick your favorite statistic, but the one that I saw a while ago was that there were more filibusters in the last session of the Senate than in the first 108 years combined. Others will tell you there have been more since 1990 than the preceding 140 years combined.

Whatever the years, it is pretty obvious we have come to a point in the history of this Chamber where the filibuster, the ability of one Member to stand up and stop the body from functioning effectively and to block the will of the majority, is a contributor to gridlock and to our inability to produce and, therefore, to public frustration which is in the air and we are attempting as best we can to respond to them.

The other body in its wisdom took some steps yesterday that I think are reflective of that mood and responding to it, and there are many things we can do in this Chamber along with those that were done yesterday in the other body. I think one of the most important is to alter the current rules of debate so far as they allow a single Senator or, in the synthetic filibusters, not the real filibusters that we have had in our time, allow a minority to threaten to debate interminably and by that means to block the majority from working its will.

I have just enormous respect for the distinguished Senator from West Virginia and, as I said in the Chamber last night, he is clearly the expert in this Chamber on the rules of the body and not only knows the rules of the body but knows from whence they come, their history, so when I speak in opposition to his position I do so with some humility and respect.

I would say on the question of the derivation of freedom of speech back to earlier times, English precedents or Roman precedents, and developing as it has in our time in the speech and debate clause in the Constitution, that I would respectfully offer this thought: That the Constitution and the great freedoms that it gives our people as they have been interpreted by the Supreme Court over the history of America, all have been at one point or another limited. In other words, we are given individual freedom, which is at the heart of what it means to be an American, by the Constitution, by the community. Although, of course, many of us feel that the ultimate source of our individual freedom goes beyond the community, beyond the Constitution, to our Creator, and I believe that the Founders and Framers very much were motivated by that religious impulse and that theological view of human nature.

But my point is this. Over our history, every right, including the sacred and fundamental right of free speech, has occasionally been limited because it was thought that its unlimited exercise threatened the safety and well-being, perhaps even the continuity and the survival of the community. Of course, there is the classic and perhaps limited expression, but it is a popular one, that you do not have the right to rise in a crowded theater and shout "fire" when there is no fire and create a pandemonium, a bedlam. And the limits go on and on: those that relate to libel and slander; the ways in which the Supreme Court, for instance, has wrestled with questions of obscenity, when is freedom of speech so offensive to the community that it threatens some of the fundamental values of the community?

This right of unlimited speech for Members of the Senate in the particular context of our rules, it seems to me, requires at this point, based on what we have experienced, limitations. Because the ability of an individual Senator to stop the process, the capacity of a minority to make it impossible for a majority to work its will and represent the majority of constituents back home, has come to a point where it has too often threatened the ability of this Chamber to function, to represent, to lead, to be truly deliberative in the sense that we mean it.

In its misuse the filibuster has also, I think, threatened not only the productivity and credibility of the U.S. Senate, but has contradicted some of the basic principles of our Government as expressed by the Framers of the Constitution. And one is this fundamental question of majority rule. It seems to me as I read the Federalist Papers and look at the Constitution that as concerned as the Framers were about individual rights and protection of the minority, they made a clear decision, which was that the Congress—and let me be more specific, that the Senate—was to be a majoritarian body; that the majority would rule; that there were other protections in the system for the minority. One was what we referred to as the republican form of government—small "r"—which is to say the various checks and balances built into the system, the requirement in our system, to adopt a law, of the support of the Senate, the House, and the signature of the President.

Ultimately, if the minority rights were still threatened, an individual could go to court, and over our history it has been clear that the courts interpreting the Constitution have been there to protect the minority. But this was to be a majoritarian body. And this filibuster has turned that, in my opinion, upside down and allowed the minority to rule. Some who support the status quo on the filibuster say that it is there to protect the rights of the minority. But what about the rights of the majority? Some say that there is a danger of a tyranny of the majority. I say that there is a danger inherent in the current procedure of a tyranny of the minority over the majority, inconsistent with the intention of the Framers of the Constitution.

It is inconsistent in another specific way with the Constitution, and I will mention this briefly because it has been mentioned before. The Constitution states only five specific cases in which there is a requirement for more than a majority to work the will of this body: Ratification of a treaty, override of a Presidential veto, impeachment, adoption of a constitutional amendment, and expulsion of a Member of Congress. In fact, the Framers of the Constitution considered other cases in which a supermajority might have been required and rejected them. And we by our rules have effectively amended the Constitution—which I believe, respectfully, is not right—and added the opportunity of any Member or a minority of Members to require 60 votes to pass almost any controversial bill in this Chamber.

It is wrong. It has also made this a less accountable body. And I think accountability of elected officials is at the heart of democracy and all we stand for. It is less accountable in two ways. One, when we are allowed to defeat a measure on a procedural vote such as a filibuster, it cloaks us from having to stand up and vote on the merits, on the bill itself, and therefore, to some extent, it muddles our accountability and the record that we take back to our constituents.

Second, in another sense it makes it hard on the majority and those of us on this side of the aisle—and the majority I am speaking of here is in a more partisan sense—those of us on the Democratic side experienced this over the last couple of years. Clearly not all the filibusters have been partisan. The opposition to the procedure is bipartisan and so is the support. But in a strict political partisan sense, it is hard for a majority to be held accountable fairly to the public if a minority, a party, for instance, can block the majority from attempting to work its will, from attempting to pass its program, and then, unfairly in some cases, the majority may be held accountable for that failure even though it was the minority who blocked action by filibustering that resulted in the failure to produce.

A lot of Democrats may have been held accountable for that on election

day, November 8, 1994. But the wheel of history has turned and the majority is now on the other side of the aisle. Though it might seem inviting for Democrats to use the filibuster to confuse and frustrate the will of the majority here, it is not fair. The majority ought to have the opportunity to try to pass its program or be held accountable for it. And this filibuster frustrates that opportunity.

So, Mr. President, I understand, and the Senator from Iowa understands, that we are fighting upstream in this effort. But it is an effort that I think is at the heart of congressional reform, at the center of responding to the public frustration and the drop in respect for this Congress of ours which is so central to the relationship that those who govern have with those who are governed. When that trust is gone our democracy is in trouble. I think this is the time to begin to challenge this procedure. History shows us that on the other occasions when the filibuster rule has been changed, it generally was not changed on the first try. The Senator from Iowa and I would be pleasantly surprised if that were not the case today, but it probably will be the case. But I know he feels strongly, as I do, that we should continue this effort to work with our colleagues to see if we cannot find ways that will achieve adequate support to bring about a change in the existing filibuster procedure.

Again, I express my great admiration for the Senator from Iowa for taking this on. It is not an easy battle. It is not a popular battle. But it is the right fight to make and it is my privilege to be marching arm and arm with him on this one. I hope that when the vote is taken, we will be surprised, and I hope particularly that the support for our amendment is across party lines. I thank the Senator from Iowa for his leadership, for yielding his time to me, and I yield the floor.

Mr. HARKIN. Mr. President, I want to thank the Senator from Connecticut.

I repeat what I said last night, that we are delighted to have him back for another 6 years. There is one thing that marked the first 6 years here of the Senator from Connecticut, and that was his unending effort to make this place operate better, more openly, and to really make the Senate reflect the true will of the people. He has continued that effort today. I am proud to have him beside me in this battle. I thank him.

Mr. President, I came across this article called "Renewing Congress." I thought it would be appropriate for me to bring it to the Senate's attention. Some people may view this as a liberal-conservative issue. I do not believe it is, in any way. But I wanted to point out that Norman Ornstein, of the American Enterprise Institute, which I think I can rightfully say is the more conservative think tank here in Washington, along with Thomas Mann of the Brookings Institution, which is more of a liberal organization, I guess you might say, put out this book earlier this year called "Renewing Congress." I thought I would just read the part in it that they had regarding the filibuster:

> We believe much tougher steps are needed to prevent the abuse of holds and filibusters. The recent emergence of a partisan filibuster unprecedented in Senate history has made a bad situation even worse. We recommend two steps to deal with this problem. First, the Senate should return the filibuster to its classic model, with individual Senators required to engage in continuous debate day and night while all other business is put on hold. Second, the Senate should look hard at adopting a sliding scale for cloture votes, 60 votes required to cut off debate initially, 55 votes after a week of debate, and a simple majority 2 weeks after the initial cloture vote. This sliding scale could be applied to all filibusters.

Again, I just want to point out to Senators this is the view of Norman Ornstein of the American Enterprise Institute.

Mr. President, how much time do I have remaining now?

The PRESIDING OFFICER (Mr. STEVENS). The Senator has 11 minutes remaining.

Mr. HARKIN. I reserve the remainder of my time.

Mr. BYRD. Mr. President, my friends and others have stated that there are only five instances, in the Constitution, of reference to a supermajority. I call their attention to amendment 12 of the Constitution, which provides that in the election of a President by the House of Representatives, a quorum of Members must consist of two-thirds of the States; Members from two-thirds of the States. Also, in the election of a Vice President by the Senate, under amendment 12 to the United States Constitution, there must be two-thirds of the States represented to constitute a quorum in the Senate for that purpose.

So there are more instances of required supermajorities than five.

My time is limited. Let me yield 5 minutes to Mr. REID, who wishes to speak, and then I will use the remainder of my time.

Mr. REID. I thank the chairman very much

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I represent a State that is very large in area but small in numbers of people. The State of Nevada until recent years was a State that had very, very few people. We have had rapid growth in southern Nevada in recent years, and now we have many more people residing in the State of Nevada. But it is still a very small State in the numbers of people. During the last century, the State of Nevada had so few people in it that there was talk in this Chamber about doing away with the State of Nevada, there were so few people in it.

Mr. President, during those years a Senator from the State of Nevada had the same power as a Senator from the very populus State of New York. The Founding Fathers in their wisdom set up this Government so that a State like Nevada, a State like Alaska, a State like Vermont, having few people, would still have the ability to represent the people in that State on the same basis as those States that had large numbers of people.

Mr. President, I believe that the Founding Fathers were right. The power of the filibuster, even though it, in my opinion, has been abused in recent years, allows Senators representing lightly populated States to enjoy the same voting strength as other States. I have done it on one occasion in this Chamber. I was in my first year in the Senate and there was an issue that came up that was important to the State of Nevada, and I spoke on this floor for a long time. I was told that I hold the record for speaking longer on a filibuster than any first-year Senator. I am proud of the fact I did that, because it was an issue that mattered greatly to the people of Nevada.

So I approach this issue not on numbers of how many times there has been a filibuster; I approach it on the basis of the effort made by my good friends, Senator LIEBERMAN and Senator HARKIN. You can say anything you want to about it, but it is the end of the filibuster because any leader knows that he could schedule four votes, and on the fourth vote the filibuster would be over.

Mr. President, I speak as a Senator from the State of Nevada. I believe that the Founding Fathers were right in setting up the Constitution in the manner in which they did. I believe that if we are going to have the legislative form of Government that they set up, we do need to protect the integrity of States that are small in population like the State of Nevada.

So I want Members of this body to know that I will exercise my right as a Senator from the State of Nevada to speak as long as I can if, in fact, the motion to table does not prevail because any State that is small in numbers should be on this floor protecting their individual States.

Changes in the Senate rules that allows this institution to operate more efficiently are welcome; however, the full-scale elimination of one of the most sacred rules of the Senate—the filibuster—will not result in a more efficient Senate. In fact, it has the potential to result in the tyranny of the majority.

I do not support the patently abusive use of the filibuster that we saw last session. There were many instances of

overwhelmingly supported legislation being killed because of partisan use of the filibuster. There is no doubt that this contributed to much of the gridlock we witnessed in the 103d Congress.

Few would argue that we saw the death of legislation that would have significantly improved the credibility of this body. The elimination of lobbyist gift giving and campaign finance reform are just a couple of examples of legislation that perished because of spurious use of the filibuster.

Those who chose to invoke the filibuster for partisan dilatory purposes were responsible for grinding Senate business to a halt. The numbers cited earlier by the Senator from Iowa—32 filibusters in the 103d Congress compared to a total of 16 in the entire 19th century—evidences its abuse by an obstinate partisan minority.

Having said all that, however, I do not support the elimination of the privilege. I say privilege because that is what I believe the filibuster to be. A unique privilege—to be used sparingly and only in those instances when a Member believes the legislation involves the gravest concerns to his or her constituents.

It is a unique privilege which distinguishes the intentionally deliberative operations of the Senate from the often passionate, bullish operation of the House. It is a unique privilege that serves to aid small States from being trampled by the desires of larger States. Indeed, I view the use of the filibuster as a shield, rather than a sword. Invoked to protect rights, not to suppress them.

In the House, the State of California has 52 Members in its delegation. My State, Nevada, has two Members. If California wants to roll Nevada in the House on a particular piece of legislation, that is their prerogative. But when that legislation makes its way to the Senate, one State will not be able to roll another simply by virtue of its size. In the Senate, we are all equal, regardless of which State we represent.

The people of Nevada know that in the Senate, Nevada stands on equal footing with the State of California and the State of Texas. They know that as long as I am here in the Senate, I will fight to protect their interests. And, because of the filibuster, they know I will be fighting on a level playing field

They know that when legislation that would result in a deleterious impact on the State of Nevada is steamrolled out of the House, I will do what is necessary to shield them from the enactment of this legislation. And, if this means invoking my rights as a Senator to engage in a protracted debate, I will—after careful deliberation—do so.

I would never allow the interests of Nevadans to be trampled simply because of the size of our State.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond to my friend from Nevada in two ways.

First of all, when he talks about our Founding Fathers, the Senator from Iowa is referring to James Madison.

Mr. BYRD. Mr. President, this time will be charged against Mr. HARKIN.

Mr. HARKIN. I was recognized.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. James Madison, in Federalist No. 58—I just want to read it. I will give the Senator a copy.

> If more than a majority were required for a decision, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transferred to the minority.

The Senator from Nevada talks about small States. I represent a pretty small State. The Senator from Rhode Island, who spoke earlier, who is a cosponsor of this amendment, represents a State with two Congressmen per State, like other States. As he pointed out, in his 34 years here, he has never voted to sustain a filibuster. He has voted consistently for cloture to end debate.

Yet, I believe that the Senator has represented his State well. I believe that Rhode Island has not been the worse for that. Quite frankly, I think they have prospered because of the representation of Senator PELL.

The Constitution of the United States set up mechanisms to protect our small States—divided Government, checks and balances, vetoes, and yes, we have the right in the Senate to amend, to offer amendments.

The Senator from West Virginia has more than once mentioned the British Bill of Rights and about how no Member of Parliament is to be questioned in any other forum or speech or debate held on the floor of Parliament or in the House floors. That was adopted in our Constitution, article I, section 6. It is called the speech and debate clause.

I think maybe the Senator from West Virginia is confusing the speech and debate clause with unlimited debate. No one is challenging the speech and debate clause. No one is challenging the right of Senators to speak freely under article I, section 6.

So nowhere in the Constitution does it say they can speak forever. I also point out that even under the British Bill of Rights of 1689, there was still the previous question that the British have to end debate and move to the merits of legislation. I do not think we ought to confuse article I, section 6 with a Senate rule adopted in 1917 regarding cloture.

So I want to respond to the Senator from Nevada that I understand he wants to protect his State, and he should, and he has done a darn good job of it, I might add. But there are other protections—to protect our States and to make sure the big States do not run roughshod over us.

I yield the floor.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute of the 5 that were yielded to him. The Senator from Nevada has 1 minute left.

Mr. REID. Mr. President, I say respectfully to my friend from the State of Iowa that checks and balances and vetoes would not help the State of Nevada or the State of Alaska if the 52 Members of the congressional delegation of California decide they want to do something that would affect the State of Nevada. The only thing I can do to take on one of those big States is to exercise my ability to talk on this floor and explain my position in detail. Checks and balances has nothing to do with protecting a small State. Vetoes have nothing to do with it, unless you have the ear of the Chief Executive of this country. The filibuster is uniquely situated to protect a small State in population like Nevada.

Mr. BYRD. Mr. President, the proponents of the amendment have pointed out a number of times that most of the so-called filibusters have occurred in the last year, or last 2 or 3 years, and according to the chart, that is correct. What they are talking about, Mr. President, and what has gone around over this land is the idea that the failure to give unanimous consent to take up a matter constitutes a filibuster.

Mr. President, let us read the rules. We do not need the Harkin amendment to stop so-called filibusters on motions to proceed. We do not need that. Let us read the present rules. I urge Senators to read the rules of the Senate. Read the rules of the body to which they belong before they start proposing that the rules be changed.

Here is paragraph 2 of standing rule VIII:

> All motions made during the first 2 hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.

In that case it will be debated.

Here we have paragraph 2 in Rule VIII of the Standing Rules of the Senate which says, in plain English words, that any motion made during the first 2 hours on a new legislative day to take up a matter is nondebatable.

What more do we need? Mr. President, I have been majority leader of this Senate twice. I have been leader of the minority once, for a period of 6 years. And there is no other Member of this body who has been majority leader other than I, except Mr. DOLE. I know what the powers of the majority leader are. One of the greatest arrows in his arsenal is the right of first recognition.

So any majority leader can walk on this floor and certainly find a way to be recognized during the first 2 hours of a legislative day. Who determines whether it will be a new legislative day or not? That, too, is within the right and the powers of the majority leader. The majority leader can recess over until the next day, or he can move to adjourn, in which case the next meeting of the Senate will be considered as a new legislative day. During the first 2 hours of that new legislative day, any motion to take up a matter is nondebatable. With all these powers that a majority leader has, why can he not use paragraph 2 of rule VIII of the Standing Rules of the Senate to get around so-called filibusters on motions to proceed?

I have a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. BYRD. Has rule VII, has rule VIII, either of the two rules, been used once in the past Congress?

The PRESIDING OFFICER. The Chair is informed that they have not been used.

Mr. BYRD. There you are. Why do we not use the rules we now have? No, we do not do that. We ask unanimous consent to take up a matter and somebody objects over here. That is called a filibuster, and immediately a cloture motion is put in. Well, some would say that is a waste of time. You have to wait 2 days. The majority leader does not have to wait 2 days. He can go on to something else once the Chair reads the 16 names who are signatories of the cloture motion. He can go to something else. And 2 days later, the following day plus one, the cloture motion will ripen, and there will be a vote. So that is called a filibuster.

I daresay if you count those so-called filibusters in that red bar on the chart there, you will find most of them are cloture motions that were entered on requests to proceed that were objected to and immediately a cloture motion was filed. That is no filibuster. We go on to something else. We do not spend 2 days debating that matter. We go on to something else. That is no filibuster. But in order to enhance their arguments that we need to do away with the so-called filibuster rule, they spread it all over the country that the Senate is plagued with filibuster after filibuster after filibuster. There is no question but that our friends on the other side of the aisle, in my opinion, have recently abused the rule. But as I say, the rule is there. The majority leader has the power and he can move to proceed, and that is nondebatable under rule VIII.

Let me hasten to say that after that first 2 hours in a new legislative day, of course, any motion to proceed is debatable. I am willing to cure that. Let us change the rule and allow for a debatable motion with a limit thereon of, say, 2 hours on any motion to proceed to take up any measure or matter, with the exception of a measure affecting a rule change. I am for that. So there can be no excuse about holds on bills, and any majority leader worth his salt is not going to honor a "hold" except for a few days. When he gets ready to move, he will send word to the Senator who has a hold on a bill, as I did on a number of occasions to Senator DOLE. I said: Please tell the Senator I am going to move next week to take up thus and so, on which he has a hold. And the hold generally goes away. If it does not, there is no one man in the Senate that can tie up the Senate long. I can tie it up for as long as I can stand on my feet. That is not long.

It takes a very sizable minority in this Senate to hold up the Senate. It takes 41 Members of the Senate, a minority of 41 Members to really stop the process. And they say, well, I am for delay. We ought to have time to delay, to debate, but let us not give the minority the right to stop.

The minority sometimes is right, and a minority in the Senate often represents a majority out there beyond the beltway. Moreover, an extended discussion here may convince what is today a minority of the people out there as to what is really right, and it may change to a majority from a minority out there. So the minority can be right, and I say the minority should retain the right that it has had since 1806 in this Senate to stop a measure. If a measure is bad, it ought to be stopped.

Perhaps it can be amended and improved. But let us not do away with a rule here that gives this Senator, that Senator from Connecticut, that Senator from Iowa, that Senator from Nevada, that Senator from Mississippi, gives him the right to stand on his feet as long as his lungs will carry breath and his voice can be heard to stand up for the rights of his State.

This is a forum of the States. There is no other forum of the States in this Government. This is the forum of the States.

And a minority can be right. The States are equal in this body. But out there, for example, in New York, Pennsylvania, Ohio, Illinois, California, Texas, and Florida, there is a minority of the States but a majority of the population. You take away this right of unlimited debate, you may take away the right of a whole region of this country. The people of that region may be right. They may be in the majority as to population, but in the Senate, they may be in the minority.

So, Mr. President, let us not take away this right. As long as the U.S. Senate provides the right of unlimited debate, then the people's liberties will be assured.

An urge to be efficient is commendable, but not at the expense of thorough debate which educates the public and educates the Members. And there is a need in this body for more debate and not less.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BYRD. Mr. President, the Founding Fathers were wise. The current rules are the result of experience and trial and testing over the period going back to the beginning of this Republic. The previous question was done away with, as I have already stated, almost 200 years ago. Let us retain the right to debate. The majority, if it has the majority, can presently cut off debate and avoid many of the so-called filibusters by using the rules we have already. But most of the so-called filibusters, most of the so-called filibusters, have not been filibusters.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Mr. President, will the Senator yield?

I thank the distinguished Senator from Iowa [Mr. HARKIN] for yielding.

When the Senator concludes his remarks at 11:30, I will move to table his amendment and ask for the yeas and nays.

I am opposed to this amendment, and I urge the Senate to vote for the motion to table it.

It has been my experience to observe the importance of the current cloture rules on several occasions in protecting legitimate minority interests here in the Senate. On at least one occasion it was a regional minority interest at stake—the ports that are located on the Gulf of Mexico.

It is obvious that the States on the gulf coast comprise a minority of the whole membership here, but when we banded together to debate at length a proposal to write into law a preference for Great Lakes ports over gulf coast ports under the Public Law 480 program, we were successful in assuring a decision that treated all port ranges fairly.

To assume that all uses of the right of unlimited debate are evil or ought to be restrained under a new cloture rule ignores the legitimate and important protection the rule now provides to all Senators, all minorities, and all regions of the country.

The one example I have cited related to a regional interest that would have been trampled under foot by a majority vote but for the leverage our region had the right to use, and did use to full advantage, under the unique Senate rule of unlimited debate.

I hope the Senate will act today to protect this rule from the injury that would be done by the Harkin amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. HARKIN. Mr. President, the distinguished Senator from West Virginia has focused most of his attention and remarks on the motion to proceed, because that is where most of the problem lies. I admitted to that same thing myself last night.

But, to do away with the motion to proceed or to do away with the possibilities of a filibuster of a motion to proceed, only takes away one hurdle of six.

The Senator from West Virginia is right. You can file a motion to proceed, you can move on to other bills and get the cloture motion filed. But if you get to a bill and you filibuster the bill, it takes unanimous consent then to move off of that and pick up some other legislation.

Now, I submit that the reason most of the time that we have had objections to motions to proceed was because there was the implied threat that, if you did move ahead, there would be a filibuster on the bill. That threat was always there.

There are six hurdles: motion to proceed, cloture, disagreement with the House, insisting on amendments, appointing conferees, and a conference report. Any one of those can be filibustered. Any one of those can be filibustered.

If you take away the motion to proceed, you have only taken away one hurdle. In fact, I submit you would make the situation even worse, because at least under the motion to proceed you can move to other business.

Now, in 1975, the rules were changed.

Mr. BYRD. Will the Senator yield just for a correction?

Mr. HARKIN. Yes.

Mr. BYRD. I want to verify that this is correct with the Parliamentarian.

The Senator from Iowa says that if a measure is before the Senate it takes unanimous consent to go to another measure. That is not the case. That is not the case. I have been majority leader and minority leader and I know what I am talking about, but I wanted to verify it.

The leader can go to another measure by motion. It does not require unanimous consent.

Mr. HARKIN. Well, that motion is then debatable. That motion is then debatable and that motion can be filibustered. I believe the Senator is right.

Mr. BYRD. I wanted to correct the Senator on that point.

Mr. HARKIN. I do stand corrected on that.

But then there are other avenues. As I pointed out, there are other hurdles on the filibuster. You can get rid of the motion to proceed, but you still have all these other hurdles, and you can filibuster any one of them.

I might also add that I find it a curious argument of the Senator from West Virginia that, if the minority feels the legislation is bad, they ought to have a right to stop it.

Let me quote again from James Madison.

> If more than a majority [were required] for a decision . . ., the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority.

Maybe we have a fundamental disagreement here. I do not believe that the minority ought to be able to stop legislation they consider as bad. They ought to be able to amend it, slow it down, debate it, change public attitudes and opinions, go to their colleagues to get their opinions changed. But I find it curious that the Senator from West Virginia would say that a minority ought to have a right to stop legislation they consider bad. That is rule by the minority.

The Senator from West Virginia says a Senator ought to have a right to stand and speak until his breath runs out. But that is not the situation we have. Under the present rule XXII, you can start a filibuster and go home. It takes 60 Senators, three-fifths of those duly chosen and sworn, to break a filibuster. And you do not have 60 Senators. You do not have to stand here and talk at all. You can go home. We have seen that happen. We have seen that happen last year. So we do not have that situation.

Forget about Mr. Smith goes to Washington. That is not the situation we have today.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. BYRD. His proposal does not correct that fact. Why does the Senator not offer a proposition that will provide cloture only by two-thirds of those present and voting or by three-fifths of those present and voting?

Mr. HARKIN. Well, if the Senator wants to propose that.

Mr. BYRD. No, I say, why does the Senator not do that? His proposal does not cure that.

Mr. HARKIN. Because, under my proposal, a Senator could stand here and talk until his breath runs out. Fifty-seven days we allow. I do not think any Senator here can speak for 57 days. So it is not as though we are taking away the right of a Senator to stand here and speak until his breath runs out.

Our amendment will allow 19 days, 19 legislative days, just to bring the bill up. Then, on the other hurdles, there is more. It is a total of 57 days that a determined Senator can filibuster a bill. And I have not even mentioned the amendments to the bill.

The Senator says we need time for more debate and not less. I agree with the Senator. I wish we could have more debates like this. I think they are good debates. Threaten to filibuster, the people go home.

I would close my remarks, Mr. President, by saying this is the first vote of this Congress in the Senate. I believe it is the most important vote of all the so-called reforms that we with will be voting on. We will reform the way we do business here, and we will apply the laws that apply to businesses to Congress, and we will have gift bans and all that. Fine.

This is the single most important reform. The people of this country want this body to operate more effectively. They do not want gridlock. Yes, we want the rights of the minority protected. We want the minority to be able to debate, to amend, to speak freely. To slow things down. As Washington said to Jefferson, "to cool down the legislation." But to enable one or two or three Senators to stop everything? No. It is time to change. This is the single most important vote and I ask Senators to heed what the public said in November. They want change in this place. Not the status quo.

Mr. DOLE. Mr. President, during yesterday's debate, my distinguished colleague from Iowa, Senator HARKIN, incorrectly compared his current filibuster proposal with a proposal that I endorsed in 1971.

I would like to take a few moments now to set the record straight.

In 1971, rule XXII of the Standing Rules of the Senate required the affirmative vote of two-thirds of those Senators present in order for cloture to be invoked. As my colleagues know, the current rule XXII requires the affirmative vote of just three-fifths of the Members duly chosen and sworn in order to invoke cloture.

With this in mind, the rules change that I endorsed in 1971 is far different from the rules change proposed today by my colleague from Iowa. My proposal in 1971 would have reduced by one the number of votes required to limit debate each time a cloture petition was voted upon. On the first vote, an affirmative two-thirds of the Senators present and voting would have been required to invoke cloture; on the second vote, two-thirds less one of the Senators present and voting would have been required; on the third vote, two-thirds less two, and so on until the point of three-fifths of those present and voting was reached.

In other words, under the terms of my 1971 proposal, at no time would the number of votes needed, to invoke cloture have fallen below three-fifths of those Senators present and voting. The amendment offered by my colleague from Iowa, on the other hand, contemplates that the number of votes needed to invoke cloture would decline to 51, a simple majority, after a series of attempts to invoke cloture have failed.

So, Mr. President, there should be no misconceptions about where I stand. I

oppose the amendment, offered by my distinguished colleague from Iowa. And I have never endorsed his proposal, even in principle. Thank you for giving me the opportunity to make this clarification.

Mr. LEVIN. Mr. President, I share the concern of the proponents of this proposal to modify Senate rule XXII that the right to filibuster has been abused in the Senate in recent years.

In the entire 19th century only 16 filibusters occurred. In the 26 Congresses from 1919 to 1970, there were a total of 50 votes on cloture motions, an average of less than 2 cloture motions per Congress.

However, in the 103d Congress, the Senate's majority leader was forced to file a cloture petition to cut off a filibuster 72 times. The tactic was used repeatedly to stop legislation. Filibuster was piled upon filibuster until, at one point five were pending at the same time.

While minorities in Congress have, in the past, used the filibuster on matters of fundamental principle, to force compromise, it has recently been used to reject, frustrate, and prevent compromise. In the case of the campaign finance reform bill in the last Congress, a filibuster was used to prevent a conference committee from even being formed to discuss and work out the differences between the House and Senate legislation. A filibuster for that purpose had not been seen in the more than 200 years of Senate history.

However, we must be very careful not to discard the baby with the bathwater. The rules of the Senate protect the rights of the minority. Throughout American history the Senate has been the more deliberative body—sometimes for the good, other times not—but always assuring that matters of great consequence cannot be rammed through by a majority even if backed by the currents of sometimes changeable public passion.

I believe the cloture procedure should be reformed by reducing the number of opportunities for its use on the same matter. Currently, there are six opportunities, including the motion to proceed to its consideration and three motions necessary to send a measure to a conference committee with the House. In my view, the opportunity to extend debate through the use of what we have come to call filibuster should be preserved only on the consideration of a matter itself and on the conference report when it returns to the Senate.

The Senate is unique. We should not take for granted the tone of bipartisanship and civility which normally characterize this body. While we have our moments of heated debate and partisan rigidity, virtually everyone familiar with the Congress recognizes that the Senate, in contrast to the other body perhaps, is the arena in which the parties are more likely to join together in a spirit of bipartisanship or at least work together seeking areas of compromise. During my 16 years in the Senate, I've found that the best policies come from reaching across the aisle that divides the two parties.

This environment of compromise and comity grows in part from the existence of the rights of the minority in the Senate rules. All of us in the Senate know that the majority party can do little here without the cooperation and the votes of at least some Members of the minority. This improves the tone of our debate, the manner in which the leadership of each party proceeds, and, indeed, virtually everything of importance we do in the Senate. In a legislative body which operates solely on majority rule it is necessary only to possess the keys to the bulldozer.

Any party which gains the majority can prevail without the cooperation or support of any part of the minority. The majority knows that although it can be delayed, the final outcome is known. In the words of House Majority Leader RICHARD ARMEY, referring to the majority's plans for the marathon first day session of the House and urging the minority Democrats not to delay matters, "The pain may be inevitable, but the suffering is optional." He meant that the majority knew what the outcome of all of the first day votes in the House of Representatives would be; the majority would prevail. The minority could delay, the minority could raise procedural roadblocks, but the final result was assured.

I am also concerned that although the proposal before us attempts to strengthen the hand of a majority frustrated in its efforts to accomplish its will by the minority, the procedure contemplated does not even assure that a majority is involved throughout. Since a cloture petition requires the support of only 16 Senators, a minority could force the series of cloture votes proposed without demonstrating majority support until the threshold is lowered to 51 votes. At that point, the measure might be sweetened by proponents in order to gain the necessary additional votes to then reach a majority and invoke cloture. This might be used as a means to limit debate on the final bill, the real bill.

Mr. President, while I believe that rule XXII should be modified, while I hope that our colleagues, as we begin the 104th Congress, will resist the temptation to abuse and trivialize the right to unlimited debate in the Senate, and while I greatly respect the creative effort of the Senator from Iowa to craft a reform of rule XXII, I will vote to table the amendment because I think it goes too far in weakening fundamental minority rights. However, I hope the search for ways to reform rule XXII will not stop here. I encourage the leadership of the Senate and the Rules Committee to examine ways to reduce abuse of the filibuster, including providing for limitation of debate on motions to proceed and on motions to send a measure to conference with the House.

The PRESIDING OFFICER. Under the previous order the Senator's time has expired. The Senator from Mississippi is recognized.

Mr. COCHRAN. I move to table the Harkin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Iowa. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

The result was announced—yeas 76, nays 19, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—76

Abraham	Exon	Lugar
Akaka	Faircloth	Mack
Ashcroft	Feinstein	McCain
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moynihan
Bond	Gorton	Murkowski
Bradley	Gramm	Murray
Breaux	Grams	Nickles
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Byrd	Hatch	Reid
Chafee	Hatfield	Roth
Coats	Heflin	Santorum
Cochran	Helms	Shelby
Cohen	Hutchison	Simpson
Conrad	Inhofe	Smith
Coverdell	Inouye	Snowe
Craig	Jeffords	Specter
D'Amato	Johnston	Stevens
Daschle	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dodd	Kohl	Thurmond
Dole	Kyl	Warner
Domenici	Levin	
Dorgan	Lott	

NAYS—19

Bingaman	Kennedy	Pryor
Boxer	Kerrey	Robb
Bryan	Kerry	Sarbanes
Bumpers	Lautenberg	Simon
Feingold	Lieberman	Wellstone
Graham	Moseley-Braun	
Harkin	Pell	

NOT VOTING—5

Campbell	Leahy	Rockefeller
Hollings	Nunn	

So the motion to lay on the table the amendment (No. 1) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion 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. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to address the Senate for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator may proceed for 5 minutes.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. Will Senators please take their chairs.

The Senator seeks to address the Senate for 5 minutes. The Chair asks that Senators please clear the aisles.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to correct something I said last night I see in the RECORD.

I said last night that Brutus married the sister of Cato. Actually, Brutus was the son of Servilia, who was the sister of Cato—just to make that little correction for the record.

Mr. President, the Senate by a decisive vote has moved to table the matter presented to the Senate by Mr. HARKIN. This will not be the last time the effort will be made to amend rule XXII. That is why I impose on the Senate for these few minutes while there is something of a larger audience than there was last night and this morning. And I want to compliment the distinguished Senator from Iowa and the distinguished Senator from Connecticut. I thought we had some good exchanges in this debate.

But while there are Senators who are listening, let me point out to them, as I have pointed out in this debate, paragraph 2 of Rule VIII of the Standing Rules of the Senate.

Mr. President, most of the so-called filibusters have occurred on motions to proceed. Once that motion to proceed is approved, once the matter itself is taken up, generally the filibusters have gone away. It has too often been the practice here of late that when the leader asks unanimous consent to take up a matter, there is an objection heard from the other side of the aisle, and that is then called a filibuster. The leader immediately puts in a cloture motion. That is all the debate there is on that matter for the next few days. That is called a filibuster. And it goes out over the land what a horrendous thing this filibuster is, and Senators stand up here with these charts and point out how many times—10 times—as many filibusters in the last year as there were in the last 100 years, or something to that effect. Well, these are really not filibusters.

I think the rule has been abused. But I do not think we ought to take a sledgehammer to kill a beetle.

We have the standing rules here. Let me read paragraph 2, rule VIII. Senators should know what is in the current rules before they start so-called reforms of the Senate and of the rules.

Rule VIII, paragraph 2:

All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.

As I ascertained through a parliamentary inquiry earlier today, that rule was never used in the last session.

So, Mr. President, the rules are here. The type of filibuster, the type of so-called filibuster that we have seen recently, which is filibuster by delay, with no debate on it, is not good. But most problems with this filibuster can be addressed within the existing rules, and I have just read the rule which has not been used. It was not used in the last session. It was not used in the session before that. And yet we complain about there being so many filibusters.

Mr. President, we can handle most of the minifilibusters around here. If there is a sizable minority, one that consists of 41 Members, that is a large minority. That minority may represent a majority of the people outside the beltway. Who knows?

I maintain that, as long as the United States Senate retains the right of unlimited debate, then the American people's liberties will not be endangered.

They do not have unlimited debate on the other side of the Capitol, and there are those over there who want the Senate to do away with the filibuster. But under the Constitution, each House shall determine its own rules. It is not my place to attempt to tell the other body what they should do with their rule. But this rule has been in effect since 1806 when the Senate did away with the previous question, when it recodified the rules in 1806. And it did so upon the recommendation of Aaron Burr, the Vice President, who, when he left the Senate in 1805, recommended that the previous question be done away with. It had not been used but very little during the previous years since 1789. So that rule on the previous question, which is to shut off debate, was eliminated from the Standing Rules of the Senate and it has been out of there ever since.

So, Mr. President, I commend Senators for voting to table the Harkin amendment. I also commend those who differ with me. I commend those who offered the amendment to change the rule. I think the Senate has acted wisely in retaining the rule that has governed our proceedings since 1806. I hope that Senators will read the Standing Rules of the Senate.

I thank all Senators for their patience.

The PRESIDING OFFICER (Mr. SHELBY). The question now is on the adoption of the resolution.

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolved, That paragraph 2. of Rule XXV of the Standing Rules of the Senate is amended for the 104th Congress as follows:

Strike "18" after "Agriculture, Nutrition and Forestry" and insert in lieu thereof "17".

Strike "29" after "Appropriations" and insert in lieu thereof "28".

Strike "20" after "Armed Services" and insert in lieu thereof "21".

Strike "21" after "Banking, Housing and Urban Affairs" and insert in lieu thereof "16".

Strike "20" after "Commerce, Science, and Transportation" and insert in lieu thereof "19".

Strike "20" after "Energy and Natural Resources" and insert in lieu thereof "18";

Strike "17" after "Environment and Public Works" and insert in lieu thereof "16".

Strike "19" after "Foreign Relations" and insert in lieu thereof "18".

Strike "13" after "Governmental Affairs" and insert in lieu thereof "15".

Strike "14" after "Judiciary" and insert in lieu thereof "18".

Strike "17" after "Labor and Human Resources" and insert in lieu thereof "16".

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The PRESIDING OFFICER. The Senate will now proceed to S. 2. The clerk will report.

The bill clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The majority leader.

RESOLUTION AMENDING RULE XXV

Mr. DOLE. Mr. President, I send an unrelated resolution to the desk and ask for its immediate consideration. It has to do with committee assignments. I think it has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 27) amending rule XXV.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 27) reads as follows:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the

One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are now on the bill to extend coverage to the Congress? Is that the bill before the Senate?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, there has been some comment concerning my activities regarding this bill at the end of last session. I want to state for the RECORD what happened.

Right toward the end of the session, there was an attempt to call up the bill. I had an appointment with a physician to check a basic problem—we thought it was a sheared hamstring muscle—and I asked my friend from Mississippi, Senator LOTT, if he would object to bringing the bill up until I had a chance to see it. The Rules Committee had one version of the bill and I believe Governmental Affairs had another. I wanted a chance to examine that bill. To my dismay at the time, the problem I perceived I had was not the problem and 14 hours later I underwent a very serious, major operation on my spine. I never returned to the Senate.

I did not intend to block the bill. I did have a request that I be able to see the bill, but since I never got back to the Senate, to my knowledge no attempt was made after that time to raise the bill. But I have heard comment again this morning, in the press, that I had filibustered the bill. That is not true and I think the RECORD should show my request was a request to examine the bill. I never had the opportunity to do that since I never got back to the Senate during that part, the last part of the Senate, due to that operation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS and Mr. LEAHY pertaining to the introduction of S. 151, S. 152, S. 153, S. 154, S. 155, S. 156, and S. 157 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I am very pleased that the first bill that the 104th Senate will consider is the Congressional Accountability Act. This bill presents the opportunity to show the country that the Senate has listened to the American people. We will demonstrate that the new Senate knows that the American people want us to end business as usual.

I appreciate the leadership that Senator LIEBERMAN has provided on this legislation over the years. He is equally committed to reforming Congress. Our views on this legislation are identical. And I am pleased that the task of congressional coverage has benefited from a bipartisan approach.

I also wish to thank Senator DOLE for bringing up this legislation. His commitment to this legislation is outstanding. He is a true reformer in the best sense of the word. And he is committed to ending the injustices that have existed for congressional employees for so many years. The majority leader established a number of working groups to advise him on measures that should be taken in the 104th Senate. Senator FRED THOMPSON and I cochaired the Working Group on Congressional Coverage. I know that Senator THOMPSON has worked hard on this legislation, and I appreciate his assistance in this effort. It is an auspicious beginning to his career as a Senator. Other members of the working group included Senators NICKLES, GORTON, SMITH, STEVENS, ABRAHAM, COATS, and HUTCHISON.

Moreover, our efforts to ensure congressional compliance with the laws it passes benefited from Senator ROTH's willingness to let this legislation be brought to the floor immediately. Additionally, Senator GLENN worked on the issue over quite a few years when he chaired the Governmental Affairs Committee. I am also delighted that this bill has dozens of cosponsors, from both parties, all parts of the country, and all across the ideological spectrum.

This bill represents the culmination of an effort that I began several years ago, when I first attempted to offer an amendment to a civil rights bill that would have brought Congress under labor and employment laws. That attempt failed, as did my attempt to amend the Americans With Disabilities Act in 1989. My amendment was accepted by the then-Senate leadership but was rendered ineffective in conference. And I was not even allowed to offer my amendment to the family leave bill when the Senate debated it in 1991.

Congress can no longer refuse to live by the laws it passes. The time is long overdue for Congress to correct this practice, and that is what this bill does. It completes the process begun in 1991 when the Senate passed the Grassley-Mitchell amendment applying the substantive provisions of the civil rights laws to the Senate. As I said back then, it was a good beginning—but only a beginning. So it is with some measure of satisfaction that I find myself speaking in favor of a bill that would finally require Congress to comply with a host of employment laws it has enacted for the private sector.

Mr. President, since the 1930's Congress has passed laws that flowed from the assumption that Washington knew best. Congress set up burdensome statutory requirements on the operation of small businesses in this country. The burdens were increased through regulations issued by executive branch agencies pursuant to the statute.

At the same time, Congress repeatedly exempted itself from the effects of those laws. Laws governed America, but not Congress. Workers were granted rights, but congressional workers were not. Those who made the laws did not live by them. Congress was immune from the excesses of the regulatory state. Congress became removed from the way its work affected everyone else.

In this country, no one is above the law. But just as the Presidency suffered a tremendous loss of public confidence when an individual thought he was above the law, Congress suffered as Members thought they were above the law. Indeed, to me, this was one of the major reasons why Congress lost touch with the people. And it was one of the ways by which Congress displayed arrogance. Millions of Americans complained about the overreach of the Federal Government, but Congress, through its exemption from the law, could not know the depth of feeling from the grassroots. In November, the American people demanded that Congress be affected by the laws it passes. A number of Members who thought Congress should be above the law are no longer. Members are no longer above the law.

Let me remind my colleagues of someone who lost an earlier election, former Senator George McGovern. Senator McGovern believes that Congress has enacted unnecessary regulatory burdens that are strangling small business. Senator McGovern admits that he did not feel that way when he was a Member of this body, but he learned the reality of the operation of that legislation when he ran a small business after leaving office. I appreciate that Senator McGovern now says that he would have legislated differently had he known what the actual effects would have been.

But Members of Congress, learning of the effects of their votes only after leaving office, will not solve the problem. Then, it is too late. Only if Members of Congress live with the consequences of their votes will the problem that Senator McGovern identified be corrected.

I think that President Clinton has this issue exactly right as well. When we send this bill to him, he will sign it. As he stated in a July 1992 interview, "It's wrong for Congress to be able to put new requirements on American business as employers and then not follow that rule as employers themselves. And I think that one of the things that

happens to people in government is they forget what it's like to be governed. They don't have any idea what it's like to be on the receiving end of a lot of these rules and regulations."

Of course, the Founding Fathers would be astonished to know that Congress had exempted itself from so many laws that it passed for the private sector. James Madison in Federalist 57 wrote that one of the primary guarantees of the people's liberty came from Congress living by whatever laws it passed. Madison wrote that Congress "Can pass no law which will not have full operation on themselves and their friends, as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them the communion of interest * * * of which few governments have furnished examples, but without which every government degenerates into tyranny * * * if this spirit ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty."

Mr. President, Madison was right. Of course, the low esteem in which Congress is currently held reflects the fact that there is no longer congruence of interests between the governors and the governed. The American people will no longer tolerate a law not obligatory on the legislature as well as the people.

Under Madison's principle, because Members of Congress would be careful before they infringed their own liberties, the people's liberties would be zealously protected.

Unfortunately, the corollary to the principle was equally true. Members of Congress who could protect their own liberties while infringing on the liberties of others were much more likely to fail to protect others' liberties. Congress enjoyed privilege through exemption. The time has come to end congressional royalism. The time has come to end the exemptions. Now, Congress must finally live under the same laws it passes for everyone else, to fulfill Madison's promise of the Constitution. And, now, employees of Congress must finally gain the same rights that their counterparts in the private sector enjoy.

Like my colleagues, I take the notion of representative government very seriously. We are not Senators for ourselves. We do not hold this job as a matter of personal privilege. We are here to represent the interests of our constituents, our States and our country, and for no other reason. I think that exemptions from the operation of law interfere with representative government. I wonder how we truly can represent people who live by one set of laws, when we live under different laws. Under the current system, our votes on various regulatory issues reflect our interests and not our constituents' This must change if representative government is truly to function.

When we pass this bill, we begin to restore the American people's faith in Congress. We will do so in five respects. First, we ensure that Members of Congress will know firsthand the burdens that the private sector lives with. By knowing those burdens, Congress may decide that the laws indeed are burdensome. That realization may lead to necessary reform of the underlying legislation. It is true that there will be additional costs imposed on Congress if this legislation passes. However, these are costs that the private sector has had to live with for years. And the Congressional Budget Office has estimated that costs of compliance will be only about $3 to $4 million. While that is a considerable sum, it represents, for instance, only a fraction of the amount that Congress recently voted for a subway system to connect the Senate office buildings with the Capitol.

The second benefit of requiring that Congress live under the laws it passes for others concerns future social legislation. If Congress knows that it will be bound by what it passes, Congress will be more careful in the future to respect the liberties of others.

Third, passage of the bill will mean that congressional employees will have the civil rights and social legislation that has ensured fair treatment of workers in the private sector. Congress is the last plantation. It is time for the plantation workers to be liberated. Maybe it is more accurate to say that Congress and the judiciary are the last two plantations. Curiously, the only people who do not have to comply with the law are those who make the law and those who decide the cases under those laws. The judiciary has often interpreted legislation to be burdensome, perhaps in some instances, to be more burdensome than even the exempt Congress intended. Of course, an exempt judiciary has no reason to interpret the statute in a way to protect freedom. Under this bill, the judiciary will have to come up with a plan to provide coverage for its employees as well. I look forward to that proposal, and to enactment of legislation to cover the judiciary.

The fourth general result of this legislation will be a public recognition that Congress has again discovered that it is subject to the will of the people, not the other way around. Congress will no longer be above the law. Members of Congress will no longer be first class citizens with unjustifiable special privileges.

And fifth, Members of Congress will learn themselves of the litigation explosion that is choking small businesses in the country. When they see directly the litigation produced by the laws they pass, Congress will be very careful about creating additional liabilities for the private sector and additional work for the Federal courts. When they see how alternative dispute resolution operates, Members of Congress may appreciate the wisdom of encouraging additional alternative dispute resolution for all sorts of claims brought in the Federal courts.

Every indication from the polls, election returns, and the mail that we have received from constituents shows that nothing makes Americans madder than knowing that they have to live by laws that their Representatives in Congress do not. They are well justified in their anger. When we pass this bill, we will show them that we recognize the unfairness of the existing exemptions and the legitimacy of their concerns.

S. 2 is the pending business under unusual circumstances. It has not been considered by any committee in this Congress. Nonetheless, it bears a close resemblance to S. 2071 from the 103d Congress.

That bill was the subject of hearings in the Governmental Affairs Committee, and it was approved by the committee for floor consideration.

Unfortunately, the bill was not able to be considered before the Congress adjourned, despite the fact that the other body had passed similar legislation.

Although the Governmental Affairs Committee did issue a report to accompany S. 2071, this particular bill does not have a committee report. Although S. 2 is quite similar to S. 2071, there have been changes made in consultation with leaders from the other body.

Accordingly, it will be necessary, in lieu of a committee report, for me to first describe the bill generally, and then to detail each aspect of the bill.

S. 2 begins with the basic premise that the laws that govern the private sector should govern Congress unless it can be shown that important differences between Congress and the private sector justify some amount of change. The provisions of S. 2 also flow from a belief that judicial enforcement of the laws against the Congress is vital if those laws are to meaningfully apply.

I strongly disagree with the implications of today's Washington Post article on the congressional coverage bill. That article implies that Congress is already covered under many of these laws and already lives under them, and that all that is changing is the remedies. That analysis misses the point. Let me provide an analogy.

The Soviet Union's Constitution guaranteed the rights to freedom of speech, freedom of assembly, fair trial, and other rights that are similar to the American Constitution. They existed on paper. Any Soviet citizen could pull out that document and see that those

rights existed. But of course, the rights guaranteed by the American Constitution are a reality and the rights guaranteed by the Soviet Constitution were an illusion. The reason for the difference: The American Constitution is enforced by an independent judiciary and the Soviet Constitution was not. The Soviet rights were nothing because there was no remedy.

Similar to the Soviet Constitution, it is true that some of the laws this bill will apply to Congress already can be found in the United States Code as applying to Congress. But the remedies to make those rights exist in more than name only do not.

"The history of liberty is the history of procedures for protecting liberty," Justice Frankfurter once wrote, and until this bill is passed, congressional employees lack the remedies necessary to protect liberty.

S. 2 will apply 11 laws to Congress that are either completely or partially inapplicable now. Those 11 laws are the Federal Labor Standards Act of 1964, title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Federal Service Labor Management Relations Act, the Employee Polygraph Protection Act of 1988, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act of 1973, and the Veterans Reemployment Act.

The bill provides different mechanisms for enforcement of these laws that correspond to their application to the private sector.

If the underlying law provides for a private right of action in court, one model is followed. If the law would be administratively enforced in the private sector, then it is to be administratively enforced against Congress.

For example, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, title I of the Americans With Disabilities Act of 1990, the Family and Medical Leave Act, the Fair Labor Standards Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, and the Veterans Reemployment Act provide for enforcement through a private right of action in court. Under S. 2, any employee who alleges a violation of these statutes may also bring a private action in Federal district court. This represents the first time that this relief has ever been available to congressional employees. Before the employee may sue in court, however, the employee must exhaust administrative remedies available to him or her. These administrative remedies are the counseling and mediation provisions that now govern Senate employees under the Government Employee Rights Act from 1991 that Senator Mitchell and I drafted.

I would now like to generally describe the operation of the legislation, and then detail its individual provisions.

The purpose of S. 2 is to fully apply antidiscrimination and employee protection laws to Congress.

The bill has eight key elements:

First, rights and protections under key antidiscrimination and employment statutes would fully apply to the House of Representatives, the Senate, the Architect of the Capitol, the Congressional Budget Office, and the Office of Technology Assessment.

Second, a new Office of Compliance would be established to handle claims and issue rules. The office would be headed by an independent board of directors, removable only for cause.

Third, for statutes providing a private right of action, an employee who believes there has been a violation could receive counseling and mediation services from the new office.

Fourth, if such an employee's claim is not resolved by counseling or mediation, the employee may file a complaint with the office and receive a trial and decision from an independent hearing officer. This decision may be appealed to the board and to the U.S. Court of Appeals.

Fifth, instead of filing a complaint with the office after counseling and mediation, the employee may choose to file an action in U.S. District court where a private sector employee could also bring a lawsuit in court. A jury trial may be requested under applicable law.

Sixth, for underlying statutes providing for administrative enforcement exclusively, the office will enforce the statutes administratively. The employee could obtain Court review for actions the office brought that were resolved adversely to the employee.

Seventh, since the General Accounting Office, the Government Printing Office, and the Library of Congress are already covered by antidiscrimination and employee protections laws, coverage would be expanded and clarified in certain regards.

Additionally, the Administrative Conference will undertake a study of the application of these laws to the three instrumentalities, and will recommend any improvements in regulations and procedures and for any legislation.

Eighth, to ensure compliance with these laws by the judicial branch, the Judicial Conference will undertake a study to determine how employees of the judiciary will obtain the rights and remedies conferred by these laws.

BACKGROUND AND NEED FOR LEGISLATION

Current law creates a patchwork of rights and protections for employees of the Senate, the House of Representatives, and the congressional instrumentalities.

Although Congress has made significant progress in extending employment laws to congressional employees, important gaps remain. The remaining exemptions, and significant differences in the manner and extent to which rights under these laws can be enforced, perpetuate the perception, and in at least some cases, the reality—of a double standard of special privilege for the legislative branch. This feeds the growing public cynicism about Congress.

COVERAGE AND GAPS IN COVERAGE OF THE SENATE, THE HOUSE OF REPRESENTATIVES, AND THE CONGRESSIONAL INSTRUMENTALITIES.

First, the Senate.—A number of major antidiscrimination and employment laws enacted in this century did not cover one or both Houses of Congress. Several laws, including Fair Labor Standards Act, the Age Discrimination in Employment Act, and the Civil Rights Act Amendments of 1972, were originally enacted without coverage for congressional employees, even while executive branch employees were expressly covered. The Federal Service Labor-Management Relations Statute and section 19 of the Occupational Safety and Health Act established special programs for the executive branch, different from the corresponding programs for the private sector, but, again, Congress did not cover itself.

The Employee Polygraph Protection Act and the Worker Adjustment and Retraining Notification Act did not apply to the Federal Government at all. Veterans reemployment provisions gave employees of Congress a Ramspeck remedy, but did not provide the private right of action and court access that private sector veterans enjoy.

Over the past 15 years or so, and accelerating in the 1990's, Congress has taken considerable steps to apply these laws to itself. As far back as the 94th Congress, 1975–76, the Senate adopted Senate Resolution 534, which prohibited employment discrimination in the Senate on the basis of race, color, religion, sex, national origin, or handicap, and which encouraged the hiring of women and members of minority groups.

With the passage of the Americans with Disabilities Act in 1990, rights as established in the antidiscrimination laws were accorded to Senate employees.

Enforcement, however, was through internal procedures before the Select Committee on Ethics, rather than through executive branch agencies or the courts. This act also obligated the Senate not to discriminate against members of the public on the basis of disability.

Title III of the Civil Rights Act of 1991, also known as the Government Employee Rights Act, reaffirmed the prohibition against all kinds of employment discrimination in the Senate.

The 1991 act also established an Office of Senate Fair Employment Practices [OSFEP] and proved an internal Senate enforcement procedure consisting of: First, counseling, second, mediation, third, formal complaint and hearing before a board of three independent hearing officers, and fourth, review of the decision by the Senate Select Committee on Ethics.

Finally, an appeal may be taken from the Ethics Committee decision to the U.S. Court of Appeals for the Federal Circuit.

Rights and protections under the Family and Medical Leave Act of 1993 have also been extended to Senate employees. These rights are enforceable through the procedures established in the Civil Rights Act of 1991.

Thus, Senate employees enjoy the rights and protections of all of the antidiscrimination laws, as well as the Family and Medical Leave Act, albeit with a different enforcement mechanism than is provided in the private sector or the executive branch. However, the Fair Labor Standards Act and the Equal Pay Act do not apply to the Senate.

Also, Senate employees do not have a right to trial in U.S. District Court, but they do have a right to trial before a panel of independent hearing examiners, and judicial review by a U.S. Court of Appeals.

Second, the House of Representatives.—In 1988, the House of Representatives adopted the Fair Employment Practices Resolution, House Resolution 558, 100th Congress, which has been renewed and codified in House rule 51. This rule specifics that personnel actions shall be free from discrimination based on race, color, national origin, religion, sex, disability, or age.

In adoption, the protections of the Fair Labor Standards Act, the Equal Pay Act, and the Family and Medical Leave Act have been made applicable to the House.

The House established an Office of Fair Employment Practices that has a 3-step process to be used by employees alleging discrimination: First, counseling and mediation, second, formal complaint, hearing by a hearing officer, and decision by the office, and third, final review of the decision of the office by an eight-member panel composed of four members of the Committee on House Administration and four officers and employees of the House.

Thus, House employees enjoy rights and protections against discrimination, as well as rights under the Fair Labor Standards Act, the Equal Pay Act, and the Family and Medical Leave Act.

However, the House process of enforcing and redressing these rights and protections is somewhat less independent than that in the Senate, and it affords no judicial review.

Third, the instrumentalities—The various congressional instrumentalities have been made subject to some of these antidiscrimination and employee protection laws, but not to others. Coverage is uneven.

The three largest instrumentalities—the General Accounting Office [GAO], the Government Printing Office [GPO], and the Library of Congress [LOC] are subject to these laws to much the same extent as executive branch agencies, although enforcement mechanisms frequently differ. Thus, the employees of these instrumentalities enjoy most of the rights and protections of the antidiscrimination laws, including the right to bring actions in U.S. District Court.

These employees also have the rights and protections of the Family and Medical Leave Act, the Fair Labor Standards Act, and the Federal Service Labor-Management Relations statute.

These three instrumentalities, as Federal agencies, are also subject to the requirements of section 18 of the Occupational Safety and Health Act, and related provisions of section 7902 of title 5, United States Code, and they each have implemented compliance programs.

However, under statute and established practice, certain of these instrumentalities have internal enforcement or grievance mechanisms where executive branch agencies would be subject to external regulation by other agencies.

The Architect of the Capitol, the Congressional Budget Office, and the Office of Technology Assessment have substantially more limited coverage. Employees of the Architect of the Capitol enjoy rights and protections under the antidiscrimination laws, and were recently authorized to bring claims to the GAO Personnel Appeals Board.

However, these employees have rights under the Fair Labor Standards Act and the Family and Medical Leave Act that are not subject to external enforcement, and they are not covered under any labor-management law. Employees of the CBO have the same rights and protections as House employees, and can bring claims to the House OFEP under House rule 51.

Employees of OTA enjoy the rights and protections of antidiscrimination statutes and the Family and Medical Leave Act, but not the Fair Labor Standards Act. OTA has established its own internal grievance procedure.

Last Congress, significant efforts were undertaken to remove the exemptions Congress has granted itself.

Compliance with Federal laws for the legislative branch was also a major issue for the Joint Committee on the Organization of Congress, which was charged in 1993 with presenting a legislative reorganization plan.

There was a near consensus among the Senators and members of the House of Representatives who testified before the joint committee that congressional exemptions should end.

At hearings before the Governmental Affairs Committee on June 29, 1994, Dr. Norman Ornstein, resident scholar at the American Enterprise Institute, stated:

> There is no subject now that inflames the public more, when it comes to Congress, than this one [congressional coverage].

He therefore urged that Congress get "caught up with the curve of public opinion," or else Congress "may be forced to take action that is far more destructive of the prerogatives of the institution, and of the taxpayers' purse," than the proposals now being considered for enactment.

Members who testified or spoke at the Governmental Affairs Committee's hearing in June and at its meeting to mark up S. 2071 in September, were also nearly unanimous in supporting extensicn of coverage. Concern was expressed about reported and perceived inadequacies in existing employee rights and protections in the legislative branch.

For example, there was concern about the high rate of workers' compensation claims by employees of the Architect of the Capitol, and about a GAO report documenting apparent inequities in the employment and hiring policies of the Architect.

Also, studies were cited showing that the grievance process provided by the Office of the Architect was underutilized, presumably because of a lack of trust in the process, and that a sizable percentage of House and Senate employees expressed reluctance to use their respective grievance procedures because of a lack of trust.

Additionally, the final report of the Joint Committee on the Organization of Congress stated: "Witnesses were uniformly dissatisfied with the performance of the House Office of Fair Employment Practices [OFEP], which was established in 1989." H. Rep. No 103-413, vol. II, at page 147 (December 1993).

They also expressed concern that an underutilization was caused by lack of employee trust in the process.

SUMMARY OF PROPOSAL

A. WHAT LAWS SHOULD APPLY?

The guiding principle expressed by more than one member of the committee in considering this legislation is that Congress should be subject to the same laws as apply to a business back in a home State. The only exception should be where different rules are necessary to enable Congress to fulfill its constitutional and legislative responsibilities.

This bill would apply 11 key anti-discrimination and employee-protection laws to the Congress. These laws are:

Title VII of the Civil Rights Act of 1964,

The Age Discrimination in Employment Act of 1967,

The Rehabilitation Act of 1973,

The Americans with Disabilities Act of 1990,

The Family and Medical Leave Act of 1993,

The Fair Labor Standards Act of 1938,

The Employee Polygraph Protection Act of 1988,

The Worker Adjustment and Retraining Notification Act,

The Veterans Reemployment Act,

The Occupational Safety and Health Act of 1970, and

The Federal Service Labor-Management Relations Statute.

B. BICAMERAL STRUCTURE

Some Senators believe that to authorize executive branch agencies to enforce antidiscrimination and employment laws against Congress would create a dangerous entanglement between these two branches of Government.

They think the legislative branch must be free from executive branch intimidation, real or perceived, and the enforcing agency must likewise be free of real or imagined intimidation by the legislative branch.

The view has also been expressed that the Constitution requires each House to govern itself, independently of the other House. However, S. 2 creates a Bicameral Office of Compliance. Self-government is an essential constitutional obligation of each House, but establishment of a single office to implement these laws jointly for the Senate and House would not infringe on any essential Senate or House prerogative.

Indeed, laws cannot be enforced in a fair and uniform manner—and employees and the public cannot be convinced that the laws are being enforced in a fair and uniform manner—unless Congress establishes a single enforcement mechanism that is independent of each House of Congress.

S. 2 would create a new independent enforcement office within the legislative branch. An independent board of directors would be appointed by the majority and minority leadership of each House, removable only for cause. However, the deputy directors of the office, one for each House, will develop the regulations that govern each House, and forward them to the board for notice and comment procedures. The board would then issue regulations, and the accompanying documentation would detail any departures from the recommendations of the deputy directors.

Ultimately, each body would adopt its own regulations, which, so long as they comported with the terms of this act, could take into account differences between the two bodies. Specifically, the board would be responsible for developing rules to apply the antidiscrimination and employment laws to Congress, and Congress would retain the power to approve these rules.

Regulations would become effective by a vote of the respective body, or by both bodies in the event that the regulations in question covered joint employees.

The regulations would have to be consistent with the rules developed by executive branch agencies, unless the board determined for good cause that a different approach would be more effective for the implementation of the rights and protections conferred by the underlying statutes.

The ultimate responsibility for developing, issuing, and approving the rules would remain within the legislative branch. Regulations could gain the force of law if both Houses approved them and presented them to the President for signature.

Although the validity of the regulations could not be challenged upon their promulgation, they could be challenged collaterally by aggrieved employees during enforcement actions. Regulations adopted with the force of law could be challenged only on the basis of their constitutionality, and also only collaterally.

The bicameral and legislative enforcement approach contained in S. 2 is an effort to accommodate the views of those who adamantly oppose executive branch enforcement of these statutes. Some who oppose the interference of the executive branch claim that the Constitution prohibits the executive branch involvement that the private sector lives with under these laws.

Indeed, some of my colleagues maintain that judicial enforcement of these laws to Congress violates the separation of powers.

I am aware of no case law that establishes that subjecting Congress to the same executive and judicial branch enforcement mechanism that the private sector faces violates the Constitution.

And if it were entirely up to me, I suppose that I would have introduced as S. 2 a one-page bill that simply ended the exemptions and required Congress to live under the same laws that it passes for everyone else. I would have provided the same remedies for enforcement that apply outside Congress.

I would have executive branch enforcement of the laws, such as EEOC enforcement of the civil rights laws and Labor Department enforcement of the minimum wage laws.

However, S. 2 recognizes the strong feelings of the Members who disagree with me.

So long as the legislative branch agency enforcing the laws is not a tool of the Members, and so long as the underlying statutes are expressly incorporated through legislation to apply to Congress, the regulations must conform to the regulations, and the regulations can be challenged in court if they subvert the statutes that must apply to Congress, I am willing to accept legislative enforcement.

But that does not mean that I agree that there would be any constitutional impediment to executive branch enforcement. Indeed, I have always been puzzled by the separation of powers argument in the context of congressional coverage.

The Justice Department enforces the criminal laws against Members of Congress, and the courts hear such claims and render judgment. Surely imprisonment is a much greater intrusion against a Member than is a citation for an OSHA violation.

Nonetheless, in recognition of the strong feelings of some of my colleagues, S. 2 provides for administrative enforcement of these laws by an agency within the legislative branch. That requires that S. 2 be a lengthier bill. An administrative mechanism for enforcing 11 laws and permitting judicial review of the decision cannot be written on 1 piece of paper.

C. CLAIMS PROCEDURES AND JUDICIAL REVIEW

The new office would be responsible for handling and adjudicating employee claims where the underlying statute provides for a private right of action. An employee would first receive counseling and mediation services.

If the claim cannot be resolved at this stage, the employee could request that a hearing officer be assigned to conduct a formal administrative hearing on the employee's claim. After the hearing, either party could appeal to the board of directors. If necessary, they could than appeal the decision to the U.S. Court of Appeals for the Federal circuit.

In lieu of a hearing, the employee may bring an action in Federal district court. Allowing access to district courts makes the available remedies more like those available to both private-sector and executive-branch employees. Courts and judges do not have the complex interactions with Congress that executive agencies have, so the risk of intimidation would not arise.

Furthermore, politically motivated claims can be made in other forums, regardless of whether access to district court is allowed.

For claims arising under statutes that do not provide for a private right of action, the employee would proceed to the office to obtain counseling and mediation, as described above.

However, in lieu of the private right of action or executive branch administrative enforcement, the office, if the General Counsel so determined, would pursue the claim itself. The aggrieved party at the end of the administrative process could obtain court review of the decision with the court of appeals for the Federal circuit.

D. LABOR-MANAGEMENT RELATIONS

In the context of the labor-management relations area, I am concerned that congressional coverage does not

create any conflicts of interest. For example, there might be concern if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions.

Even if such a conflict of interest between employees' official duties and union membership did not actually occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is concern that labor actions could delay or disrupt vital legislative activities.

The bill would apply the Federal service labor management relations statute, rather than the private-sector National Labor Relations Act. The Federal service law includes provisions and precedents that address problems of conflict of interest in the governmental context and that prohibit strikes and slowdowns.

Furthermore, as an extra measure of precaution, the reported bill would not apply labor-management law to Members' personal or committee offices or other political offices until the board has conducted a special rulemaking to consider such problems as conflict of interest.

Those rules would also not go into effect until considered and enacted by Congress.

E. COST CONSIDERATIONS

Some Members expressed concern that application of laws to the legislative branch would impose large and unpredictable costs on the taxpayer.

The Congressional Budget Office disagrees. The CBO cost estimate predicts costs of about $1 million in the first two fiscal years, and $4 to $5 million in subsequent years. However, unlike S. 2071, S. 2 does not permit covered employees to be offered compensatory time in lieu of overtime pay. That is the rule that applies to the private sector.

There might be some additional cost of complying with this provision. But with respect to employees whose work schedule is highly irregular because of the irregular Senate and House schedule, the board would develop comparable regulations to those governing private sector workers with irregular work hours.

Since the new leadership has committed itself to a more family hospitable work schedule, the amount of overtime is likely to be less in any event.

There will also be costs that CBO did not take into account because S. 2, unlike S. 2071, requires OSHA inspections.

However, the additional costs are likely to be small in relation to the normal sums Congress spends.

F. APPLICATION TO INSTRUMENTALITIES

In an attempt to bring order to the chaos of the way in which the relevant laws apply to congressional instrumentalities, S. 2 divides the instrumentalities into two groups.

The three largest instrumentalities, the General Accounting Office, Library of Congress, and Government Printing Office, already have coverage and enforcement systems that are identical or closely analogous to the executive branch agencies.

Notably, employees in each of these agencies already have the right to seek relief in the Federal courts for violations of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Fair Labor Standards Act, and they are covered under the same provisions of the Family and Medical Leave Act as executive branch employees.

Employees in each of these instrumentalities also already are assured of the right to bargain collectively, with a credible enforcement mechanism to protect that right. For these three instrumentalities, S. 2 clarifies existing coverage in certain respects, and expands coverage under the Americans with Disabilities Act.

It makes few changes with respect to the Government Printing Office because of separation of powers concerns raised by the Department of Justice that GPO is an executive branch agency that should not be under the supervision of a congressional office of compliance.

Additionally, S. 2 directs the administrative conference to study the application of each of these laws to these entities, and to make recommendations for any improvements in such regulations or procedures to ensure they are at least comparable to those required by this act. The board is directed to complete this study within 2 years after passage of this act.

The remaining instrumentalities, including the Architect of the Capitol, the Congressional Budget Office, and the Office of Technology Assessment, are brought within the same new rules, procedures, and remedies as this bill would apply for House of Representatives and Senate employers and employees.

This will allow for a consolidated application and administration of these laws. It will also extend to these employees, for the first time, the right to bargain collectively, and it will provide a means of enforcing compliance with these laws that is independent from the management of these instrumentalities.

For employers of these instrumentalities, by strengthening the enforcement mechanisms, this bill attempts to transform the patchwork of hortatory promises of coverage into a truly enforceable application of these laws.

Dividing the instrumentalities in this manner will reduce the adjudicatory burden on the new office of compliance by excluding from its jurisdiction the approximately 15,000 employees of GAO, GPO, and the Library of Congress.

It also has the advantage of using the apparatus that will already be necessary to apply these laws to the 20,000 employees of the House and Senate to the remaining approximately 3,000 employees of the Architect, Botanic Gardens, CBO, and OTA.

Senator GLENN will probably tell us that years before I came to the Senate, through resolutions he tried to bring and did successfully try to bring attention to this matter on the floor of this body. When I first made that attempt several years ago, it failed, as did my attempt later on in 1989 to end this situation by amending the Americans With Disabilities Act. My amendment at that time was accepted by the then Senate leadership. But in a sense I think they did it because they knew that they would render it ineffective in conference, and it was rendered ineffective in Congress. At a later time I tried to correct this inequity, and I was not even allowed to offer my amendment to the family leave bill when it was first debated in the Senate in 1991.

So, Mr. President, in conclusion of my opening statement, the time to act is now. I hope that my colleagues will vote for this bill without any undue delay or any particular destructive amendments.

Senator GLENN is going to seek the floor in just a moment. As I indicated once before in this debate, when Senator GLENN was a freshman Member of this body he was aware of this inequitable situation. He has worked hard with lots of us and he worked hard before a lot of us came here to bring attention to this inequitable situation, unfair situation. Inequitable in the sense that we as employers do not have the same laws apply to us as private sector employers do, unfair in the sense that congressional employees and Hill employees do not have the same rights as private sector employees have under the employment and discrimination laws and safety laws that affect private—and that assures safety and employment fairness—sector employees.

Senator GLENN studied this issue hard, and I suppose in his early days even had more trouble than I did in trying to get the people to appreciate that this dual standard of law was wrong. But he had some resolutions passed very early. I want to commend him for using that method to try to rectify this situation for employees on the Hill. But most importantly, in the time that I have been in the Senate, I want to say that I have found Senator GLENN very cooperative with my efforts to extend these laws. I appreciate very much his efforts to do that.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I thank you.

FLOOR PRIVILEGES

Mr. GLENN. Mr. President, I ask unanimous consent that Jill Schneiderman of Senator DASCHLE's staff be granted floor privileges for the duration of the Senate's consideration of S. 2.

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

Mr. GLENN. Mr. President, I have listened very closely to Senator GRASSLEY's presentation here this afternoon. It certainly has been excellent. It certainly covered the legislation in great detail. That was to be expected because he has worked on this for a long time and has been involved with it basically—not for press purposes—because he believes in it and because he believes in what is right for the rest of the country is right for Capitol Hill. I agree with that.

The late great Senator Sam Ervin, who was also a great constitutional scholar, once said that Congress is "like a doctor prescribing medicine for a patient that he himself would not take." I agree with that statement by Sam Ervin because by enacting laws for others and then exempting ourselves we have done great damage to the public perception of Congress.

I do not find any more of a hot button item wherever I travel in Ohio and other parts of the country than this particular item because I find that people are especially irritated that we do not have to follow the rules like everybody else. There were some reasons why the rules were exempted earlier. I will address that in just a moment. It was not done just to make life easier for us here. There were some genuine concerns about how they would be administered. But businessmen and others—but especially businessmen—tell me that we in Congress cannot understand the real impact of our laws because we do not have to follow them back here on Capitol Hill.

There is an even more important principle at stake it seems to me; and, that is, to continue to deprive our employees of the full protection of the law is flat wrong. We passed laws for the rest of the country that said that employers should treat their employees in a certain way, that OSHA laws should be at administered against businesses, institutions, colleges or public buildings or whatever, that EPA would take certain actions and so on out there. But then we say but we will not let those things apply here on Capitol Hill.

Let me be clear. I am not just talking about our legislative and our administrative personnel that many people think of when you think of Capitol Hill staffers. We think of our administrative personnel. But we must remember there are also the cleaning crews, the police, the restaurant workers, the parking lot attendants, the plumbers, the window washers, and so on, all of the workers who do not enjoy the same rights as every other American not employed by Congress. That is what it comes down to. Is it right that we do this for our own people employed here on Capitol Hill? Is it right that they have the same protections as everyone else? I cannot come to any conclusion but that certainly it is right that we pass this kind of legislation.

So I am very pleased that in these opening days of the 104th Congress we can finally do what is right for these people and eliminate this congressional double standard under which we have enacted laws that apply to everyone but ourselves.

This reform is long overdue. Our efforts to apply the law on Capitol Hill go back many years. My own personal efforts, which Senator GRASSLEY referred to a little while ago, go clear back to 1978. I had not been here too long. In 1978 I had been here I guess at that time about 3 years. I was sworn in early 1975. I proposed a resolution to assure that all Senate employees would be protected against employment discrimination just as other people were all over the country, and explained why we needed this resolution. I said that I viewed Congress as "the last plantation." That got the ire of some of my colleagues. They were not happy with me for making that kind of a statement. But the employees knew what I said was true because we were treating ourselves here, we were treating Capitol Hill, as the last plantation that was a law only unto itself. The resolution did not pass in 1978. It is only in the last few years that we have finally enacted substantial legal protection for Senate employees. Our Senate employees are now covered under the civil rights laws and certain other employment laws. But they can take their cases to the U.S. Court of Appeals.

Despite this progress we still have an unacceptable patchwork quilt of coverage and exemption here on Capitol Hill. It has not been easy to solve this problem. My guiding principle has been that we in Congress should be subject to the same laws as applied to a business back in our home State.

I recognize the unique nature of life on Capitol Hill, the unique nature of the Congress and how it does business here. So every single law cannot apply in exactly the same way as they are administered back home. But most of them can. Many Members also believe that the Constitution requires us to preserve substantial independence of the Senate and of the House of Representatives—in other words, the separation of powers under the Constitution. One branch does not have a superior position over another branch of Government. It is the checks and balances of our Government that we do not wish to throw away. The concern of a lot of people about this separation of powers is not simply a matter of personal prerogative or ego. For the private sector, these laws are normally implemented by the executive branch and the judicial branch. But many Senators, both Democrats and Republicans, have expressed genuine concern about politically motivated prosecutions that might result if we ignore the principle of separation of powers as we apply these laws to Congress.

Last year, the majority leader, Senator Mitchell, asked me as chairman of the Governmental Affairs Committee to try and find a bipartisan solution. I started with the excellent bill introduced last year by Senators LIEBERMAN and GRASSLEY, and then together with them, with Senators LIEBERMAN, GRASSLEY and other Senators from both sides, we worked hard to reach a solution, and I think we succeeded. We included even a stronger application of the laws to Congress, and we also included stronger protection of the constitutional independence of the House and Senate. Our legislation won broad, bipartisan support, but it was unfortunately blocked on the Senate floor in the closing days of the 103d Congress.

I am very gratified that our solution to congressional coverage now stands, I believe, an excellent chance of being enacted by the new Congress. There have been two different bills introduced. One is the bill we have before us today, and the other was introduced on congressional accountability yesterday by Senator DASCHLE, our new Democratic leader, as part of a comprehensive congressional reform proposal. Senator DASCHLE's proposal includes a number of reforms of the way Congress does business, including not only congressional coverage, but also including measures on lobbying disclosure and gifts to Members.

These essential measures, which I support, were also blocked along with congressional coverage at the end of the last Congress. That bill is not the one that is before us now. The bill before us now is the one just on congressional coverage that Senators GRASSLEY, DOLE, and LIEBERMAN have submitted.

Senator DOLE has made this a top-priority legislative proposal, and I am very happy with that. With this strong bipartisan support that we have for this legislation, I am very optimistic that congressional coverage legislation can be promptly enacted—and I hope very promptly.

Legislation can be briefly summarized in five key elements. First, all of the rights and protections under the civil rights laws and other employment statutes, and the public access requirements of the Americans With Disabilities Act, would apply to the legislative branch. This includes the Senate, the House of Representatives, and our support agencies. Second, a new compliance office would be established within the legislative branch to handle claims

and issue rules. This compliance office would be headed by an independent five-person board of directors, removable only for cause and appointed by the leadership.

This board is a new proposal here, in that this takes away most of the concerns of those people who were primarily concerned about the separation of powers and what would happen if we had an overzealous executive branch of Government trying to enforce a Clean Air Act or an OSHA law on Capitol Hill and pushing too hard for it, wanting to exact a pound of flesh in some other area in response. That has been a concern that people have expressed throughout the years. So this board goes a long way toward declaring our independence and our capability in making sure that all of the laws are adhered to here on Capitol Hill and making that administration of those laws the purview of this five-person board of directors.

I think it is unfortunate that we have to create a new enforcement bureaucracy at a time when we are more concerned about streamlining Government. But many Members, as I say, still believe it would violate the constitutional separation of powers to have the executive branch enforce these laws against Congress.

A third point. Any employee who believes there has been a violation could receive counseling and mediation services from the new office. I would anticipate that most of the problems could be resolved at that counseling and mediation level. But if the employee's claim is not resolved by counseling or mediation, then the employee can carry this further. They can file a complaint with the compliance office and receive a hearing and decision from a hearing officer. This decision may be appealed. Then, in turn, if they are not happy with what comes out of the first two steps, it may be appealed to the board for the board's direct action, or after that, even to the U.S. Court of Appeals. That is a lengthy process, but it is one that certainly gives the employees all kinds of access to make sure that their complaint is adequately dealt with.

Fourth, instead of filing a complaint with the compliance office after counseling and mediation, another track that can be followed is that the employee may elect to go directly and sue in the U.S. district court, just as any businessman across this country can do, or any individual across the country can do if they have a problem with their employer, or whatever. Further, a jury trial may be requested under normal applicable law.

Fifth, the board will appoint a general counsel who will enforce OSHA, collective bargaining requirements, and other laws.

So I am very pleased that there now appears to be bipartisan support for the Congressional Accountability Act. I will certainly be as pleased as anyone when it is finally adopted. This is not all brand new, make no mistake about it. The congressional coverage legislation is not completely new in that congressional coverage legislation was adopted by the Democratically-controlled House of Representatives last year. Congressional coverage legislation was sent to the Senate floor from our Governmental Affairs Committee last year. Unfortunately, it died in the final days of the Senate last year in that scorched Earth atmosphere which we all deplore, when we saw Members opposing just for the sake of opposing and sometimes killing legislation they themselves even supported.

But that is behind us now and we are on to a new day here. I certainly want to let everyone know that while we went through some trials and tribulations last year, we are ready to move on.

I think the American people are ready to move on and see this kind of legislation in particular get passed. That is easier said than done sometimes, but I think it is high time that we started to put the national interests first and to calculate our actions based not on narrow political calculations of today, or on who may gain more political advantage by supporting or opposing this particular piece of legislation. We should be doing this on what is best tomorrow for the United States of America, for the whole country.

If Republicans and Democrats alike can just remember that, I think we are going to have a great session through this coming year. I think the Congressional Accountability Act is a good place to start.

I talked about the last plantation a little while ago. The last plantation, I think, we now can eliminate and bring into the 20th century with this particular piece of legislation. So I am very happy to be supporting it.

Mr. President, earlier in the remarks by my distinguished colleague from Iowa, he mentioned the costs and other impacts of the Congressional Accountability Act. I have a one-page summary of where those expenses are anticipated to occur, and I ask unanimous consent that this be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. GLENN. Briefly summarizing, one new compliance office is estimated to cost about $1 million a year for 2 years during startup. It will be $2 to $3 million a year thereafter, including enforcement procedures and OSHA inspections.

Settlements and awards to employees can run from a half million to a million dollars a year.

Federal labor-management relations, possibly a million dollars a year. We do not know on that. There is no good way to estimate that.

OSHA concerns are a little uncertain also, but those mainly have been taken care of around Capitol Hill, so there should not be much expenditure on that.

Applying fair labor standards to the Capitol police force will cost probably around $800,000 a year or so. On other employees it was difficult to estimate on that as to what the fair labor standards application could bring in the way of costs.

Antidiscrimination laws, polygraph protection, plant closing, and veterans rehiring are things for which we do not anticipate there would be any major expense.

The bottom line then is that the total estimated cost CBO has run out—and this was included in our Governmental Affairs report last year in a CBO letter at pages 44 and 49 of the Governmental Affairs Committee report, if anybody wants to refer to it—described these costs that I just enumerated here briefly, and came to the bottom line that a total estimate would be about $1 million per year for the first 2 years and a $4 to $5 million total thereafter. But it is a very, very uncertain amount. So compared to the problem we are solving, I think that is a fairly modest expenditure.

Mr. President, the Congressional Accountability Act would apply a number of Federal workplace safety and labor laws to the operations of Congress. But one of the main things it also provides is the new administrative process I outlined for handling complaints and violations of these laws. And that is new.

While it is true that some of these laws have applied to Capitol Hill in the past, there has not been an enforcement mechanism. There has not been a way for an aggrieved employee to exercise their rights and have justice prevail.

One of the major provisions is the administrative process for handling complaints that I just described a few moments ago. Let me go through once again some of the major provisions of this act.

First, it will have the application of workplace protection and antidiscrimination laws. S. 2 would apply several Federal laws regarding employment to the operation of legislative branch offices and provide an administrative process for handling complaints and violations.

The following laws would be applied to legislative branch employees: Under the general title of antidiscrimination laws, we have title VII of the Civil Rights Act of 1964; we have the Age Discrimination in Employment Act of 1967; we have title I of the Americans With Disabilities Act of 1990; and we have the Rehabilitation Act of 1973. Those are all under the antidiscrimination laws.

Next, under the general heading of public services and accommodations, under ADA, the Americans With Disabilities Act, under title II, the Americans With Disabilities Act of 1990, which prohibits discrimination in Government services provided to the public. Another provision under title III, Americans With Disabilities Act of 1990, applies to the rest of those provisions.

Under the general heading of workplace protection laws, the Fair Labor Standards Act of 1938, which concerns minimum wage, equal pay, maximum hours, regulations, and protection against retaliation would now apply. These regulations will be promulgated by the board that tracks executive branch regulations. These regulations will take into account those employees whose irregular work schedules depend directly on the Senate. There has been some concern expressed by Senators about how that would work.

Others, under workplace protection laws, are the Occupational Safety and Health Act of 1970, the Family and Medical Leave Act of 1993, the Employee Polygraph Protection Act; the Worker Adjustment and Retraining Act, which requires a 60-day notice of office closing or mass layoffs, which would not normally apply on Capitol Hill, until you think of the fact that we have the Government Printing Office and the Library of Congress and others where such layoffs might possibly occur.

Another portion under the workplace protection laws is the Veterans Reemployment Act. It grants veterans the right to return to their previous employment, with certain qualifications, if reactivated or drafted.

Further, under the general heading of labor-management relations, the Federal Service Labor-Management Relations Statute of 1978 would apply, and the application to personal or committee staff or other political offices would be deferred until rules are issued by the new Office of Compliance.

Under covered employees, the compliance provisions for the preceding laws would apply to staff and employees of the House, the Senate, the Architect of the Capitol, Congressional Budget Office, Office of Technology Assessment and, of course, the newly recreated Office of Compliance.

Employees of congressional instrumentalities such as the General Accounting Office, Library of Congress, and Government Printing Office will be covered under some of these laws but a study will be ordered to discern current application of these laws to the instrumentalities and to recommend ways to improve procedures. Some of these entities or instrumentalities already have their own internal rules and regulations that they have applied that we want to bring into harmony with this new legislation, and that will be done over a little period of time.

Let us go through protections and procedures for remedy. The bill provides the following five-step process similar to current Senate procedure for employees with claims of violations of civil rights or Americans With Disabilities Act. For employment discrimination laws, violation of family and medical leave protection, violation of fair labor standards, and violations of laws regarding polygraph protection, plant closings, and veterans reemployment violations, the procedure would be as follows:

Step 1 would be a counseling service, which can last for 30 days and must be requested within a 6-month statute of limitations.

Step 2, mediation services, which last for 30 days and must be pursued within 15 days.

Step 3, if the claim cannot be resolved, then a formal complaint and trial before an administrative hearing officer may ensue.

Step 4, after the hearing, if the party feels that they still have not received proper treatment, any aggrieved party may appeal to the Office of Compliance's board of directors, to the board itself. And that does not even end it.

Step 5, if necessary, any aggrieved party may then appeal to the U.S. Court of Appeals for normal judicial review.

The bill would also allow employees to bring suit in Federal district court after the mediation step, without going up to all the rest of that ladder, rather than proceeding, if they choose to do that, rather than proceeding to the administrative hearing and all those five steps I just mentioned. And if they went to district court, the remedy could include the right to a jury trial. The option to seek district court redress could occur only after an employee went through the counseling and mediation process. So that is required whatever happens and whichever track the person might choose to go.

With respect to discrimination based on race, color, religion, sex, or national origin, remedies would include reinstatement, back pay, attorneys fees, and other compensatory damages.

For claims under the ADA title II and title III relating to discrimination in Government services, the bill provides the following steps:

Step 1 would be for a member of the public to submit a charge to the general counsel of the Office of Compliance. No. 2, the general counsel may call for mediation. Step 3, the general counsel may file a complaint which would go before a hearing officer for decision. Step 4 would be an appeal to the board. And step 5 would be an appeal to the U.S. Court of Appeals.

For violation of OSHA, the bill provides the following procedures:

Step 1, employees may make a written request to the general counsel to conduct an inspection.

General counsel will also inspect all facilities at least once each Congress, most likely using some detailees from the Labor Department to help since they are experienced in that area. But the authority would rest with the general counsel to do that. Step 2, citations may be issued by the general counsel. Step 3, disputes regarding citations will be referred to a hearing officer. Step 4, appeal of hearing officer decisions go to the board. Step 5, the board may also approve requests for temporary variances. Step 6, appellate court review of decisions of the board, if it gets that far.

Now, in this area, there would be a 2-year phase-in period for the OSHA procedures to allow inspection and corrective action. The survey also would be conducted to identify problems and to prepare for unforeseen budget impact. Penalties would not apply under the OSHA provisions because this would result only in shifting accounts in the Treasury; in other words, the Government finding itself in one area and putting the Treasury over in the other area.

The following process applies to violations of collective bargaining law: Step 1, petitions will be considered by the board and could be referred by the board to a hearing officer; step 2, charges of violation would be submitted to the general counsel, who will investigate and may file a complaint. The complaint would be referred to a hearing officer for a decision subject to appeal to the board again. Step 3, negotiation impasses would be submitted to mediators. Step 4, court of appeals review of board decisions will be available except where appellate review is not allowed under the Federal Service Labor-Management Relations Statute.

Now, employees who are employed in a bona fide executive, administrative, or professional capacity—in other words, those committee staff or personal staff who are not covered by the minimum wage and maximum hour provisions—and interns, are also exempted. Otherwise, remedies for violations of rights of all other employees under the FLSA will also include unpaid minimum or overtime wages, liquidated damages, and attorneys fees or costs. I note the exemption there, that professional employees would not be covered in that same way. These remedies would apply to the nonprofessional employees only.

Now, let me address briefly the Office of Compliance. S. 2 will establish an independent nonpartisan Office of Compliance to implement and oversee application of antidiscrimination worker protection laws. Under rulemaking, the office will promulgate rules to implement the statutes. Congress may approve and change by joint resolution rules issued by the office. Rules would

be issued in three separate sets of regulations. One, the House; two, the Senate; three, joint offices and instrumentalities. Rules for each Chamber would be subject to approval by that body, or to grant the force and effective law by joint resolution. Rules for joint offices and instrumentalities would be subject to approval by concurrent resolution.

Membership. The office will be headed by a five-member board which will be appointed to fixed, staggered terms of office. The board will be appointed jointly by the Senate majority leader, the Senate minority leader, the Speaker of the House, and the House minority leader. Membership may not include lobbyists, Members, or staff except for Compliance Office employees. The Chair will be chosen by the four appointing authorities from within the membership of the board.

Settlement award reserves, payment of rewards for House and Senate employees, will be made from a new single contingent appropriations account. All settlements and judgments must be paid from funds appropriated to the legislative branch and not from a Governmentwide judgment account. There will be no personal liability on the part of Members.

Mr. President, I think that is a rather complete rundown of this. I think it is only fair we apply the laws to our employees here on Capitol Hill that are applied to the rest of the country. I hope we can have this legislation approved very shortly. I hope we can keep amendments to a minimum. I do not know whether there are any amendments proposed to be brought up this afternoon.

I yield the floor.

EXHIBIT 1

SUMMARY OF COSTS AND OTHER IMPACTS OF CONGRESSIONAL ACCOUNTABILITY ACT

The CBO letter, at pages 44–49 of the GAC Report (and the CBO letter for the House bill) describes the following costs:

1. New compliance office: $1 million/year for 2 years, during start-up.

$2–3 million/year thereafter, including enforcement procedures and OSHA inspections.

2. Settlements and awards to employees: $0.5–1 million/year.

3. Federal labor-management relations: $1 million/year for lawyers and personnel officers.

4. OSHA: Existing standards—will require change in practices rather than significant additional space or cost.

Possible future standards—e.g., ergonomic equipment; air quality—without specific standards, cost cannot be predicted.

5. Fair Labor Standards: Capitol police—$0.8 million/year.

Other employees—CBO could not estimate.—CBO assumed the compliance office would have wide discretion in establishing rules and in allowing compensatory time instead of overtime. This is incorrect: bill requires private-sector rules.

6. Anti-discrimination laws—no additional cost, because these requirements already apply under statutes or rules.

7. Polygraph protection—no effect; polygraphs are not used.

8. Plant closing—no effect; no mass layoffs are anticipated.

9. Veterans rehiring—not scored by CBO; added to the legislation this year.

Total Estimate: $1 million/year for the 2 years, $4–5 million/year thereafter.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank the Chair, and I rise in support of the bill.

Mr. President, it has been my privilege to have been cochairman of a working group with Senator GRASSLEY to try to pull together various parts of this legislation and help get it to the floor.

I am fully cognizant of the fact that those of us who are newcomers to this legislative process, indeed, stand on the shoulders of giants. There have been so many who have done so much in this area: Senator GRASSLEY, Senator LIEBERMAN, Senator GLENN and others. I am delighted to be a part of that, and to be part of this strong bipartisan effort here in my first opportunity to address this body.

Mr. President, Senators GRASSLEY and GLENN have very aptly gone over the details of this legislation. It is indeed complex. It involves several pieces of complex litigation and applicability to those already existing laws. They have gone over this in detail. I will not.

I would like to make some basic observations, however, starting with the proposition that the people spoke in a very loud voice in this last election. We can disagree as to what the people were saying in many respects, and we do. We have spent a lot of time trying to interpret the voice of the people in these last few weeks. However, I think there is one thing we cannot or should not disagree on. That is, in large part, they were saying that they want a change of the way we have done business in Washington, DC, Mr. President, specifically in the Congress of the United States.

I cannot think of a better example of the way that we have been doing business in times past than this whole business of exempting Congress from the laws that other people have to live under. So today, I think that what this bill does is take a step in the right direction. It takes a step away from that and toward accountability. It stands for the basic proposition that those who make the laws in this country have to live under the laws that they make, as other citizens do.

Those of us who have just come off the campaign trail, perhaps, have an additional insight into this matter. Those here with us today have spoken many times and labored in the vineyard for many years on this bill. Those of us on the other end of the spectrum have just come from being a part of campaigns where the people's voice was most recently heard.

Mr. President, not only are the people in America for this legislation, the people in America demand this legislation. I would suggest that the people in my State of Tennessee, and I would guess the people across this Nation, wonder why it took so long to pass a proposition that seems to be so imbued in basic common sense. So perhaps that day has changed. I hope we are winning it now, as I speak.

Mr. President, in the first place, it is the fair thing to do. That has been so aptly discussed and described by earlier speakers today. Second, Mr. President, I would like to bring up an additional point, and that is, in my observation, the people of this country, in many respects, are unfortunately losing confidence in our country's institutions. People more and more, I believe, Mr. President, are feeling alienated from their Government in this country. I think that that certainly has to do with the Congress of the United States. I believe that people more and more feel that the Congress has lost touch with people who work hard, pay their taxes, obey the laws and regulations, and are seldom heard from except when additional revenues are needed.

So, I believe that this legislation is the first of many reforms that we will be discussing here in the next several days that will help restore the confidence that the people must have in the people's branch of Government, the Congress of the United States. We cannot stop this cynicism and this feeling of alienation, Mr. President, by ourselves. But the Congress of the United States can stop contributing to it.

Mr. President, I believe in the years to come that this body will be a messenger of bad news to the American people if we do our job, if we are responsible. When we look at the economic picture down the road, when we look at the budgetary problems we will be facing in this country, we will not always have good news to bring to the American people.

I believe the American people are up to it. However, I believe when we deliver that message, the American people must be able to trust the messenger, and I think, again, that is what we are about here today, the first step in that process.

In addition to those reasons, I think that another pretty commonsense proposition applies, and that is that, if the Congress of the United States had to live under the laws they passed for everybody else, maybe we would not have so many laws and, thereby, maybe we would not have so many regulations.

I think it has become entirely too easy in this country, in this Congress, to spend other people's money and regulate other people's lives. That is what I believe Congress has spent too much time on for too many years.

I think for the first time under this legislation, Members of Congress, who understandably are concerned with

cost, understandably are concerned with inconvenience and all of these other things, for the first time will start to realize the problems that people out in the country who have to live under these laws have experienced. And maybe, just maybe, we might want to, in the future, reconsider some of the laws that have already been passed and some of the regulations that have been promulgated pursuant to those laws.

I think, in looking at this legislation, legislation of much detail, much work, that there are a couple basic criteria that I look for:

No. 1, that it be comprehensive, and when I study this legislation, I see that every comparable law here is, indeed, applied to Congress.

Second, there must be access to the court system. I examined this legislation and, indeed, we do have access to the court system. Those bringing actions against the officers and Members of Congress of the United States, indeed, have court access. It is not just the laws under this legislation that will apply to Congress but the regulations will also.

Also, Congress under this legislation does not exempt itself from the numerical limitations that are afforded to small businesses which would exempt Congress from coverage under many of these laws. So I think we are moving in the right direction.

Is the legislation perfect? I would say not. Could it go further? Indeed, I would like to see it go a bit further, but I think that we can revisit this at times in the future. I think the question of ultimate liability is something that perhaps needs to be revisited. Surely we can come up with a solution whereby Congressmen and Congresswomen and Members of the Senate are not faced with imminent bankruptcy constantly, on the one hand, and, on the other hand, the taxpayers are not left with a bill that we might run up on them.

I would think that, with the use of insurance and other measures, we could do better perhaps than that. But I think this is a strong—very strong—first step in the right direction. I wholeheartedly support it, not only because it is the right thing to do, but it will be to the benefit of the American people and, I believe, to the ultimate benefit primarily of the Congress of the United States. Thank you.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am privileged to rise in support of this measure and am delighted not only to join the real pioneers in this effort—Senator GLENN and Senator GRASSLEY—but to speak after our new colleague, the Senator from Tennessee, who has spoken eloquently. I am privileged to work with him on a bipartisan basis on behalf of this bill.

He made reference to the elections that just occurred and the message that was sent to us. I was thinking after this election, there is an old story about a politician who lost an election by a lot, he got clobbered. In the traditional election night speech, he got up and said, "The people have spoken, but did they have to speak so loudly?"

I think the answer in this case is, obviously, the people did feel they had to speak loudly, and what they were speaking for was change, change in the status quo and, I think, demanding a Government that responds to their problems, that deals efficiently with those responses and that, most of all, gets its own house in order.

I do not know what my colleagues may have found as they were out there this year. I was out there myself, grateful for the support of the people of Connecticut to send me back here. But I found an increasing number of people—and I would say it is a majority out there—who really do not care whether you are Republican or Democrat. What they care about is what you are doing and what have you done. They are not going to judge by labels, as so often happens. They are going to judge by the record of accomplishment or lack of accomplishment.

All of that brings me to this measure, which I think is at the heart of responding to the demand for a change in the status quo, for a demand to a leaner, more responsive Congress, to a demand for legislation that reflects the real world, that reflects the thinking of Members of Congress who understand what is happening out there and who play by the same rules that everybody else plays by, who are forced to live by the same rules that everybody else lives by, and that will act on a bipartisan basis in the interest of America. I think all of that comes together in this piece of legislation.

The measure we are considering today, S. 2, is an improved version of the successive congressional compliance measures which Senator GRASSLEY and I authored last year, beginning with S. 2071. This latest bill, if enacted, will, as those who have spoken before me said, apply to Congress and its support offices all of the laws regarding civil rights, fair labor practices, disability, family medical leave, veterans, reemployment, health and safety that Congress has applied over the years to the executive branch of the Government and to the private sector as well.

Every public opinion poll that I have seen—to tell you the truth you do not need a public opinion poll, it is kind of common sense—indicates that the people of America are ardent, enthusiastic, just about unanimous in their support of this legislation.

I am greatly encouraged that the leaders of this new Congress have placed this bill at the forefront of our business for the opening days of this session. This is a measure that passed the House overwhelmingly on a bipartisan basis last year and was stopped from coming up here at the closing day of the 103d Congress on a procedural objection, an unusually and rarely used procedural objection.

But the mood is different this year. I think passing this bill will show that we have collectively realized that Congress simply cannot continue to do its business as usual and we can no longer live above the law. It is not just that the public will not stand for it, they should not stand for it, and we should not stand for this kind of double standard. It undercuts the basic trust that is a precondition of our democracy, the trust that has to exist between those who are privileged to serve and govern and those who are governed, those who send us here to represent them.

Mr. President, we must pass this bill with strong enforcement, including the right for claims to be heard in court, not just because it has symbolic value but because it is right. By passing this bill, we demonstrate a commitment to the principles that are in all the laws that we have applied to the private sector.

At the end of June 1994, the Senate Governmental Affairs Committee, which I am privileged to serve on, held a hearing on this subject and took a close look at all the issues involved. The committee realized that there is a complex problem that requires well-considered solutions, particularly to the general problem of uneven coverage.

So we went ahead, Senator GRASSLEY and I, Senator GLENN and other members of the Governmental Affairs Committee, and worked on some ways to solve these problems. Since then, this group, and others, has done everything possible to address the tough legal and constitutional issues in a way that is fair to our employees. It forces us to live in the real world according to the real law but also has some respect for the special constitutional status of the legislative branch.

The bill that we are considering today builds upon that committee substitute to H.R. 4822, which was reported out by the Governmental Affairs Committee last September. I think this bill remains true to virtually all the defining principles and provisions found in H.R. 4822. Like that bill, this measure we are considering establishes an independent office to function as a legislative branch equivalent of the executive enforcement agencies.

Substituting this independent agency for the executive agencies, I think, responds to a genuine argument, which is separation of powers and, in another sense, ends Congress' ability to sit or hide behind the separation of powers argument as an excuse for inaction.

We have dealt with that argument. We have solved that problem. There is no longer that constitutional excuse or argument for inaction.

Some of the strongest arguments that were made against this measure can also I think be put to bed now. At times opponents claimed it would cost billions to implement and even require the construction of new office buildings by Congress. But the testimony that the committee received in June as well as CBO's analysis of the committee-reported bill showed that such fears are not well founded. There is no new OSHA space requirement for offices, projecting the impact of the provisions of this bill. Indeed, the Architect of the Capitol and the Congressional Budget Office have anticipated little, if any, additional expense for OSHA compliance.

Mr. President, passage of this legislation will really go a long way, or at least, let me put it this way, at the outset of the 104th Congress take the large first step in the direction of restoring the public's trust in this institution.

The history of this and companion legislation is interesting. As I looked back at the record, 1938 was the first time that Congress exempted itself from coverage under a relevant Federal employment law when it passed the Fair Labor Standards Act. Congressional staff were not covered by the wage and hour provisions contained in that act. And that precedent, unfortunately, became a tradition of congressional self-exemption from Federal employment laws over the course of the succeeding 56 years since 1938. Right now, Congress is wholly or partially exempt from the relevant provisions of the 11 major Federal employment laws with which this bill deals.

Senator GLENN, as I have indicated earlier, in 1978 really was the pioneer here in authoring a bill that sought to correct this problem. In 1991, Senator GRASSLEY and then Senate Majority Leader Mitchell coauthored the Government Employees Rights Act, also known as GERA, which gave employees of the Senate partial coverage under the Civil Rights Act of 1964, the Age Discrimination and Employment Act of 1967, and the Americans with Disabilities Act of 1990. GERA created this Office of Senate Fair Employment Practices, and an administrative complaint process administered by the office designed to fill the role of the Federal district courts as set forth in the statutes in question. It also provided Senate employees with a review of their decisions in the Court of Appeals for the Federal Circuit.

Mr. President, Members of Congress are still faced with the fact that there is more to do, and that is what the legislation before us intends to do. Private sector employers are particularly and understandably angry and aggrieved by the knowledge that Congress does not subject itself to the most demanding legal and regulatory burdens that Congress imposes on them, particularly the small business community.

Congressional exemption from Federal employment laws I think has also had an adverse effect on the legislative branch work force and its right to equal protection under the law. This is not just a matter of symbolism. It is not even just a matter of equity, though it is a matter of equity. This is kind of a reverse of the golden rule here in this case. This bill is saying let us do unto ourselves as we have done unto others. But beyond those principles, there is a real problem out there and that is the rights of those who work for us, for the Congress.

The Architect of the Capitol, for instance, which has no independent enforcement of its OSHA program, is plagued by one of the highest worker compensation claim rates of all the Federal agencies. Employees of the Senate exempted from the Fair Labor Standards Act have no guaranteed means of securing financial or other compensation for overtime. No employee of the House of Representatives or the Senate may bring a civil action in Federal district court to remedy violations of the Civil Rights Act of 1964 and other Federal antidiscrimination statutes, all of which provide employees in the private sector with exactly that right to pursue their grievances in Federal court.

So there is a real problem out there. This is not symbolism. It is not just principle, though both of those are important. There is a real problem of our workers. The vast majority of legal inequities that may be endured by employees of the House and Senate can be remedied at minimal cost to the Congress by adoption of this measure.

Mr. President, I would briefly like to focus on some of the constitutional concerns that have been raised. Most frequently, again, we have heard about the separation of powers argument, but using this broad-based argument I think distorts the historical intent of the separation of powers doctrine. The basic idea is to limit each branch to a certain set of powers subject to checks by the other two branches so that no one branch can accumulate a level of power that becomes tyrannical in its effect on the public or the private citizen.

In Buckley versus Valeo, a 1975 case, the Supreme Court, citing the history of the separation of powers principle, wrote:

> James Madison, writing in the Federalist Paper No. 47, defended the work of the Framers against the charge that these three governmental powers were not entirely separate from one another in the proposed Constitution. He asserted that while there was some admixture, the Constitution was nonetheless true to Montesquieu's well-known maxim that the legislative, executive and judicial departments ought to be separate and distinct.

And they went on to say that it was a demonstration of Montesquieu's meaning when he wrote:

> When the legislative and executive powers are united in the same person or body, there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.

In other words, the separation of powers principle was to preclude any one branch of the Federal Government from seizing a degree of power that could be used against another branch of the Government or the citizenry in a tyrannical fashion without check from the other branch.

But this was affected by another view of Madison which goes right to the point of this legislation, writing in Federalist 47 that the separation of powers principle was not designed to insulate one branch of the Government or its servants from the rule of law. In other words, each branch was to be strong and independent, to resist a centralization of power. But that did not mean that any one branch of the Government or its servants should be above the law or exempted from the law. And in Federalist 57, Madison wrote that Congress can make no law which will not have its full operation on themselves and their friends as well as on the great mass of the society. "This has always been deemed"—and I am continuing with Madison's words—"one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them the communion of interest and sympathy of sentiments, of which few governments have furnished examples but without which every government denigrates into tyranny. If it be asked what is to restrain the Congress from making legal discriminations in favor of themselves and a particular class of society, I answer," Madison said, "the genius of the whole system. The nature much just and constitutional laws. And above all the vigilant and manly spirit which actuates the people of America, a spirit which nourishes freedom and in return is nourished by it. If this spirit is ever so far debased as to tolerate a law not obligatory on the legislature as well as on the people," Madison wrote, "the people will be prepared to tolerate anything but liberty."

Powerful words from one of the great founders and framers of our country. I think they speak to us today because history has taken us in a direction that he feared but did not believe would occur. And it is that drift that brings us to introduce this legislation so that Members of Congress and the institution will not be above and separate from the law.

Mr. President, a final point, if I may, on the question of cost. Because this

new bill was just introduced yesterday, there clearly has not been time to receive a cost estimate from the Congressional Budget Office. Yet I would suggest to my colleagues that it is fair and reasonable to draw some pretty firm conclusions from the CBO estimate of the bill reported by the Governmental Affairs Committee last September because this measure is so similar to that measure. We also received a cost estimate from CBO on last year's House-passed bill and the estimates CBO arrived at in both cases were far, far lower—not only than the opponents of the measure feared—but, frankly, than most of the supporters of legislation expected or thought possible.

CBO estimated that both versions, the House-passed version last year and the one reported out of Governmental Affairs, would cost about $1 million for the first 2 years of effect, as the new independent office gears up, and $4 to $5 million in the third, fourth and fifth years. Much of the cost expected in fiscal years 1997 and 1998 is the cost of working out collective bargaining agreements. So once the cost of that is taken care of, the overall price tag should actually dip back down by the beginning of the second 5-year budget cycle of effect.

When you look at the total cost figures projected, I think we also have to realize that the Senate and House offices of fair employment practices will already cost us almost $1.2 million in this fiscal year. So the marginal cost of the bill we are considering would be even less than the CBO estimate.

Mr. President, in the bill's most expensive year as projected by CBO, fiscal year 1998—which would have been, under last year's estimate the 4th year of effect, projected legislative branch spending would be in the neighborhood of $2.5 billion. Therefore, as a percentage of our total operating budget for that year, the bill reported by the Governmental Affairs Committee—according to the CBO estimate—would only have amounted to one-fifth of 1 percent of the total operating budget of the Congress. I think that figure is worth repeating. The cost of the bill would be one-fifth of 1 percent in the year when the bill would have been most expensive. Allocating that tiny fraction of our annual budget would enable Congress to comply with the same laws that we force everyone else to live with, to repair the ruptured relationship between this institution and the people who control it, for whom we work, and to do what is right.

Mr. President, I ask unanimous consent that the full text—noting the presence of my friend and colleague from Alaska here—the full text of my speech be printed in the RECORD as read.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I intend to support this bill because I support a continuation of our efforts to bring Congress under the same laws that apply to the private sector. But I have some serious reservations about this proposal. Contrary to what my friend from Connecticut has just said, I think that the estimates for the cost of this proposal are absurd.

Next week we are going to consider a bill to ban unfunded mandates on States and local governments. Today, we are considering a bill to create an unfunded mandate for Congress to be paid for by the taxpayer.

The Rules Committee is already in the process of cutting 15 percent from the budgets of every committee in the Senate. We have been asked to cut $200 million from the congressional budget over the next 2 years. But I have not heard anyone suggest where we are going to get the money we need to pay for this bill, in light of these cuts that we already face. And, contrary to what you have just heard and what many people believe, I believe complying with the laws contained in this bill is going to cost the taxpayers a lot of money. If it will not, why are all of the business people of this country complaining about the application of these laws to them now?

We have just heard that it is going to cost us $1 million a year. I am making the Senate a commitment as the new Senate Rules Committee chairman, we will keep track of the costs of this bill year by year, and report them to the Senate.

In 1991, with my support, we brought the Senate under the following laws that are contained in this bill: The Civil Rights Act, the Americans With Disabilities Act, the Age Discrimination Act, and the Rehabilitation Act. Congress included itself in the Family and Medical Leave Act when it passed that law. We still do not know what those will cost the Congress.

In the last Congress I joined then-chairman of the Rules Committee, my good friend from Kentucky, Chairman FORD at that time, directing the Architect of the Capitol to bring the Senate wing of the Capitol into compliance with the Occupational Safety and Health Act.

The Architect is now at work on that with the Department of Labor to bring us into compliance. We do not know what the cost will be. The 5-year cost of our current compliance efforts under one—one thing alone, employment discrimination laws, will be about $5 million. And I think these are just a fraction of the spending that will be needed to bring about compliance with this bill.

I am not against the concept. I think we should face the same laws we impose on the private sector. But we should not stand here and say that this estimate of $1 million a year is a reliable estimate. We should keep in mind the congressional bureaucracy alone created by this bill will cost at least $15 million over the 5 years. And it does not include the cost of damage awards and attorneys' fees. But don't forget, the taxpayers must pay these costs.

We are trying to apply the same laws to Congress that apply to the private sector. But again I say to the Senate, if it will cost so little to apply them to the Congress, why is the American public in the private sector complaining so loudly? The estimates we are getting are like a lot of other estimates we get from the Congressional Budget Office, in my opinion. And we are going to keep track of them for the Senate. That is why I am here now. I want to make the commitment to the Senate. We are going to watch the costs under this bill. We are going to report them every year. And I am going to ask the Senate to take action to modify some of these laws for both the private sector and the Congress when I show what it really costs the Congress to comply with these laws.

Mr. GRASSLEY. 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. GRASSLEY. 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. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise in strong support for the Congressional Accountability Act. I really cannot believe that we are debating this issue as if it is something we might or might not do in light of what happened on November 8. It is this kind of reform which will help restore Congress as the truly representative body it was intended to be.

The fact that Congress has routinely exempted itself from laws and regulations which affect virtually every other person, business, and organization in the land says volumes about the arrogance of power, about the insulation of Washington from the real world, about the gulf which has come to exist between the people and those who are elected to represent them.

The Congressional Accountability Act is closely related to several of the other things that were discussed in the Contract With America, such things as overburdened regulations, such things as term limitations.

You know, many of us in Congress have our own stories that we can tell from back in the real world. I was, among other things, a developer. I can remember one time, in order to get, down on the coast for a six-story development, a dock permit, I had to check

with 26 Federal and State agencies in order to get that permit. It could have just as well been done with one.

And I think therein lies one of the better arguments for term limits. The fact if you have people who are out in the real world and know what the tough regulations are and what they do to your competitiveness, then they would not behave the way they do.

I understand that earlier today our colleague from Iowa told the story about George McGovern. And I remember that so well, because I was there when the statement was made that after a lifetime in public service he had this burning desire to fulfill a lifetime dream and build that hotel. I guess it was in Connecticut. And he built it. And then, before he knew it, the health department started beating him up, the IRS started beating him up, and the EPA started beating him up, and he went into, I believe, Chapter 11. I would have to paraphrase him. But the exact quote was given by the Senator from Iowa this morning, the thrust of which is, If I had known how tough it was in the real world, I would have voted differently when I was in the U.S. Senate.

Mr. President, to take another example. We ought to recall the very illustrative experience that one of my colleagues from the other body, Representative JOHN BOEHNER, experienced, where he invited an inspector from OSHA, the Occupational Safety and Health Administration, to come in and look at his three-room office that he had there in the, I believe it was, Cannon Office Building. When they did, they found six safety violations, including a lack of an evacuation plan.

I might suggest to my colleagues that if we do not pass this bill, we might all want to install an evacuation plan in our offices.

They went on to look at some of the other areas of Government right here in the Capitol, I believe, in the Architect's Office. They said that in the event that we had to comply with the OSHA requirements, that it would cost over $1 million to come up to compliance.

And there is a historic precedence for this. James Madison, in his writing in 1788 in the Federalist Papers, said:

> Congress can make no law which would not have its full operation on themselves and their friends as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. Without this communion of interests, every government degenerates into tyranny.

Those like Madison who wrote our Constitution intended that Members of Congress would not be part of some elitist aristocracy, out of touch with the people, insulated from the real world. Rather, they intended Members of Congress to be themselves the same farmers and shopkeepers and business men and business women and merchants who expected to deserve the Government that we finally got—"of the people, by the people, and for the people."

With this reform, this Congressional Accountability Act, we will take one small step following so many others in our history to help ensure that such a Government shall not perish from the Earth.

This reform, like our reform of the discharge petition process—Mr. President, you remember that well from the other body—will serve as a predicate for many other reforms that we surely will be considering and are really adamantly demanded by the people as a result of the revolution of November 8.

I cannot imagine there is one Member of this body who would go back to his State and look a constituent in the eye and say, "We will take care of you. We know what is best for you. You just do what we say. And yet, that is not going to apply to us. You know, we live in an ivory tower with impenetrable walls, so we are insulated from many things that you folks are not insulated from."

This eliteness was shot down in the revolution of November 8.

So, Mr. President, I urge my colleagues to vote in favor of this measure.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, first of all, let me thank my colleagues, Senator GRASSLEY, Senator GLENN, Senator LIEBERMAN, and others, for their fine work on this piece of legislation.

I know that my colleagues on the other side of the aisle—and I assume that includes you, Mr. President, are going to be caucusing at 3:15. And I certainly will not take more than 10 minutes, if that.

Mr. President, a little later on, it would be my honor to be on the floor with an amendment with Senator LEVIN, and, I am sure, Senator FEINGOLD, Senator LAUTENBERG, I know the minority leader also feels very strongly about this. I think it will be a very important amendment when we do have the debate on this amendment before the Senate.

This amendment deals with lobbying disclosure, but with a special focus on the gift ban. This is a piece of legislation that probably Senator LEVIN and Senator COHEN, among others, have exerted tremendous leadership on.

My strong interest in this, Mr. President, has been on the gift ban part. I have heard my colleagues for the last several hours speak with a considerable amount of eloquence about the mood in the country. I think probably Senator GLENN from Ohio did this as well as any would when he talked about how strongly he feels about this piece of legislation and the fact that it is above and beyond the politics of it all; that is to say, it certainly does not look very good when we try to live by other workplace rules than the people that we represent.

Well, I think from the point of view of the right thing to do, and that is what Senator GLENN has focused on, this piece of legislation is extremely important. But, Mr. President, if we are going to talk about congressional accountability, I think that we can do much better.

I believe that this amendment, which will later on be on the floor of the Senate at least before this bill is finally voted up or down that deals especially with the gift ban, is extremely important.

Mr. President, when my colleagues talked about what they have heard back home from the people they represent in our different States, I can just tell you that in the cafes in Minnesota, there just is not even any debate about the following proposition. And the following proposition is as follows: It is just simply wrong for Senators to be receiving gifts in the form of paid trips for recreation or meals or tickets to athletic games, or whatever the case, from lobbyists and others.

I mean, Mr. President, to the 99.99 percent of people in the country, it is wrong because this, to them, represents a process where people attempt to buy access, to buy influence. Though I am not talking about the individual wrongdoing of any Senator, because I do not think that that is the issue and I would certainly hope that there is very little of that, or maybe in the best of all worlds none of that, the fact of the matter is that this amendment which, in part, deals with ending these gifts, the giving of these gifts and the taking of these gifts, is an amendment that has everything in the world to do with accountability.

Mr. President, we can do a lot of things to change the political culture here in Washington. We can do a lot of things to make this political process more open and more honest and more accountable. We can do a lot of things to rebuild the trust of people in this political process. But, Mr. President, I just will tell you, and I would say this to my colleagues as well, that cutting committees or cutting some staff may be fine. It may be the appropriate thing to do. Certainly, the focus on living by the same workplace rules is a huge step in the right direction. But if we are serious about making this process more accountable and more open and more honest and a process that the people can more believe in, then there is not one reason in the world why Senators, on this bill, would not want to make us accountable. It is called the Congressional Accountability Act.

One of the ways we can be accountable to the people we represent is to say to them in no uncertain terms that we are not going to be at the receiving end of these gifts. We are not going to take them, not because necessarily taking these gifts that are sometimes lavished upon us has anything to do with any kind of corruption, but rather because we know it does not look good, we know Senators do not need it, and we know people want to have trust in this process. We will simply say to them by passing this amendment that, indeed, we agree with the people we represent on this question.

Mr. President, one of the interesting things about this amendment, of course, is that toward the very end of the very end, indeed, the very end of the last Congress, the 103d Congress, while there was some disagreement about some features of the lobby disclosure gift ban bill—and I want to focus just on the gift ban part, because that is what I have been working on for several years—as a matter of fact, toward the very end of the session, I believe that the majority leader, along with 36 or 37 of his colleagues, came out on the floor, supporting the gift ban provision. So there is strong bipartisan support. I have somewhere in my documents the names of every Senator who supports that gift ban, Democrats and also Republicans.

So from my point of view, it is the beginning of the session. I do not think it is just my point of view, but I think it will be the point of view of colleagues on both sides of the aisle, and I think it has to be the point of view of colleagues on both sides of the aisle because it is the collective point of view of people within our country that if we are going to get off to the right start—and we will talk about reform, and we will say we want to make this process more open and accountable, and we will talk about congressional accountability—then there is not one reason for any further delay in getting serious about accountabilities. I do look forward, later on, with Senator LEVIN and the minority leader, and Senators FEINGOLD and LAUTENBERG, and I am sure other Senators as well on both sides of the aisle, to having this discussion.

I certainly hope that my colleagues will vote for this very important amendment. Mr. President, I will not argue that this amendment will be the final step that we should take. I think it greatly strengthens this bill. We have been putting off this gift ban for too long a period of time. Over and over and over again, we have put off taking action on it. I think that that is unconscionable. I think we want people to believe in this institution. I think we want people to believe in the legislation we pass. And I think the way that that will happen is when people believe in the political process. That is what this amendment is all about.

Now, I do hope that some time in the near future, we can also deal with another part of this which has to do with campaign finance reform. I think, ultimately, if we want to talk about accountability, the whole mix of money and politics is another part of the equation, and I do look forward to that discussion and that debate and those amendments when that happens on the floor of the Senate, as well.

But, again, Mr. President, I do not want to take up any more time. I understand that my colleagues are going to be maybe breaking for conference, at least on the other side, and if other Senators want to speak right now, I will be glad to simply be done.

So, Mr. President, I conclude my remarks for now. I see other Senators on the floor. I hope I did not take too much time. I wanted to alert Senators that this amendment will be coming up.

The PRESIDING OFFICER (Mr. HELMS). The Senator from New Hampshire.

Mr. SMITH. Mr. President, I thank the Senator from Minnesota. I realize there is a conference pending at approximately 3:15. I would like to have my views heard on this very important piece of legislation which I strongly support.

I want to congratulate Senator GRASSLEY on the fine job he has done in his leadership on this issue. I am in very strong support of S. 2, the Congressional Accountability Act of 1995. Mr. President, I am pleased that the Senate is now addressing itself to this issue, finally. It is a very important matter, assuring that Congress obeys the same laws by which it requires the rest of the Nation to abide. That is certainly not an unreasonable approach to take, I think.

It is an issue in which I have long been interested, and I am pleased to have served with Senator GRASSLEY on the Senate Republican working group that developed the proposal that is now embodied as S. 2.

Mr. President, we are all aware that public opinion polls, whether we like it or not, consistently report that the American people hold Congress as an institution in very low regard. The people's lack of esteem for Congress is based in large part on the perception that Congress is an arrogant and imperial body that has placed itself above the law. We should not be doing things to enhance that perception. It should be the opposite.

Unfortunately, in modern times at least, this perception has been well grounded in reality. For decades, Congress has routinely—routinely—exempted itself from a wide range of laws governing such matters as civil rights, employment discrimination, sexual harassment, workplace safety, and on and on and on.

In a very real sense, then, Congress indeed has placed itself above the law. That decidedly was not what the Founding Fathers of our great Nation intended. They have been amply quoted here, and there is the possibility of repetition; I would like to quote a couple of more times. In Federalist No. 57, Madison assured the American people that under the Constitution, Congress would not abuse its lawmaking power because "it can make no law which will not have its full operation on themselves and their friends."

So Madison was very clear about that. Later, as a Member of the first Congress, Mr. Madison spoke on the floor of the House of Representatives about the important principle that all laws should be made to operate as much on the lawmakers as upon the people.

It is amazing when you go back and read the words of these founders, Mr. President. They were so brilliant, and so many times we walk away from their logic. It is interesting to hear contemporaries interpret their words almost 180 degrees differently from what they intended when the Founders wrote them.

Mr. President, Madison was not alone in articulating this principle that Congress should not be above the law, but rather under it. And in his manual of parliamentary practice, Thomas Jefferson, another pretty well-known founder, noted that "the framers of our Constitution took care to provide that the laws should bind equally on all, and especially that those who make them shall not exempt themselves from their operation."

Sadly, however, all too often the Congress has seen fit to ignore the solemn principle that those two great founders, Madison and Jefferson, so clearly enunciated.

In recent years, mounting public pressure for change has prompted a movement toward reform with respect to congressional coverage, and in response to that call for change in the 103d Congress, I, among others, introduced legislation to deal with it. Mine was S. 579, the Equity for Congress Act.

The principal difference between the bill that I introduced, the Equity for Congress Act and the other congressional coverage bills in the last Congress, is that the bill I introduced would have kept the Congress out of the business of policing itself with respect to its compliance with the laws that my bill would have made applicable to the legislative branch.

So under the bill that I introduced, there would have been no office of compliance created within the legislative branch. Rather, the executive and judicial branches would have enforced the laws with respect to Congress in the same manner in which it has done in the private sector.

But I still believe the approach to enforcement taken under the Equity for Congress Act in the last Congress is

the right approach. A number of Members of the Senate and House objected to this approach, however. It is a parliamentary body, and we sometimes have to compromise a bit. They use the separation of powers as the grounds for not wanting to do that. Their concern is focused particularly on what they see as a potential for partisan motivation in the manner in which the executive branch might enforce the law.

In an effort to ensure the broadest possible support for, as well as speedy enactment of, congressional coverage legislation, I agreed to support this compromise, the compromise embodied by the bill before us now, S. 2.

Under this compromise, congressional employees who believe that their employer—congressional employer—is violating one of the laws made applicable to the Congress by S. 2 have a choice, they have a choice that is a compromise here. After counseling, they can either file a formal complaint with the new congressional office of compliance or they can go directly to the courts.

The only highly limited exceptions are with respect to those substantive laws that do not afford an analogous right to go to court to other persons who are not congressional employees.

So, I agreed to support this compromise. It is a good compromise and a reasonable compromise because it is consistent with the spirit of the proposal I introduced. I congratulate Senator GRASSLEY for his leadership and his willingness to discuss this matter and to listen to those of us who wanted to make some changes.

Mr. President, I believe that it is imperative that we should move forthwith to take this important step toward restoring the confidence and the trust of the American people in their Congress. Acting promptly to place the Congress under the same laws by which it expects the rest of society to abide will send a powerful message to the American people that we got the message. We got the message that the reign of an arrogant and imperial Congress is over. By moving expeditiously, we in the Congress can send that clear and unmistakable message to the American people that we are committed to true and honest reform.

Finally, Mr. President, I believe that S. 2 has another equally important purpose. Beyond moving to restore the confidence of the American people in their Congress, I believe the enactment of the Congressional Accountability Act will help us to make better laws. If we have to live under the laws we make, we will make better laws. Some say we ought to make a lot less laws, and I totally agree. Others say we ought to repeal one for every one we pass. That sounds like a good idea as well.

But learning firsthand what effects the laws that are passed have on those to whom the law applies will give Congress a unique and invaluable way in which to learn by experience what is wrong with those laws.

Moreover, living under those laws will give Congress a powerful disincentive. It will think twice before passing laws which it would not want to live under.

So I am hopeful, in conclusion, that one spinoff from this excellent piece of legislation will be that we may look at some of these laws that are so onerous on the American people and on many businesses throughout the country and change some of them, as well, when we realize how bad they really are.

I thank you, Mr. President. I thank the Senator from Iowa for his courtesy, and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The able Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to add Senator HUTCHISON as a cosponsor.

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

RECESS

Mr. GRASSLEY. Mr. President, this request is from the floor leader. I ask unanimous consent that the Senate stand in recess from 3:15 p.m. until 4 p.m. today.

There being no objection, at 3:15 p.m., the Senate recessed until 4:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 102–166, and upon the recommendation of the majority leader, in consultation with the minority leader, appoints Dr. Harriett G. Jenkins as Director of the Office of Senate Fair Employment Practices.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. SNOWE. Thank you, Madam President.

It is with great pride that I appear today to speak on the floor of the U.S. Senate as Maine's new Senator, particularly because of the legislation that is before us today on the Congressional Accountability Act.

I want to take this opportunity to congratulate the Senate majority leader for setting this as a high priority in the 104th session of Congress.

In a year when people are talking about change, and looking for more accountability and accomplishments from Congress, there is no more important message that we could send than this: that we will play by the rules, and we will abide by the laws—and Congress will no longer set itself above the law of the land.

Madam President, this is basic fairness, and I congratulate my colleague from Iowa, as well, for his tireless efforts to bring this legislation forward.

It was a decade ago, Madam President, when I first testified in support of the principles embodied in this legislation before the Senate today. Ten years ago, I spoke before the House's Post Office and Civil Service Committee about the need for Congress to treat its employees in the same way we require private businesses to treat their employees.

And I have made the application of our Nation's laws to this Congress a chief objective since that occasion 10 years ago. The issue then, as now, was fairness. Congress should not live above the law. In both of the last two Congresses, I introduced legislation in the other body to extend coverage for Congressional employees under the Civil Rights Act and the Age Discrimination Act, as well as OSHA.

Last year, I testified before the Joint Committee on the Organization of Congress [JCOC], which was established in 1993 to review and improve the legislative process. And last September, I expressed my support for this Chamber's congressional compliance legislation in a bipartisan letter sent to former majority leader and fellow Mainer George Mitchell, as well as to other Members of this body.

Madam President, I have remained vigilant in working for this legislation because we must show the American people that we are willing to abide by the same laws that we require of them. The elections last November made clear that the American people expect more of Congress—that they want changes in the way this institution does business.

This is one of the most important and necessary pieces of legislation this body will consider in this Congress, and I am proud that it is among the first we will consider this session.

We must support this legislation, not only to heed the wishes of the American people to change Congress, but also to deliver on our promise to do what is right. Congress simply cannot continue to live above the law and call itself a body that is "representative" of the America we live in today.

After all, what kind of message does Congress send to Americans when it sets itself above the law? What kind of message does Congress send to America

when it believes it is beholden to different standards? And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws.

Madam President, Congress should be the very last institution in America to exempt itself from living under the Nation's laws. Rather, Congress should always be the very first institution to be covered by the laws of the land, especially as the body legislating such laws.

I am well aware of the arguments made in opposition to this legislation in the past.

Some Members have expressed concerns that our Founding Fathers intended the three branches of Government to remain separate, and that is as it should be. But, at the same time, we also know that the legislative branch has been entirely incapable of policing itself. A General Accounting Office study of the House's Office of Fair Employment Practices and its internal grievance process indicated that just 16 staffers in 4 years had enough confidence in the office to file complaints. Of those complaints, only four cases went to the end of the grievance process that was established under the Office of Fair Employment Practices. Strong enforcement measures are absolutely necessary if we are going to make Congress abide by the same laws that apply to the private sector.

And that is why I am pleased with the legislation before the Senate today that will establish the entire independence of that office to ensure that the congressional employees of the legislative branch will be treated very fairly.

The U.S. Constitution and arguments about the constitutionality of this bill are used as a cover by those who want to declare Congress "special"—and somehow deserving of special treatment.

Clearly our forefathers felt differently, as we have heard today on numerous occasions about James Madison who made it clear that Congress, in fact, cannot make itself above the law.

Members have also expressed opposition in the past to making Congress comply with OSHA regulations, citing cost considerations. OSHA requires covered employers to provide a place of employment that is free from recognized hazards that may cause serious physical harm or death, and to comply with the act's occupational safety and health reporting standards. I have heard from many private sector employers who are concerned about the cost of OSHA regulations. If this body is covered by the same regulations, then perhaps Congress will find a way to ensure that employees are guaranteed a safe workplace without unduly burdening employers.

We have extended workplace and antidiscrimination laws to our constituents because the Congress has felt, rightly in my opinion, that the American people wanted this from their leaders and their government. That is what representative government is all about.

Now, we must make the Congress representative not only of our constituents, but of our laws as well.

Applying the 10 laws included in this legislation to Congress will not extract any great pain or price from our way of working. But it will send a signal to Americans who are frustrated with Congress—who do not believe that we get it.

In the past, passionate debates have been held, both in this Chamber as well as in the House, about the need to provide America's working men and women with a fair living wage. We have gone to great lengths to ensure a living wage, fair workplace practices, and high standards. We are justifiably proud of these standards, and our constituents willingly meet them, often voluntarily. If the proprietors of the many stores, factories, and employers in my State and other States have to meet labor standards laws, should not the Congress of the United States as well?

The same holds true for other laws included here: not only OSHA, as I mentioned, but Family and Medical Leave and the Americans With Disabilities Act. This legislation is a first step toward regaining its credibility as a law-making and law-abiding institution—one that claims as its master the American people, and not the other way around.

Madam President, Congress has shown great skill over the last 20 years in passing laws barring discrimination and in passing regulations and requirements on America's small businesses. Unfortunately, Congress has shown even greater skill in avoiding those same laws. While small businesses struggle to pay for renovations that would make it pass an OSHA inspection, the Capitol—and our own offices, I might add—has never hosted an OSHA visit. And dare I say they would not pass an OSHA inspection, either. Why? Because, unbelievably, it has never had to.

That is why passage of this bill is an absolutely critical step in giving this institution the reform it desperately needs and the reform the American public so clearly wants. Now is the time to restore the public's faith in Congress and the democratic process. And now is the time to show the American people that, yes, we do listen, yes, we are accountable, and yes, we are delivering on our solemn promises of change.

And let us also take this opportunity to demonstrate that we can do so in a bipartisan manner. That, Madam President, no institution should be above the law, especially Congress. No institution should be exempted from the law, especially Congress. And no one should ignore the law, especially Congress.

Madam President, I would urge my colleagues to vote for the passage of this very important legislation.

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. ABRAHAM. 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. ABRAHAM. Madam President, I rise in strong support of the Congressional Accountability Act of 1995. This legislation would apply to the Congress the same regulatory laws that apply to the rest of society. The Senator from Iowa [Mr. GRASSLEY] deserves extraordinary credit for his long-term commitment to the principles incorporated in this legislation.

During the most recent campaign in which I was engaged, I discovered a sense of public outrage across the entire State of Michigan that we in the Congress were not required to abide by the same laws as the rest of the country. This outrage was based upon the perception that this was a double standard, a hypocritical policy by which those who enacted the laws of the land exempted themselves and only themselves from the burdens of these laws. The purpose of the present legislation is to bring the Congress in closer touch with the American people by making them subject to a common set of laws.

There are two principles that lie at the heart of this legislation: first, there is the principle of equity. To the extent that the Congress has made the judgment that employees in the private sector are entitled to minimal standards and terms of employment, it is difficult for me to understand why employees of the Congress should not be subject to the same standards. While the Congress is a distinctive institution in its role in our public life, I am unable to see how that distinctiveness relates to the proper standards and terms for treating its employees. Although the Congress clearly has the authority to exempt itself from the employment rules which it applies to other institutions, I believe that the integrity of the lawmaking branch of the National Government is diminished when it seeks to treat itself in a different manner than it treats the rest of society. If anything, we should hold ourselves to higher standards than are applied to other institutions which do not make the rules.

Second, the Congressional Accountability Act incorporates the principle that sound legislation is better promoted when legislators must abide by

the rules set forth in their legislation. When I hear opponents of this measure arguing that Members of Congress should not be subject to frivolous litigation or that reputations may suffer when individuals are wrongfully sued, I am sympathetic but only to a point. Private employers should not be subject to frivolous litigation or liable to damage to their reputations any more than Members of Congress. If these concerns are legitimate, then they are legitimate for all Americans not merely for those of us who toil on Capitol Hill. If these concerns are legitimate, then they should be addressed directly by those who fashion these laws.

I am simply convinced that Members of Congress who are confronted with the reality of having to comply with the same legal structure as other Americans are likely to be: first, more careful in their craftsmanship in drafting laws; second, more attentive to detail in saying precisely what is meant by the law; third, more concerned about resolving legal issues and definitions within the text of the legislation rather than effectively delegating these decisions to unelected and unaccountable Federal judges; and fourth, more conscientious in carefully balancing the costs and benefits of their legislative product.

To have separate classes of Americans, some subject to the law and others exempt from it, is to have a fundamentally inequitable situation, particularly when that line of division is drawn along the lines of legislators and legislatees. Also, the incentives in the legislative process are skewed in the wrong direction when those who draft the laws do not have to live with the consequences of those laws.

Although I recognize that constitutional considerations—separation of powers considerations—come into play whenever relationships are created between the Congress and enforcement agencies of the executive branch, I do not understand there to be anything in the Constitution which would stand in the way of the immediate legislation. The Congressional Accountability Act attempts to address the concerns about separation of powers by enacting a specific enforcement mechanism unique to this act. Although I do not believe that such a precaution is constitutionally necessary, and would prefer that this special mechanism not have been included, ultimately I do not believe that it undermines the critically important thrust of this legislation.

Madam President, it is imperative that this institution restore to the American people a sense of trust and confidence. Rightly or wrongly, too many Americans have viewed the Congress as increasingly arrogant in their toleration of double standards of public policy. Passage of this legislation should be revived as a necessary step in reestablishing the proper relationship between our Government and its citizens.

If we are going to ask the American people to make sacrifices as we attempt to restructure our bloated Federal Government, the Congress will need credibility. This legislation can contribute to that credibility. In a Congress that promises to be as active and aggressive as the 104th in reforming the way that government does business, there may be no more important legislation than this measure. By restoring public trust, S. 12 would enable us to do a better job in all of the rest of the areas of our public responsibility.

Because this legislation represents sound public policy, and because its enactment would signal a new sense of relationship between Washington and the rest of the country, I urge its enactment.

Madam 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. DORGAN. 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. DORGAN. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes in morning business.

POLICIES THAT ADVANCE STANDARD OF LIVING

Mr. DORGAN. Madam President, thank you very much. In the last day or so, we have seen in this Congress a shift of power, which is really quite a remarkable thing to see in a very successful democracy, the oldest and most successful democracy on this Earth. Power shifts not at the point of a bayonet or not in the track of a tank, but it shifts with one simple act of an American citizen casting a vote.

Because of the vote last November, power shifted in the U.S. Senate and in the U.S. House. It is the way that our system works. There are ebbs and flows over the centuries in political fortunes of political parties, and the American people decided to suggest a change in course and have now done that.

I think it is important not to misread the election. The election did not produce a massive national mandate. Twenty percent of those eligible to vote cast their vote for Republicans, about 19 percent of those eligible voted for Democrats, and 61 percent of those eligible to vote said, "It doesn't matter to us. We're not going to vote."

Mandate? Not really. A change of direction? In this country, majority rules. The Republicans have won in the legislative races.

Now the question for us is not just how do we serve those who voted—Republicans and Democrats—because we serve all of them, but how do we get the rest of the American people interested and involved in this process. Democracy must be a participatory activity.

Thomas Jefferson and Ben Franklin and others who sat in that room in Philadelphia a couple hundred years ago and wrote the Constitution, always knew in a representative government there would be just enough people who were willing to work and participate to make this system work. And the storm clouds grow over our democracy largely because not enough people are involved. Over half of the people do not even vote.

The task for us, it seems to me, as Democrats and Republicans, is to find ways of advancing policies that advance the standard of living for every American. If, at the end of the process, we have not advanced policies that improve the lives of the American people, then we will all be judged as failures.

Oh, I have people say to me, "Gee, the economy is booming, GDP is up, unemployment is down. Our economy is all revved up and I don't understand why people are upset."

However, in judging the economy, the American people do not spend their evenings reading the dials and gauges that economists study to make determinations about our economy. When they sit down for dinner at night, the question for the American family is: Am I better off? And the answer for 60 percent of the American families is, no, we have less money now than we did 10 years ago and we're working harder. That is the standard by which they judge all of us, in our ability to manage this country's fortunes and its future.

We have massive problems in a whole range of areas, and we have to come up with new approaches to resolve them and respond to them.

UNFUNDED MANDATES

We were talking today about unfunded mandates in the Governmental Affairs Committee. It is an issue on which Republicans and Democrats will demonstrate wide agreement. Do we too easily decide to mandate someone else do something without providing the money? Of course, we do. But, as I said in the committee this morning, trouble runs on a two-way street. We are going to reform our ourselves on the trouble of unfunded mandates, and you Governors, mayors, and other local governments who are complaining about it—justifiably so—you have to reform the way you do business as well because while you complain about unfunded mandates, you want to hook your hose up to the Federal trough and suck money out in all kinds of schemes and ways, including a bogus phony tax called the provider tax, Medicaid, and I

can describe all kinds of schemes in which they want the Federal money, and then they want to complain about the mandates.

We should do something about mandates because it is right and necessary to reduce them. On the other hand, local and State governments have a responsibility to reform the way they do business as well because all of the money ultimately is the taxpayers' money.

Next week, when we bring the unfunded mandates bill to the Senate, I intend to offer an amendment on something not a lot of people think much about: The metric system.

Did you know there is a Federal mandate in this country to move toward the metric system? There is. Some people say that is just trying to provide leadership, and that our Government should be a leader in going metric. I do not care how many kilometers it is to the next rest stop when I am driving down the highway, and I don't want some bureaucrat to change the sign that says 65 miles an hour to a sign that says how many kilometers per hour I should drive. They do not need to do it on my account. Do not spend millions of dollars changing signs. I want to know how many miles it is to the next off-and-on ramp. I want to know how many miles it is to the next rest stop. I want to know how many miles an hour I am supposed to drive as a speed limit.

We are building more than 20 houses on Indian reservations in North Dakota to house doctors from IHS. We should not use the metric system in such a project because it increases costs and the time to get things built.

For 3 months, I tried to change that. They want to use the metric system because they say the current rules require it be a metric system construction design and engineering. I am saying, look, if we are going to get rid of mandates, let us get rid of mandates like that. Why on Earth would we want to require the metric system be used on that kind of construction? It makes no sense.

I am pleased to tell the Members of this body that I am going to give us a chance to express bipartisan support on that issue. Incidentally, I have a Republican cosponsor who will join me next week on this issue.

A TAX POLICY THAT EXPORTS AMERICAN JOBS

There are a couple of other issues I am going to be involved in next week. I am going to introduce a bill, again, that I hope this Congress will do something about this time.

We are all concerned about jobs in this country and income. The bottom line answer to the question of whether the standard of living of the American family is improved is this: Does the family have decent jobs that pay a decent income? Do you know, we still have in our Federal Tax Code this perverse, insidious incentive that says to somebody, If you have a choice, don't build your plant in America, don't keep the plant you have open in America; close the darn thing and move the jobs overseas to a tax haven, manufacture there and then ship back to the United States. We will give you a tax break if you do that.

We have something called deferral, which is deferral of income tax obligation. It occurs in cases where a U.S. business closes its plant doors in the United States, moves the plant overseas, manufactures the same product and ships it back here. Our tax policy says: "Hooray for you, not only did you ruin the opportunity for jobs for Americans and move them overseas, we're free to give you a tax break for doing so."

I tell you what, that is a tax break that ought to be gone in a nanosecond. We ought to decide here and now that our jobs in this Congress are to find ways to nurture and protect and support and provide incentives for jobs here in the United States of America.

So I am going to offer that amendment next week, or at least offer the legislation and find an appropriate time to offer the amendment. Congressman GEPHARDT, who offered that legislation on the House side last year, will do the same, I believe.

NAFTA RESULTS: LESS EXPORTS, FEWER JOBS

Let me make one additional point that deals with jobs and income. Today I want to make the point about a subject that was very controversial, debated here in the Senate last year called NAFTA, the North American Free-Trade Agreement. I want to make the point that we—all of us—have been left holding the bag on NAFTA.

Do you recall those glorified claims of new jobs, new opportunity, new expansion if we can simply pass this trade agreement with Mexico? Gee, if we can just build this highway to heaven, this trade agreement with Mexico, there will be massive new opportunities for the American people.

Has anybody paid any attention to what has happened since then? What has happened since then is the trade surplus we had with Mexico has now vanished. In the first 9 months of NAFTA we lost 10,000 jobs.

It is interesting, the administration only puts out the good news. They said, "You know, we sent 30,000 more cars to Mexico," and you think, "Boy, that is quite a success record, we sent 30,000 more cars to Mexico."

But, as Paul Harvey would say, the rest of the story that they did not tell you is Mexico sent 70,000 more cars to the United States. That means we had a net inflow of 40,000 additional Mexican-built cars into our market. The fact is, if you look at the whole picture, we lost jobs, but the surplus we had with Mexico in recent years has now vanished, turned to a deficit.

And do you know something else? In recent days, the devaluation of the peso in Mexico has meant that United States-made goods now cost 40 percent more in Mexico, and Mexican-made goods now cost 40 percent less in the United States. In one swipe they far more than wiped out every single advantage we gained in this country by negotiating a reduction in tariffs under NAFTA. The advertised benefit of NAFTA was to get more American goods into Mexico.

Have you heard anybody talking about that? Do you hear the trade negotiators talking about that? The ones that boasted as if they had just won the gold medal in the Olympics when they finished the trade agreement? "What a wonderful thing it is for our country," they said, busting their suit buttons talking about what a wonderful thing NAFTA would be for Americans. Do you hear them now talking about the fact that we were left holding the bag? The trade surplus is gone; the peso is devalued. Every single gain that was achieved in negotiating for lower tariffs on American goods going into Mexico is now gone, just vanished. In fact, much more than the gain is gone.

The fact is we have been ill-served by Republican and Democratic administrations who, if you put a blindfold on, you cannot tell the difference in their trade policy. They stand around like the Hare Krishna chanting "free trade, free trade, free trade." Free trade means absolutely nothing if it is not fair and you do not have protections to deal with currency fluctuations and other things that determine which way trade moves and who it benefits.

The plain fact is, after only 12 months, we now know NAFTA has cost this country jobs, and after the devaluation of the peso we now know that we are left holding the bag.

I hope, I really hope, that we can find a way for all of us to finally get involved in a meaningful real debate about trade and what it means to jobs in this country. Every time some one of us stands up to talk about trade, we are put in two camps. There are the free traders who are big thinkers and they can see over the horizon and have a world view, and then there are the xenophobic, isolationist stooges who do not know anything and want to build a wall around our country.

Debate on that basis is meaningless. However, trade policy is a very important issue for every American family. American trade policies that are fundamentally unfair to this country are creating conditions in which American personal income is pressed down and opportunities are diminishing.

Should we build a wall around America? No, I do not suggest that. Should we have open trade? Yes. But we ought to finally insist on fair trade opportunities, and we ought to insist there is

an admission price to come into the American economy. And the admission price is you have to pay living wages. You have to have safe workplaces. You have to help take care of your environment.

We have to start standing up for our economic self-interests. If we do not care about American workers, who will? If we do not negotiate on their behalf, who will? Every other country with whom we have negotiated on trade has had negotiators who have worn their jersey that says, "We are for our side." I want our trade officials wearing our jersey, saying we insist on fair trade for American producers and fair trade for American workers.

Madam President, I appreciate the patience of my colleagues who are waiting to speak, and I yield the floor.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Will the Chair advise what the parliamentary status of the Senate is at this time?

The PRESIDING OFFICER. The Senator is advised that debate is open on S. 2.

Mr. REID. I thank the Chair.

Madam President, I am here today to recognize the importance of this legislation that is being debated, S. 2. I think it is commendable that it is one of the first items that is being taken up. But I also want to remind the Senate and those people that are listening to the debate on the Senate floor today that the legislative branch appropriations bill of 1992 required the establishment of a bipartisan task force to deal with Senate coverage.

That was signed into law, and Senators MITCHELL and DOLE, the majority and minority leaders of the Senate in 1993, appointed Senators REID and STEVENS to cochair this commission and make a report to the Senate leaders about Senate coverage and what could and could not be done.

Madam President, there were weeks of time spent working on a report that was submitted to the majority and minority leaders in October of last year. This report consumed a great deal of staff Member time being prepared. The Senate staff of the Rules Committee, minority and majority, the Appropriations Committee majority and minority staff, together with significant help from the Congressional Research Service, counsel for the Senate, and the American Bar Association worked with us in coming up with this staff report.

I am satisfied that the work done by the task force has helped arrive at a point where we now have this bill. If you look at the task force executive summary, you will find that we were charged according to law with reviewing all existing statutes under which the Senate is covered, reviewing Senate rules to determine whether the Senate is effectively complying with other statutes that could be applied to the Senate and recommending the extent to which and the manner in which these statutes should be applied to the Senate. That was our charge.

We had to recognize, Madam President, that this unique legislative institution established by our Founding Fathers over 200 years ago sets forth certain unusual requirements that we had to be aware of, that the Senate has a special constitutional role; the separation of powers doctrine and Members' immunity for speech or debate under article I, section 6, of the Constitution.

We took all those things into consideration. We had to make sure that under the Constitution by which we are all directed, which we all respect, whatever we came up with secured the individual liberty of the separate but equal branches of Government, each capable of protecting their independence from outside interference and coercion.

That is an important concept; that we had to make sure the legislative branch of Government maintained independence and was not interfered with by the executive branch of Government. And that is replete through the task force executive summary and the report itself.

I am happy to report, Madam President, that the legislation which was considered on this floor last year and which is now being debated today does a real good job, I believe, of maintaining the independence of the legislative branch of Government. It certainly does an outstanding job of protecting the legislative branch of Government from interference by the executive branch of Government.

I would like to commend the parties who have worked so hard on this legislation over the year or more.

I know that the ranking member of the Governmental Affairs Committee, the former chairman of the committee, Senator GLENN, has literally worked on this for years. This is one of the first things that he talked about when he came to the U.S. Senate.

Senator GRASSLEY, who is a member of the task force, has been diligent in his efforts to make sure that we are at the point we now are. Senator GRASSLEY participated in the task force. He was easy to work with and was very diligent in what he wanted to accomplish. And I repeat, Madam President, I think this legislation maintains the independence of the legislative branch of Government.

What I fought from the very beginning of the task force and have always complained about here in the Senate is I did not want these laws to be applied to the legislative branch of Government and have the executive branch of Government enforce the laws. That would have taken away our independence. I think that the movers of this legislation have done a good job of maintaining that independence.

I would also like to commend the cochair of the task force that was created by law, and that is Senator STEVENS. Senator STEVENS is a person who really understands and believes in the integrity of this institution. He wants to maintain the independence of the legislative branch of Government. So working on the task force with him—all of those who have worked with Senator STEVENS know when he believes in something he never holds back an opinion or a feeling that he has. He did not with the task force. We had a number of very heated discussions with Senator STEVENS and his staff. I believe—and Senator STEVENS of course would have to speak for himself—that the report we came up with is as good as it is because of the input of Senator STEVENS, the cochair.

We recommended that the Senate should adopt a resolution which extends to employees of the Senate offices the rights and protections necessary to ensure their health and safety, including fair wages and hours and a workplace free of discrimination. This legislation we worked on last year, and the legislation that is now before this body takes care of that.

Second, the task force believes the current structure of the Senate in which each office is separately administered by an elected Senator, committee officer, or official should be preserved. I believe that is done as best as can be, under the confines of the current law.

The task force believes that the nonlegislative instrumentalities in the legislative branch, which would include the Architect of the Capitol, the General Accounting Office, Government Printing office, the Library of Congress, Office of Technology Assessment, and the U.S. Botanic Gardens should be covered by the same standards in regard to civil rights, OSHA, and the Fair Labor Standards Act as are executive branch agencies.

So, Madam President, I am here to state that the task force completed its task. I believe we did a good job in reporting our findings to the Senate minority and majority leaders. And I am here to indicate that I support this legislation. I think it is imperfect, but I think certainly it sends a message to the American public that we are willing to have the same laws apply to us that apply to the American business community throughout America.

I would say that we should recognize that this will come with cost. It will cost. The taxpayers will not save money on this one. This will cost the taxpayers more money. But in the long

run, perhaps, when we as Members of Congress find out the difficulty of having some of these laws apply to us, maybe in the long run we will be more cautious in applying laws to the American workplace and the American business community.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Madam President, before I call up my amendment, amendment No. 3 that is at the desk, I ask unanimous consent that I be added as a cosponsor to S. 2.

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

Mr. REID. Will the Senator from Michigan yield for a unanimous consent request?

Mr. LEVIN. I will.

Mr. REID. I ask unanimous consent the Senator from Nevada be added as a cosponsor to this legislation.

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

AMENDMENT NO. 3

(Purpose: To provide for the reform of the disclosure of lobbying activities intended to influence the Federal Government and for gift reform)

Mr. LEVIN. 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 Michigan [Mr. LEVIN], for himself, Mr. WELLSTONE, Mr. MCCAIN, Mr. GLENN, Mr. FEINGOLD, and Mr. LAUTENBERG, proposes an amendment numbered 3.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEVIN. Madam President, this amendment is cosponsored by Senators WELLSTONE, MCCAIN, GLENN, FEINGOLD, and LAUTENBERG. This amendment would do two things. First, it would express the sense of the Senate that we should pass a bill reforming our lobbying registration and disclosure laws as soon as possible this year. Second, it would add to the bill before us the tough new congressional gift rules that were included in last year's conference report on gift reform and lobby reform, a conference report that was not voted on for reasons not related to the gift ban which would be added by this amendment.

I offer this amendment because the bill before us is not the only unfinished business from the last Congress with regard to the issue of congressional accountability. The bill before us, S. 2, is a good measure which had wide bipartisan support in the last Congress and it has obvious bipartisan support in this Congress. But it is hard to see how we can say that we have made the Congress accountable when we continue to allow special interests to pay for free recreational travel, free golf tournaments, free dinners, free football, basketball, and concert tickets, and on and on.

Like the Congressional Accountability Act itself that is before us, S. 2, this lobbying disclosure and gift reform bill was almost enacted last year. Cloture fell a few votes short, for reasons unrelated to the gift ban, in the final days of the Congress. Speaker GINGRICH's Contract With America fails to take on the three toughest political reform issues facing us: Campaign finance reform, lobbying reform, and reform of congressional gift rules. Those measures, those three measures, which are not addressed in Speaker GINGRICH's contract—campaign finance reform, lobbying reform, and reform of the Congressional gift rules—address the fundamental question of the relationship between the Congress and the special interests, the lobbyists who make campaign contributions to us and offer us gifts or other special favors.

Because those three reforms would change the way business is done in this city, they have the most opposition and will be the toughest to enact. For the same reasons, however, they are perhaps the most important measures for us to take on and enact.

When this issue was debated last October, a number of colleagues raised a number of substantive concerns relative to the lobbying reform portion of that bill. And I emphasize, that is not to be enacted by this amendment. That is only referred to in sense-of-the Senate language in this amendment, urging us to adopt lobbying disclosure reform this year. The purpose of the lobbying disclosure reform is to close the loopholes that have existed now for 40 years in existing lobbying disclosure laws that are supposed to require paid lobbyists to disclose who is paying them how much to lobby Congress on what issues, but are ignored by probably two-thirds of the paid lobbyists in this town because of various loopholes that exist.

For instance, in one of the laws, lawyer lobbyists are not covered. Other lobbyists are covered. But if you are a lawyer and you are a lobbyist you are not covered. That kind of loophole has to be closed. There has been an effort to close these loopholes for 40 years. They are not easy to close for obvious reasons. Powerful interests want to keep those loopholes open. But there were substantive arguments raised. I did not agree with the arguments. But they were raised.

So that portion of the bill that relates to lobbying registration is not to be enacted under the amendment that I am offering today. That is simply the subject of sense-of-the-Senate language saying let us get to that this year. Since the substantive issues were raised, they should be addressed. But that is very different from the gift ban. And the contrast here is very, very stark. It is the gift ban language which would be enacted by this amendment. We cannot justify any further delay in adopting the gift ban language. We must adopt congressional gift reform.

Senate bill 1935 which contained the gift reforms passed the Senate last year on a 95-to-4 vote. When the conference report on Senate bill 349 was brought to the Senate floor, Republican leadership stated in the clearest and strongest possible terms that they had no objection to the gift provisions of the bill and opposed cloture only because of the concerns about the lobbying disclosure provision. Indeed, on October 6 of last year 38 Republican Senators cosponsored a resolution to adopt the tough, new gift rules that were included in that conference report. Those are the rules in the amendment that I am offering today. Those are the same rules we will be voting on today or tomorrow when this amendment is voted on. Those are the rules which a majority of Democrats and a majority of Republicans in October of last year said they supported. These are the same rules. So that there is no confusion, these are rules which were in a conference report which a very large majority of both Democrats and Republicans said they favored. The reason that cloture was not invoked, according to persons who opposed cloture, had to do solely with lobbying disclosure, not with the gift ban which will be voted on.

For instance, Senator DOLE stated at the time:

> I support the gift ban provisions, no lobbyist luncheons, no entertainment, no travel, no contribution to the defense funds, no fruit baskets, no nothing. That is fine with this Senator, and I doubt many Senators were taking that in any event.

Senator MCCONNELL stated:

> We had a very spirited debate last night about the appropriateness of the rules change with regard to gifts. I think the Senate fully understood what we were about to do because I was engaged in that debate as vice chairman of the Ethics Committee just pointing out some of the regulatory problems here in the Senate with the proposal. But we had a good debate. Everybody understood the issue. We voted on it and it is over. It would be my hope, Mr. President, that we would pass the Senate rule related to gifts to Senators.

And other Republican Senators made similar statements of their commitment to quick enactment of these gift rules, the same rules that are in the amendment which I am offering this afternoon. So a vast majority of Democrats voted for cloture and Republicans who cosponsored a resolution containing these rules said just last October, that vast majority on both sides of the

aisle, let us at long last enact these tough, new gift ban rules.

Madam President, we simply must enact tough, new gift rules if we are going to ensure the credibility of the Congress and we must not delay it. There have been reasons to delay this for Congress after Congress. I know we are going to be urged to delay it again. We just simply should not. We just have to get rid of the junkets, the dinners, and the tickets to sporting events and concerts which are supplied by special interests. The public is disgusted by them, and we do not need them.

Just as one example, this is a Washington Post article of last June.

Lawmakers reveal that travel is still a frequent gift of lobbyists. House Members kept up their flying ways on the tab of lobbyists and other private interests last year even as Congress moved to impose new restrictions on what critics denounced as free vacations often in fancy resorts. Destinations popular with the House Members included back-to-back charity tournaments during the congressional recess last August and a conference at the Tobacco Institute hosted in Palm Springs.

Then it goes on to say that the Senate version would have ended it, and the gift rules that we have before us in my amendment would end it as well.

The Post goes on:

The public interest groups have criticized the recreational trips. "Ultimately the problem is that it is another avenue which interest groups, corporations, and labor unions use to try to influence how Members of Congress will act", Josh Goldstein, of the Center for Responsive Politics, told the Associated Press. The ability to take the Congress to a nice locale, have them give a little talk but essentially give them a 3- or 4-day vacation where you were their constant companion allows you to develop a friendship, a relationship with them, and that is the key element in lobbying because it is much more difficult to say no to a friend.

That is the kind of article we are going to continue to face until we adopt a tough, new gift ban. Some are going to be reluctant to make this change. As a matter of fact, the New Republican Speaker of the House was quoted in Congress Daily on October 21 as saying that he did not see any reason to change the current gift rules. Congress Daily reported that Speaker GINGRICH, then Congressman GINGRICH, told Congress Daily that he supported the system already in place and quoted him as saying, "I do not see any reason to change," quoting then Congressman GINGRICH.

But in contrast to what Speaker GINGRICH said last year we have the Senate Republican leadership, a vast majority of Republicans in the Senate, a vast majority of Democrats in the Senate, who last October said they wanted to adopt these new tough gift rules which are in the amendment which I am offering today. These are the same rules that a majority of both parties in this body just last October said they wanted to adopt.

So the contrast between what the majority of us on both sides of the aisle said we wanted to do and what Speaker GINGRICH said he was satisfied with last October is a very stark contrast indeed.

(Mr. BENNETT assumed the chair.)

Mr. LEVIN. Mr. President, as I said earlier, the lobbying reform issue, the lobbying disclosure portion of that conference report is not incorporated in this amendment that we will be voting on. That issue, lobbying disclosure, lobbying registration reform, would be left for later this year. It is not part of this amendment. There were substantive issues that were raised relative to the lobbying disclosure portion of that conference report. Even again, although I did not agree with those issues, we do not attempt to incorporate the language of lobbying disclosure, lobbying registration reform.

We have tried for 40 years, and I hope we will continue to try this year. It is the sense-of-the-Senate language in this amendment that we try to reform those laws this year. But since substantive issues were raised about that amendment, that language reforming the lobbying disclosure and registration laws is not incorporated in the amendment that I now offer. What is incorporated is the gift ban, and it is incorporated because when the conference report came before us, a majority—a large majority—of both parties, last October, said they favored adopting these tough new rules, the same rules that are in the amendment that is now pending before this Senate.

Mr. President, this amendment would put an end to business as usual. It would put an end to the so-called recreational trips for Members, the so-called charitable golf, tennis, and skiing tournaments. It would put an end to the meals paid for by lobbyists. But the tickets to the football games and other events paid for by lobbyists, under the current congressional gift rules—Members and staff are free to accept gifts of up to $250 from anybody, including the lobbyists. Gifts under $100 do not even count. We are free to accept an unlimited number of gifts of less than $100 in value. That can be football tickets, theater tickets, anything you can think of. If it is worth less than $100, we can take as many of them as we want and do not have to disclose it. Those are the current gift rules. There is no limit on meals. It does not matter who pays for it, what the tab is, we can take it. Congressional travel under current gift rules is virtually unlimited. Members and staff are free to travel to recreational events such as golf and ski tournaments at private expense, even at the expense of a trade or lobbyist group.

According to one estimate, private interests provide almost 4,000 free trips to Members of Congress every 2 years, an average of almost nine trips per Member of Congress. If we continue that and delay the resolution of this, it is just a continuation of business as usual. It is not acceptable.

The winds of change are here. But three big parts of the change are unaddressed in the Gingrich contract—the hardest parts: Gifts to us, lobbying disclosure and registration, and campaign finance reform. In two of the three of those cases there are significant substantive issues which are still pending, which have been raised and are unresolved. But in this one, the gift ban, given what was stated last October by the leadership in the Senate on both sides of the aisle, and by a vast majority of Democrats and Republicans, that they are ready to adopt these rules that are in this amendment, we have no justification to delay this any longer. The votes were not unanimous when we passed the bill adopting this tough new gift ban, but they were a very large majority of both sides of the aisle.

When this bill was on the floor last year, we heard a lot of talk about how shrinking congressional gift limits would shut down the Kennedy Center and put restaurant employees out of work throughout the Washington area. What a horrible indictment of Congress that would be if it were true. Can it really be that we accept so many free meals and tickets that entire industries in the Washington area are dependent on us continuing to take these gifts? That seems inconceivable to me, but that is what the opponents of the measure said last year.

The basic premise of S. 2, the bill before us today, is that we start living under the same rules as other Americans. Average citizens do not have trade groups and corporations offering them free trips to resorts, treating them to fancy restaurants or giving them tickets—not average citizens. But we have a higher responsibility, in any event, than does the average citizen, because we have the responsibility to ensure public confidence in this institution, and that is the issue.

The issue is public confidence in this institution and whether or not when we are seen on these free trips, these recreational trips, and when we are given tickets by special interests and lobbyists to concerts and to sporting events, and when we are taken out to meals by special interests and lobbyists, whether or not that is the perception of this body, we then believe that the public will have confidence in this institution. One of the reasons it does is because they have seen too much of that. They want us to act in the public interest, free of an appearance, even, of special interest influence. That perception is very difficult to achieve when rules allow the kinds of gifts which our current rules do from lobbyists and from others with interest in legislation.

Finally, Mr. President, the most recent public opinion poll that I have

seen asked the following question of the American public: "Who do you think really controls the Federal Government in Washington?"—and they were given a number of options in their answers. "Who do you think really controls the Federal Government, the President, the Congress, or lobbyists and special interests?" Fifty percent of the American people said that lobbyists and special interests control the Federal Government. Fifty percent. Twenty-two percent said the Congress—both Democrats and Republicans. Seven percent said the President.

We have to change that. I think we are on our way to changing it. I think the bill in front of us, S. 2, will help put us more closely under the same laws as everybody else. This amendment contains rules which a vast majority of both sides of the aisle said they supported just last October, and it will also help contribute significantly to public confidence in this institution.

I believe it is long overdue and that we cannot justify longer and longer and longer delays. There is always an excuse not to act. But I think it would be a real copout if we do not adopt these rules now and just simply say we are going to delay them for later consideration, when there was no substantive issue raised as late as last October by the vast majority of Members of both parties in this body. It is hard to give up some things, but I do not believe the public is going to take the claims of reform seriously until we do the tough things—the gift ban, the campaign finance reform, and the lobbying registration and disclosure reforms—to close those loopholes which have been so egregious for so many decades.

I thank the cosponsors, Senator WELLSTONE, Senator LAUTENBERG, Senator FEINGOLD, Senator GLENN, and Senator MCCAIN, for their continuing energy and their continuing support. This amendment is the product of the work of many, many people on both sides of the aisle, and it is time now to adopt these changes in our gift rules.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. If my colleague from Maine wants to speak now, I would be willing to follow him.

Mr. COHEN. I will take 5 minutes.

Mr. WELLSTONE. I ask unanimous consent that I might follow the Senator from Maine.

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

The Senator from Maine [Mr. COHEN] is recognized.

Mr. COHEN. Mr. President, first let me commend the Senator from Michigan. He and I have worked on the Governmental Affairs Committee, and the oversight subcommittee, since coming to the Senate in 1979. I regard him as one of the truly dedicated individuals in reforming our system both here and in the executive branch. I have the very highest regard for him, and I cannot praise him enough in terms of the work ethic that he demonstrates day in and day out on the issues that we deal with.

I have been an original cosponsor with the Senator from Michigan on both the lobby disclosure and the gift ban bill.

And I might point out historically what has taken place. Initially, we took up the issue of lobby disclosure because we realized that the current laws governing lobbyists are a mess. The laws are so ambiguous, so riddled with exceptions, so unclear that only a very few of the many thousands of lobbyists in this city even bother to register.

In fact, many who register feel they are doing so at their peril, that it is unnecessary for them to do so; they have insufficient standards and guidelines. They realize that there is very little, if any, enforcement. I am aware of any penalty ever having been levied.

But we felt at the time that the public was genuinely concerned about fundamental questions, very simple questions. Who is paying how much money to whom to do what? Those were the simple questions we think are on the minds of the American people.

And I think the Senator from Michigan is correct that many feel that their elected officials are no longer in charge of actually governing the country; that "special interests and lobbyists" are in fact calling the tune and dictating what the rules are going to be.

So I joined with the Senator from Michigan in sponsoring the lobby disclosure measure, only to find out that after we had introduced the measure, after it had come out of the committee and was coming to the floor, it was editorially attacked, as I recall, in one of the leading newspapers of this country, saying what a gross oversight on the part of the Senator from Michigan and the Governmental Affairs Committee that they did not deal with the gift ban issue.

It was not our intent at that time to link lobbying disclosure with the gift ban issue. We were not ignoring the gift ban issue. We simply felt lobby disclosure was an appropriate subject matter for us to devote our energies to and to make recommendations. And, frankly, we thought at the time that we had a comprehensive agreement.

We found that most of the lobbyists who came in and testified actually welcomed a clarification of the existing laws. We took hours and hours of testimony. We thought that we actually were making a very constructive proposal to all of them so they know there is one set of rules, not one for those who lobby for foreign firms or countries, not one for domestic interests here at home, but one set of rules and very clearly stated. We thought that was in the best interest certainly of the country, and also the lobbyists themselves.

Then the gift ban proposal was raised at the last moment and it was implied unfairly that the Senator from Michigan did not want to deal with the gift ban issue. At that point, we decided to hold additional hearings solely on the gift ban issue. We tried to put together legislation addressing both the ban on gifts to Members as well as the lobby disclosure. That is how the two originally were linked.

As the Senator from Michigan indicated, he has now delinked these issues, calling for a sense-of-the-Senate resolution to take up lobbying disclosure later and to deal only with the gift ban issue for now.

I take issue only with one statement the Senator from Michigan has made. He said if we fail to act today, this is a copout.

I would like to indicate to my friend and colleague, with whom I have worked all of these years, that I do not intend to cop out on anything during the course of this year. In fact, I was one of the few Republicans who stood with him in the final moments of the last session, over the objection of many of my fellow Republicans, in going forward with the legislation that we had developed.

But I must say today—and I have indicated this to him privately, and I will do so publicly now—that I will not support attaching this amendment to the bill under consideration, for a very simple reason. I believe that the majority leader deserves the opportunity to work closely and in concert with the House for the first time in the unique situation that both bodies are now controlled by the Republican party to give the Republicans a chance to govern.

As I recall Senator DOLE saying during the campaign in the fall months, "Give us a chance to govern, and if we don't measure up, if we don't do the job, throw us out." Those are pretty straightforward and very tough words.

What Senator DOLE is asking for is a chance to say: Let us take this measure up, S. 2; it is not perfect, but it is something that we think we can reach agreement on very quickly with the House, that we may be able to avoid the need for a conference, and pass a bill quickly that will tell the American people we are in fact subjecting ourselves to the laws that we subject them to.

He has also made a pledge to me and to others—and it is a pledge that I will repeat here today for myself: Let me tell my friend from Michigan, in the event that his amendment is not successful, in the event it is tabled, that I pledge to him and to other Members

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here that I intend to support gift ban legislation. I intend to support lobby disclosure. I intend to give Senator DOLE an opportunity to bring it up in a relatively short time. He has not given me a specific timetable, but I would say within the next couple of months, I expect we will consider this legislation and any amendments that might be offered to it—and I suspect there will be amendments. There are people on this side that still do not agree with provisions that we supported.

I will make this representation to my colleagues: That I intend to support the legislation. I will not do so today. I will give the majority leader an opportunity to carry through what he said he wanted to do, and that is a chance to govern. And if we fail to do so properly in the eyes of the American people, throw us out.

So at the appropriate time—and that time to be determined by the majority leader; and it is something that I will continue to watch carefully and work on with my colleague from Michigan—I will join him in offering his legislation. In the event he is unsuccessful in bringing this to a vote today, I will join him and vote for both of these bills in the future.

But today, I am urging my colleagues, as one who is an original cosponsor of both bills, to give Senator DOLE an opportunity to govern, to see if we cannot pass this legislation as quickly as possible so we can avoid going through a lengthy conference with the House which could in fact derail the momentum that exists for taking swift action on the Congressional Accountability legislation. Give us an opportunity to prove what can be done in a short period of time and then insist that we bring these two measures back to the floor for a vote, at which time I will be joining with my colleagues from Michigan, Minnesota, Wisconsin, and Ohio.

I thank my colleague from Minnesota for yielding.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, first of all, let me not talk about this issue in terms of parties, which is I think part of what is now going on before the Senate. Let me talk about this issue as an issue, as an issue which I think is very important to people.

When I was campaigning for office back in Minnesota in 1988 and 1989 and just talking with people in cafes, I was surprised then—and that goes back 5 or 6 years—at the extent to which people did not feel well represented, the extent to which people felt ripped off, the extent to which people felt that politics, especially politics in Washington, was a game that a few played but not them, not their families. So I came here, Mr. President, requesting a very strong reform orientation. Ever since I came to the Senate, this has been my primary focus.

Mr. President, I came here convinced that whereas, when I was a political science teacher I used to talk about some of the reform issues as issues that maybe the good government people cared about, unfortunately I would say in class, most of the people do not. People care fiercely about a political process that has integrity, that is open and is accountable to them.

While we delay, let me just read from an AP story today. "The revolution may have hit Congress on Wednesday, but lobbyists were still picking up the tab for the food and drinks. A sumptuous spread covered tables"—and I will leave out the committee and names—"in the committee's ornate meeting room put on to honor its new Republican chairman"—and I will leave out the name. "Lobbyists from Tenneco, Dow Chemical, Southwestern Bell, and Exxon munched and chatted with committee members and aides."

Those lobbyists went on to describe this as a networking opportunity.

Mr. President, for the life of me, I do not understand what the delay is all about. This is not even a debatable proposition. I say to my colleagues, many of whom are in their first term, many of whom are in their first year, who came here with a strong reform orientation, I can really appreciate their perspective.

I am fairly new to the Senate. The argument to people is, well, you know, I had a chance to vote on banning these trips and these gifts and these meals and these tickets—because you know and I know this is an unacceptable practice—I had a chance to vote on it, but I voted against it. The reason I voted against it is because my party said to me that they wanted to put it off, and later on we would get to it.

This is a matter of how you draw the line between Republicans and Democrats. I thought we were operating in a bipartisan fashion, Mr. President. I do not think I will get into any pointing of the finger, but I could probably do a fairly good content analysis, when we hear about being able to govern, of the number of amendments, in just the years that I have been here, that have been brought out to a variety of different bills, many of them not even germane amendments, by the then minority party.

This amendment meets the germaneness test. This is all about congressional accountability. This is called the Congressional Accountability Act. There is not one word in this Contract With America about lobbying disclosure, about gift ban, or about campaign finance reform.

Last session, at the end of the session, some 37 Republicans voted for exactly the language of this amendment, understanding that Senator LEVIN has now a sense-of-the-Senate resolution dealing with lobby disclosure: Mr. DOLE, for himself; Mr. SIMPSON; Mr. NICKLES; Mr. COCHRAN; Mr. MCCONNELL; Mr. SMITH; Mr. D'AMATO; Mr. DOMENICI; Mr. COATS; Mr. LOTT; Mrs. HUTCHISON; Mr. BENNETT; Mr. SHELBY, now Republican; Mr. GREGG; Mr. COVERDELL; Mr. DURENBERGER; Mr. PACKWOOD; Mr. GORTON; Mr. KEMPTHORNE; Mr. THURMOND; Mrs. KASSEBAUM; Mr. BROWN; Mr. MACK; Mr. WARNER; Mr. FAIRCLOTH; Mr. GRAMM; Mr. HATCH; Mr. BURNS; Mr. HELMS; Mr. MCCAIN; Mr. GRASSLEY; Mr. LUGAR; Mr. BOND; Mr. CRAIG; Mr. ROTH; Mr. PRESSLER; Mr. COHEN; and Mr. CHAFEE. It is the exact same gift ban provision.

Mr. President, for those who voted for it before, why is it not as compelling an issue today? Since this practice goes on—I just read from a story that dealt with the giving of gifts yesterday—why is this not a compelling reform issue today? For those in the Senate who were not here last session but who ran for office on such a strong reform agenda and said they wanted to change business as usual in Washington, why would you vote no? Why would you vote no? I guess you could make the argument, well, later on we will get to it. The only thing I can say, and I have been hearing that argument ever since I came to the Senate: Delay and delay and delay. Maybe later on, we will get to it.

I can assure you that if we lose the vote today, we will keep pressing on this issue and we will hold everyone accountable. But if an amendment makes sense, if an amendment to a piece of legislation is a part of governing, the Senate is an amendment body. I do not quite understand the argument that we will not take any amendments. I mean, the Senate is an amendment body. That is the way most of us operate as legislators in the Senate. We bring amendments to the floor.

This particular amendment, without a doubt, is certainly germane. It is all about accountability. We are being told by some of our colleagues that they will not support the very gift ban that they supported before. Why? Why? Why the delay? Is this all about progress? Is this all about who is running the Senate?

Because, Mr. President, people in the country are the ones who run the Senate. People in the country want to see the reform. People in the country have said over and over and over again, "Nobody comes up to us." My neighbors in Northfield, if they had a chance to talk to Senators, would say: No one comes up to us and says, "Listen, would you like to take a trip, wherever?" Or, "Are you interested in going to some athletic event?" Or, "We would like to take you out to dinner." People do not have lobbyists coming up to them. Regular people do not have lobbyists or

other special interests or other folks coming up to them to make an offer. Who are we trying to kid?

This is a real problem, a compelling issue. It is a compelling issue today. There is no reason why any Senator should vote against this. There is a reason on substantive grounds. But it has overwhelming support, including from almost all of our colleagues on the other side, unless this is just a case of power and prerogative. What a shame that would be. If a good idea comes from this side of the aisle, and it is relevant to an important piece of legislation which deals with congressional accountability, I ask my colleagues, why do you vote against it? How ironic it would be, Mr. President, if on this piece of legislation, called the Congressional Accountability Act, we exempt ourselves from the very rules that the executive branch lives by, which is precisely what this amendment attempts to rectify. Why the delay?

Mr. President, Roll Call, on Monday, October 17, 1994—and I will try to be very careful about not using names—has a very interesting and revealing piece called "How Lobbyists Put Meals, Gifts to Work." This memo, obtained by Roll Call, says one prominent D.C. firm lays out 1994 strategy, including meals, campaign contributions, and participation in leadership races. It is Timothy Burger's piece:

> During the protracted debate over new lobbying and gift rules which went down to stunning defeat in the waning days of the second session, Members argued violently over the influence of lobbyist-paid meals and campaign contributions.

Now, a Big Mac will not buy influence from anybody. "I am sure $15,000 will not buy influence from anybody," Representative DAN BURTON, Republican, Indiana, said on the floor. Retiring House minority leader Bob Michel said, "Here we are, demeaning ourselves, saying, 'Please stop me before I accept another cup of coffee and a Danish, and I am sure he was sincere about that because he is known to be that kind of Representative.

The article goes on to say, "Despite such protests, meals and contributions are fixtures in the lobbying world, and internal documents from a prominent Washington lobbying firm demonstrate just how central they are to conducting business."

I will not name lobbying firms and name different Representatives. And so on and so forth.

But it is very revealing.

Mr. President, again, 37 Republicans supported precisely the language of this amendment which puts an end to this egregious, unacceptable, unconscionable policy of accepting gifts from lobbyists and other special interests. It is wrong. We should not do it.

Each and every one of us, and I know each and every one of us, does fit within this framework who cares about this institution, each and every one of us who wants to see some increase in public confidence and trust and each and every one of us—and I bet I am speaking for every single colleague on this point who is tired of the bashing and the denigration of public service and who is tired of this indiscriminate attack on everybody in public service and who understands that this is not good for representative democracy. And it is not, Mr. President. If that is the case, then there is simply no reason why you would vote against this.

Do not vote against this on a party basis. Do not vote against this on the issue of prerogative. Do not vote against this again delaying. Do not be obstructionistic about this. Move forward on it. For those of you who were here before, you voted for it once, vote for it again, and for those of you who are new—and I know you have a strong reform orientation—there is no reason in the world why you should not support this amendment.

Finally—and I know Senator FEINGOLD wants to speak—finally, Mr. President, let me just say that if we really want to change the political culture in Washington and if we want to talk reform out of one side of our mouth, then we are going to have to act on what we say in terms of how we vote and what we do.

I will just say to my colleagues, as painful as this issue is and as disliked as this reform effort is by some, this is the right thing to do and we can no longer be accepting these gifts and expect people to respect this process, much less respect each and every one of us.

I will have more to say about this, Mr. President, as we get into the thick of the debate, and I assume that we will have a debate about this because I think it is an extremely important issue that goes to the heart of whether or not the political process in this country is going to work well and is going to be honest and is going to be open and is going to be accountable to citizens.

For now, I will conclude my remarks and yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, thank you. I certainly appreciate the leadership of the Senator from Michigan and the Senator from Minnesota on this issue. Listening to them talk about this so early in the session gives me heart that we are going to get going on a reform agenda that is so important right away in the 104th Congress.

Let me also say I enjoyed listening to so many new Senators today give their first speeches on this important piece of legislation. Just 2 years ago, I had the honor and pleasure to give such a speech. I just want to take this chance to wish each of the 11 new Senators well, and I look forward to working with them.

Mr. President, as the first week of the 104th Congress, this is also a time when I think it is natural and appropriate for us to try to interpret what the elections were all about on November 8. That is something that all of us have been doing for the last couple of months, trying to draw some lessons from those elections. It is an appropriate thing to do because, of course, we are here to exercise in part our own judgment, but most importantly, we are here to reflect the goals and aspirations of the people who elected us.

So when we come here in the first week, there are a lot of theories about what happened. Some people say this was an election where people just decided they wanted to have the country run by Republicans. That is not a completely irrational interpretation of the election results.

Others would say they want conservatives to run the country rather than liberals. Some just think it is an anti-incumbent feeling, that it is just time to have different people in there, they just want change and maybe they will do the same thing in 2 years.

Others take a look at the election results and suggest some very specific legislative policies were endorsed by the people, best symbolized by the Republican contract, which I do not happen to think was endorsed by the American people. I am not sure they were aware of it. Certainly, that is one thing people are suggesting—welfare reform, term limits, school prayer. Others say that the people called for a middle-class tax cut. I strongly disagree with that. I do not think the people wanted that at all. But these are among the things being debated, and they are fair grounds for debate.

The one thing I am pretty confident we can almost all agree upon is that the people of this country think that Congress itself needs some reform. We may disagree on the kinds of specific reform, but the one message that I think was loud and clear is that this institution needs some changes before the American people can feel very good about it again. In fact, that is why I am very pleased and I give the new majority a lot of credit for leading with this bill, and I think many Democrats helped initiate the idea of congressional compliance; that we should not be able to live by different rules than the ones we have made for everybody else.

I hold many town meetings back in my home State, and this one is just an obvious one. People constantly say, "Why in the world don't you live by the same rules you make for us?" Unfortunately, what it is for many people is a feeling that maybe we are being hypocritical by passing these laws and

finding some reasons why they should not apply to us but apply to all their employers.

There are other obvious reforms: Revolving door legislation, the frequent flier legislation discussed, I think campaign finance reform is something that almost all Americans realize needs to happen, lobbying disclosure, and the like.

To me and so many of my constituents, one of the most important, easily the most obvious, reform is the reason I rise today, and that is as a cosponsor of the amendment by the Senator from Michigan, the Senator from Minnesota, the Senator from New Jersey, the Senator from Ohio and I am delighted to see the Senator from Arizona of the other party joining as a cosponsor on that issue. That issue, the subject of this amendment, is to finally get a gift ban for Members of Congress.

I heard the comment made a lot last year, and even this year, even this week when we know this is a time of reform, that nobody cares about this issue. Some even say the election was proof that this is not an issue. The argument goes something like this: "The Democrats didn't win and because the Democrats brought this issue forward, it couldn't have been much of an issue."

But as the Senator from Minnesota pointed out very well, at least at one point in the process last year, this was not just a Democratic issue, it was overwhelmingly endorsed by Senators of both parties and overwhelmingly endorsed by the House of Representatives.

In fact, one could also argue that it was the failure to pass the gift ban that hurt the Democrats. I do not think that is fair, but people may have perceived it as an example of the gridlock that they somehow interpreted as having something to do with the Democratic majority.

We know very well that this gift ban was merely a victim, a sacrificial lamb in a mass bill-killing at the end of the session. But who knows, it may have been one of those factors that led people to want to switch teams, and that is exactly what they did.

There is one thing I am very confident of, and that is if the people of this country knew what happened after the gift ban was killed here in this room and just outside this room, they would have been very, very upset. There was a very loud cheer that rose up in that room out there we call the lobby. The lobbyists cheered very, very loudly because this bill had been killed.

What more symbolizes business as usual in Washington than the loud cheers that came in that hall when this very simple proposition could not pass after it passed overwhelmingly in the U.S. Senate?

So whatever the role this issue played in the election, I firmly believe that the practice of this gift-giving is a significant part of the feeling of the American people that there is something rotten in Washington. I believe it is that feeling, that there is something rotten in Washington, that had more to do with the results of this election than anything else. I think that is what it was about, and I think that is why this gift ban, although it may look like a little thing, really is part of a much bigger and much more serious issue, and that issue is, do the people have faith in their Government anymore?

It is not much to ask the Senate and the other body to come together to do something about it. In fact, it is my own personal observation, after having held over 100 town meetings in my State over the last 2 years, that people actually feel insulted and disgusted by the fact that this practice exists. I start talking about it and I cannot even get a sentence out about the practice before the whole crowd breaks out in spontaneous applause at the idea of this gift ban. Believe me, they do not applaud that way for everything I say. This one always elicits a very powerful reaction of revulsion that this practice is permitted in Washington.

Now, maybe that happens in Wisconsin because we are awfully proud that for 20 years we have had this rule in our State legislature, a rule that applied to me for my 10 years as a State senator. It has worked very well. Members of our State senate and the assembly are not even allowed to take a cup of coffee from a lobbyist. It has been no problem for 20 years.

So maybe it is just that. Maybe it is just the people in Wisconsin cannot understand why Washington cannot do it if we can do it. But I think it is more than that. I think it just does not fit with what people believe the Senate should be engaged in.

Mr. President, others say that whatever the public's view may be, this is not a good thing to be talking about; that it is just a form of self-flagellation; that it is trivial. And the more serious Senators say that bringing this up, that talking about it hurts this institution; that it hurts the Senate to talk about it; that it demeans the Senate.

Mr. President, it is my belief that it is not talking about the gift ban that hurts the Senate. It is the practice of allowing gift giving. It is the spectacle of having to turn on television in prime time and seeing the elaborate portrayals of the tennis and golf tournaments. It is the spectacle of, in our office, having received 800 gifts in the short 2 years that I have been here. Now, our policy does not allow us to keep them, but we have logged them, from a bottle of cognac, to a 6-inch Waterford crystal, to an alarm clock, and recently I am told, although I was back home, a Christmas tree for every office. I do not know if it was for the House as well but certainly for the Senate.

Let us assume for a moment that this is all pure generosity and it is well intended. I think it looks silly. I think it is demeaning to the Senate. It hurts the dignity of the Senate because it does not show us following rules as strictly as the American people believe should be observed by their very highest officials.

But let me just in the last moment, Mr. President, take this one step further. It is my view that even if this is just something that looks bad and even if it makes us just look silly, if I did not think this was a bad practice on the merits itself, then I do not think I would have supported this effort to try to attach this to one of the very first bills in the 104th Congress. But I do think it is a bad practice. I do think it plays its role in changing the outcome of what happens in this town.

I am afraid, Mr. President, I have reached the conclusion that this gift-giving is part of a closed circle of special interests in this town that does play its role in blocking meaningful change, whether it be trying to bring down the deficit, whether it be trying to achieve health care for all Americans, or whether it be trying to protect our environment.

I will say I respect all my colleagues. I do not think it has anything to do with the value of these gifts. It is because these gifts and this practice is part of a culture of special interest money and influence which includes campaign finance abuses and revolving doors for staff members and Members, and this is a culture that is a barrier between the Members of Congress and the people they represent.

Mr. President, I think it makes the beltway look like more than a road. I think it makes the beltway look like a boundary that too many Americans believe separates America from another country or another province and that would be something they tend to perceive as the kingdom of special interest influence known as Washington, DC.

Let me just conclude by saying that although there were many moments that troubled me during the debate last year, the moment that made me realize just how important this legislation was, was when the last-ditch argument was made that we could not do this because a number of important Washington, DC, restaurants would lose a lot of business.

Now, if a lot of Washington, DC, restaurantsashington, DC, restaurants are going to have trouble surviving, that means it is an awfully significant practice. And if we have come to that, where something that troubles the American people and offends them is less important than making sure that some restaurants here have enough lobbyists buying meals for Members of

Congress, we have relSo that in the first week of the 104th Congress I do not think there is any more appropriate amendment than the one we are bringing forward today to this bill, and I again thank my colleagues, especially the Senator from Michigan and the Senator from Minnesota, for all their hard work on this issue. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am very pleased to add my full support for and to be a cosponsor of the amendment. It is based on legislation which, through the hard work of Senator LEVIN and Senator COHEN and several of us working with them, passed the Governmental Affairs Committee last year which was still on my watch as chairman. It was on a bipartisan basis. Senator ROTH also worked with Senator LEVIN and Senator COHEN and myself.

As the saying goes, no more free lunches. I am glad to say this year we hope this may also apply to Members of Congress. For that matter, gone, too, if we pass this amendment, will be the junkets to warm and sunny places to escape the chill of the winter wind here in Washington. Kiss good-bye to freebie baseball tickets, if they ever play baseball in the major leagues again. It does not look very hopeful at the moment but it may happen, too.

Say sayonara to first-run plays at the Kennedy Center. You can still go. You can attend. It is just that you cannot have somebody pick up the tab for you. That is the only difference. You have to pony up yourself, like every other American.

I say we have to give tribute to the American people who made all this possible by expressing their concerns about this loud and clear in the last election. We have heard many references to November 8 and people trying to analyze and superanalyze what happened then. That will be saved for another day. But I do not think in any event we can turn a deaf ear because we have gotten the message.

Now, do I subscribe to the notion that Members of Congress can be bought or are up for sale for a few tickets or for a few dinners? No, absolutely not. I do not. The very thought discredits our labors, the very hard work that goes on here, and such thoughts only undermine and demean this institution. But it goes without saying that Government's faith and credibility have been sorely tested these last few years. And if banning gifts and other lobbyist amenities is what it takes to begin restoring public trust and integrity, then so be it. Act we must, whether we really feel it is having any impact on what we do here or not.

Do I think the gift ban will actually make a difference in how things are done around here? Probably not as much as most people really think. I do not think most people are bought by a dinner or two, or whatever. But the main thing is we want to put everything aboveboard. We want to do business the true old-fashioned way by meeting our own constituents as well as special interest lobbyists in the ambiance of our own offices.

I meet constituents, I meet lobbyists all the time in my office. They do not need to buy access. They do not need to do me some favor. They do not need to send gifts into the office in advance. We schedule them, talk about their particular concerns, or sometimes I have been known even to take some people to lunch myself and pay the bill myself.

The point is we all recognize that in this world of politics we are not dealing sometimes with what is rationally considered out in the business world. We deal with perceptions of what people think, their view of us, what the general air is around, how you run an office.

I think that is the reality of the situation. This institution which ought to be revered and respected by all Americans has been subjected to scorn and ridicule, part of it because the talk shows or the editorialists or somebody writes about the dinners and the freebies and the tickets and the so on around here as though they really run Washington on that basis. So we have had much scorn and ridicule. We have been depicted as out-of-touch Members, being wined and dined by special interests and caring not for the Nation or our State but only for our own reelection campaigns.

Now I do not happen to believe that is true for 99 percent of the people in the Congress. But the perception, once again, is what we are dealing with.

We certainly deserve much of the blame for having let this happen. So it is a big step we take today, one which hopefully will show that we are serious about improving this body's reputation and standing with the public.

Having said this, however, I must confess that in my view these issues are really a diversion from the true heart of the matter. If we really wanted to attack the notion of special interest access we would be dealing more directly with campaign finance reform. If we want to talk about what would clean up politics across country it is campaign finance reform more than anything else, not whether we limit $20 lunches or not.

In fact, just to illustrate that, I find it just a bit hypocritical to say that a Member could be bought for a $20 lunch, yet he can sit down with that same lobbyist and ask for a $5,000 PAC contribution and get it. We may have to foot the bill for the lunch but it is a small price to pay for a hefty campaign check. And it just does not make sense to do one without dealing with the other.

I think, really, if we were dealing with this we would be dealing with Federal financing and make some sort of matching funds that would cut down some of the costs of campaigning so we do not have to go out and be dependent upon lobbyists and big contributors across the country for every campaign we run. If we did something like that, provide at least partial Federal financing for campaigns, we would do more to clean up politics than anything else.

Let me also just say I regret we are not considering what I truly believe would be also some guts of this reform and that is lobbying disclosure. We were not even able to take up the conference report on that measure toward the end of the last session. The conference report came back, as we all recall, and even the motion to proceed to it was filibustered. There were supposedly some grassroots problems that were had on the other side, basically, with it. The gift part was OK, as far as the provisions in that conference report. The gift part of it was OK, but the lobbying part of it was opposed by some people.

What Senator LEVIN has done is he has cut back on that lobbying portion of it as it came back last year in the conference report and stuck more tightly just to the gift part of this thing. So it has been weakened in some respects. But we could not even get that conference report up to be considered late in the last session.

I think there was a lot of misinformation and I do not know whether all the motives were pure or not in what people were trying to do in opposing that even coming to the floor. In my judgment, lobbying disclosure will probably have a greater impact in rebuilding the people's trust in Government than the gift ban. And I look forward to the day when everyone will be able to know who is paying what to lobby whom on which issue. Sunshine is always the best disinfectant. In some cases it may even be a repellent.

I know the hard work put in on this effort by Senators LEVIN and COHEN in our Governmental Affairs Committee last year. I think we can surely address what legitimate concerns have been raised about lobbying disclosure and pass this bill expeditiously.

I would add, we have two different bills that were proposed on this congressional coverage. One is just congressional coverage, period. That is it. And that is the one that is before us today that is proposed to be amended.

The other one was the one put in by Democratic leadership, by Senator DASCHLE, by our minority leader. And it took basically that same bill, congressional coverage, but added lobbying and gift ban to it. That is not the bill before us. So the effort now is to take those other provisions and add them to this. I must admit I started out thinking that perhaps this would

complicate things in getting it over to the House and getting it passed expeditiously, which I certainly support and want to do. But when you look back at the track record and what has happened with regard to this legislation, there is not all this need for a chance to govern or for great Senate leadership that Senator COHEN, my good friend Senator COHEN, alluded to a few moments ago. Let us look at the record on this. Play the tape over again.

In 1994 the House passed the gift ban, not once but twice. So it passed the House. It is not a matter of having to have great leadership to work out our differences with the House. They passed it twice last year. They passed the lobbying part of it, which is not a major part of this now. That has been watered down. But they passed this twice last year. What happened in the Senate? In May of last year the Senate approved S. 1935 that banned gifts to all congressional personnel and staff and passed it by a vote of 95 to 4. So here we have two votes over in the House, we have a vote here in the Senate on the same thing. We had the agreement in conference that was worked out. Yet we could not get that up.

So as far as this idea that the new congressional leadership has to have a chance to lead, a chance to govern—to me rings just a bit hollow, rings a bit untrue here, because we have already had full agreement on these things between the House and the Senate repeatedly. And the filibuster last fall is the only reason we did not get the conference report through. So I feel the House already has spoken on this.

There are a lot of new Members over in the House. But I do not think their views on gift ban and lobbying are going to be that different from those of the House the last time around. So this idea that we need some great chance to govern or need some new leadership when both sides have already agreed and voted repeatedly on the same issue that we are talking about, rings just a bit hollow. So I think the House, with the past record over there, would be more likely to, if we put this on, put on the amendment that Senator LEVIN is proposing—I would think they would be prone to accept it. And hopefully we could get ahead with this, rather than having to have a whole separate bill brought up and debated once again, have its own series of amendments, I suppose, and it just delays it until later in the year when, I repeat once again, for the fourth time, I guess, that the House and the Senate have already acted repeatedly on the gift bans that he is proposing. So why not put it on this and get it through in one bill? Then we can get on with other legislation. This year is going to be full of legislation anyway.

The House passed this 306 to 112, I am told here. I did not look that up. They passed it overwhelmingly last year. We had overwhelming votes—95 to 4 here in the Senate. The House passed it twice. And the part that disturbed some people here, the lobbying part of it—OK that has been watered down by Senator LEVIN. So that is now just a sense of the Senate.

So I see no reason why we should not accept this and go ahead. I think real leadership here, a chance to govern, would be to include the most we can in this package here that has already been agreed to by the House and Senate and get on with it so we can save floor time and committee time for other more important items as we go through the year.

So I support this and want to compliment Senator LEVIN again. He stuck with this. He has really stuck with it, not just because it is politically good for him. I know because I talked with him. He stuck with it because he believes in it. He thinks it is right and I think it is right too.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I will be extremely brief. I understand there will be a motion to table shortly, if debate has been completed. Let me just say that I am pleased that my friend from Michigan has decided not to press the lobbyist disclosure measure at this particular time. As he knows, I have been in discussions with the American Civil Liberties Union about that bill. It seems to this Senator and to the ACLU that in many ways the bill, even in its current incarnation, significantly impairs the ability of citizens in this country to petition Congress, something they have a constitutional right to do. So I think we need to continue to work on that, and I am pleased that the Senator from Michigan has chosen not to press that here today.

With regard to the gift issue, as we all know the gift issue is a Senate rule. It can be enacted by the Senate alone, whenever the Senate chooses to act. It does not require the concurrence of the House. Back in the fall when we were engaged in a dispute, driven principally by the flaws in the lobbying portion, I, along with a number of my colleagues, proposed moving ahead and passing the gift provision, separate and apart from the lobby disclosure provisions.

It was the prerogative, of course, of the then majority leader, Senator MITCHELL, to bring up the gift matter since it could not be offered as an amendment to the measure before us because of the conference report. The conference report had married together the changes to the gift rules and the lobby disclosure statutory change. And we had a conference report before us. Senator DOLE had suggested that we would defeat the conference report and be willing to act on the Senate rules. Senator MITCHELL chose not to call up the Senate rule at that time, apparently feeling that it was for whatever reason not a good idea to pass the rule all by itself. That was at the end of the Congress.

Here we are at the beginning of the Congress. In fact, the first act of the day in the Senate, it would be in my view, could be that there would be further refinements made in the gift measure. I do not think there is any compelling reason to do it today. It is the beginning of a Congress, not the end of one. What is also at stake here, Mr. President, quite frankly, is the issue of running the Senate. Senator DOLE may well decide at a timing of his choosing to bring up a gift ban proposal. My view is that, should he decide to do that, we will have one that makes sense and revises the current gift rule. We can do that wholly apart from what may or may not be going on in the House because we can do that obviously with our own rule.

Mr. President, it is my view that what is really at issue today is sort of the control issue. We all would like to see congressional accountability pass. It seems to this Senator that the best way to do that is to pass it as it is without amendment.

Even though I will predict that at some point this year we will pass a gift rule revision, my prediction is that it will be better than the one currently offered in this amendment, better for the Senate and better for the public; and that today what we ought to do is pass the Congressional Accountability Act, something I think virtually everybody here is in favor of it. It is ready to go. We know the House is interested in receiving our version.

So I hope that whenever a motion to table is made that it would be approved and that we commit to my friend from Michigan that we will continue to work on this. I think it is likely that it would be approved sometime soon. I believe we can make it even better than the version currently being offered by the Senator from Michigan.

I thank the Chair.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Chair. I will take a few minutes to discuss my point of view on this piece of legislation. I am a cosponsor of the amendment which would prohibit Members of Congress from accepting gifts, travel from lobbyists and others.

Mr. President, if this past election proved anything it is that the American people want change. They want Congress to respond first and foremost to the needs of ordinary citizens, not special interests, not just the wealthy, not just the lobbyists.

I introduced a piece of legislation, something so similar that this is indistinguishable from what I introduced at

that time. It was in May of 1993. At that time, Mr. President, there were many of us here, many here on Capitol Hill that did not appreciate the depth of the public's anger. Today I think it is quite obvious that the message was loud and the message was clear. And I think that everybody today understands how the public feels. And it is time, way past time, as a matter of fact, to finally translate that anger into action.

Mr. President, I do not believe, and few do, that Members of Congress are selling their votes for the price of a meal or a free trip to the Caribbean. But it is hard to believe that when a lobbyist takes a Senator to dinner that they are only buying a meal. What they are buying is access, and access is power. Ordinary citizens do not have that access. They cannot just take their Senator or this Congress person to a quiet dinner at an expensive restaurant and explain what it is like to be afraid, to be concerned about the future, to be concerned about your job, to be concerned about whether or not your child is going to be able to climb the ladder of success, what it is like to be employed. Certainly they cannot take Members to resorts in the Caribbean or out in the mountains to discuss their personal tax problem. But meanwhile lobbyists have been doing these things for years. It gives them a distinct edge.

Mr. President, when Americans see Members of Congress being wined and dined by lobbyists, they do not like it. They resent it. They believe with that kind of imagery that the deck is stacked against them, and they think it is wrong. They do not respect the system that operates that way.

As I said earlier, I do not stand before my colleagues to criticize anyone or to question anybody's motives. I am not claiming to be particularly holier than thou—but I do think that we need to change the way that we do business. This is the time and the place to do it. We are, after all, considering a bill that is designed to eliminate double standards for the Congress, standards differing from that of the average person. And it is a terrible double standard for the executive branch to be living under stringent gift rules while Members of Congress continue to accept gifts from others.

I would also point out, Mr. President, that many in the private sector are living under the type of tough standard proposed in this amendment. The occupant of the chair comes from the business community, as I do. As a matter of fact, our paths crossed indirectly in our previous lives. I was a CEO of a major corporation before I came to the Senate, and I know that the distinguished Senator from Utah also was head of a significant corporation.

In my company we had very strict rules prohibiting purchasing agents from accepting gifts from suppliers. I did not think our people were dishonest. But I wanted to make sure that there was no temptation, no seduction on the part of the supplier to get a special advantage. I wanted the products that we bought, the merchandise that we bought, to be considered strictly on the basis of quality, ability to deliver and the appropriate price, nothing more. Lots of companies have similar rules. If these companies can live with these restrictions, I believe that it is fair to say that we in this body can also.

Mr. President, just a few months ago Republicans in this body and in the House chose to defeat lobbying reform legislation that included a gift ban. At the time, our colleagues claimed that they were supporting the gift ban but they were concerned about other provisions in the bill. Others suggested that perhaps the motive was partisan to deny Democrats credit. I am not going to comment about anyone's motives last year. It is water under the bridge. I made some comments at that time that I think perhaps were misunderstood, was taken piecemeal out of the television interview.

But once again, I state very, very clearly that my view is that people are not corrupted by a meal or a present or a trip or a golf game. But the appearance is not one that the American people believe gives them the same fair deal that some on the special inside track has.

I hope my colleagues will agree to support this amendment which includes the very same gift ban that they claimed to support last year. As a matter of fact, it won 95 to 4, I believe was the count—overwhelming. The eyes of America are on the new leadership and on this Congress. If we cannot bring ourselves to ban gifts from lobbyists it will be a sign that for all of the talk of reform we are still back in politics as usual. The fact of saying one thing but doing another, the fact of putting special interests first and the ordinary citizens last, would be a terrible and deeply disturbing message for this Congress to send, and we ought not to do that.

So I hope that my colleagues will join me.

Let it be voted upon. Let us take the count and see what happens. That is what the American people are entitled to know. What do the Members of this body really believe when they say they want to change things? It is easy. Get a tally of the vote, and it adds up to 100. Whichever way the majority rules is what will be done.

So I would like to see it done with support from both sides of the aisle, in the spirit of the new mood of cooperation. I hope it can be done. I think it is very important to set the record straight, and you do it step by step. This is a very important first step.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I just want to respond to some of the comments from my colleague from Kentucky about this amendment, the gift ban provisions. My colleague said that he thought it could be improved upon, but again I point out that this is precisely the language of the proposal introduced by the majority leader and 36 other Republicans. Mr. President, I can go through the provisions of this gifts proposal—and I guess I would like to ask my colleague, what would you want to improve on? What do you want in and what do you want out?

Mr. President, what I have heard on the floor of the Senate in the last hour or so really startled me. And I think it is going to be a huge problem for our country. The word "governing" was used earlier. Again, Mr. President, people were talking about meals. It is not just meals. There are examples of trade association-paid trips to the Bahamas, Hawaii, you name it. We ought to end this practice. But I would like people in the country to know—and I was amazed that I heard my colleague from Kentucky just say it so clearly. He said, "This is about control." That is what this is about? So, colleagues, this is not about merit, this is not about reform. When everyone ran for office, they talked about reform. I doubt whether very many of my colleagues talked about control. That is what this issue is about. Do not vote for an amendment that puts an end to a practice that leads people in our country to believe that something is wrong with the way we conduct business in Washington. Do not respond to what people want us to do now. Continue with this practice, as egregious as it is, and do it because of control. That is what I heard my colleague say from Kentucky, that this is about control.

I thought it was about merit. I thought this was about reform. I thought this was about the Congressional Accountability Act. I thought this was about making Senators more accountable. I thought this was about good government.

Mr. President, I may or may not be a little out of line. I am just speaking for myself as one Senator from Minnesota, but if the definition of control now in the Senate is that, by definition, any amendment introduced from our side of the aisle bumps up against control and, regardless of merit, will be voted down, that is very different from the way in which I thought the Senate operated—at least during the time I have been here. If that is what this is all about—control—then I will have this amendment on gift ban up on the floor over and over and over again, and I guess we will be talking about control and control and control over and over again.

I thought that this was a legislative process, a democratic process, an amendment body, and Senators voted amendments up or down on the basis of their own independence and on the basis of merit, not on the basis of control.

So, Mr. President, I yield the floor for the moment, but I would be interested in some response by my colleagues on the other side of the aisle, since I do not think people in the United States of America in this past election voted for control. They voted for good change. They voted for reform. They voted for reaching beyond our parties. They voted for doing the right thing, albeit people have different definitions of doing the right thing. They did not vote for control. I think this debate now about this amendment has become bigger than the amendment. It has a great deal to do with the way we are going to conduct ourselves here in the Senate. I would be interested in a response from my colleagues.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

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

SENSIBLE VIEWS ON CUBA

Mr. PELL. Mr. President, I would like to bring to the attention of the Senate a very prescient and sensible article about Cuba which appeared in the Winter 1994 Newsletter of the Duke Family Association.

The article, entitled Fidel Fading: U.S. Should Play Role in Cuba, was written by Biddle Duke, a journalist working in Santa Fe. He has visited Cuba twice in recent years, most recently last spring, when he served as an aide to two Washington-based public policy groups, the Appeal to Conscience Foundation and the Council of American Ambassadors.

Mr. Duke makes a strong case for modifying United States policy on Cuba. The economic crisis there has become so acute, he says, that it can be used in effect as a lever for normalized relations. He recommends that the United States send humanitarian aid and lift the embargo at least partially. While offering a hand of conditional friendship we should push for a free and open Cuban society.

I concur with Mr. Duke's views and I ask unanimous consent that his article be printed in the RECORD at this point.

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

[From the Duke Family Association, Winter, 1994]

FIDEL FADING: U.S. SHOULD PLAY ROLE IN CUBA

(By Biddle Duke)

Everywhere in Cuba one hears and sees the despair. A 24-year old engineer works three days a week as a building supervisor for less than the equivalent of three dollars a month, has two thin meals a day, meat once a week, and spends much of his time hanging out on Havana's waterfront. On Friday in April he is swimming off the rocks with this brother.

"We've got schools and doctors, but what good is that without food or medicine or jobs?" he tell an American visitor in Spanish.

In the same breath, he asks, "Can you spare some dollars?"

Then, sardonically, "Viva la revolucion."

Throughout the country, people seem to be waiting for something to happen.

They are a people waking from the dream of communist Cuba's heyday of the 1970s and '80s when Fidel Castro worked the world stage like a master of the game, and his face and his nation became synonymous with third world sovereignty and nationalism; when Cubans fought proudly for working class freedom around the globe.

They are waking from the glorious delusion of Soviet subsidies to the tragic anachronism of present-day Cuba. Cubans are all in something of national pause, standing on a cusp of their history, either dazed in the disbelief that their dreams are shattered, or cynical or despondent.

In Cuba's dire economic crisis there is a tremendous potential force for change. Basic foods, medicine, oil, gasoline and electricity are strictly rationed. Transportation is poor and undependable. Whole chunks of the nation are regularly hit with black outs. Infant mortality is up. So is suicide.

Cubans in exile and those remaining in Cuba are ready to listen and make some steps toward reconciliation. The country is poised for change. And, most importantly, it is vulnerable.

Cuba's malaise has opened the door for the United States to play a critical role in Cuba's future. In the mold of our approach to China, Vietnam and South Africa, we should offer a hand of conditional friendship while still pushing for a free and open Cuban society.

Our national and political conscience dictates that we respond to Cuba's plight by at least encouraging humanitarian aid shipments. And, in doing so, this nation can send a powerful message: Our capitalist democracy works. Despite its many shortcomings, the United States has the medicine and food to spare for many in need, especially Cubans, so close to us historically and culturally.

Encouraging aid should be the Clinton administration's first step in making friendly overtures to the Cuban people and pushing Fidel and his intransigent Marxist Leninism into obsolescence. The administration should initiate a bargaining process over the embargo which should include a combination of diplomatic overtures and policies to improve communication between Cubans and Americans.

Although Fidel might use U.S. aid to blow a little breath into the dying corpse of his revolution, the U.S. free press is easily more effective over the long run in spreading the truth about the food and medicine that would be making it into the Cubans' hands. Already, CNN and other TV stations are captured by thousands in Cuba by pirate satellites. Radio Marti, out of Florida, offers a daily diet of information from the outside world to Cuban listeners. The message to Cubans from all of these sources would be loud and clear: What you are getting is American goodwill. And if it is not reaching you, blame Fidel.

The powerful message of freedom already is carried via the vibrant but informal links that exist between the 1.2 million American Cubans and their friends and families in Cuba. The administration should encourage this exchange by negotiating for direct postal and telephone service between our two nations; the exchange of students, teachers, artists, writers and other professionals; allowing travel to Cuba by American tourists; and permitting U.S. journalists to be stationed there.

Underlying all these proposals should be a request by the administration to begin official discussions on the embargo with Havana and an agreement to raise the level of the U.S. envoy if Cuba does the same. The ultimate goal would be full diplomatic relations.

The rest, and perhaps most significant elements of the embargo, principally the prohibition of the U.S. investment in Cuba, as well as a prohibition on most commerce, could be lifted over the long term if political conditions in Cuba and the nation's human rights record improve.

Setting the stage for negotiations would put the United States in command, no matter what Fidel's reaction would be. If he balked, Castro would have difficulty explaining to his hungry people why he turned down food and medicine, the scarcity of which define the embargo to most Cubans. If he agreed to a gradual opening of relations, the irrepressible forces of capitalism and social reform, some of which are already evident, in all likelihood would sweep the nation.

Cubans are proud and patriotic, and Fidel plays on this. As long as the United States is inflexible on the embargo, we remain the imperialist enemy in their minds, and the revolution, the Cuban struggle to get out from under our thumb, goes on. But if the administration allows aid shipments and sets up a bargaining table, and Fidel does not step up, he will look like the defiant, stubborn dinosaur that he is. And something of a hypocrite, since he continually is calling for an end to what he calls the "blockade."

The administration has so far taken the least politically taxing course on Cuba, which is to maintain the antagonistic status quo. And that's unlikely to change until after the 1996 election. In order to carry Florida, many believe Clinton must let the conservative wealthy Cuban American National Foundation dictate Cuban policy, which pushed for the strengthening of the embargo as recently as 1992.

The truth is that many exiled Cubans want the embargo at least partially lifted, enough to help those left on the island through these tough times. And many Americans wonder why the embargo, which was imposed in 1962 by President Kennedy, wasn't dissolved with the end of the Cold War.

A growing number of conservatives and liberals and some of the nation's leading newspapers already have advocated an end to the embargo, saying that it is an antiquated policy that is hurting Cubans, not Fidel's regime. They argue rightly that Cuba and the spread of communism no longer are threats to our stability or the stability of the hemisphere. Communism and the Cuban revolution are indisputable failures.

Interestingly, Fidel is not a complete failure to Cubans. He's all they have; just Fidel, who thumbed his nose at the United States

and put Cuba on the geopolitical map. But that's not enough anymore.

A young Cuban woman told me this story of two old brothers who lived together in the hills. They had fought in the revolution and believed in it. Now, hungry and old and crushed by the reality of the revolution's failure, one of them hanged himself with his belt in the rafters of his house. When the guardia came to take his body away, the other man asked that the belt be left behind to remind him of his brother and the reason he took his life. After the guardia departed, the second brother used it to hang himself. These are the stories of Cuba these days.

Optimism drives us all, and the future of Cuba, the dreams of almost two generations of Cubans who've grown up both in exile and under the delusion of the revolution, could be realized in coming decades. Second to the Cuban people, the United States is the most important force for positive change on the island. Americans have a choice: between provoking change with obsolete and misplaced hostility or encouraging it, as we did in South Africa, as constructive, engaged critics.

There is a chance that we could strangle Cubans into a violent revolution. And there is a chance that we could offer them some choices and hope, and help them make the right decisions.

Biddle Duke has been to Cuba twice, most recently this spring, as an aide to Washington-based public policy groups, the Appeal of Conscience Foundation and the Council of American Ambassadors. He is a journalist working in Santa Fe and is a former reporter for The New Mexican.

TIME TO OVERHAUL UNITED STATES POLICY TOWARD CUBA

Mr. PELL. Mr. President, as I look at the vast array of foreign policy issues the 104th Congress will address, United States policy toward Cuba stands out in my mind as the most in need of a dramatic overhaul. I believe all my colleagues agree on the goals of United States policy toward Cuba—promoting a peaceful transition to democracy, economic liberalization, and greater respect for human rights while controlling immigration from Cuba. Where some of us may differ, however, is on how we get there. In my view, current policy is not only outdated and ineffective, but, far worse, it is counterproductive to fostering these goals and contrary to U.S. national interests.

Rather than tightening the embargo and further isolating Cuba, as the United States has done, we should be expanding contact with the Cuban people and lifting the embargo. I say this not because I believe the Cuban Government should be rewarded; in fact, I am disappointed that the Cuban Government has failed to make meaningful steps toward political reform and improving human rights. Nor do I believe that it should be done as a quid pro quo. We should lift the embargo simply because it serves the U.S. national interests by helping foster a peaceful transition to democracy.

In my view, greater contact with the Cuban people will plant the seeds of change and advance the cause of democracy just as greater exchange with the West helped hasten the fall of communism in Eastern Europe. In his posthumously published book, former President Nixon wrote that "we should drop the economic embargo and open the way to trade, investment and economic interaction * * *." Nixon believed we would better help the Cuban people by building "pressure from within by actively stimulating Cuba's economic contracts with the free world." William D. Rogers, who served as Assistant Secretary of State for Inter-American Affairs for the Ford administration, also believes the embargo should be lifted. As he testified before the Senate Foreign Relations Committee last year, "The breakup of the Soviet system occurred not because we cut off trade and human interchange, but because we didn't."

United States travel restrictions to and from Cuba, only 90 miles away, are among the most prohibitive in the world. At this point, only United States Government officials and journalists are allowed to travel to Cuba without having to obtain a license, and only a handful of Cubans are allowed to travel to the United States. I would ask my colleagues, do we not have enough faith in the power of our system to let contact between our citizens flourish?

Current policy not only denies the United States the opportunity to promote positive change in Cuba, but it increases the likelihood of widespread political violence and another mass exodus of refugees to Florida. The Cuban Government, which is successfully expanding political and economic ties with the rest of the world, is unlikely to give in to United States demands. If economic pressure succeeds in encouraging the people to take to the streets, the most likely consequence would be bloodshed. The military remains united behind Castro, the opposition is too weak and the government too repressive for any uprising to be successful.

Mr. President, it is my hope that my colleagues on both sides of the aisle will join officials who served in the Bush, Reagan, Ford, Nixon, and Kennedy administrations as well as the editors of the Wall Street Journal, the Washington Post, the New York Times, USA Today, the Economist, the Journal of Commerce, the Chicago Tribune, and U.S. News & World Report in calling for an overhaul of United States policy toward Cuba and working to promote a peaceful transition to democracy in Cuba.

Let us try the same policies and the same methods that have produced the freedom that has come to Eastern Europe and Central Europe and knocked off the shackles, chains of the Soviet Union.

TRIBUTE TO DEBORAH K. HAUGER

Mr. PELL. Mr. President, I was deeply saddened last month by the death of Deborah Hauger who served as the Latin American advisor to the former chairman of the House Foreign Affairs Committee, Congressman LEE HAMILTON. I had the pleasure of meeting Deborah on several occasions and was struck by her intelligence, vibrance, warmth, and her deep commitment to doing what was right for United States foreign policy and for the people of Latin America.

I came to know Deborah through my work with Congressman LEE HAMILTON to change United States policy toward Cuba. On behalf of myself and Congressman HAMILTON, she and a member of my staff traveled to Cuba and reported to us their strong belief that United States policy was counterproductive and contrary to United States national interests. She demonstrated enormous commitment to the Cuba issue in particular, and to promoting democracy and human rights throughout the hemisphere.

She died at the young age of 34 and her death is a great loss not only to her family, friends, and colleagues, but to the foreign policy of this country, to the people of Latin America, and to the U.S. Congress as well. I hope my colleagues will join me in sending my sincere condolences to her family, to Congressman HAMILTON, and to her colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. MURKOWSKI. Mr. President, I would like to call attention to a bit of an inconsistency in this amendment. If I may direct a question to one of the managers with regard to the amendment that is pending.

Is it correct that the Senator from Alaska, as he reads the prohibition on gifts, that it precludes a Senator from being reimbursed for travel or transportation to a charitable event such as the event which for a number of years was sponsored by former Senator Jake Garn of Utah? As my colleagues know, that was for a charitable purpose of the Children's Hospital. I think several hundred thousand dollars were raised for that purpose. As a consequence, transportation was provided to Members as well as lodging.

Under the proposed amendment, would transporation and lodging reimbursement for such a charitable event be precluded? I would be happy to have a response to my question without losing my right to the floor.

Mr. LEVIN. Mr. President, if the Senator would allow the Senator from Michigan to respond to that question.

Mr. MURKOWSKI. Surely.

Mr. LEVIN. Mr. President, the answer to the question is yes, it is the same language as was in the conference report which was before the Senate last October, which had the support of the vast majority on both sides of the aisle and is the same language that was in an earlier bill. The answer is yes.

The reason for it is that a significant portion of the money which is contributed by the interest groups to those events is used for the transportation, lodging, and the recreation of Members of Congress. That is the reason for it.

But the answer to your question is yes, it is the same language as was in the conference report.

Mr. MURKOWSKI. Mr. President, I wonder if I could follow up with one other question. Why would we preclude reimbursement for transportation and lodging for charitable events, yet allow transportation and lodging for political events?

It is my understanding that there is nothing in this amendment that would preclude a Member from going out to Los Angeles for a political event, getting his lodging taken care of, getting his transportation taken care of.

Mr. President, I think there is an inconsistency here as relates to the merits of considering gift ban legislation. And I wonder why the floor managers have not seen fit to include a prohibition which I understand was not in last year's bill either. I think that the American people should understand as we consider the merits of banning gifts, that there is certainly reasonable expectation that if we ban it for charitable events, that we ought to also ban it for political events. I wonder if my colleague would enlighten me as to whether I am accurate in my interpretation that, indeed, for political events, one could get full reimbursement for travel and full reimbursement for lodging.

Mr. LEVIN. The Senator from Alaska raised this very point during a debate on the language which would ban travel to the so-called charitable events. That exact argument was raised. The Senator from Alaska attempted to strike the language which would have or which does prohibit the travel paid for to these so-called charitable events, and the amendment of the Senator from Alaska was defeated, I believe, by a vote of 58–37.

So, that argument was made at the time and the distinction had to do with whether political events are within the political activities of elected officials and are different from entertainment, lodging, meals, and travel to entertain where one brings his or her family. The distinction was adopted by the Senate during that debate by a vote of 58–37, I believe.

Mr. MURKOWSKI. Well, Mr. President, I respect the response from my colleague, but when we consider just what constitutes a gift, I think we have to recognize that if we travel to a charitable event to raise money for a worthwhile cause, there is some merit to that. On the other hand, if we go to a political event in Los Angeles and get our transportation paid for and get our lodging paid for, that is meritorious, too, from a political point of view. But we are talking about a great inconsistency here in this legislation that is proposed by my colleagues on the other side. We are talking about cleansing the process, the process of accepting gifts. But they do not want to touch the area that is sacrosanct, and that is specifically political contributions and the way that money is raised.

Money is raised by travel to legitimate political events. And reimbursement occurs not only for the Member but, very often, for the spouse as well. And so I hope that those watching this among the American public, as they reflect on the merits of this debate on gifts, recognize the inconsistency that is proposed here. If my friends on the other side were suggesting that we do away with gifts, period, do away with gifts associated with charitable events, we do away with gifts that are associated with political events from a standpoint of travel and a standpoint of lodging, then there would be consistency.

But clearly, that is not the intention because there is a lot of money raised in this process. That process gets Members elected. So, I think as we address the merits of reform here in this body on the issue of gifts, we should specifically reflect on this other overlooked issue—political travel. As most of us recognize, the reason my amendment did not pass last year is there was some motivation, the motivation by those that suggested that that was too great a sacrifice, too great a sacrifice to give up political travel.

Mr. President, I rise to speak in opposition to the amendment offered by the distinguished Senator from Minnesota [Mr. WELLSTONE]. I have little doubt that Congress, some time this year, will vote to ban most gifts to Senators and Congressmen.

Why will we make that change? Because there is a perception in the country that accepting a meal or a small gift from a lobbyist somehow corrupts the moral fiber of Congress. So we will pass the gift and meal ban to fix the perception problem.

END PAC CONTRIBUTIONS

I have no problem with banning gifts. But I believe it is hypocritical to say that you cannot buy a Senator lunch, but its OK for a political action committee [PAC] to give a Senator $10,000 for his political campaign or for a lobbyist to sponsor a $500-per-person political fundraiser.

Last year, the Senate adopted my amendment banning all lobbyist and PAC contributions to Senators. However, when the lobby disclosure/gift ban bill emerged from the Democratically controlled conference, my PAC and lobbyist contribution ban reform had, not surprisingly, been deleted.

Mr. President, if we are really sincere in getting special interest money out of politics, then we ought to stop wasting our time arguing over small gratuities, gifts and meals, and instead focus our efforts on ending the insidious activities of political action committees.

Since passage of the Federal Election Campaign Act of 1974, the number of PAC's increased from 608 to 4,729 in 1992. Total PAC contributions to Federal election candidates increased more than 2,000 percent—from $8.5 million in 1972 to $189 million in 1992.

In 1992, PAC contributions comprised 24 percent of Senate campaign receipts and 38 percent of House campaign receipts. PAC's are touted by their defenders as a means to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers. Yet, in 1992, in races where Members were up for reelection, incumbents received 86 percent of the PAC contributions—$126 million for incumbents versus $21 million for challengers.

Overall, PAC's distributed more than $160 million to congressional candidates in 1992; $24 million—15 percent—went to candidates running for open seats. Since the 1970's, PAC's increasingly have funneled contributions to incumbents with little or no regard for ideology or voting records. Corporate and trade association PAC's are among the worst in this regard, giving upward of 90 percent of their PAC contributions to incumbents.

REIMBURSEMENT FOR CHARITABLE TRAVEL AND LODGING

Moreover, Mr. President, I oppose the portion of this amendment that disallows Senators from being reimbursed for travel and lodging in connection with a charitable event. This is another example of the hypocrisy of the bill. Nothing prevents a lobbyist from paying a Senator's travel and lodging if it is in connection with a political fundraiser. If a lobbyist wants to pay for a Senator to go to Hollywood to raise money for the Democrats or Republicans, that's permitted.

But if I want to host another charitable function like I had this summer where I raised more than $120,000 for a portable mammography machine that helps detect breast cancer, transportation and lodging cannot be reimbursed. This rule is not only hypocritical but also discriminates against charitable events in Alaska because the cost to travel there is so high.

You can be sure that charitable functions will continue to be well-attended by Senators, Congressmen, and lobbyists if they occur inside the beltway. But if we want to do a charitable function that benefits the needy in Alaska, it's going to be nearly impossible.

Mr. President, my colleague Senator MCCONNELL has been working on a realistic gift ban and PAC ban bill that will address the so-called problems associated with special interest influence in Washington. We will surely have an opportunity to consider these issues later in the year.

But now, the issue before us is whether we are willing to apply the laws we impose on the rest of the country on our own institution. This amendment is merely a diversion from that issue. Let us pass the congressional coverage bill now, and address the gift ban/PAC ban legislation at a more appropriate time.

I urge my colleagues to reject this amendment.

So, Mr. President, I am not going to talk any longer. I just wanted to point out the inconsistency here.

This whole matter began rather curiously when the association of former Senator Jake Garn from Utah ran a charitable event that was for a children's hospital—a very worthwhile cause. But a so-called television exposé featured several Members of this body, some of whom have already spoken on the issue of gift bans, and which implied that Members were being bought off by accepting transportation and accepting lodging.

There is very little consideration as to the contribution given to the Children's Hospital. I participate in that event each year, and I intend to participate in the event again this year because it is a worthwhile cause. Because Senators come, there is an attraction, whether it be curious or otherwise, to raise money for the effort, and it is a worthwhile effort.

Obviously, I can hold a charity event here in Washington, DC. If I hold that charity event here, there is no transportation; there is no lodging. I can legitimately do it. But if I want to hold it in my State, it is a significant cost to Members if they want to come up to Alaska for a fishing event of some kind for a worthwhile charity.

We had an event last year to buy a new mammogram, a mammography machine for the Best Cancer Clinic of Alaska. We raised $149,000. There were no other Senators who could come because we were in session, but we were not precluded because the legislation proposed last year did not pass the conference. But it was a worthwhile cause.

The inconsistency, I think, is obvious, as a consequence of what we have before us. We seem willing to do away with reimbursement for transportation and lodging, but we would still provide it for political events. That is the inconsistency which this Senator sees is so glaring. That is why I urge my colleagues, when the appropriate hour is here, to reject the amendment because it is simply inconsistent; it does not do the job; it is less than a halfway effort.

Let me also comment relative to remarks that were made by others who spoke with regard to gifts to chairmen and CEO's of corporations. I was a CEO. There are policies within corporations that you designate procedures, and that is entirely different from the function within this body. Those people, through boards of directors and oversight and checks and balances, have to maintain the scrutiny and the appropriate responsibility to the shareholders. We have a responsibility to the citizens of this country, but part of that responsibility is consistency.

When we talk about a gift ban, if we are going to be consistent, we are going to do away with a gift ban and political contributions associated with transportation and travel. That is what is lacking in this legislation.

I hope we will have an opportunity to get into this at some length and hold the necessary hearings so we do not just end up window dressing a situation that many of the American public assume is being taken care of under the gift ban, but still provides us with transportation and lodging for our political events.

I thank the Chair. I thank my colleague from Michigan for responding to my questions. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if I may comment further, briefly—and I know my friend from Colorado seeks recognition; I will not be long—on the points that were made by our friend from Alaska. I just have a couple things to say.

First of all, we sure do need political campaign finance reform. I could not agree with the Senator more. One of the glaring omissions from the Gingrich contract, it seems to me, is that there is no reference to campaign finance reform and how money is raised. I sure hope we address it. It is a glaring omission from any contract of reform.

Second, last year during the debate on this bill, the Senator from Alaska moved to strike the prohibition on reimbursement for recreational travel and made the same points that were made here. The Senate rejected the deletion of that prohibition by a vote of 58 to 37.

Is it inconsistent, then, to permit travel to political events? Some think it is, perhaps; some think it is not. Political events are closer to our duties in that they are not recreational; they are different.

On the other hand, for those who think there is no distinction, for those who think there is an inconsistency, they had an opportunity to strike travel reimbursement to political events. No Senator, including the Senator from Alaska, offered an amendment to strike travel reimbursement to political events.

So if there is an inconsistency that people feel here, they surely had an opportunity to offer the amendment to strike that travel reimbursement. There was no such amendment offered. I do not know whether it would have been adopted or defeated.

I also know that 37 Republicans and a larger majority, I believe, of Democrats, specifically supported this gift ban language in October; 37 Republicans cosponsored a resolution of this gift ban language, and a large majority of Democrats voted for cloture on the conference report.

So we had a situation where if there were an inconsistency perceived, any Senator could have moved to strike the travel reimbursement. The Senate did vote to prohibit recreational travel, and that is the way it appeared before the Senate in the conference report when the majority of Senators of both parties indicated support for the language.

So I think there is a differentiation, arguably, but there is not. Any Senator could have offered to strike the travel reimbursement, and no Senator chose to eliminate that alleged inconsistency by amendment.

I yield the floor.

Mr. MURKOWSKI. Mr. President, if I may respond to my colleague.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think my friend will recall, last year I offered an amendment and the amendment was adopted banning all lobbyist and PAC contributions to Senators. It was rather interesting because that clearly cut to the core of the question of PAC contributions.

However, when the lobby disclosure gift ban emerged—emerged, Mr. President, from a Democratic-controlled conference—my PAC and lobbyist contribution ban reform surprisingly had been deleted.

I say to my good friend, clearly we had an opportunity last year to delete all PAC contributions. It passed the Senate, but it was not supported in a Democratic-controlled conference.

The Senator from Alaska has to conclude one thing: A gift is a gift. If it is a gift associated with a charitable event, it is a gift associated with a charitable event and the merits are the charity. If it is for political purposes, it is still a gift. It is a gift if it is travel. It is a gift if it is lodging. And the justification is the political event and who benefits from the political event.

Sure, we are professionals. We are professional politicians, so we obviously benefit, as opposed to a worthwhile charity out there. If we did not subtract the transportation and did not subtract the lodging, there would be more money coming back associated with the political event. That is the logic that is used to say what is wrong with the charitable event. They take too much out for travel and lodging.

I think we have made the point, Mr. President, and it is one that this proposal lacks consistency and it lacks

the reform that is recognized. I know my friend from Michigan and I agree that we need substantial review of the various political contributions, and that will come. But I rise in the sense of pointing out that, indeed, we have an inconsistency. We had a chance to clear it last year by accepting my amendment which was done in this body, but I think many people knew it would die in a Democratic-controlled conference, which it did.

Mr. LEVIN. Will the Senator yield?

Mr. BROWN addressed the Chair.

Mr. LEVIN. I wonder if the Senator from Alaska will yield briefly, before he yields the floor, for a question.

Mr. MURKOWSKI. I will be pleased to yield.

Mr. LEVIN. I was one of the conferees last year in that conference, and the language which was added here was not adopted by the conference.

I do not know of any Republican in the conference or Democrat that supported the language being in the final conference report because it would have had the anomalous effect of discriminating against incumbents against challengers and is more properly part of campaign finance reform. However, that was not just Democrats in the conference that did not hold out for that language. There were no Republicans as well. And I was wondering whether or not my friend from Alaska was aware of that.

And second, this amendment that is pending is amendable. If the Senator from Alaska feels there is some inconsistency here, he is free to offer an amendment to the pending amendment to strike the reimbursement for political travel the way it is stricken for recreational travel.

Mr. MURKOWSKI. In response to my friend from Michigan, obviously I was not in the conference but one has to conclude that as a consequence of the prevailing vote which this body initiated by adopting my amendment banning all lobbyist and PAC contributions to Senators, one would think that the conferees would have a responsibility to support it. Clearly, they chose not to. And one can come to his or her own conclusion as to why.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in strong support of the Congressional Accountability Act.

I think my first contact with this basic issue that we consider tonight came in 1983 when I was a member on the House Judiciary Committee. At that point, Congress was in the process of adding new statutory controls over the direction of the private sector. I offered an amendment in that committee to apply the same guidelines, regulations, and restrictions to Congress that we applied to other members of this society.

That amendment lost on a straight party-line vote. Every Democrat in that subcommittee voted against it. When I attempted to offer it in full committee every Democratic Member voted against it, and I was refused an opportunity to offer the amendment later on in the process.

Thus, it is with some surprise that I find that this measure, passed the House unanimously last night. It appears that good ideas sometimes grow.

I think part of the reason this bill is going to pass, and the reason it passed in the other body, is because the spotlight is on and people know it is not fair to subject them, the working men and women in this country, to rules that this Congress will not apply to itself. It is a matter of simple fairness.

Mr. President, let me confess also to another reason for favoring this measure. The burden we impose on working men and women in this Nation is atrocious. It is criminal what we do to the men and women of this Nation who work and make the Nation go. The legal liability we impose on them, the paperwork we impose on them, the incredible overlay of bureaucracy, red tape and guidance is outrageous. The tragedy is that nearly half the Members of Congress have not had an opportunity to work in the private sector. Many of them do not appreciate the burdensome regulations we have put on working men and women nationwide.

I truly believe that if Members of Congress have to live under the laws we impose on the rest of the Nation, two things will happen. One, we will be treated fairly and they will be treated more fairly. And two, we will take a strong look at the kinds of laws we impose on people. This country is overregulated, productivity is damaged. We have laid a burden of redtape, regulation, lawyers, CPA's, and audits on this Nation that strangles our ability to compete in the international marketplace.

What we need more than anything else is the men and women of this Congress to realize the damage they have done to this Nation and inject common sense into the kinds of statutory control we impose on our country.

So I am going to support this bill. I am going to do it not only because of simple fairness, but because I firmly believe that it will lead to the end of overregulation imposed on the citizens of our country.

Mr. President, there are a number of amendments, many of them sincerely offered and well founded, that should be considered. However, the leadership has promised that they will provide another vehicle to consider all of these amendments.

Indeed, there are many additions to this bill that I would like to see. I will support the effort to bring these additional measures to the floor.

I wish to say to the Senator from Michigan I think he has some good ideas. I have supported the gift ban in the past, and I intend to in the future. But I wish to see this bill enacted. I am not going to support amendments to this bill at this time. I am going to trust the leadership's commitment to bring these measures to the floor and provide a full vote.

My hope is that we will debate the issues Members feel strongly about; that we will proceed to pass this bill and enact it, and that we will get to the additional task of other measures as quickly as possible.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I shall be brief. I begin by associating myself with the passion of the distinguished Senator from Colorado, as he articulates a very strong position against the overregulation by the Federal Government which is well known across the length and breadth of this land. And I support the efforts which have been brought by the distinguished Senator from Iowa [Mr. GRASSLEY] and the distinguished Senator from Connecticut [Mr. LIEBERMAN] on S. 2 to provide accountability by the Congress, by making Members of the Senate and Members of the House of Representatives subject to the same laws which govern every other citizen.

As a matter of basic fairness, Mr. President, there is no reason why a Senator or Member of the House should not be subject to every rule of law which governs every other American.

Basic fairness should mean that every rule of law applies equally to Members of the Senate and House as they do to every other American. And if that were the case, there would be less regulation in our country.

With respect to the amendment which is now pending, offered by the distinguished Senator from Michigan, to have a gift ban, I believe that there is great merit in that proposal and in fact supported the gift ban when it was before the Senate during the 103d or last session of Congress. There are a great many amendments which might be offered to the pending legislation; also talk about campaign finance reform which in a sense is related to the subject before the Senate at the present time.

I believe that it is very important that we move forward with the Congressional Accountability Act, which is the pending legislation, without encumbering it with other amendments which will slow its progress.

The reality, Mr. President, which may not be known by many watching on C-SPAN 2 is that when an amendment is tabled or rejected on the pending legislation, it does not mean that those who vote in favor of tabling the amendment disagree with the substance of it, if it were present as a freestanding bill, as it was during the last

Congress and, as I said before, a measure which I supported. There is an effort known well through the length and breadth of the land at the present time for the newly elected 104th Congress, controlled by the Republicans, to get some things done and done promptly. And the House of Representatives is moving on similar legislation on congressional accountability, and it is the effort now of the Republican-controlled Senate to move ahead with this bill without having amendments pending which will slow the progress.

Our distinguished majority leader has already given assurances that this issue will be revisited and the distinguished Senator from Maine, Senator COHEN, has commented about bringing the matter up again with Senator LEVIN of Michigan. So this matter will again be before the Senate and we can act to do what is necessary to ban lobbyists' gifts. But at the present time I think our focus ought to be on congressional accountability, which I support, and that is why I will back the forthcoming motion by the distinguished majority leader to table the pending amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished majority leader.

Mr. DOLE. Mr. President, I think we have had considerable debate on this issue and I do not, certainly, want to cut off anybody on the other side. But we have a problem that some of us are going to attend a dinner tonight in honor of the two leaders. Some may not be going there. But I would like to move to table the pending amendment and have the vote begin at 7:15, if that would accommodate the minority leader and the Senator from Montana. Then I need just about 1 minute.

Would that be enough?

Mr. DASCHLE. Mr. President, if the majority leader will yield, I know Senator BAUCUS has indicated to me that he needed somewhere around 6 or 7 minutes.

Mr. BAUCUS. Six or seven minutes.

Mr. DASCHLE. I only need a couple minutes, so I think that would work out very well.

Mr. DOLE. So could we agree, get unanimous consent there be a motion to table at 7:15?

Mr. DASCHLE. That will be agreeable to this Senator.

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

Mr. DASCHLE. If I could just have 2 minutes of that time?

The PRESIDING OFFICER. The distinguished minority leader is recognized.

Mr. DASCHLE. Mr. President, I first want to applaud Senators LEVIN and WELLSTONE for offering this excellent amendment. It is very similar to the provisions in S. 10, the Comprehensive Congressional Reform Act which I introduced yesterday, and which a number of our colleagues have cosponsored. I believe it is essential that the amendment be included in the final legislation.

This debate really picks up where we left off last year when Republicans blocked consideration of the legislation which was developed through the tireless efforts of the, at that time, chairman and others. I hope my Republican colleagues will now work with us to enact this amendment.

Those of us who want real reform will not stop at congressional coverage. We have to restore public confidence in Government, and our reform efforts must go further. The Levin-Wellstone amendment does just that. Lobby reform is central to true congressional reform. Without it we will never end the undue influences of special interests. But without a ban on special interest gifts to Members of Congress and their staffs, congressional reform is reform in name only. Senators LEVIN and WELLSTONE and many others have worked hard on lobbying and gift reform and, in so doing, have demonstrated their commitment to true reform, to the end of business as usual.

So again, Mr. President, passing the bill that should have been passed last fall, and would have been passed if it had not been for the Republican move to block it, is a very good start today. But it will be a hollow, cynical start if it turns out that those who blocked that legislation did so only to reintroduce it this year, take the credit, and block other essential reforms. Lobby reform and a ban on gifts are essential to a genuine reform effort. Let us begin the year by finishing our old business and moving forward from here. Doing so will provide an even stronger foundation upon which to rebuild trust in this institution.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, I rise in support of the Congressional Compliance Act. It is time for Congress to act by example instead of by exemption. This act will apply 12 basic American labor laws to Congress. They include the civil rights laws, minimum wage, the Occupational Health and Safety Act, the Family Leave Act, and more.

If these and other acts covered by the Congressional Compliance Act are passed, the Federal Government's regulations on the people will then be imposed also on the Congress. In these laws the Federal Government imposes a good bit of regulation and paperwork on private businesses. All that is in pursuit of good, important goals.

These laws have done a lot of good. Undoubtedly some can be improved. But on the whole they make sure American workplaces are decent places, and there is no excuse for not asking the same of the Congress.

There is some symbolic importance to this. It shows that, as the Founding Fathers who wrote our Constitution intended, today's Representatives of the people are truly Representatives—that is, not a special privileged class.

The act will also have concrete beneficial effects. First, applying basic labor laws to Congress will put a brake on overregulation and overlegislation. Laws like minimum wage, OSHA, and so on are important. Businesses should have some basic standards. And it is no accident that America has a lower rate of deaths and injury on the job than any other industrial nation. It is because OSHA is a tough, effective law. It can no doubt be improved, but we do need a tough, effective OSHA law.

That is one side of the coin. On the other side is that well-meaning people, in pursuit of honorable goals, are sometimes tempted to go too far. They can lose sight of the basic American principle that in the vast majority of occasions, ordinary people do not need a lot of rules and regulations to do the right thing. So it is easy for people who write laws to move on from setting basic standards to requiring paperwork that adds costs, squeezes jobs, and does little good. With this law in place, each Member of Congress will understand the burden a small business owner faces because that Member will live under precisely the same burden. He or she will fill out the same forms, type the same reports, and adjust his or her payroll in the same way. If you live by the regulations you write, you probably will not go too far.

Second, the laws themselves will do some good. Legal guarantees of safe workplaces, minimum wage, guaranteed family leave, and protection for civil rights in congressional offices are important. They were passed to deal with the small minority of abusive employers. And no doubt, in a Congress of 535 Members and dozens of support offices, there are some offices where civil rights laws or workplace safety standards are not being met. This law will help stop that.

Finally, this bill goes a long way toward making Congress a more responsive body. I believe it needs to do more; to make it a responsible body. I thus intend to support an amendment Senator MCCAIN will offer in February that makes sure when Members of Congress are found guilty of violating any of these laws, that taxpayers are not hit with the fine for it.

Again, this reform is long overdue. I cosponsored it in the last Congress. I applaud Senators LIEBERMAN and GRASSLEY for pushing the issue tirelessly throughout the Congress. And finally, today, we will see this body pass it. I yield the floor.

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. LEVIN. 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. LEVIN. Mr. President, if no one else wishes to speak and if the majority leader does not need the full 5 minutes, I will take a minute or two before his motion.

Mr. DOLE. I just need 3 minutes.

Mr. LEVIN. I thank the majority leader. I will just use 2 minutes.

I want to again urge our colleagues to defeat the motion to table. This is precisely the same gift rule which the vast majority of Democrats and 37 Republicans said they supported last October. There is no change in it. It would seem to me that we cannot duck this issue any longer by just simply saying let us delay it, let us delay it.

If we are serious about reform and the way we run this place, we have to finally, after years of talk, end this scene where free travel, free tickets, free meals from lobbyists and others with interest in legislation, come to Members of this Congress.

It is unseemly. It creates the exact wrong appearance. The American public wants to end it. They are right. This is the time to end it with rules that were supported by the vast majority of Senators in October, including the majority of the Republicans and Democrats. I hope that the tabling motion will be defeated.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Kansas [Mr. DOLE].

Mr. DOLE. Mr. President, the point I want to make was made before last night. After 25 minutes of debate the House passed this measure by a vote of 429 to zero. If we want to take 2 days, or 3 days I guess we can. But I want to pass the coverage proposal as advanced by the Senator from Iowa and the Senator from Connecticut. It is bipartisan. It seems to me that the sooner we can do that the sooner we can move on to other legislation.

I indicated to my Republican colleagues earlier today that we intend to not only take this matter up but lobby reform, and other matters that we believe should be addressed which were addressed last year.

I certainly commend the Senator from Michigan, Senator LEVIN, for his leadership. But we believe there are some changes that can be made even in the gift ban. This amendment would not be effective in any event until the end of May 1995.

It would be my hope that by that time we will have even a better package. I hope that we can table this amendment and move to any other amendments which my colleagues may offer. But we are going to finish this bill either tonight or tomorrow or on Monday unless there is an agreement, a reasonable agreement. I should not say that we will finish it. I know that I have been in the Senate longer than that. We will try to finish the bill by tomorrow or Monday. I know Senators can prevent that from happening.

So I urge my colleagues, including some of my colleagues on the other side of the aisle who had misgivings about lobbying reform and the gift ban late last year, to join me in tabling this motion so we can move ahead and pass this bill without amendment.

I think there is a good potential that the House may take our bill because it is a bit stronger and pass the Senate bill unless we clutter it up with amendments that require us to spend a considerable time in conference.

If anybody else wishes 2 minutes on either side, I would be happy to yield. If not, is there any objection to starting the vote?

Mr. FORD. Mr. President, we have notified on the hotline that it would be at 7:15. I would appreciate it if the majority leader would not and to save us a couple of minutes.

Mr. DOLE. I would be happy to add 2 minutes at the end.

Mr. FORD. The Senator has that prerogative. He is the leader.

Mr. DOLE. I am going to do it habitually, but I think some may want to vote right now and leave. I have already made the motion to table the underlying amendment, the Levin amendment.

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.

Mr. ROTH. Mr. President, it is my pleasure to come to the floor today as the chairman of the Governmental Affairs Committee. Governmental Affairs has jurisdiction over this legislation. Our effort to bring this matter to the Senate immediately, is not following the usual procedure of committee referral. But this issue is not new. S. 2 is a modified version of H.R. 4822 as reported by the committee at the end of last session. For a detailed explanation of that bill and for further legislative history, I would refer Members to our committee report No. 103-397. To outline briefly, the committee did hold a hearing on June 29, 1994, and heard testimony from a variety of witnesses, including legal and constitutional scholars, along with our own Senate Legal Counsel, Michael Davidson. On September 20, 1994, the committee voted to report an amendment in the nature of a substitute to H.R. 4822, which had passed the House of Representatives on August 10.

S. 2 was developed over the past several weeks in a remarkably cooperative effort of a bi-partisan working group comprised of Members and staff from both the Senate and the House of Representatives. The product we have before us today reflects the positive results that can be achieved when we are willing to work together.

I want to commend the chief sponsors and floor managers, Senators GRASSLEY and LIEBERMAN, for their leadership and perseverance on the issue. Without them, as well as the leadership of the former chairman and current ranking member of the committee, Senator GLENN, we wouldn't be here debating this issue today. I am pleased to join with them in this effort to enact S. 2 as the first order of business in this 104th Congress.

I believe the bill before us demonstrates that congressional compliance can be achieved without compromising the doctrine of separation of powers. Great care has been taken to maintain the integrity of the Congress as a separate branch of Government. However, there is no way to guarantee that the potential may exist for conflict between the legislative and judicial branches concerning enforcement of subpoena powers.

Another major challenge was to create a bicameral Office of Compliance, yet at the same time retain the independence of the Senate and House of Representatives to establish their respective Rules of Procedure without interference from the other body. Again, I believe this issue has been resolved.

Mr. President, Thomas Jefferson wrote that "the Framers of our Constitution . . . (took) care to provide that the laws should bind equally on all, and especially that those who make them shall not exempt themselves from their operation." In light of Mr. Jefferson's observation, one might wonder why Congress created an ever-growing, complex set of employment and labor laws for the private sector that it has failed for many years to apply equally to themselves. While we are here today to correct that disparity, I do want to point out that Congress has made significant progress over the past few years in extending employment laws to congressional employees—most notably the Senate action in 1991 extending basic civil rights protections to Senate employees and creating the Senate Office of Fair Employment Practices.

S. 2 will go a step further in bringing together the patchwork of laws that have applied in the past and make clear how these laws apply and provides for enhanced enforcement of those laws by establishing a more independent and credible process for remedial action.

S. 2 is an extremely important measure for another reason. Beyond its application of laws to the Congress. It is important because of the message it sends to the American public. It would be naive not to recognize that this legislation is driven in large part by pressure from the public. This is an issue of

fundamental fairness to them. We have all heard the references to the "Imperial Congress." For far too long Congress has held an image of isolation, privilege and superiority. That is an image that must change, so that the governed once again have confidence and respect in those that govern. Enacting S. 2 is a critical step moving us in that direction.

Enactment of this legislation will teach Congress valuable lessons about living with the laws it passes. Many of the laws that Congress imposes on citizens are complex and burdensome. It's only fair to make Congress deal with the same paperwork and bureaucracy that the average citizen does. That's certainly a complaint I hear from many of my constituents. Compliance is not simply a matter of probity; it is also a matter of paperwork, bureaucracy, and expense.

While I have long been a supporter of applying private sector laws to Congress, I recognize that some members may be concerned that these laws may be misapplied or abused for political, rather than legitimate, purposes. I share this concern, but I hope that rule 11 of the Federal Rules of Civil Procedure will fairly and adequately address this concern. Rule 11 has been recently strengthened to specifically provide for sanctions when misrepresentations are made to the court for an improper purpose. Significantly, the rule is designed to cause litigants to stop and think before initially making legal or factual contentions and is designed to deter misconduct. I am hopeful that rule 11 in conjunction with the counseling and mediation process developed by the Office of Compliance will preclude abuses of the process.

Let me reiterate, I do believe this is a very important issue and that we will be sending the right message to the American people by moving this bill quickly, without extraneous amendments.

Once again, I thank Senator GRASSLEY for managing this bill on our side and also want to welcome him as a new member of the Governmental Affairs Committee.

Thank you, Mr. President. I yield.

Mr. NICKLES. Mr. President, today I am very pleased to join Senator GRASSLEY, Senator LIEBERMAN and my colleagues in the introduction of the Congressional Accountability Act of 1994. This legislation applies 10 labor and employment laws to Congress: First, the Fair Labor Standards Act of 1938, second, the Federal Labor-Management Relations Act 1978, third, the Occupational Safety and Health Act of 1970, fourth the Civil Rights Act of 1964, fifth, the Age Discrimination in Employment Act of 1967, sixth, the Americans with Disabilities Act of 1990, seventh, the Family and Medical Leave Act of 1993, eight, Employee Polygraph Protection Act; ninth, Work Adjustment and Retraining Notification Act and tenth, Veterans Reemployment Act.

James Madison is often quoted in relation to the issue of congressional coverage. He said, "Congress can make no law which will not have its full operation on themselves and their friends, as on the great mass of society." But I am concerned that the meaning of his words is lost due to their frequency of use in this debate.

What was Madison getting at, and what was so important for him to incorporate this phrase into the Federalist Papers? I believe he had a profound sense of public accountability and integrity in mind when he penned those words. He also remembered the degenerating effect of aristocracy upon the people.

Today, we are in a much different time period, but are never-the-less confronting the same issues as Madison and our founding fathers. To bolster the integrity of this institution, now is the time for the adoption of congressional coverage legislation in keeping with our American tradition. Congress has been exempting itself from employment and labor laws since 1935. I suspect this was done in a sincere effort to maintain a separation of powers. It was also done in a time when Congress was a far simpler organization, not the enormous bureaucracy we have today. Because Congress has changed, so must the laws governing it. Until we are prepared to live under the laws, Congress should not be imposing them on anybody else.

If business or private individuals run afoul of any labor, employment and health and safety laws, they face bureaucratic headaches and possible Federal court litigation. Congress has exempted itself from these laws completely or has limited redress with no right to full judicial appeal.

During consideration of the Civil Rights Act of 1991, I offered an amendment which would have made Congress and its instrumentalities subject to all regulations and remedies contained in many of the employment, discrimination, and health and safety laws enacted since the 1930's. Later, I introduced the amendment as a free-standing bill, the Congressional and Presidential Accountability Act both the 103d and 104th Congresses.

Adopted in lieu of my amendment was a provision authored by the Majority Leader George Mitchell and Senator GRASSLEY which provides procedures to give Senate employees protection under several civil rights laws and limited judicial review. Under the adopted amendment, the Senate was permitted to establish an internal enforcement mechanism under civil rights laws. This was a good beginning.

Since my efforts on the Civil Rights Act of 1991 and the efforts of those before me on this issue including Senator GRASSLEY, the joint committee to reorganize Congress and the bipartisan task force on Senate coverage were established and further analyzed and researched the issue.

The bipartisan task force on Senate coverage report was sent to the majority and Republican leader on November 19, 1993. Although the Senate task force report served an important function in analyzing the issue of congressional coverage, as members of the task force Senator GRASSLEY and I believed its conclusions would only perpetuate the current lack of accountability to the laws of the land by Congress.

Following the task force conclusions, I was pleased to join Senator GRASSLEY and Senator LIEBERMAN in the introduction of the Congressional Accountability Act during the 103d Congress. I believe this legislation met the principles set forth by James Madison.

During the 103d Congress, the House overwhelmingly approved 427 to 4, similar legislation introduced by Congressman SHAYS and Congressman SWETT. Following the House action the Democratic leadership in the Senate blocked any action and the 103d Congress ended without covering Congress under the laws of the land.

The legislation before us today will bring Congress under the coverage of labor, civil rights and health and safety laws from which it has been exempt. I am proud to say that I believe this Congress will finally do the right thing and ensure that Congress lives under the laws it imposes on others and perhaps the consequence will be to ensure that Congress will now understand how the laws it passes actually work.

Our legislation establishes an independent Office of Congressional Compliance to administer and enforce these laws. It also allows a congressional employee the right to sue in Federal court under those laws which allow a similarly situated private sector employee the right to sue. This right is extended to collective bargaining and occupational safety and health claims.

I encourage my colleagues to support this legislation to end the practice of Congress living above the law and help to regain the trust and confidence of the public.

Mr. SIMPSON. Mr. President, I rise to express my firm support for congressional coverage legislation. This bill represents a most fundamental ingredient in the recipe to reform this institution. By exempting itself from the laws it passes, Congress is truly losing touch with the practical consequences of those laws. And today, we have a Congress in Wonderland passing legislation that does not reflect true workplace realities.

Over the years we have heard some very artful explanations as to why Congress continues to exempt itself from the very laws it passes. We have heard

that the constitution prevents executive branch enforcement of employment laws on Congress. We have heard that the constitution's "Speech or Debate" clause protecting Members of Congress from legal challenges against them includes their actions as employers. And we have also heard how being a Member of Congress embodies certain highly unique circumstances not faced by other employers. I must say, not one of these explanations warrants these continued exemptions.

One of the biggest reasons why Congress so freely exempts itself is because it is not governed by statute—rather we live by our own rules. We set rules which allow us to go about our merry way with little fear that if we do happen to cross the line from time to time, it doesn't really matter because there is no practical enforcement mechanism.

The current system allows us to change the rules at any time—and for any reason. For example, when the Civil Rights Act of 1991 was signed into law, Senators were held personally liable for any unlawful discrimination. But lo and behold, this provision was quietly dropped from the 1993 legislative branch appropriations bill.

Another example involves the minimum wage law. Last time we increased the minimum wage to $4.25 an hour, Congress was covered. But because the law was so burdensome, the U.S. Congress effectively exempted itself from the bill's major provisions a short time later. Just imagine if we allowed private employers to behave like this. Imagine an employer tailoring regulations to suit his convenience, and changing them whenever he chooses. Congress would cast a most disapproving eye upon that. So would the public.

Mr. President, it is no wonder why business organizations have made congressional accountability their top legislative priority. If Congress is forced to live with the laws it passes, it may act with considerably more prudence.

Congressional accountability could well become a practical tool in our legislative work. True congressional coverage would provide each of us with immediate impact as to the successes, failures and unanticipated implications of our programs. Exemptions, on the other hand, insulate us from the real impact of the laws we pass. We need to know how our laws feel to those out there in the real world where the rubber hits the road.

Congressional accountability is an issue of necessity. New employment laws are increasingly rushed through congress on unrelated bills, with no opportunity for public hearings or debate. It is imperative that we put the brakes on the accelerating speed of carelessly enacted employment requirements.

Congressional accountability is also about simple fairness. We do indeed deal with a lot of very complicated issues here in the U.S. Senate, but this issue is not really very complicated at all. The rest of American voters are out there paying taxes, complying with Federal regulation after Federal regulation, and playing by the rules. On the other hand, there is the perception that we continue to sit here in our ivory towers issuing our decrees, yet, telling the American public to "Do as we say, not as we do." It is only fair that our own congressional employees should be completely covered by employment laws.

I urge the Senate to pass the Congressional Accountability Act. To pass it cleanly, kept free of unnecessary and nongermane amendments. I thank the chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. ROBB], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I also announce that the Senator from Georgia [Mr. NUNN] is absent because of illness.

I further announce that, if present and voting, the Senator from Illinois [Mr. SIMON] and the Senator from Vermont [Mr. LEAHY] would each vote "nay."

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—52

Ashcroft	Gorton	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Roth
Campbell	Helms	Santorum
Chafee	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Jeffords	Smith
Cohen	Johnston	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lieberman	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McConnell	

NAYS—39

Abraham	Dodd	Kohl
Akaka	Dorgan	Lautenberg
Baucus	Exon	Levin
Biden	Feingold	Mikulski
Bingaman	Feinstein	Moseley-Braun
Boxer	Ford	Moynihan
Bradley	Glenn	Murray
Breaux	Graham	Pell
Bryan	Harkin	Pryor
Bumpers	Hatfield	Reid
Byrd	Inouye	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Wellstone

NOT VOTING—9

Gramm	Kerrey	Nunn
Heflin	Leahy	Robb
Hollings	McCain	Simon

So the motion to lay on the table was agreed to.

Mr. FORD. 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. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 4

(Purpose: To prohibit the personal use of accrued frequent flyer miles by Members and employees of the Congress)

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

I will not debate this amendment, but I am going to ask the clerk to read the entire amendment. I think it explains it totally.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. FEINGOLD, proposes an amendment numbered 4.

The amendment is as follows:

At the appropriate place, insert the following:

SEC.—.USE OF FREQUENT FLYER MILES.

(a) LIMITATION OF THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives shall be considered the property of the Government and may not be converted to personal use.

(b) REGULATIONS.—The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means travel engaged in the course of official business of the House of Representatives and the Senate.

Mr. FORD. Mr. President, I thank the clerk.

Mr. President, the amendment I have sent to the desk relates to the use of frequent flier bonuses usually awarded by airlines. Both the Senate travel regulations and those applicable to executive branch travel require that any

such benefits paid by an airline that are based on travel that was paid by taxpayer funds must be used for official purposes.

Senate travel regulations on this subject are as follows:

Discount coupons, frequent flyer mileage, or other evidence of reduced fares, obtained on official travel, shall be turned in to the office for which the travel was performed so that they may be utilized for future official travel. This regulation is predicated upon the general government policy that all promotional materials such as bonus flights, reduced-fare coupons, cash, merchandise, gifts, credits toward future free or reduced costs of services or goods, earned as a result of trips paid by appropriated funds are the property of the government and may not be retained by the traveler for personal use.

This amendment will require that all such benefits be used for official travel by the office that pays for the original travel. In this way, the Government rather than the individual traveler will receive the benefit.

The correctness of this policy is so obvious that I find it strange that an amendment, such as the one I now offer, should have to be considered. I can find no justification for a public official or elected Member of Congress to consider and use such a bonus for personal purposes. The value of any such bonus awarded to a traveler is included in the price of the ticket. Since the taxpayers have paid for that benefit when the travel is charged to the Government, it is only right that the taxpayer receive such a benefit.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I have indicated there will be no more votes this evening. This will be the pending amendment. We will be back on the bill at 9:30 tomorrow morning, and we will be on it throughout the day tomorrow and Monday, unless we can reach some agreement. I would be prepared to entertain an agreement that would let us proceed with the amendments and postpone votes until Tuesday a.m. and then move to the unfunded mandates legislation at 2:30 p.m. on Tuesday. So we will be working on it. If we cannot reach an agreement, we will just finish this bill and proceed as we can on unfunded mandates.

Mr. GLENN. There will be votes tomorrow?

Mr. DOLE. There will be votes tomorrow, yes.

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

The PRESIDING OFFICER. The absence of a quorum is noted.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for not more than 5 minutes each.

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

THE DECISION TO ABOLISH CAUCUSES

Mr. JEFFORDS. Mr. President, the decision by the House Republican Conference to abolish legislative service organizations brings to an end the proud and productive history of the Arms Control and Foreign Policy Caucus.

With regret that the caucus will not be able to play a role at this critical time of debate over the role of U.S. foreign policy in the post-cold-war world, the caucus will cost its doors in 1995. We are pursuing the possibility of establishing a new private entity to perform certain caucus roles, but at this time we plan to transfer caucus papers to the Legislative Archives Center of the National Archives. We also plan to transfer any unobligated caucus funds to the Treasury.

For 30 years this bipartisan caucus—formerly named Members of Congress for Peace through Law—has played a constructive role on issues of war and peace in our time: in the 1960's it opposed the war in Vietnam; in the 1970's and 1980's it championed efforts for nuclear arms control; in the 1980's it built a powerful congressional coalition seeking negotiated solutions to the wars in El Salvador and Nicaragua; and in the 1990's it sought to focus on the post-cold war problems of weapons proliferation and the need for a strengthened United Nations. Throughout, it has also worked to promote human rights and improve the economic situation of peoples in the developing world.

Its record in providing legislative services is also a proud one: during the 103d Congress alone, the caucus issued 150 legislative alerts and reports, over 30 special issue reports and fact sheets, and 3 in-depth comprehensive policy reports. It also hosted 10 meetings for Members or staff with outside experts. Claims by LSO opponents that LSO's are simply special interest groups with little legislative function are, certainly in this case, patently untrue.

Finally, throughout its history, the Arms Control and Foreign Policy Caucus has upheld the strictest standards of financial accountability and has fully complied with LSO regulations and reporting.

On behalf of the 125 caucus members, I express our hope that in some way, even without a support staff to coordinate our efforts, will be able to continue the distinguished tradition of acting in a bipartisan and bicameral manner to pursue the goal of a more peaceful world.

THE CONGRESSIONAL ACCOUNTABILITY ACT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the Congressional Accountability Act. I have cosponsored this legislation during the past several years because of my strong belief that what is fair is fair and what is right is right—whether it is in the halls of Congress or the factories, shops and offices throughout America.

Traditionally, Congress has exempted itself from fair labor practices, occupational safety and health, age discrimination and many other laws with which the private sector as well as other branches of government must comply. This legislation will require Congress to comply with those laws.

I am glad to see us take up this legislation and act swiftly on it. It is long overdue. The U.S. Senate should practice what we preach. We should go by the same rules we establish for everyone else.

The critical need for this legislation was made clear to me over the last few years by the appalling stories I heard from employees of one of the instrumentalities of the Congress, the Architect of the Capitol. The Architect oversees more than 2,000 employees in the skilled trades as well as occupations such as restaurant worker, janitor, and laundry worker.

Historically, there was no oversight, no fair and independent appeals mechanism, and no clear written management procedures governing the working conditions for these employees. And what happened? A plantation mentality emerged, in which employees were discriminated against, harassed, and denied opportunities for promotion and advancement. When these employees wanted to complain, they felt they had nowhere to go—so they came to me.

I was proud to take up their cause and proud that last year, the Congress enacted the Architect of the Capitol Human Resources Act, finally providing clear guidelines for modern management practices. I am proud to have been among the first Members of Congress to win real congressional reform with the passage of this legislation.

Now it is time to apply similar fair and modern management practices to the rest of the congressional work force: the House and Senate Sergeants at Arms, the Capitol Police, and our own staffs in Senators' and Representatives' offices and on the committees. That's why I'm happy to lend my name to this needed legislation.

I thank my colleagues and I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us have a little pop quiz: How many million dollars would you say are in a trillion dollars? And when you arrive at an answer, remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Wednesday, January 4, the Federal debt, down to the penny, at $4,801,793,426,032.89. This means that every man, woman, and child in America owes $18,227.69 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million million in a trillion, for which you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

IN HONOR OF THE LATE JOE TALLAKSON

Mr. McCAIN. Mr. President, I want to take a few moments to express my sincere sympathy to the family and friends of Joe Tallakson. "Joe T" as he was known to many, passed away on December 22, 1994, after a short but intense bout with cancer.

Joe devoted his life to working for Indian tribes, first on the Quinault Indian Reservation in Washington and later here in Washington, DC. His talents were many. He earned great respect as a careful strategist who knew how to get results. He took the visions and goals of the tribal leaders for whom he worked and excelled at transforming them into real and tangible outcomes. He made a major contribution to the development of the policies of self-determination and self-governance, in addition to the thousands of specific issues he handled for Indian tribes.

Joe's last and perhaps greatest professional contribution to the development of Indian policy came with the enactment of Public Law 103-413, which permanently authorized the self-governance project in the Department of the Interior.

Joe will be sorely missed by all of us who work in the field of Indian affairs. His integrity, skill, and commitment were uncommon. I am proud to have known him. I join with his friends and family in saying that we will miss him and his contributions to our work and our lives very much in the coming months and years.

TRIBUTE TO ANN FELIX

Mr. JOHNSTON. Mr. President, it is very hard to lose an old friend. For me and my family and for many of us in the Senate, Shirley Felix was a friend. For years, whenever we were in the Senators dining room, we stopped to talk to her. Her death, on December 13, was a tremendous loss, not just to her family but also to those who served with her in the offices of the Architect of the Capitol and those of us on whose behalf she worked diligently and tirelessly for many years.

Shirley was born on November 8, 1933, in Arlington, VA, the daughter of Dr. Rebecca Plumer and the Elder Irving L. Plummer, Sr. She attended public schools in Washington and completed her education in New York City where she met and married James Felix, Jr. They later moved to Washington, and became the parents of six fine sons.

Shirley started working for the Architect of the Capitol in 1967. Her culinary and management skills led to her promotion to the position of banquet manager for the U.S. Senate. It was a position she filled competently, professionally, and with extraordinary cheerfulness.

Shirley had a good memory and a warm heart. In the big, faceless institution that the Congress has become, with staff changing daily, Shirley remembered who you were, not just Senators but staff as well. She remembered your children's names, and always asked about them. She knew what you liked, and literally worked overtime to see that you got it. And she worked with a genuine smile on her face, for the pleasure of doing a job well, and knowing that her efforts were appreciated.

Shirley was a perfectionist. She took great pride in her work, and it showed. When she prepared a lunch or dinner, it not only tasted great, it looked beautiful. She handled crises like a diplomat, never upset about changes in the guest list or the menu. Nothing was ever too much trouble, nothing ever took too much time. Even as her health failed, her spirit never faltered. To the end, she was a loving, giving person who went out of her way to make others feel good. Everybody who was on the receiving end of one of her smiles will miss her.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolution were read the second time by unanimous consent and placed on the calendar:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government.

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal life-style.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

S. 71. A bill regarding the Senate Gift Rule.

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees.

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

MEASURES READ THE FIRST TIME

The following bills and joint resolution were read the first time on January 4, 1995:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government.

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal life-style.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes.

S. 71. A bill regarding the Senate Gift Rule.

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees.

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

MEASURES READ THE FIRST TIME

The following bill was read the first time on January 5, 1995:

S. 169. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; read the first time.

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. McCAIN:

S. 150. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 151. A bill to reduce Federal spending by restructuring the Air Force's F-22 program to achieve initial operating capability in 2010 and a total inventory of no more than 42 aircraft in 2015; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. SIMON, Mr. PRYOR, and Mr. WELLSTONE):

S. 152. A bill to reduce Federal spending and rapidly enhance strategic airlift by terminating the C-17 aircraft program after fiscal year 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 153. A bill to reduce Federal spending and enhance military satellite communications by reducing funds for the MILSTAR II satellite program and accelerating plans for deployment of the Advanced EHF Satellite/MILSTAR III; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. SIMON, and Mr. WELLSTONE):

S. 154. A bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, and Mr. WELLSTONE):

S. 155. A bill to reduce Federal spending by prohibiting the backfit of Trident I ballistic missile submarines to carry D-5 Trident II submarine-launched ballistic missile; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 156. A bill to reduce Federal spending by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1996; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. WARNER, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 157. A bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program; to the Committee on Appropriations.

By Mr. JOHNSTON:

S. 158. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 159. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. SHELBY (for himself, Mr. CRAIG, Mr. FAIRCLOTH, and Mr. HEFLIN):

S. 160. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mrs. MURRAY:

S. 161. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of estate tax imposed on family-owned business interests; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 162. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. 163. A bill to amend the Congressional Budget Act of 1974 to require that the allocations of budget authority and budget outlays made by the Committee on Appropriations of each House be agreed to by joint resolution and to permit amendments that reduce appropriations to also reduce the relevant allocation and the discretionary spending limits; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. BRADLEY (for himself, Mr. SPECTER, Mr. LAUTENBERG, and Mr. EXON):

S. 164. A bill to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself, Mr. MACK, and Mr. COVERDELL):

S. 165. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee has 30 days to report or be discharged.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. DOLE):

S. 166. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON:

S. 167. A bill to amend the Nuclear Waste Policy Act of 1982 and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 168. A bill to ensure individual and family security through health insurance coverage for all Americans; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for Mr. KEMPTHORNE):

S. 169. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; read the first time.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mr. KERRY, Mr. REID, and Mr. INOUYE):

S. 170. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. SIMON, Mr. KENNEDY, Mr. KERRY, Mr. REID, and Mr. AKAKA):

S. 171. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes; to the Committee on Finance.

By Mr. HEFLIN:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government; 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. COCHRAN (for Mr. DOLE):

S. Res. 26. A resolution making majority party appointments to the Governmental Affairs Committee for the 104th Congress; considered and agreed to.

By Mr. DOLE:

S. Res. 27. A resolution amending Rule XXV; considered and agreed to.

By Mr. GRASSLEY (for Mr. STEVENS (for himself and Mr. FORD)):

S. Res. 28. A resolution to increase the portion of funds available to the Committee on Rules and Administration for hiring consultants; considered and agreed to.

By Mr. GRASSLEY (for Mr. DOLE):

S. Res. 29. A resolution amending Rule XXV; considered and agreed to.

S. Res. 30. A resolution making majority party appointments to certain Standing Committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 150. A bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE GRAND CANYON PUBLIC/PRIVATE PARTNERSHIP ACT

• Mr. McCAIN. Mr. President, today I'm introducing legislation to help finance desperately needed improvements at our Nation's premier national park—our great pride and joy—the Grand Canyon.

The measure would authorize the Secretary of the Interior to establish a special public-private partnership account, under which entrance fee revenues would be matched with private donations to help fund vital projects called for in the park's general management plan.

This legislation will provide additional resources for the Grand Canyon at a time when park needs far outstrip the ability of the Treasury to fund them. The measure enjoys the support of two important organizations dedicated to protecting the interests of the Grand Canyon: The Grand Canyon Trust; and, the Grand Canyon Natural History Association.

We in Arizona are proud to be home to the crown jewel of our National Park System. We take immense pride in the park and appreciate the awesome responsibility with which our country has been vested as stewards of this world class resource. We also understand that we have much work to do in order to meet those responsibilities.

Resources are desperately needed to repair the park's aging infrastructure. Compare that need to the canyon's park budget this year which is only $13 million—a gap as wide and formidable as the Grand Canyon itself.

The need is enormous and it is growing. Last year, 5 million people visited the Grand Canyon—a number that will continue to grow at a rapid pace. The ever increasing demand will place even more stress on the park's aging and needy infrastructure.

To address future needs, the National Park Service has been working diligently on the park's general management plan. The plan will guide management prerogatives into the next century. The draft plan which was released last year, identifies projects and programs which will help us to cope with the increased visitation, enhance visitor experience, and protect the canyon's valuable resources for this and future generations.

While the plan has not been completed, preliminary reports estimate that it will cost nearly a quarter of a billion dollars to fully fund. Providing the necessary resources is a staggering challenge. The proposal I am presenting here today is one way to help us meet this enormous need.

As I said, the bill would authorize the Secretary to use fee revenues to leverage private contributions to help finance park projects.

In order to fund the Federal share of such partnerships, the Secretary would be authorized to add a surcharge of up to $2 on the current $10 per vehicle park entrance fee.

Mr. President, no one, least of all this Senator, likes the idea of higher park entrance fees. But, visitors understand that park services and infrastructure cost money and they are willing to support the park with their fees as long as they know the revenue will be used for that purpose.

Under current procedures, entrance fees are collected at the park, returned to the General Treasury and appropriated by Congress in many instances for purposes other than the needs at the Grand Canyon.

The revenues raised under the measure I'm proposing would remain in a special account at the park to be used only in concert with private donations for vital park needs. Such public-private partnerships have ample and successful precedent in other areas of public administration, and are an excellent means of stretching our resources. I believe they could be a useful tool at the Grand Canyon and perhaps other national parks as well.

Again, no one likes the idea of any increase in park fees. But, ironically, we need only to look to Disney Land for a reality check. Today, visitors to Disney Land pay $35 a piece to see Mickey Mouse. By comparison, Grand Canyon visitors pay a relatively modest $10 per carload to view what John Wesley Powell aptly described as the most sublime spectacle on Earth. We all understand and accept the fact that keeping that spectacle sublime and providing for its enjoyment by the millions who visit costs money. An added surcharge to leverage private dollars would seem to be a justified and efficient means of making ends meet, and it deserves our thoughtful consideration.

We estimate that the surcharge would generate an additional $2 million a year. Once leveraged with money from the private sector the fund would make a significant contribution to park improvements and maintenance of infrastructure such as upgrading the park's transportation system to relieve overcrowding; maintaining trails; and improving the water system and housing, just to name a very few.

Mr. President, the creation of a special partnership account raises many questions. I, like others, want to make absolutely certain that private contributions to the park are not used in any way that would compromise park interests or values. This measure seeks to address that issue because management of the fund must be dictated solely by the needs of the park and the ethic of stewardship.

The measure calls on the Secretary of the Interior to establish regulations, with full public comment and participation, to guide how the fund will be managed, how private donations will be solicited, for what purposes they will be used and how the partnerships will be structured and managed.

In addition, the bill specifically requires that any project funded under the partnership must be consistent with the statutes, regulations, and rules governing the park, and that it is specifically approved and prioritized within the general management plan. These plans are developed with public participation and are subject to all the applicable environmental laws. Ensuring that partnership funds are used only for purposes authorized by the relevant management plan will ensure that only necessary and appropriate projects are undertaken.

Many businesses and individuals want to contribute to the protection of Grand Canyon National Park because they realize that it is a national treasure and that it needs and deserves our assistance. Nevertheless, we must take steps to ensure that these donations are not offered with strings attached that would place commercial interests ahead of park needs and values.

Mr. President, Grand Canyon is at a critical point. Demand for park resources is increasing, as is the cost of maintenance. Given the current budget constraints the administration and Congress are not likely to provide the further increases necessary to adequately meet the need.

We must look for innovative ways to fully fund the preservation and enhancement of our Nation's park system. I believe the method I'm proposing is a viable option that should be fully examined and considered. Secretary Babbitt has indicated that facilitating a public/private partnership at Grand Canyon is one of the Interior Department's highest priorities.

Mr. President, last year we celebrated the 75th anniversary of Grand

Canyon National Park. It is most appropriate that we recommit ourselves to the charge of Theodore Roosevelt "to keep the canyon for our children and our children's children, and for all who come after us, as one of the great sights which every American if he can travel at all should see." Let's work to meet the needs at the Grand Canyon with that purpose firmly in mind.

I ask unanimous consent that letters of support from the Grand Canyon Trust and the Grand Canyon Natural History Association along with editorials and news articles regarding this measure be entered into the RECORD. I also ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 150

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 "Grand Canyon Public/Private Partnership Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) as of the date of enactment of this Act, the existing infrastructure of Grand Canyon National Park is not adequate to serve the purposes for which the Park was established;

(2) improving the infrastructure of the Park would enhance the natural and cultural resources of the Park and the quality of the experiences of visitors to the Park;

(3) through the development of a general management plan, the Director of the National Park Service has identified reasonable measures that are necessary to improve the infrastructure and related services of the Park, including making improvements to transportation facilities and visitor services, and reusing historic structures appropriately; and

(4) in order for the Director to implement the general management plan referred to in paragraph (3) at the Park, it is necessary for the Director to be authorized to—

(A) enter into agreements with non-Federal entities to share the costs of the improvements; and

(B) assess and collect a special surcharge in addition to the entrance fees otherwise collected by the National Park Service.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE PROJECT.—The term "eligible project" means any project that is eligible for funding in accordance with this Act.

(2) FACILITY.—The term "facility" includes any structure, road, trail, utility, or other facility that is used or to be used for or in support of—

(A) the protection or restoration of a natural or cultural resource;

(B) an interpretive service; or

(C) any other service or activity that the Secretary determines to be related to the operation of the Park.

(3) FEDERAL SHARE.—The term "Federal share", with respect to the cost of an eligible project, means the percentage of the cost of the project that is paid with Federal funds, including funds disbursed from the special account.

(4) NATIONAL PARK FOUNDATION.—The term "National Park Foundation" means the foundation established under the Act entitled "An Act to establish the National Park Foundation", approved December 18, 1967 (16 U.S.C. 19e et seq.).

(5) NON-FEDERAL SHARE.—The term "non-Federal share", with respect to the cost of an eligible project, means the percentage of the cost of the project that is paid with funds other than funds referred to in paragraph (3).

(6) PARK.—The term "Park" means the Grand Canyon National Park.

(7) SPECIAL ACCOUNT.—The terms "special account for Grand Canyon National Park infrastructure improvement" and "special account" mean the account established pursuant to section 5.

SEC. 4. GRAND CANYON ENTRANCE FEE SURCHARGE.

Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) authorize the Superintendent of the Grand Canyon National Park to charge and collect, in addition to the entrance fee collected pursuant to section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-6a), a surcharge in an amount not to exceed $2 for each individual charged the entrance fee; and

(2) remit to the special account for Grand Canyon National Park infrastructure improvement amounts collected as a surcharge under paragraph (1).

SEC. 5. SPECIAL ACCOUNT FOR GRAND CANYON NATIONAL PARK INFRASTRUCTURE IMPROVEMENT.

(a) ESTABLISHMENT.—The Secretary of the Treasury, in consultation with the National Park Foundation, shall establish in the Treasury of the United States a special account for Grand Canyon National Park infrastructure improvement.

(b) ADMINISTRATION OF ACCOUNT.—The Secretary of the Treasury shall—

(1) credit to the special account amounts remitted pursuant to section 4(2); and

(2) make funds in the special account available for use only as provided in subsection (c).

(c) USE OF FUNDS.—

(1) IN GENERAL.—The National Park Foundation may provide funds from the special account to the Secretary of the Interior, acting through the Director of the National Park Service, to be used to pay the Federal share of the cost of eligible projects.

(2) DAILY OPERATIONS.—No funds in the special account may be used for daily operation of the Park.

SEC. 6. ELIGIBLE PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), any project for the design, construction, operation, maintenance, repair, or replacement of a facility within the Park shall be eligible for funding in accordance with this Act.

(b) LIMITATION.—A project referred to in subsection (a) shall be consistent with—

(1) the laws governing the National Park Service;

(2) the Act entitled "An Act to establish the Grand Canyon National Park in the State of Arizona", approved February 26, 1919 (16 U.S.C. 221 et seq.), the Grand Canyon National Park Enlargement Act (16 U.S.C. 228a et seq.), and any related law; and

(3) the general management plan for the Park.

SEC. 7. COST-SHARING AGREEMENTS WITH NON-FEDERAL ENTITIES.

(a) IN GENERAL.—The Director of the National Park Service, in consultation with the Superintendent of the Grand Canyon National Park, shall enter into a cost-sharing agreement with a non-Federal Government entity for each eligible project for which funds are provided under section 5(c)(1).

(b) CONTENT.—Each cost-sharing agreement shall specify the Federal share and the non-Federal share of the cost of the project and shall provide for payment of the non-Federal share by the non-Federal entity.

(c) AUTHORITY TO COVER SEVERAL PROJECTS.—A cost-sharing agreement may cover more than 1 eligible project.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—In consultation with the National Park Foundation, the Secretary of the Interior shall issue regulations to carry out this Act.

(b) CONTENT.—The regulations shall include—

(1) procedures for the management of the special account;

(2) the manner in which funds for payment of the non-Federal share of the cost of an eligible project may be solicited and acknowledged;

(3) provisions for ensuring the protection of the natural, cultural, and other resources that the Park was established to protect;

(4) provisions to encourage funding from the private sector only for projects that contribute to the restoration and protection of the resources referred to in paragraph (3);

(5) protections against the commercialization of the Park;

(6) procedures to prevent the creation of a conflict of interest with respect to an employee of the Federal Government; and

(7) provisions for continuous participation of the general public in the oversight of the implementation of this Act.

(c) NOTICE AND PUBLIC COMMENT.—The Secretary shall carry out subsection (a) in accordance with section 553 of title 5, United States Code, without regard to any applicable exception provided in the section.

SEC. 9. REPORT.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report on the Park infrastructure improvement authority provided in this Act.

(b) CONTENT OF REPORT.—The report shall include—

(1) an assessment of the effectiveness of the exercise of authority under this Act to improve the infrastructure of the Park; and

(2) any recommended legislation with respect to—

(A) the surcharge authorized under section 4;

(B) the special account;

(C) the use of the special account for funding eligible projects; or

(D) any other matter that the Secretary determines to be related to the authority provided under this Act.

GRAND CANYON
NATURAL HISTORY ASSOCIATION,
Grand Canyon, AZ, May 6, 1994.

HON. JOHN MCCAIN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I am very happy to be able to write this letter of complete and enthusiastic support for your bill designed to authorize an entrance fee surcharge at the Grand Canyon National Park, for the purpose of assuring a Federal matching pool of funds for necessary capital projects at the Park. We have previously discussed the value of such a tool to be used to foster public/private partnerships to accomplish the overdue rebuilding of infrastructure to support the crush of visitors. We further believe that the choice of Grand Canyon as the test case for such an effort will enable us to create a model that can be used by other National

Parks and Monuments across the country. Please let us know how else we can support this important legislation.

Sincerely,

ROBERT W. KOONS,
General Manager, CEO.

GRAND CANYON TRUST,
January 5, 1995.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for providing the Grand Canyon Trust with the opportunity to review and comment on both draft and final versions of your proposed legislation regarding entrance fees and public/private cost-sharing at Grand Canyon National Park.

We believe that your proposed legislation will greatly assist the efforts of the National Park Service and other entities who are struggling to find appropriate means to generate the additional funding so urgently needed by Grand Canyon National Park. In this regard, we strongly support the core concepts in your bill: new fees to generate incremental revenue for park projects and cost-sharing arrangements between the park service and non-governmental entities.

We share your concern that Grand Canyon's pressing infrastructure and resource management needs will not be met unless Congress acts to provide the new authorities described in your legislation. And, if those needs are not met, the park environment and visitor experience will continue to deteriorate—an utterly unacceptable and unnecessary fate for the crown jewel of America's parks.

Senator McCain, we applaud your consistent leadership on behalf of Grand Canyon. This bill, the National Parks Overflights Act, Grand Canyon Protection Act, and so many other measures reflect your unwavering dedication to the needs of the park. Please be assured that we are prepared to assist you in your efforts to move the bill through the legislative process to final enactment.

Again, thank you for all you have done for the Grand Canyon.

Sincerely,

THOMAS C. JENSEN,
Executive Director.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 151. A bill to reduce Federal spending by restructuring the Air Force's F-22 program to achieve initial operating capability in 2010 and a total inventory of no more than 42 aircraft in 2015; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. SIMON, Mr. PRYOR, and Mr. WELLSTONE):

S. 152. A bill to reduce Federal spending and rapidly enhance strategic airlift by terminating the C-17 aircraft program after fiscal year 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 153. A bill to reduce Federal spending and enhance military satellite communications by reducing funds for the MILSTAR II satellite program and accelerating plans for deployment of the Advanced EHF Statellite/MILSTAR III; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. SIMON, and Mr. WELLSTONE):

S. 154. A bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, and Mr. WELLSTONE):

S. 155. A bill to reduce Federal spending by prohibiting the backfit of Trident I ballistic missile submarines to carry D-5 Trident II submarine-launched ballistic missile; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. BRADLEY, Mr. FEINGOLD, Mr. HARKIN, Mr. KOHL, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 156. A bill to reduce Federal spending by limiting the amount of appropriations which may be available to the intelligence community for fiscal year 1996; to the Committee on Appropriations.

By Mr. BUMPERS (for himself, Mr. WARNER, Mr. BRADLEY, Mr. CONRAD, Mr. FEINGOLD, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. PRYOR, Mr. SIMON, and Mr. WELLSTONE):

S. 157. A bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program; to the Committee on Appropriations.

SPENDING CUTS LEGISLATION

Mr. BUMPERS. Mr. President, I send seven separate bills to the desk that I am offering on behalf of myself, Senators BRADLEY, KOHL, FEINGOLD, PRYOR, WELLSTONE, LAUTENBERG, and other Senators.

Just briefly, Mr. President, those bills contain seven specific spending cuts which, over the first 5 years would save $33 billion, and over a 15-year-period would save $114 billion; four of those seven would terminate or cut spending on four specific weapons programs. One would cut the intelligence budget. One would kill NASA's space station program, and the last would kill the Department of Energy's Advanced Neutron Source. Yesterday CBS News and USA Today-CNN released new public opinion polls. Both asked over 1,000 people: What should be the highest priority of this new Congress? Interestingly, according to the CNN/USA Today/Gallup Poll, out of about 15 items listed, 45 percent of the people said defense spending should have a very low priority and 11 percent said it should have no priority. Mr. President, 56 percent of the people in that poll said—bear this in mind—defense spending should have no priority or a low priority.

Yesterday was admittedly a euphoric day for Republicans in Congress. I have been in those euphoric positions so I watched with a great deal of interest, and I know how much they enjoyed the day. But how many times did you hear yesterday that we are going to give Government back to the people, we are going to start responding to what the people believe? Here is a golden opportunity for this Congress to prove that they can cut spending—they can cut spending the way the American people want. Bear in mind that the Contract With America provides for tax cuts which are estimated to cost between $150 and $200 billion. Under the 1990 Budget Act, that means the people who favor those tax cuts are going to have to cut mandatory spending; the great bulk of mandatory spending is entitlements—Medicare, Medicaid, Social Security. That means that people who favor those tax cuts are going to have to find offsetting spending cuts in entitlements.

The Kerry Commission was just disbanded, after long, arduous work in trying to figure out proposed recommendations of entitlement spending cuts. After spending over $1 million on that Commission, a basket of about 100 proposals were submitted to the Commission, many of whose members were Members of Congress. Not one single proposal was adopted for cutting entitlement spending. And here we have a tax cut proposal that is going to require $150 to $200 billion in spending cuts over the next 5 years. Yet those same polls yesterday showed that 77 percent on one poll, and 82 percent on the other, said deficit reduction should be the highest priority.

So, Mr. President, I am introducing these spending cuts. Bear this in mind. In 1996 the deficit is going to start back up unless we do something. So here is our task, find $150 billion in Social Security and Medicare and Medicaid in order to provide for a middle-class tax cut, and you are going to have to find God knows how much else of spending to cut to keep the deficit from starting back up in 1996, and I promise you the American people will turn on this place like a saber-toothed tiger if that happens, and rightly so.

So here is $33 billion in seven spending cuts. I have some charts. I will show those later and I will speak more extensively on those specific cuts, why I think they should be there.

This will give people a chance to put up or shut up.

• Mr. LEAHY. Mr. President, in the 1980's, we were told that it was possible to increase defense spending, cut taxes and still balance the Federal budget. The national debt quadrupled in those years. President Clinton was elected on a pledge to reduce the budget deficits that had crippled the economy through the Reagan-Bush years. For the first time in two decades, we have actually cut the deficits and the economy is improving. Now, we are again hearing the siren song of tax cutting and increased defense spending from the same people who were the source of our national discontent. We have to build upon the solid accomplishments of the last 2 years—not upon the wreckage of the previous 12 years.

Senator BUMPERS is offering this thoughtful list of future spending cuts that will save taxpayers tens of billions of dollars. They are in contrast to the many words being tossed about to justify a return to the failed policies of the past.

I support most of the spending cuts proposed here today. But we need support from the new Republican majority to relieve the American taxpayer of the burden they impose on all of us.

Some of these cuts will actually enhance existing programs. For example, if we cap production of the C-17 cargo plane at 40 planes and instead buy existing aircraft like Boeing 747's or Lockheed C5's, we can save $5 billion over the next 5 years and increase our air cargo capabilities.

If we cancel the fifth and sixth military communication satellites known as Milstar, we can save $2 billion over the next 5 years. These satellites were designed to survive a nuclear war with the Soviet Union, a nation that doesn't even exist any more. Instead, we should accelerate development of the smaller, cheaper Milstar III, which will deliver more communications capability for the regional conflicts that we are most likely to encounter in the future.

The international space station will consume $52 billion of taxpayer money over the next 15 years. I am not against space exploration, but NASA has never justified the immense cost of this program in terms of scientific returns.

We need to intensify our efforts to develop cheap, reusable launch vehicles that make space more accessible. then we can consider space stations, space factories and other futuristic projects.

The Navy wants to spend $3 billion over the next 5 years to refit our Trident ballistic missile submarines with the super-accurate D-5 nuclear missile. These missiles were designed as bunker-busters for Soviet ICBM's, which are being disarmed as we speak. And we have D4 missiles that can deliver an acceptable nuclear punch in the unlikely event of total nuclear war.

I don't agree with everything Senator BUMPERS proposes. We differ on his recommendation to cut $5 billion from the intelligence budget. I prefer to await the recommendations of the Presidential commission set up last year by Congress to review the roles and missions of our intelligence agencies.

I reserve my opinion on the Advanced Neutron Source reactor because I have not had an opportunity to analyze the details of this program. I may very well join Senator BUMPERS in opposition in the future—but I just don't know enough to make an educated judgement at the present time.

In sum, there are tens of billions of dollars to be saved in these spending cuts, without any threat to national security, and the very real possibility that our defense will be strengthened as a result.

Along with Senator BUMPERS, I urge incoming Senators and Representatives to make a genuine, bipartisan effort to review these options to make our government less costly and more efficient. We have some old white elephants straining the costs of government. We don't need great new ideas—just a little courage—to end these programs.•

By Mr. JOHNSTON:

S. 158. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF ACT

• Mr. JOHNSTON. Mr. President, I introduce the Outer Continental Shelf Deep Water Royalty Relief Act. This legislation is intended to address the serious decline in oil and gas exploration and development activity in the Western and Central Gulf of Mexico on the Outer Continental Shelf [OCS]. This is not the same proposal introduced in the Senate and reported by the Committee on Energy and Natural Resources in the last Congress. This specific legislation is the result of a compromise worked out with the Administration last session in the context of the mining law reform conference. This legislation has the support of the Secretaries of the Departments of Energy and the Interior.

The Outer Continental Shelf is an important domestic source of oil and clean-burning natural gas. Approximately 10 percent of domestic oil and 25 percent of domestic natural gas is produced from the OCS. The OCS is estimated to hold one-fourth of all domestic oil and gas reserves. The Central and Western Gulf account for 90 percent of the oil and 99 percent of the gas produced from the OCS.

Domestic exploration and development have fallen off dramatically in recent years as capital has moved to support drilling in other parts of the world. In 1992, for the first time, the major oil companies spent more on exploration and development activity abroad than on U.S. activities. Between 1987 and 1992, $30 billion flowed from the U.S. oil patch to foreign operations. This translates to a loss of 450,000 jobs by the domestic industry over the last 10 years.

Mr. President, the deep waters of the OCS hold promise of substantial oil and gas resources crucial to our domestic energy security. However, the costs of producing these resources are substantial and increase significantly with water depth. One industry estimate places capital investment costs for a conventional fixed leg platform in 800 feet of water at $360 million, compared to costs of nearly $1 billion for a conventional tension leg platform in 3000 feet of water. According to Department of Interior estimates there are some 11 billion barrels of oil equivalent in the Gulf of Mexico in waters of a depth of 200 meters or more. This legislation is expected to bring into production at least two additional fields with possible reserves of 150 million barrels of oil equivalent.

By allowing lessees to recover a significant portion of the capital cost prior to imposition of a royalty payment this legislation will encourage development of these important oil and gas resources. Royalty holidays of this type are commonly used in other parts of the world as a mechanism for risk sharing between the government and the industry of the huge up-front capital costs associated with developing this type of resource. The North Sea is a prime example. British and Norwegian tax and royalty changes, put in place in the 80's have yielded dramatic results in the past couple of years. In fact, increases in this non-Opec production has contributed significantly to holding down international oil prices.

First, the legislation clarifies the authority of the Secretary of the Interior to grant royalty relief on existing leases in the OCS to encourage development. Currently the Secretary may grant relief once a lease has been developed and is producing, it is not clear whether the authority exists before production is initiated. The Department of Interior has sought this clarification. The legislation further provides for a specified royalty holiday for existing leases in deep waters that are not currently economic. Upon application, undeveloped leases in water depths of 200 meters or more in the Central and Western Gulf that are found to be uneconomic under current

conditions, will have the royalty payment suspended until a minimum number of volumes have been produced. The specific volumes covered by the royalty holiday are based on water depth. The provision applies to production from leases coming on-line after the date of enactment of the legislation and to production resulting from lease development activities undertaken pursuant to a Development Operations Coordination Document approved after the date of enactment. In addition, for new leasing in the Gulf, the lease terms will provide for an initial royalty holiday on a given number of barrels of oil or gas equivalent, as determined by the Secretary. This new leasing arrangement will be in effect for 5 years from the date of enactment. The royalty relief would not apply to the production of oil or natural gas, respectively, in any month when the average closing price for the earliest delivery month for oil exceeds $28 per barrel or when prices for natural gas exceed $3.50 per million Btu's.

This is a win-win policy for the Federal Government. By stimulating development of indigenous oil and gas resources we reduce our dependence on imported supplies, create jobs and generate significant revenues, initially in Federal and State income taxes then royalties.

Mr. President, this bill represents one step in addressing this problem. It is a significant step, but we must look at other initiatives, such as changes in the tax laws that can be taken to address this serious decline in domestic oil and gas exploration and development activity. I look forward to considering other initiatives that could complement the royalty relief proposal that I am introducing today.

I am also submitting a separate amendment to this legislation to correct an unacceptably onerous effect of the Oil Pollution Act of 1990 [OPA 90]. The amendment gives the Secretary of the Interior the flexibility to set the financial responsibility requirement based on the risk associated with different sorts of facilities. OPA 90 was passed and signed into law following the Exxon Valdez tanker spill in Alaska. The intent of OPA 90 was to lessen the risk of oil spills and to improve the level of preparedness and responsiveness when spills do occur. OPA 90 created a comprehensive prevention, response, liability and compensation regime for dealing with vessel and facility caused oil pollution from spills in navigable waters. However, in the post-disaster zeal to legislate, the solution went far beyond the problem. Currently, the Outer Continental Shelf Lands Act [OCSLA] requires owners of OCS facilities to demonstrate evidence of financial responsibility equal to $35 million. OPA 90 increased the financial responsibility of responsible parties to $150 million. This was done without regard to the actual risk and experience of nontanker facilities operating in the OCS.

This same amendment was reported by the Committee on Energy and Natural Resources in the last Congress and was the subject of a colloquy between myself and Senator BAUCUS on the Senate floor. The Solicitor of the Department of the Interior has since completed his review of the financial responsibility provisions and determined that "OPA does not authorize MMS to set different responsibility levels for offshore facilities based on risk." The Administration agrees that a legislative remedy is required.

I urge my colleagues to join me in supporting this important legislation to provide deepwater royalty relief in the Western and Central Gulf of Mexico. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Outer Continental Shelf Deep Water Royalty Relief Act".

SEC. 2. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337 (a) (3)), is amended by striking paragraph (3) in its entirety and inserting the following:

"(3) (A) The Secretary may, in order to—

"(i) promote development or increased production on producing or non-producing leases; or

"(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

"(B) (i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv) (aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer it agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act, 5 U.S.C. Sec. 702, only for actions filed within 30 days of the Secretary's determination or redetermination.

"(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

"(aa) For new production, as defined in clause (iv) (aa) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

"(bb) For new production, as defined in clause (iv) (bb) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

"(iv) For purposes of this subparagraph, the term 'new production' is—

(aa) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

(bb) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the

Outer Continental Shelf Deep Water Royalty Relief Act.

"(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for Light Sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product change during the preceding calendar year."

SEC. 3. NEW LEASES.

(a) Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I);

(2) Add a new section 8(a)(1)(H) as follows:

"(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease."

(b) For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this Act, shall use the bidding system authorized in Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this Act, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 4. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this Act within 180 days after the enactment of this Act.●

By Mr. SHELBY (for himself, Mr. CRAIG, Mr. FAIRCLOTH, and Mr. HEFLIN):

S. 160. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

THE IMMIGRATION MORATORIUM ACT OF 1995

Mr. SHELBY. Mr. President, today I am introducing a bill to address the seemingly perpetual problem of immigration. We are often told the United States of America was established by immigrants. Indeed, immigration has been the cornerstone of America. I could not agree more about the positive impact immigrants have played in America, nor will I dispute the positive role immigrants will play in the future.

We are taught to believe that immigration to America has been, and should be, a perpetual and unlimited right.

However, our capacity, as a country, to process and assimilate the heavy flow of immigrants is not sustainable. Excessive demands on social, medical and welfare services accentuate the necessity to address the problem immediately.

A quick survey of the condition of State budgets, particularly those of California, Florida, Illinois, New York, and Texas will illustrate the overwhelming demands on education, health care, welfare, prisons, and other social infrastructure. California, Florida, and Texas are actually suing the Federal Government for billions of dollars they have had to spend for such immigrant related costs.

The dilemma before us is not limited to illegal immigrants as the media often implies. While approximately 300,000 illegal immigrants come here each year, we actually admit almost 1 million legal immigrants a year. Legal immigration creates a demand more than three times greater than illegal immigration. Simply put, States do not have the resources to provide services to an additional 1.3 million persons a year.

Some will say that these immigrants do not come over here for a hand out, but that they come over to work and live the American dream. However, if we assume this to be true—that they come to America to work—then this means they increase the supply of the labor force. Of the 974,000 immigrants that were granted legal permanent residence in 1992, 672,303 were between the ages of 20 and 64.

If these immigrants enter the job market, their entry effectively reduces wages by increasing the labor supplied. At a time when real income is stagnant if not declining, immigration policy should not contribute such a strong downward pressure on real income. Such a policy does not make fiscal or social sense.

The scenario just mentioned is the optimist view. If one chooses to assume the opposite, that immigrants choose not to work, the inevitable result is an increase in the demand of social services. As mentioned earlier, the demand is already too high for many States.

Neither of the two scenarios paint a pretty picture. Indeed, both of these scenarios are costly to the American taxpayer.

As a result, I am introducing legislation to provide relief to the American taxpayer. This bill would lower the amount of legal immigrants from about 1 million to 325,000. This figure would include around 175,000 spouses and children of U.S. citizens which has traditionally been the case.

The bill also includes a 50,000 level for refugees/asylees, 50,000 for highly skilled workers and 50,000 for other relatives of U.S. citizens.

In addition, my legislation would reduce the admissions backlog by freezing it at the current level. New applications would not be accepted until the end of the moratorium unless the applicant came from one of the allowable categories under this legislation.

This legislation would ease the demands on State governments while also minimizing the negative economic consequences immigrants have on the labor force. Although this is only a temporary 5-year remedy, it will allow us the time needed to pass a complete, long-term solution to the problem.

I support comprehensive reform efforts, but believe immediate relief is needed.

It is important that we strive for a rational and equitable immigration policy that takes into account the economic and social needs. We must do this without compromising the social and economic stability of this country and the quality of life for every American.

In order for immigrants to live the American dream, there has to be a healthy, prosperous economy and a diverse, harmonious society.

To offer anything less, would be to cheat them of the American dream. Mr. President, I urge my colleagues to support this legislation.

By Mrs. MURRAY:

S. 161. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of estate tax imposed on family-owned business interests; to the Committee on Finance.

THE AMERICAN FAMILY BUSINESS PRESERVATION ACT

Mrs. MURRAY. Mr. President, today I am introducing the American Family Business Preservation Act of 1995.

My father ran a small business in Bothell, WA. He taught me as long as I worked hard and played by the rules, I could build a better life for myself and my family. But, for years, it seemed that as hard as my husband and I were working, we were still a pink slip away from real financial disaster.

Small businesses are the heart of the American economic system. They are the essence of the American dream. And, sadly, for many small business owners that dream has been fading. Our great American middle class is nervous. My bill aims to alleviate that anxiety and restore the dream.

Mr. President, this bill will specifically reduce the particularly onerous estate and gift tax imposed on our small businesses during the 1980's. This bill allows small manufacturers, service industries, farmers, and woodlot owners to leave their children the benefits of their hard work. It will end the ridiculous penalties the Federal Government has imposed on American families when a loved one dies. It will keep American families engaged in small business financially solvent.

This reform is especially important to my home State of Washington. It will encourage the stability and diversity of our economy. It will help assure that farms and woodlots stay in family hands and thereby ensure stability in forest management. It is an environment-friendly tax cut.

Specifically, the American Family Business Preservation Act will reduce the 55-percent estate tax rate to 15 percent as long as the heirs continue to operate the business. If, for any reason, the heirs are unable to operate—but continue to own—the business, the maximum rate will be 20 percent.

It indexes the unified estate and gift tax credit for inflation. This credit—which effectively exempts from tax estates valued at less than $600,000—was last increased 14 years ago, in 1981.

And, the bill allows hard-working Americans to keep more of their money in their family. I believe if you work hard and you play by the rules, you should be able to enjoy the rewards. When this bill passes, we will be able to give up to 15 percent of our earned income each year to family members without being subject to gift tax.

Mr. President, this provision is important because many of this Nation's hard-working people have yet to feel the impact of the current economic expansion. During the past 2 years, we have created more than 5 million jobs. Interest rates and inflation are subdued. We have reduced the size of Government. And, we have trimmed the one-third of our Federal budget deficit.

I am proud of this record.

But, we need to make sure working people really benefit from this economic progress.

Mr. President, we are at an economic crossroads. We can continue along the traditional route of corporate buyouts, declining wages, and a skittish middle class. Or, we can move boldly into a new century in which jobs and lives are valued, and all American families have a stake in our economic well-being.

That is why this bill is so important.

Mr. President, it gives our kids hope in the future. It brings common sense and the voice of average Americans to our tax policy. Hard-working Americans need to be respected, and they deserve to reap the benefits of their hard work. Our only hope of restoring the American dream is to empower the middle class.

When my colleagues, Congressman BILL BREWSTER and Congressman JIM MCCRERY, introduced the companion bill in the other body in the last Congress, it deservedly gained quick and solid bipartisan support. I expect the same record in this body.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 161

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 "American Family Business Preservation Act".

SEC. 2. REDUCED ESTATE TAX RATE ON FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Part I of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new section:

"SEC. 2003. REDUCED RATE ON FAMILY-OWNED BUSINESS INTERESTS.

"(a) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the tax imposed by section 2001 shall not exceed the sum of—

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

"(A) the sum described in section 2001(c)(1) reduced by the qualified family-owned business interests, or

"(B) the sum (if any) described in section 2001(c)(1) taxed at a rate below the applicable rate, plus

"(2) a tax equal to the applicable rate of the portion of the taxable estate in excess of the amount determined under paragraph (1).

"(b) ESTATES TO WHICH SECTION APPLIES.—This section shall apply to an estate if—

"(1) the decedent was (at the date of his or her death) a citizen of the United States,

"(2) the sum of—

"(A) the value of the qualified family-owned business interests which are included in determining the gross estate and which are acquired from or passed from the decedent to a qualified heir of the decedent, and

"(B) the amount (taken into account under subsection 2001(b)(1)(B)) of the adjusted taxable gifts of such interests to members of the decedent's family,

exceeds 50 percent of the adjusted gross estate, and

"(3) during the 8-year period ending on the date of the decedent's death there have been periods aggregating 5 years or more during which—

"(A) such interests were owned by the decedent or a member of the decedent's family, and

"(B) there was material participation by the decedent or a member of the decedent's family in the operation of the business to which such interests relate.

"(c) APPLICABLE RATE.—For purposes of this section, the applicable rate is—

"(1) 15 percent if the requirement of subsection (b)(3)(B) is met by a member of the decedent's family, and

"(2) 20 percent in any other case.

"(d) QUALIFIED FAMILY-OWNED BUSINESS INTEREST.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified family-owned business interest' means—

"(A) an interest as a proprietor in a trade or business carried on as a proprietorship;

"(B) an interest as a partner in a partnership carrying on a trade or business, if such partnership had 15 or fewer partners; or

"(C) stock in a corporation carrying on a trade or business if such corporation had not more than the number of shareholders specified in section 1361(b)(1)(A).

Such term shall not include any interest which is readily tradable on an established securities market or otherwise.

"(2) RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1), rules similar to the rules of paragraphs (2), (3), (4), and (6) of section 6166(b) shall apply.

"(e) RECAPTURE OF TAX BENEFIT IF INTERESTS NOT HELD FOR 10 YEARS.—

"(1) IN GENERAL.—If—

"(A) during the 10-year period beginning on the date of death of the decedent—

"(i)(I) any portion of a qualified family-owned business interest is distributed, sold, exchanged, or otherwise disposed of, or

"(II) money and other property attributable to such an interest is withdrawn from such trade or business, and

"(B) the aggregate of such distributions, sales, exchanges, or other dispositions and withdrawals equals or exceeds 20 percent of the value of such interest, or

there is hereby imposed an additional estate tax.

"(2) ADDITIONAL ESTATE TAX.—

"(A) IN GENERAL.—The amount of the additional estate tax imposed by paragraph (1) shall be the applicable percentage of the excess of what would have been the estate tax liability but for subsection (a) over the adjusted estate tax liability.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term 'applicable percentage' means 100 percent reduced (but not below zero) by the product of—

"(i) 10 percentage points, and

"(ii) the number of years (if any) after the date of the decedent's death which the year during which the additional estate tax is imposed by paragraph (1) is after the 1st year after the date of the decedent's death.

"(C) ADJUSTED ESTATE TAX LIABILITY.—For purposes of subparagraph (A), the term 'adjusted estate tax liability' means the estate tax liability increased by the amount (if any) of any prior additional estate tax imposed by subsection (f).

"(D) ESTATE TAX LIABILITY.—For purposes of this paragraph, the term 'estate tax liability' means the tax imposed by section 2001 reduced by the credits allowable against such tax.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the

rules of subparagraphs (B), (C), and (D) of section 6166(g)(1) shall apply.

"(f) RECAPTURE OF PORTION OF TAX BENEFIT IF HEIRS CEASE TO MATERIALLY PARTICIPATE DURING 10 YEARS AFTER DEATH.—

"(1) IN GENERAL.—If—

"(A) the applicable rate which applied under subsection (a) to the estate of the decedent was 15 percent,

"(B) at any time during the 10-year period beginning on the date of death of the decedent, no qualified heir materially participates in the operation of the business to which the qualified family-owned business interests relate, and

"(C) there is no recapture under subsection (e) on or before the earliest date during such 10-year period that no qualified heir so materially participated,

there is hereby imposed an additional estate tax.

"(2) ADDITIONAL ESTATE TAX.—The amount of the additional estate tax imposed by paragraph (1) shall be the applicable percentage of the excess of what would have been the estate tax liability but for subsection (c)(1) over the estate tax liability.

"(3) DEFINITIONS.—For purposes of paragraph (2), the terms 'applicable percentage' and 'estate tax liability' have the meanings given to such terms by subsection (e).

"(g) OTHER DEFINITIONS.—For purposes of this section, the terms 'qualified heir' and 'member of the family' have the meanings given to such terms by section 2032A(e)."

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 11 of such Code is amended by adding at the end the following new item:

"Sec. 2003. Reduced rate on family-owned business interests."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 3. LIMITATION ON 4 PERCENT RATE OF INTEREST ON ESTATE TAX EXTENDED UNDER SECTION 6166 NOT TO APPLY TO ESTATE TAX ATTRIBUTABLE TO QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Paragraph (2) of section 6601(j) of the Internal Revenue Code of 1986 (relating to 4-percent portion) is amended by adding at the end the following new flush sentence:

"Subparagraph (B) shall not take into account the amount of the tax imposed by chapter 11 which is attributable to qualified family-owned business interests (as defined in section 2003(b)) unless an election is in effect under section 2032A with respect to the estate.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 4. EXTENSION OF ALTERNATE VALUATION DATE TO 40 MONTHS WITH RESPECT TO ESTATE CONSISTING LARGELY OF QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Section 2032 of the Internal Revenue Code of 1986 (relating to alternate valuation) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) ESTATES LARGELY CONSISTING OF QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.—In the case of an estate to which section 2003 applies—

"(1) subsection (a) shall be applied by substituting '40 months' for '6 months' each place it appears, and

"(2) section 6075(a) (relating to time for filing estate tax return) shall be applied by substituting '43 months' for '9 months'."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after the date of the enactment of this section.

SEC. 5. INCREASE IN GIFT TAX EXCLUSION.

(a) IN GENERAL.—Subsection (b) of section 2503 of the Internal Revenue Code of 1986 (relating to taxable gifts) is amended by adding at the end the following new sentence: "In the case of gifts made during a calendar year by a donor to ancestors or lineal descendents of the donor, the aggregate amount of such gifts which are not included in the total amount of gifts by reason of this subsection shall not be less than 15 percent of the donor's earned income (as defined in section 32(c)(2)) for the taxable year ending with or within such calendar year."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to gifts made in calendar years beginning after the date of the enactment of this section.

SEC. 6. INCREASE IN UNIFIED ESTATE AND GIFT TAX CREDITS.

(a) ESTATE TAX CREDIT.—

(1) Subsection (a) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended by striking "$192,800" and inserting "the applicable credit amount".

(2) Section 2010 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) APPLICABLE CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were $600,000.

"(2) COST-OF-LIVING ADJUSTMENTS.—In the case of any decedent dying in a calendar year after December 31, 1995, the $600,000 amount set forth in paragraph (1) shall be increased by an amount equal to—

"(A) $600,000, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 1996' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $1,000."

(3) Paragraph (1) of section 6018(a) of such Code is amended by striking "$600,000" and inserting "$600,000 (adjusted as provided in section 2010(c)(2))".

(b) UNIFIED GIFT TAX CREDIT.—Paragraph (1) of section 2505(a) of such Code is amended by striking "$192,800" and inserting "the applicable credit amount in effect under section 2010(c) for such calendar year".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and gifts made, after December 31, 1995.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 162. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SAFETY IMPROVEMENT ACT OF 1995

• Mr. LAUTENBERG. Mr. President, today I am introducing the National Gas Pipeline Safety Improvement Act of 1995. This bill dramatically decreases the chances of pipeline accidents and reduces the risk to those who live, work, or go to school near a pipeline.

This bill is designed to prevent disasters like the one that occurred last March 23, in Edison, NJ. The whole Nation witnessed the ball of fire over Edison in the wake of the explosion. Every American who saw that image on television shuddered.

All too often, when a disaster happens, people focus on it for a few days and then shift their attention to other events. That has not happened in the wake of the Edison explosion and will not happen. I won't let that happen. Senator BRADLEY won't let it happen. And the people of Edison won't let it happen.

I was the destruction in Edison after the explosion. The explosion was devastating to the families involved and traumatic to all residents of my State, which is home to a number of pipelines. I have talked to families who lost everything but the clothes on their backs. I have seen the emotional fallout—the children and adults who replay the events of that evening each night before they drift into a fitful sleep. And I know that even now, almost a year later, those people still have very real problems.

Edison was not an isolated event. Since that terrible night on March 23, there have been other pipeline problems. And there were problems that preceded it. My major concern is what happened in Edison; but, Mr. President, we must make sure it doesn't happen in any community, to any American.

I believe that if this bill had been law before that fateful night last March things could have been very different.

Let me briefly describe the five major elements of my legislation:

First, my legislation would beef up compliance with existing laws by making sure that the Department of Transportation has the resources necessary to conduct regular oversight inspections of corporations with pipeline operations in New Jersey and around the country.

The bill achieves this goal by providing the U.S. DOT with the authority to recoup the cost of accident investigations from pipeline companies. In this way, DOT inspections are not interrupted when Office of Pipeline Safety personnel and resources are diverted to investigate a major pipeline failure.

Second, the bill would prevent accidents before they happen. Our legislation will increase funding to States to advertise one-call notification systems and expand the DOT role in pipeline

safety to include pipeline safety awareness programs.

One-call notification systems require contractors to learn the location of underground facilities before they dig.

Third, the bill directs the Secretary to establish an electronic data system on existing pipelines. This will provide an adequate data base so DOT can cope with the potential problems we face.

This system will provide information on the nature, extent, and geologic location of pipeline facilities to facilitate risk assessment and safety planning with respect to such facilities.

Fourth, we need to target attention to areas where the greatest potential threat exists. The legislation will increase inspection and siting requirements for pipelines in high density population areas. I would also encourage people who live near a pipeline to report suspicious dumping or digging on a pipeline right-of-way.

Finally, we need to have stronger punishment to deter negligent or willful violations of law. Our bill would make it a Federal crime to illegally dump on pipeline right-of-way and mandate the installation and use of remotely controlled shutoff valves.

Mr. President, last June DOT's Office of Pipeline Safety sponsored a pipeline safety summit. The summit was designed to develop a public/private agenda that establishes priorities for pipeline safety initiatives and identifies the next steps needed to make them a reality. The report developed from the suggestions at the summit will form a blueprint for action. I expect that report to be completed soon. When it is, I will develop additional legislative proposals based upon it.

Meanwhile, I would like to remind my colleagues that no State in the Union is exempt from the type of disaster that happened in Edison, NJ.

Mr. President, I would encourage all of my colleagues to examine and cosponsor the National Gas Pipeline Safety Improvement Act of 1995.

I ask unanimous consent that the text of the National Gas Pipeline Safety Improvement Act of 1994 be printed in the RECORD.

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

S. 162

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 "Pipeline Safety Improvement Act of 1994".

SEC. 2. RECOVERY BY SECRETARY OF TRANSPORTATION OF COSTS OF INVESTIGATION OF CERTAIN PIPELINE ACCIDENTS.

(a) NATURAL GAS PIPELINE ACCIDENTS.—Section 14 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681) is amended by adding at the end the following:

"(g)(1)(A) Subject to paragraphs (2) and (3), the Secretary may recover from any person who engages in the transportation of gas, or who owns or operates pipeline facilities, the costs incurred by the Secretary—

"(i) in investigating an accident with respect to such transportation or facilities; and

"(ii) in overseeing the response of the person to the accident.

"(B) For the purposes of this paragraph, the costs incurred by the Secretary in an investigation of an accident may include the cost of hiring additional personnel (including personnel to support monitoring activities by the Office of Pipeline Safety), the cost of tests or studies, and travel and administrative costs associated with the investigation.

"(2) The Secretary may not recover costs under this subsection with respect to an accident unless the accident—

"(A) results in death or personal injury; or

"(B) results in property damage (including the cost of any lost natural gas) and environmental damage (including the cost of any environmental remediation) in an amount in excess of $250,000.

"(3) The amount that the Secretary may recover under this subsection with respect to an accident may not exceed $500,000.

"(4)(A) Amounts recovered by the Secretary under this subsection shall be available to the Secretary for purposes of the payment of the costs of investigating and overseeing responses to accidents under this subsection. Such funds shall be available to the Secretary for such purposes without fiscal year limitation.

"(B) Such amounts shall be used to supplement and not to supplant other funds made available to the Secretary for such purposes.".

(b) HAZARDOUS LIQUID PIPELINE ACCIDENTS.—Section 211 of the Hazardous Liquid Pipeline Safety Act of 1979 (title II of Public Law 96-129; 49 U.S.C. App. 2010) is amended by adding at the end the following:

"(g)(1)(A) Subject to paragraphs (2) and (3), the Secretary may recover from any person who engages in the transportation of hazardous liquids, or who owns or operates pipeline facilities, the costs incurred by the Secretary—

"(i) in investigating an accident with respect to such transportation or facilities; and

"(ii) in overseeing the response of the person to the accident.

"(B) For the purposes of this paragraph, the costs incurred by the Secretary in an investigation of an accident may include the cost of hiring additional personnel (including personnel to support monitoring activities by the Office of Pipeline Safety), the cost of tests or studies, and travel and administrative costs associated with the investigation.

"(2) The Secretary may not recover costs under this subsection with respect to an accident unless the accident—

"(A) results in death or personal injury; or

"(B) results in property damage (including the cost of any lost hazardous liquid) and environmental damage (including the cost of any environmental remediation) in an amount in excess of $250,000.

"(3) The amount that the Secretary may recover under this subsection with respect to an accident may not exceed $500,000.

"(4)(A) Amounts recovered by the Secretary under this subsection shall be available to the Secretary for purposes of the payment of the costs of investigating and overseeing responses to accidents under this subsection. Such funds shall be available to the Secretary for such purposes without fiscal year limitation.

"(B) Such amounts shall be used to supplement and not to supplant other funds made available to the Secretary for such purposes.".

SEC. 3. GRANTS TO STATES AND ONE-CALL NOTIFICATION SYSTEMS TO PROMOTE USE OF SUCH SYSTEMS.

(a) GRANTS TO STATES.—Subsection (c) of section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1687) is amended by adding at the end the following: "The Secretary may make a grant to a State for development and establishment of a one-call notification system only if the State ensures that the cost of establishing and operating the system are shared equitably by persons owning or operating underground facilities.".

(b) GRANTS TO SYSTEMS.—Such subsection is further amended—

(1) by striking "GRANTS TO STATES.—" and inserting "GRANTS TO STATES AND SYSTEMS.—(1)"; and

(2) by adding at the end the following:

"(2)(A) The Secretary may also make grants to one-call notification systems for activities relating to the promotion of the utilization of such systems.

"(B) The Secretary shall ensure that the Federal share of the cost of the activities referred to in subparagraph (A) under any grant made under this paragraph does not exceed 50 percent of the cost of such activities.".

(c) SANCTIONS.—Subsection (b)(9) of such section is amended by inserting ", or that would provide for effective civil or criminal penalty sanctions or equitable relief appropriate to the nature of the offense" after "12 of this Act".

(d) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (c)(1)".

SEC. 4. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

(a) NATURAL GAS PIPELINE FACILITIES.—Section 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1681(a)) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

(b) HAZARDOUS LIQUID PIPELINE FACILITIES.—Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (title II of Public Law 96-129; 49 U.S.C. App. 2010(a)) is amended by inserting after "and training activities" the following: "and promotional activities relating to prevention of damage to pipeline facilities".

SEC. 5. ELECTRONIC DATA ON PIPELINE FACILITIES FOR RISK ASSESSMENT AND SAFETY PLANNING.

(a) AUTHORITY TO DEVELOP.—The Secretary of Transportation may develop an electronic data base containing uniform information on the nature, extent, and geographic location of pipeline facilities. The purpose of the data base shall be to provide information on such facilities to the Secretary, owners of pipeline facilities, as persons engaged in transporting gas or hazardous liquids through pipeline facilities, and for secured use by State agencies concerned with land use planning, environmental regulation, and pipeline regulatory oversight, in order to facilitate risk assessment and safety planning with respect to such facilities.

(b) CONTRACT AND GRANT AUTHORITY.—(1) Subject to paragraph (2), the Secretary may develop the data base described under subsection (a) by entering into contracts or cooperative agreements with any entity that

the Secretary determines appropriate for that purpose and by making grants to States or institutions of higher education for that purpose.

(2) The Secretary shall ensure that the Federal share of the cost of any activities carried out under a grant or cooperative agreement made under this subsection does not exceed 50 percent of the cost of such activities.

(c) USE OF GEOGRAPHIC INFORMATION SYSTEM TECHNOLOGY.—In developing the data base described in subsection (a), the Secretary shall, to the maximum extent practicable, develop a data base that—

(1) utilizes Geographic Information System technology or any similar technology providing data of an equivalent quality and usefulness; and

(2) permits ready incorporation of data and information from a variety of sources.

(d) DEFINITION.—For purposes of this section, the term "pipeline facility" has the meaning given such term in section 20(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1687(e)).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—(1) Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended—

(A) in paragraph (12), by striking "and";

(B) by striking paragraph (13); and

(C) by adding after paragraph (12) the following new paragraphs:

"(13) $20,000,000 for the fiscal year ending September 30, 1995;

"(14) $30,000,000 for the fiscal year ending September 30, 1996; and

"(15) $35,000,000 for the fiscal year ending September 30, 1997.".

(2) Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(c)) is amended by striking "and $10,000,000 for the fiscal year ending September 30, 1995" and inserting in lieu thereof "$16,500,000 for the fiscal year ending September 30, 1995, $19,000,000 for the fiscal year ending September 30, 1996, and $21,500,000 for the fiscal year ending September 30, 1997".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended—

(1) in paragraph (12), by striking "and";

(2) by striking paragraph (13); and

(3) by adding after paragraph (12) the following new paragraphs:

"(13) $7,000,000 for the fiscal year ending September 30, 1995;

"(14) $10,000,000 for the fiscal year ending September 30, 1996; and

"(15) $11,000,000 for the fiscal year ending September 30, 1997.".

SEC. 7. SITING OF INTERSTATE TRANSMISSION FACILITIES.

(a) SITING GUIDELINES.—Within 2 years after the date of enactment of this Act, the Federal Energy Regulatory Commission shall review its practices and guidelines for siting natural gas interstate transmission facilities in urban areas to determine whether changes are needed in the areas of—

(1) selecting routes for pipelines; and

(2) determining the appropriate width of rights-of-way.

(b) EDUCATIONAL INFORMATION FOR LOCAL JURISDICTIONS.—(1)(A) Within 2 years after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission, shall make educational information available, regarding natural gas interstate transmission facilities permits and rights-of-way and issues with respect to development in the vicinity of such interstate transmission facilities, for distribution to appropriate agencies of local governments with jurisdiction over the lands through which natural gas interstate transmission facilities pass.

(B) For purposes of this section, the term "interstate transmission facilities" has the meaning given such term in section 2(8) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(8)).

(2)(A) Within 2 years after the date of enactment of this Act, the Secretary shall make educational information available, regarding hazardous liquid interstate pipeline facilities rights-of-way and issues with respect to development in the vicinity of such interstate pipeline facilities, for distribution to appropriate agencies of local governments with jurisdiction over the lands through which hazardous liquid interstate pipeline facilities pass.

(B) For purposes of this paragraph, the term "interstate pipeline facilities" has the meaning given such term in section 202(5) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001(5)).

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out this subsection, $2,000,000, to remain available until expended.

SEC. 8. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—

(1) AMENDMENT.—The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.) is amended by adding at the end the following new section:

"SEC. 22. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

"(a) PROHIBITION.—No person shall excavate within the right-of-way of a natural gas interstate transmission facility, or any other limited area in the vicinity of such interstate transmission facility established by the Secretary, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given such term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(2) CONFORMING AMENDMENT.—Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679a(a)(1)) is amended by striking "or section 20(h)" and inserting in lieu thereof ", section 20(h), or section 22(a)".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—

(1) AMENDMENT.—The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.) is amended by adding at the end the following new section:

"SEC. 221. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

"(a) PROHIBITION.—No person shall excavate within the right-of-way of a hazardous liquid interstate pipeline facility, or any other limited area in the vicinity of such interstate pipeline facility established by the Secretary, and dispose solid waste therein.

"(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given such term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).".

(2) CONFORMING AMENDMENT.—Section 208(a)(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007(a)(1)) is amended by inserting "or section 221(a)" after "section 207(a)".

SEC. 9. PERIODIC INSPECTION BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 3(g)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)(2)) is amended—

(1) by striking "Not later than 3 years after the date of the enactment of this paragraph" and inserting in lieu thereof "Not later than 1 year after the date of the enactment of the Natural Gas Pipeline Safety Improvement Act of 1994"; and

(2) in the first sentence, by inserting "and shall prescribe a schedule or schedules for such inspections" after "operator of the pipeline".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 203(k)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(k)(2)) is amended—

(1) by striking "Not later than 3 years after the date of the enactment of this paragraph" and inserting in lieu thereof "Not later than 1 year after the date of the enactment of the Natural Gas Pipeline Safety Improvement Act of 1994"; and

(2) in the first sentence, by inserting "and shall prescribe a schedule or schedules for such inspections" after "operator of the pipeline".

SEC. 10. PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 18 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1685) is amended by adding at the end the following new subsections:

"(c) PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the owner or operator of each interstate transmission facility shall notify all residents within 1000 yards, or such other distance as the Secretary determines appropriate, of such interstate transmission facility of—

"(1) the general location of the interstate transmission facility;

"(2) a request for reporting of any instances of excavation or dumping on or near the interstate transmission facility;

"(3) a phone number to use to make such reports; and

"(4) appropriate procedures for such residents to follow in response to accidents concerning interstate transmission facilities.

"(d) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with appropriate representatives of the natural gas pipeline industry, public service announcements to be broadcast or published to educate the public about pipeline safety.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2011) is amended by adding at the end the following new subsections:

"(e) PROMOTING PUBLIC AWARENESS FOR NEIGHBORS OF PIPELINES.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the owner or operator of each interstate pipeline facility shall notify all residents within 1000 yards, or such other distance as the Secretary determines appropriate, of such interstate pipeline facility of—

"(1) the general location of the interstate pipeline facility;

"(2) a request for reporting of any instances of excavation or dumping on or near the interstate pipeline facility;

"(3) a phone number to use to make such reports; and

"(4) appropriate procedures for such residents to follow in response to accidents concerning interstate pipeline facilities.

"(f) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with appropriate representatives of the hazardous liquid pipeline industry, public service announcements to be broadcast or published to educate the public about pipeline safety.".

SEC. 11. REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is amended by adding at the end the following new subsection:

"(l) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations requiring the installation and use, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source. In developing proposed regulations, the Secretary shall consult with, and give special consideration to recommendations of, appropriate groups from the gas pipeline industry, such as the Gas Research Institute.".

SEC. 12. BASELINE INFORMATION.

(a) NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 3(g) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)) is amended by adding at the end the following new paragraph:

"(3) BASELINE INFORMATION.—Before transporting natural gas through a pipeline which, because of its design, construction, or replacement, is required by regulations issued under paragraph (1) to accommodate the passage of instrumented internal inspection devices, the owner or operator of such pipeline shall, using such a device, obtain baseline information with respect to the safety of the pipeline.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 203(k) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(k)) is amended by adding at the end the following new paragraph:

"(3) BASELINE INFORMATION.—Before transporting hazardous liquids through a pipeline which, because of its design, construction, or replacement, is required by regulations issued under paragraph (1) to accommodate the passage of instrumented internal inspection devices, the owner or operator of such pipeline shall, using such a device, obtain baseline information with respect to the safety of the pipeline.".•

By Mr. BRADLEY:

S. 163. A bill to amend the Congressional Budget Act of 1974 to require that allocations of budget authority and budget outlays made by the Committee on Appropriations of each House be agreed to by joint resolution and to permit amendments that reduce appropriations to also reduce the relevant allocation and the discretionary spending limits; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE SPENDING REDUCTION AND BUDGET CONTROL ACT OF 1995

• Mr. BRADLEY. Mr. President, I introduce the Spending Reduction and Budget Control Act of 1995. This legislation fundamentally and powerfully reforms an appropriations and budget process that is too stacked in favor of continued public spending and a status quo of wasteful or outdated government programs.

I have been trying, along with a number of Senators, to reduce taxpayer funding wasted on unnecessary programs and to reduce the deficit. During the 103d Congress, over 20 separate, specific cut proposals were voted on in the Senate. Only three were adopted. Three. Clearly, any attempt to cut programs on the Senate floor is a long shot.

The prospects are discouraging and, unfortunately, the Senate's own rules work against any attempt to cut spending. My legislation targets these rules and the substantial procedural obstacles faced by any legislator who dares to cut appropriations, and to cut Federal spending.

Every time one of us offers a amendment to cut a program, we face the charge that these amendments do not lead necessarily to any deficit reduction. This happened again and again during the last Congress as a way to discourage Senators from supporting an amendment. Instead of criticizing a proposed budget cut on substance, opponents simply remind Senators that these budget cutters are just tilting at windmills.

The problem is that this argument is valid. The rules governing the budget and appropriations process in fact make it nearly impossible to cut a program and reduce spending. In reality, any attempt to do so would almost certainly require a three-fifths supermajority to succeed. And the cuts, even if agreed to by the Senate, can be easily reversed in Conference.

My bill creates three key spending reforms, which I will describe in detail. This legislation—first—creates real opportunities to establish or redirect spending priorities, second—guarantees members an ability to cut spending with a majority vote, and—third—constrains the appropriations conferences to retain spending cuts agreed to in both Houses of Congress.

Consider how we allocate spending around here: after Congress approves the budget, the Appropriations Committees are allowed to determine discretionary spending within the budget resolution targets. While we debate functional categories during consideration of the budget, the fact is that these categories (with the possible exception of the defense category) are almost entirely irrelevant to the appropriations process.

Constrained only by an overall discretionary spending cap, the Appropriations Committee distributes spending authority to its 13 subcommittees. Based on virtually no guidelines, tens of billions of dollars are allocated to the subcommittees. The rest of Congress never knows how this was done or how their constituents' money can be spent until they've been handed the results.

We need to return this power to the voters by allowing all of their representatives to determine how to distribute the money within the budget targets and subcommittee jurisdictions. That means nothing more than requiring a vote by each House on how much money each subcommittee should get. This is the first element of may bill.

Unfortunately, this step alone doesn't solve the problem. When the appropriations bills come to the floor, there are different complex rules but the same problem: the ability to cut spending is greatly limited.

Here's how it works on the House and Senate floors: if you offer an amendment to cut a specific spending item, such as the purchase of Lawrence Welk's childhood home, and it passes, the category that money came from remains intact, and the money you saved can be spent somewhere else in that category.

If you want to avoid the trap I just described, you also have to get approval to cut the overall allocation, and lock in that cut. These allocations and caps are very important in Congress—we have rules that say you need 60, not 50, votes to reduce these privileged entities. You can raise taxes with 50 votes but to cut spending you need 60 votes. The second part of my bill would straighten this out—if you have the support of a majority, you can cut spending.

But there's one last problem. Even if the House and Senate agree on similar program and allocation cuts, the Conference Committee that creates the final bill is virtually free to reinsert whatever funding might have been cut. This couldn't happen under the terms of the third part of my proposal.

These problems are real. I know firsthand. This really happens. It happened last Congress to a spending cut amendment I offered. After the Senate agreed to cut $22 million from the High Temperature Gas Reactor, the Conference Committee scaled the reduction down to $10 million. Half a loaf, but still $10 million in deficit reduction, right? Wrong. The Energy and Water Appropriations Bill—which cut funding for the HTGR by $10 million—actually increased in size during the conference, gaining an extra $20 million out of thin air.

Let me make an analogy between cutting spending under the present system and basketball. Imagine you make a free throw—cut a specific program—but it doesn't count unless you go back to the three-point line and make the shot again—cut the allocation or cap. But it doesn't count again unless you go back to the half-court line and sink

a shot from there—keep the cuts in a conference report. All of that in order to get credit for a single free throw—or a single deficit reduction amendment.

We've created this maze. We can straighten it out. We have to turn the process around so that it's as easy to cut spending in the future as it is to protect spending now. We need a new system, which would be created by the adoption of my reforms.

Again, there are three key elements to my proposal:

First, we need to give to Congress the right to debate and set priorities for discretionary spending. These are the most fundamental decisions, and they are out of the reach of most of the Congress.

I propose we put these decisions before Congress, for approval or modification by majority vote. My bill would require a separate resolution to allocate spending among the appropriations subcommittees. Both houses would have to agree beforehand on how much could be spent by each house's subcommittees.

Second, we need to change the rules that prevent cuts in appropriations spending from being actual budget cuts. These obstacles—which were put in place to hinder an increase in spending—represent bad policy when the goal is deficit reduction.

My legislation would allow cuts in programs and cuts in spending. There would be several options: one, follow the status quo, and let money saved from an appropriations cut amendment be spent elsewhere; two, cut a program and cut the current year's allocation (thereby reducing the deficit); or three, cut a program, cut the current budget, and force a reduction in future budgets. All of these approaches would require only a majority vote—not the current supermajority of 60 votes—to be adopted.

Third, real accountability is needed in conference committees, where expensive deals are often cut. Even when the House and Senate each cut programs, the compromise may turn out to be that no program is cut.

My bill would change Senate rules to prohibit an Appropriations Conference Committee from reporting a bill that cuts spending less than either the House or Senate language. Even if the House and Senate cuts are in different programs, the conference will have to reduce spending by at a minimum the smaller of the two amounts. In other words, if the House agrees to $100 million in cuts on a particular appropriations bill, and the Senate agrees to $200 million on the same bill, the Conferees would be constrained to produce a Conference Report with at least $100 million in cuts included.

Are these budget reforms the answer to the deficit crisis? No. Entitlement and tax expenditure outlays are both growing rapidly, and neither can be addressed by changing congressional procedures. Even as we tighten controls on discretionary spending, we must move forward to confront the huge growth in the other two-thirds of the budget.

Americans are right when they think that we are truly inspired when it comes to spending; we need to bring the same zeal to cutting spending. We need basic reforms that assure that spending cuts are spending cuts, not just reasons for another press release.

Mr. President, I urge my colleagues to consider this legislation seriously. This bill would go a long way towards creating a rational, balanced approach to the budget and spending. In my view, these changes are needed and overdue.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 163

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 "Spending Reduction and Budget Control Act of 1995".

SEC. 2. JOINT RESOLUTION ALLOCATING APPROPRIATED SPENDING.

(a) COMMITTEE ON APPROPRIATIONS RESOLUTION.—Section 302(b) of the Congressional Budget Act of 1974 is amended to read as follows:

"(b) COMMITTEE SUBALLOCATIONS.—

"(1) COMMITTEES ON APPROPRIATIONS.—(A) As soon as practical after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House shall, after consulting with Committee on Appropriations of the other House, report to its House an original joint resolution on appropriations allocations (referred to in the paragraph as the 'joint resolution') that contains the following:

"(i) A subdivision among its subcommittees of the allocation of budget outlays and new budget authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution.

"(ii) A subdivision of the amount with respect to each such subcommittee between controllable amounts and all other amounts.

The joint resolution shall be placed on the calendar pending disposition of such joint resolution in accordance with this subsection.

"(B)(i) Except as provided in clause (ii), the provisions of section 305 for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of joint resolutions reported under this paragraph and conference reports thereon.

"(ii)(I) Debate in the Senate on any joint resolution reported under this paragraph, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

"(II) The Committee on Appropriations shall manage the joint resolution.

"(C) The allocations of the Committees on Appropriations shall not take effect until the joint resolution is enacted into law.

"(2) OTHER COMMITTEES.—As soon as practicable after a concurrent resolution on the budget is agreed to every committee of the House and Senate (other than the Committees on Appropriations) to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made—

"(A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction; and

"(B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this paragraph.".

(b) POINT OF ORDER.—Section 302(c) of the Congressional Budget Act of 1974 is amended by striking "such committee makes the allocation or subdivisions required by" and inserting "such committee makes the allocation or subdivisions in accordance with".

(c) ALTERATION OF ALLOCATIONS.—Section 302(e) of the Congressional Budget Act of 1974 is amended to read as follows:

"(e) ALTERATION OF ALLOCATIONS.—

"(1) Any alteration of allocations made under paragraph (1) of subsection (b) proposed by the Committee on Appropriations of either House shall be subject to approval as required by such paragraph.

"(2) At any time after a committee reports the allocations required to be made under subsection (b)(2), such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.".

SEC. 3. AMENDMENTS TO APPROPRIATIONS BILL.

Section 302 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (g) as subsection (h); and

(2) inserting after subsection (f) the following:

"(g) AMENDMENTS TO APPROPRIATIONS ACT REDUCING ALLOCATIONS.—

"(1) FLOOR AMENDMENTS.—Notwithstanding any other provision of this Act, an amendment to an appropriations bill shall be in order if—

"(A) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill; or

"(B) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill and the 4 succeeding fiscal years.

"(2) CONFERENCE REPORTS.—(A) It shall not be in order to consider a conference report on an appropriations bill that contains a provision reducing subcommittee allocations and discretionary spending included in both the bill as passed by the Senate and the House of Representatives if such provision provides reductions in such allocations and spending that are less than those provided in the bill as passed by the Senate or the House of Representatives.

"(B) It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill that does not include a reduction in subcommittee allocations and discretionary spending in compliance with subparagraph (A) contained in the bill as passed by the Senate and the House of Representatives.".

SEC. 4. SECTION 602(b) ALLOCATIONS.

Section 602(b)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) SUBALLOCATIONS BY APPROPRIATIONS COMMITTEES.—The Committee on Appropriations of each House shall make allocations under subsection (a)(1)(A) or (a)(2) in accordance with section 302(b)(1).".

SPENDING REDUCTION AND BUDGET CONTROL ACT OF 1995—LEGISLATIVE SUMMARY

The legislation introduced today increases the likelihood of deficit reduction and the accountability of the budget process. The amendment gives legislators new tools to address spending priorities and deficit reduction.

STEP 1: FIX THE ALLOCATION PROCESS

Problem

A central decision in the Appropriations process is the distribution of available spending authority (BA and outlays) among the thirteen subcommittees. While the Budget Resolution may fix the total spending ceiling, the "functional categories" provide little guidance for these "302/602 (B)" allocations. As a result, the Appropriations Committee made fundamental decisions about spending priorities that are not subject to the approval by the entire Senate. Additionally, the House and Senate figures often differ.

Solution

The Congress would required to consider and approve spending targets for each appropriation subcommittee. This would be done by a Joint Resolution which would:

Originate and be managed within the Appropriations Committees;

Have privileged status and supersede other pending business;

Limit debate (Reconciliation-type rules—20 hour debate, tight germaneness rules for amendments)

Specify allocations by Subcommittee

Meet appropriate overall Budget cap

Be passed by both Houses in final form prior to the approval of any Appropriations Bills by either House.

Subcommittees allocations can be modified in subsequent Appropriations Bills:—*downward* by a majority vote—*upward* by a three-fifths vote, as is the case today.

STEP 2: AMENDMENTS TO APPROPRIATIONS BILLS SHOULD BE ABLE TO PRODUCE BUDGET SAVINGS WITH A MAJORITY VOTE

Problem

A valid criticism to any amendment to cut Appropriations is that such amendments are unlikely to result in deficit savings. If a legislator succeeds in cutting an account, the funds saved remain available under the Subcommittee's 302(b)/602(b) allocation to be spent on other items. If the appropriations cuts amendment contains reductions in the 302(b)/602(b) allocation, then it is subject to a "supermajority" (i.e., three-fifths vote) point of order. Finally, even if both Houses pass similar cuts or if both Houses come in below the 302(b)/602(b) allocation figures, there is no explicit constraint on Conference to maintain deficit reduction.

Solution

Senators and Representatives would be allowed to offer appropriations cut amendments in one of three forms:

(i) Cut the program account, but retain current law subcommittee allocation and discretionary cap figures;

(ii) Cut the program account and drop subcommittee allocation and discretionary cap figures accordingly for current year;

(iii) Cut the program account and drop subcommittee allocation figure for current year and discretionary cap figure for current year and for an additional four years.

Any amendment offered in one of the above forms would *not* be subject to a three-fifths vote point of order.

STEP 3: FOCUS THE CONFERENCE COMMITTEES ON DEFICIT REDUCTION

Problem

Even if each House adopted reduced spending proposals, there's no guarantee that the conference committee will reduce spending. In fact, our experience is that the conference committee can drop cut proposals and even report a bill which increases spending *higher* than that reported by *either* House.

Solution

Conference would not be able to adopt a final 302(b)/602(b) allocation figure higher than the highest of the House or Senate figures; if two Houses agree on different budget cuts on the same appropriations bill, Conference would be required to pass savings equal to the lesser of the two packages of budget cuts.●

By Mr. BRADLEY (for himself, Mr. SPECTER, Mr. LAUTENBERG and Mr. EXON):

S. 164. A bill to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1995

● Mr. BRADLEY. Mr. President, I introduce the Comprehensive One-call Notification Act. I am very pleased to have as cosponsors of this bill Senator SPECTER, Senator LAUTENBURG, and the ranking member of the Commerce Committee's Transportation Subcommittee, Senator EXON.

The bill we are introducing today will create new assurance that accidents involving pipelines and underground utilities won't occur. Every year, multiple fatalities and tens of millions of dollars worth of damage occur simply because people dig where they shouldn't. These third-party incidents are the single leading cause of accidents involving pipelines. According to the Department of Transportation, these accidents result in over half of the fatalities and half of the property damage caused by all pipeline failures. The Comprehensive One-Call Notification Act will create a mechanism to prevent the inadvertent injury and the potential tragedy.

Last March 23, just before midnight, an explosion ripped through the community of Durham Woods in Edison, NJ. Within minutes, eight apartment buildings were ablaze. Soon they were gone, wiped out by a fireball that lit up the sky over hundreds of square miles. One life was lost. Hundreds lost their homes. Many more were evacuated.

The injuries were miraculously low. But who knows how many others still lie awake at night, wondering whether it could happen again and fearing the future.

Reflecting on the accident today, it seems hard to fault anyone for their response to the tragedy. The community pulled together to help out those in need. Food, emergency shelter, general support and financial assistance were offered amply and unconditionally in the hours and days following the accident.

However, great as this response was, this is not what is most striking about this accident. What is most striking about the accident is how lucky we were. Who would ever think that, given the timing and the magnitude of the explosion, so many people—many fleeing with just the clothes they had on—would escape without serious injury? Few who have walked around that crater, seen the charged cars and the empty building foundations would disagree with the conclusion that many there were saved only by a miracle.

Unfortunately, miracles are a poor basis for public policy. You can't count on them. I am not about to count on them. The fact is that there is no margin for error in today's pipeline industry. The natural gas industry does have an excellent safety record, especially when you consider that 25 percent of the energy we consume moves by these pipelines. For example, there are seven major pipelines that cross my home State, and hundreds of smaller ones. But the Edison accident never should have happened.

We need to acknowledge Edison for what it is: a breakdown in the regulatory and safety program. When the National Transportation Safety Board testified before the Energy Committee in April, their analysis pointed nearly conclusively to multiple gouges on the pipeline as the probable cause of the disaster. These marks appeared to be due to some powerful machinery, such as a backhoe, that struck the pipeline repeatedly.

At this point, we don't know whether the damage was unintentional or on purpose. We don't know who struck the pipeline or whether they might have been aware of the possibility. We do know, however, that there was no requirement of utility notification prior to the excavation. And we know that there is no penalty for digging in the vicinity of the pipeline without notifying the utility operator.

This is simply wrong, and represents a failure of public policy. At the hearing before the Senate Energy Committee, every witness agreed that we need

a new national program of utility notification. If someone is excavating or grading a site, there has to be proper notification and it has to be mandatory—not voluntary—with penalties for negligence or noncompliance. This national program will be created by the comprehensive legislation we are considering today.

Right now, the gas industry is making plans for a rapid expansion into new markets, particularly in the areas of natural gas vehicles and electric power production. The Department of Energy has predicted that the gas market will expand by a third over the next 15 years. If accidents occur—regardless of who is at fault or how the industry follows up—this growth will not. It is that simple.

The telecommunications industry is likewise spending billions to expand its infrastructure and capabilities. If this investment, however, is held hostage by every backhoe operator in every State, without serious controls and oversight, we won't see a lot of traffic on this information superhighway.

In one sense, this bill is unnecessary. Sooner or later, I predict, every State will adopt one-call provisions like those identified in this legislation. The reason is simple: sooner or later, every State will experience a major accident involving third-party damage to underground utilities. Then, just as has happened in New Jersey, one-call provisions will be introduced or strengthened. This is not an issue of cost. Most States have these programs already. The problem is that, absent sufficient political motivation, these programs are just not as effective as they need to be.

We shouldn't have to wait for another disaster to understand the importance of this modest bill. This comprehensive one-call legislation represents a necessary step if we are to do everything reasonable and appropriate to protect the public from the kind of tragedy that struck Edison.

This bill, obviously, won't guarantee that another Edison will never occur. But mandatory, truly comprehensive one-call programs, based on a national model, are a good place to start.

Passage of this legislation will send a message to the public that our concern is serious and the risks are real. A national program will create a new level of awareness and this awareness would be a powerful ally in our fight for increased safety.

Mr. President, last Congress, this legislation was passed twice by the House of Representatives and was passed unanimously by the Senate Commerce Committee. This bill was on the verge of final approval when the Senate adjourned last October.

It is clearly time to pass this legislation. I believe that there is no substantive reason why we cannot and should not act. It is endorsed very broadly by industry. It is needed by the general public. I urge all my colleagues to consider this bill carefully and approve it without delay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 164

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 "Comprehensive One-Call Notification Act of 1995".

SEC. 2. DEFINITIONS.

In this Act:

(1) DAMAGE.—The term "damage" means—

(A) impact or contact with an underground facility, its appurtenances, or its protective coating; or

(B) weakening of the support for the facility or protective housing that requires repair.

(2) EXCAVATION.—The term "excavation"—

(A) means an operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of a mechanized tool or equipment or by means of an explosive; but

(B) does not include—

(i) a generally accepted normal agricultural practice or activity taken in support of such a practice, as determined by each State, including tilling of the soil for agricultural purposes to a depth of 18 inches or less;

(ii) a generally accepted normal lawn and garden activity, as determined by each State;

(iii) the excavation of a gravesite in a cemetery; or

(iv) such routine railroad maintenance as such maintenance would disturb the ground to a depth of no more than 18 inches, as measured from the surface of the ground, in accordance with rules adhered to by a railroad requiring underground facilities other than its own to be buried 3 feet or lower on its property or along its right-of-way.

(3) EXCAVATOR.—The term "excavator" means a person that conducts excavation.

(4) FACILITY OPERATOR.—The term "facility operator" means a person that operates an underground facility.

(5) HAZARDOUS LIQUID.—The term "hazardous liquid" has the meaning stated in section 60101(a)(4) of title 49, United States Code.

(6) NATURAL GAS.—The term "natural gas" has the meaning given the term "gas" in section 60101(a)(2) of title 49, United States Code.

(7) PERSON.—The term "person" includes an agency of Federal, State, or local government.

(8) ROUTINE RAILROAD MAINTENANCE.—The term "routine railroad maintenance" includes such activities as ballast cleaning, general ballast work, track lining and surfacing, signal maintenance, and replacement of crossties.

(9) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(10) STATE.—The term "State" has the meaning stated in section 60101(a)(20) of title 49, United States Code.

(11) STATE PROGRAM.—The term "State program" means the program of a State to establish or maintain a one-call notification system.

(12) UNDERGROUND FACILITY.—The term "underground facility"—

(A) means an underground line, system, or structure used for gathering, storing, transmitting, or distributing oil, petroleum products, other hazardous liquids, natural gas, communication, electricity, water, steam, sewerage, or any other commodity that the Secretary determines should be included under the requirements of this Act; but

(B) does not include a portion of a line, system, or structure if the person that owns or leases, or holds an oil or gas mineral leasehold interest in, the real property in which that portion is located also operates, or has authorized the operation of, the line, system, or structure only for the purpose of furnishing services or materials to that person, except to the extent that that portion—

(i) contains predominantly natural gas or hazardous liquids; and

(ii)(I) is located within an easement for a public road (as defined under section 101(a) of title 23, United States Code), or a toll highway, bridge, or tunnel (as described in section 129(a)(2) of that title); or

(II) is located on a mineral lease and is within the boundaries of a city, town, or village.

SEC. 3. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

Within 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a nationwide toll-free telephone number system to be used by State one-call notification systems.

SEC. 4. STATE PROGRAMS.

(a) CONSIDERATION.—

(1) IN GENERAL.—Each State shall consider whether to adopt a comprehensive statewide one-call notification program with each element described in section 5, to protect all underground facilities from damage due to any excavation.

(2) NEW OR EXISTING PROGRAM.—A State program may be provided for through the establishment of a new program or through modification or improvement of an existing program, and may be implemented by a nongovernmental organization.

(b) PROCEDURES.—

(1) NOTICE AND HEARING.—State consideration under subsection (a) shall be undertaken after public notice and hearing and shall be completed within 3 years after the date of enactment of this Act.

(2) PART OF GENERAL PROCEEDING.—Such consideration may be undertaken as part of any proceeding of a State with respect to the safety of pipelines or other underground facilities.

(c) COMPLIANCE.—If a State fails to comply with the requirements of subsection (a), the Secretary or any person aggrieved by such failure may in a civil action obtain appropriate relief against any appropriate officer or entity of the State, including the State itself, to compel such compliance.

(d) APPROPRIATENESS.—Nothing in this Act prohibits a State from making a determination that it is not appropriate to adopt a State program described in section 5, pursuant to its authority under otherwise applicable State law.

SEC. 5. ELEMENTS OF STATE PROGRAM.

(a) IN GENERAL.—Each State's consideration under section 4(a) shall include consideration of program elements that—

(1) provide for a one-call notification system or systems that shall—

(A) apply to all excavators and to all facility operators;

(B) operate in all areas of the State and not duplicate the geographical coverage of other one-call notification systems;

(C) receive and record appropriate information from excavators about intended excavations;

(D) inform facility operators of any intended excavations that may be in the vicinity of their underground facilities; and

(E) inform excavators of the identity of facility operators who will be notified of the intended excavation;

(2) provide for 24-hour coverage for emergency excavation, with the manner and scope of coverage determined by the State;

(3) employ mechanisms to ensure that the general public, and in particular all excavators, are aware of the one-call telephone number and the requirements, penalties, and benefits of the State program relating to excavations;

(4) inform excavators of any procedures that the State has determined must be followed when excavating;

(5) require that any excavator contact the one-call notification system in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(6) require facility operators to provide for locating and marking or otherwise identifying their facilities at an excavation site, in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(7) provide effective mechanisms for penalties and enforcement as described in section 6;

(8) provide for a fair and appropriate schedule of fees to cover the costs of providing for, maintaining, and operating the State program;

(9) provide an opportunity for citizen suits to enforce the State program;

(10) require railroads to report any accidents that occur during or as a result of routine railroad maintenance to the Secretary and the appropriate local officials; and

(11) provide that when a facility operator believes that its underground facility is not buried 3 feet or lower on railroad property or right-of-way, the facility operator may request permission to enter the railroad property or right-of-way for the purpose of assessing the depth of such underground facility and report its finding to the railroad.

(b) EXCEPTION.—When excavation is undertaken by or for a person on real property that is owned or leased by, or in which an oil or gas mineral leasehold interest is held by, that person, and that person operates all underground facilities located at the site of the excavation, a State program may elect not to require that such person contact the one-call notification system before conducting excavation.

SEC. 6. PENALTIES AND ENFORCEMENT.

(a) GENERAL PENALTIES.—Each State's consideration under section 4(a) shall include consideration of a requirement that any excavator or facility operator that violates the requirements of the State program shall be liable for an appropriate administrative or civil penalty.

(b) INCREASED PENALTIES.—If a violation results in damage to an underground facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000, or damage to a hazardous liquid underground facility resulting in the release of more than 50 barrels of product, the penalties shall be increased, and an additional penalty of imprisonment may be assessed for a knowing and willful violation.

(c) DECREASED PENALTIES.—Each State's consideration under section 4(a) shall include consideration of reduced penalties for a violation, that results in or could result in damage, that is promptly reported by the violator.

(d) EQUITABLE RELIEF AND MANDAMUS ACTIONS.—Each State's consideration under section 4(a) shall include consideration of provisions for appropriate equitable relief and mandamus actions.

(e) IMMEDIATE CITATION OF VIOLATIONS.—Each State's consideration under section 4(a) shall include consideration of procedures for issuing a citation of violation at the site and time of the violation.

SEC. 7. GRANTS TO STATES.

(a) AUTHORITY.—

(1) FUNDING.—Using $4,000,000 of the amounts previously collected under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (previously codified as 49 U.S.C. App. 1682a) or section 60301 of title 49, United States Code, for each of the fiscal years 1996, 1997, and 1998, to the extent provided in advance in appropriations Acts, the Secretary shall make grants to States, or to operators of one-call notification systems in such States, that have elected to adopt a State program described in section 5 or to establish and maintain a State program pursuant to subsection (b) of this section.

(2) GENERAL PURPOSES.—Grants under subsection (a) may be used in—

(A) establishing one-call notification systems;

(B) modifying existing systems to conform to standards established under this Act; and

(C) improving systems to exceed those standards.

(3) PARTICULAR USES.—Grants under subsection (a) may be used to—

(A) improve communications systems linking one-call notification systems;

(B) improve location capabilities, including training personnel and developing and using location technology;

(C) improve record retention and recording capabilities;

(D) enhance public information and education campaigns;

(E) increase and improve enforcement mechanisms, including administrative processing of violations; and

(F) otherwise further the purposes of this Act.

(b) ALTERNATE FORM OF STATE PROGRAM.—The Secretary may make a grant under subsection (a) to a State that establishes or maintains a State program that differs from a State program described in section 5 if the State program is at least as protective of the public health and safety and the environment as a State program described in section 5.

SEC. 8. DEPARTMENT OF TRANSPORTATION.

(a) COORDINATION WITH OTHER RESPONSIBILITIES.—

(1) COORDINATION.—The Secretary shall coordinate the implementation of this Act with the implementation of chapter 601 of title 49, United States Code.

(2) REVIEW OF PROGRAMS.—Within 18 months after the date of enactment of this Act, the Secretary shall review, and report to Congress on, the extent to which any policies, programs, and procedures of the Department of Transportation could be used to achieve the purposes of this Act.

(b) MODEL PROGRAM.—

(1) DEVELOPMENT.—

(A) INITIAL MODEL PROGRAM.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with facility operators, excavators, one-call notification system operators, and State and local governments, shall develop and make available to States a model State program, including a model enforcement program.

(B) AMENDMENTS.—The model program may be amended by the Secretary on the Secretary's initiative or in response to reports submitted by the States pursuant to section 9 or as a result of workshops conducted under paragraph (3).

(2) MANDATORY ELEMENTS.—The model program developed under paragraph (1) shall include all elements of a State program described in section 5.

(3) OTHER ELEMENTS.—The Secretary shall consider incorporating the following elements into the model program:

(A) RECORDATION OF INFORMATION.—The one-call notification system or systems shall—

(i) receive and record appropriate information from excavators about intended excavations, including—

(I) the name of the person contacting the one-call notification system;

(II) the name, address, and telephone number of the excavator;

(III) the specific location of the intended excavation, along with the starting date thereof and a description of the intended excavation activity; and

(IV) the name, address, and telephone number of the person for whom the work is being performed; and

(ii) maintain records on each notice of intent to excavate for the period of time necessary to ensure that such records remain available for use in the adjudication of any claims relating to the excavation.

(B) PROVISION OF INFORMATION.—The provision of information on excavation requirements at the time of issuance of excavation or building permits, or other specific mechanisms for ensuring excavator awareness.

(C) ADVANCE CONTACT.—A requirement that any excavator must contact the one-call notification system at least 2 business days, and not more than 10 business days, before excavation begins.

(D) ALTERNATIVE NOTIFICATION PROCEDURES.—Alternative notification procedures for excavation activities conducted as a normal part of continuing operations within specific geographic locations over an extended period of time.

(E) MARKING OF FACILITIES; MONITORING OF EXCAVATION.—A requirement that facility operators—

(i) provide for locating and marking, in accordance with the American Public Works Association Uniform Color Code for Utilities, or otherwise identifying, in accordance with standards established by the State or the American National Standards Institute, their underground facilities at the site of an intended excavation within no more than 2 business days after notification of such intended excavation; and

(ii) monitor such excavation as appropriate.

(F) NOTIFICATION OF NO UNDERGROUND FACILITIES.—Provision for notification of excavators if no underground facilities are located at the excavation site.

(G) LONGER TIME LIMITATIONS.—Provision for the approval of a State program under this Act with time limitations longer than those required under subparagraphs (C) and (E) of this paragraph where special circumstances, such as severe weather conditions or remoteness of location, pertain.

(H) UNKNOWN LOCATIONS.—Procedures for excavators and facility operators to follow when the location of underground facilities is unknown.

(I) IMPROVEMENT OF CAPABILITIES.—Procedures to improve underground facility location capabilities, including compiling and notifying excavators, facility operators, and one-call centers of any information about previously unknown underground facility locations when such information is discovered.

(J) ALTERNATIVE RULES FOR TIMELY COMPLIANCE.—Alternative rules for timely compliance with State program requirements in emergency circumstances.

(K) REVOCATION OF LICENSES AND PERMITS.—If a State has procedures for licensing or permitting entities to do business, procedures for the revocation of the license or permit to do business of any excavator determined to be a habitual violator of the requirements of the State program.

(4) WORKSHOPS.—Within 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall conduct workshops with facility operators, excavators, one-call notification system operators, and State and local governments in order to develop, amend, and promote the model program, and to provide an opportunity to share information among such parties and to recognize State programs that exemplify the goals of this Act.

(c) PUBLIC EDUCATION.—The Secretary shall develop, in conjunction with facility operators, excavators, one-call notification system operators, and State and local governments, public service announcements and other educational materials and programs to be broadcast or published to educate the public about one-call notification systems, including the national phone number.

SEC. 9. STATE REPORTS.

(a) REQUIREMENT.—

(1) INITIAL REPORT.—Within 3 years after the date of enactment of this Act, each State shall submit to the Secretary a report on progress made in implementing this Act.

(2) STATUS REPORTS.—Within 4½ years after the date of enactment of this Act, and annually thereafter, each State shall report to the Secretary on the status of its State program, if any, and its requirements, and any other information the Secretary requires.

(b) SIMPLIFIED REPORTING FORM.—Within 3 years after the date of enactment of this Act, the Secretary shall develop and distribute to the States a simplified form for complying with the reporting requirements of subsection (a)(2).

SEC. 10. FEDERAL REPORT.

The Secretary shall report annually to Congress on the number and circumstances surrounding accidents caused by routine railroad maintenance.

SEC. 11. MORE PROTECTIVE SYSTEMS.

Nothing in this Act prohibits a State from implementing a one-call notification system that provides greater protection for underground facilities from damage due to excavation than a system established pursuant to this Act.

SEC. 12. USE OF TECHNOLOGIES FOR REMOTE AND ABOVE-GROUND PIPELINE LOCATION.

The Secretary shall consult with other agencies as to the availability and affordability of technologies which will help relocate pipelines from above-ground and remote locations.•

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. DOLE):

S. 166. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; to the Committee on Energy and Natural Resources.

TAOS PUEBLO BOTTLENECK LEGISLATION

• Mr. DOMENICI. Mr. President, the bill I am introducing with my colleagues, Mr. BINGAMAN and Mr. DOLE, will transfer 764 acres now located in the Wheeler Peak Wilderness of the Carson National Forest to the Taos Pueblo, both in northern New Mexico.

The history of this area is fascinating and involves the only living culture in the United States to be recognized by the United Nations as a World Heritage Site. Americans can be very proud of the Taos Pueblo Indians who live in the Rocky Mountains of New Mexico. I know New Mexicans are proud of the Taos Pueblo for this most unique international honor in our land of enchantment.

Designation as a World Heritage Site is an honor we share with the Grand Canyon, Yosemite, the Statue of Liberty, and Independence Hall, to name several such sites in the United States. The Taos Pueblo, however, is the only living culture to be so honored in the Western Hemisphere.

A well-known cultural and religious attribute of this World Heritage Site at Taos Pueblo is the Blue Lake and its special spiritual significance to the Taos Pueblo and other New Mexico Indians. Blue Lake is nestled high in the Sangre de Cristo Mountains east of the Pueblo. The sacred ceremonies of the Taos Pueblo people at this site pre-date the signing of the Magna Carta.

The Bottleneck area is an integral part of Blue Lake and continues to be used by Taos Pueblo for religious pilgrimages. The sacred Path of Life Trail, connecting the Pueblo with Blue Lake, runs through the Bottleneck. The Blue Lake Wilderness includes Blue Lake, Star Lake, and Bear Lake. Headwaters to Rio Pueblo de Taos and the Rio Lucero are also in this sacred area. There is no doubt that the Blue Lake Wilderness, designated a wilderness area in the 1970 law, has been a vital source of livelihood and spiritual strength for the Taos Pueblo for over 1,000 years.

The bill pending before the Senate today is intended to complete the full transfer of the Blue Lake territory to the Taos Pueblo. The Path of Life Trail in the Bottleneck Tract will be returned to its rightful owners.

Most of the Blue Lake area transfer took place in 1970, when Public Law 91-550 was signed by President Richard M. Nixon. At that time, 48,000 of the 50,000 acres of Blue Lake Wilderness were returned to the Taos Pueblo. The entire 50,000 acre area known as the Blue Lake was acknowledged by the Indian Claims Commission in 1965 to be Taos Pueblo land. The creation of the Blue Lake Wilderness in 1970 by the Congress transferred 48,000 acres of the 50,000 acres back to Taos Pueblo to be held in trust by the United States for the Pueblo.

In 1979, the Federal District Court in Washington, DC added 1,235 acres to the trust lands of Taos Pueblo in the Tract C transfer, leaving only the so-called Bottleneck Tract from the original 50,000 acre claim. Our legislation completes the Blue Lake transfer.

Drafted as an amendment to the Blue Lake Wilderness Act, our bill requires that the Bottleneck also be maintained as wilderness. The Taos Pueblo has an excellent record of maintaining the Blue Lake Wilderness. We have every confidence that adding the Bottleneck to the Blue Lake Wilderness will increase the enthusiasm of the Pueblo for continuing its excellent stewardship of the Blue Lake Wilderness.

The Wilderness Society, Audubon Society, Sierra Club, and the National Wildlife Federation support the return of the Bottleneck to Taos Pueblo.

Under the terms of this legislation, Taos Pueblo will hold the responsibility and right to manage and control the entire Blue Lake Territory. The Bottleneck Tract is currently a part of the Wheeler Peak Wilderness Area in the Carson National Forest, New Mexico, and is managed by the Forest Service. Taos Pueblo lands surround the Bottleneck on three sides (east, south, and west). Unfortunately, public access to this Bottleneck tract leads to unwelcome intrusions. During Indian ceremonials, hikers often find their way into the Blue Lake Wilderness Area. Our bill will resolve this and related problems in favor of the Taos Pueblo. There will no longer be questions of ownership or rights of way, and the Pueblo will be responsible for management of the entire Blue Lake area including the Bottleneck Tract added by this legislation.

The Bottleneck Tract, is currently managed by the Forest Service as a scenic overlook. Taos Pueblo leaders are issued permits and the Forest Service closes the area for their pilgrimages. There are no public camping, fishing, or other recreational uses permitted. Hiking is allowed.

It is the intention of Taos Pueblo, under the terms of this bill, to continue to use these lands for traditional purposes only. These uses include religious and ceremonial pilgrimages, hunting and fishing, a source of water, forage for their domestic livestock, timber, and other natural resources for their personal use. These uses are all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe as managed by the Taos Pueblo under the terms of the Blue Lake wilderness legislation.

There is no intention in our legislation to change any water rights associated with the Blue Lake area or the Taos Pueblo. I have personally discussed this issue with the Taos tribal

leaders who have assured me that the return of the Bottleneck will not alter their claims to water in the Taos Valley. There will be no adverse impact on downstream water users in the Taos Valley as a result of passage of this legislation. In fact, I remain optimistic about the on-going water negotiations in the Taos Valley and look forward to working with all parties to ratify a negotiated settlement in the Congress.

It is our intention that the lands shall remain forever wild and maintained as a wilderness. Identical legislation is being introduced in the House by Representative RICHARDSON of New Mexico. We urge our colleagues to support our legislation to transfer the last parcel of the Blue Lake Wilderness to the Taos Pueblo Indians of New Mexico.

By Mr. JOHNSTON:

S. 167. A bill to amend the Nuclear Waste Policy Act of 1982 and for other purposes; to the Committee on Energy and Natural Resources.

THE NUCLEAR WASTE POLICY ACT OF 1995

• Mr. JOHNSTON. Mr. President, I am today introducing legislation to amend the Nuclear Waste Policy Act of 1982.

The existing law was meant to provide for the permanent disposal of spent nuclear fuel from the Nation's civilian nuclear powerplants and high-level radioactive waste from our nuclear weapons program. It called for the construction of a deep geologic repository in which nuclear waste could safely be buried beginning in January 1998.

The existing law has fallen far short of its goals. The repository will not be ready in 1998. The earliest completion date is now 2010, but it may not be ready even then without significant program changes and budget increases. In the meantime, available storage capacity at civilian powerplants is running out, threatening the ability of some plants to keep operating.

The existing program was designated to be self-funding. The law imposed a special fee on utilities, which is ultimately borne by their ratepayers. The American people have paid over $8 billion into the Nuclear Waste Fund. Over $4 billion has been spent, but our budget laws put the balance of the fund off-limits, where it can be used to balance the deficit but not used for the purpose for which it was collected.

Mr. President, the program cannot succeed as it is presently constituted. The time has come to restructure the program so it can succeed. This bill I am introducing today would do so.

The Nuclear Waste Policy Act of 1995 provides a complete substitute to the 1982 law. It provides for the construction of an interim storage facility, which would provide adequate spent fuel storage capacity until the repository can be built and licensed. It places the existing repository program on sounder foundations by providing rational, health-based standards for licensing the repository. It provides authority for the Department of Energy to begin construction of the rail spur needed to transport nuclear waste to the interim storage facility and repository. And it provides special budget treatment for the Nuclear Waste Fund to ensure that the program will be able to use the funds that are now being collected for that purpose.

Mr. President, I urge my colleagues to join me in supporting this important legislation, and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nuclear Waste Policy Act of 1995".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—STORAGE AND DISPOSAL

Sec. 101. Interim storage.
Sec. 102. Permanent disposal.
Sec. 103. Land withdrawal.

TITLE II—TRANSPORTATION AND STATE RELATIONS

Sec. 201. Multi-purpose canisters.
Sec. 202. Railroad.
Sec. 203. Transportation requirements.
Sec. 204. State consultation and assistance.
Sec. 205. Preemption.

TITLE III—FUNDING AND ORGANIZATION

Sec. 301. Budget priorities.
Sec. 302. Nuclear Waste Fund.
Sec. 303. Budget treatment.
Sec. 304. Office of Civilian Radioactive Waste Management.
Sec. 305. Defense contribution.

TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

Sec. 401. NRC regulations.
Sec. 402. Judicial review of agency actions.
Sec. 403. Title to material.
Sec. 404. Licensing of facility expansions and transshipments.
Sec. 405. Siting a second repository.
Sec. 406. Financial arrangements for low-level radioactive waste site closure.
Sec. 407. Nuclear Regulatory Commission training authorization.

TITLE V—NUCLEAR WASTE TECHNICAL REVIEW BOARD

Sec. 501. Definitions.
Sec. 502. Nuclear Waste Technical Review Board.
Sec. 503. Functions.
Sec. 504. Investigatory powers.
Sec. 505. Compensation of members.
Sec. 506. Staff.
Sec. 507. Support services.
Sec. 508. Report.
Sec. 509. Authorization of appropriations.
Sec. 510. Termination of the Board.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "affected unit of local government" means the unit of local government with jurisdiction over the site of the repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

(2) The term "atomic energy defense activity" means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

(A) naval reactors development;

(B) weapons activities including defense inertial confinement fusion;

(C) verification and control technology;

(D) defense nuclear materials production;

(E) defense nuclear waste and materials byproducts management;

(F) defense nuclear materials security and safeguards and security investigations; and

(G) defense research and development.

(3) The term "civilian nuclear power reactor" means a civilian nuclear powerplant required to be licensed under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

(4) The term "Commission" means the Nuclear Regulatory Commission.

(5) The term "Department" means the Department of Energy.

(6) The term "disposal" means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such waste.

(7) The term "engineered barriers" means manmade components of a disposal system designed to prevent the release of radionuclides into the geologic medium involved. Such term includes the high-level radioactive waste form, high-level radioactive waste canisters, and other materials placed over and around such canisters.

(8) The term "high-level radioactive waste" means—

(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

(9) The term "federal agency" means any Executive agency, as defined in section 105 of title 5, United States Code.

(10) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(11) The term "interim storage facility" means a complex designed and constructed under section 101 for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel prior to transfer to a repository for the permanent disposal of such spent nuclear fuel.

(12) The term "low-level radioactive waste" means radioactive material that—

(A) is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or byproduct material as defined in section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

(B) the Commission, consistent with existing law, classifies a low-level radioactive waste.

(13) The term "Office" means the office of Civilian Radioactive Waste Management established in section 304.

(14) The term "package" means the primary container that holds, and is in contact with, solidified high-level radioactive waste, spent nuclear fuel, or other radioactive materials, and any overpacks, that are used for the transportation, storage, or disposal of such waste, spent fuel, or other materials.

(15) The term "Program Approach" means the Secretary's plan for site characterization activities described in the Yucca Mountain Technical Implementation Plan for Fiscal Year 1995.

(16) The term "repository" means a complex designed and constructed under section 102 for the permanent geologic disposal of high-level radioactive waste and spent nuclear fuel, including both surface and subsurface areas at which high-level radioactive waste and spent nuclear fuel handling activities are conducted.

(17) The term "Secretary" means the Secretary of Energy.

(18) The term "site characterization" means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in site testing needed to evaluate the suitability of a candidate site for the location of the repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(19) The term "spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(20) The term "storage" means retention of high-level radioactive waste, spent nuclear fuel, or transuranic waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

(21) The term "Waste Fund" means the Nuclear Waste Fund established in section 302(c).

(22) The term "Yucca Mountain site" means the area in the State of Nevada described in section 103(b).

TITLE I—STORAGE AND DISPOSAL

SEC. 101. INTERIM STORAGE.

(a) AUTHORIZATION.—The Secretary shall construct and operate a facility for the interim storage of high-level radioactive waste and spent nuclear fuel at the Yucca Mountain site.

(b) NRC LICENSING.—The Secretary shall apply to the Commission for a license to store high-level radioactive waste and spent nuclear fuel in the interim storage facility. The Commission shall amend its regulations for licensing independent spent fuel storage installations as appropriate to carry out the purposes of this section. The Commission shall act expeditiously on the Secretary's application and shall license the facility in accordance with the provisions of this Act and the Commission's regulations for licensing independent spent fuel storage installations as amended.

(c) DURATION OF THE LICENSE.—The Commission shall license storage of high-level radioactive waste and spent nuclear fuel at the facility for an initial term of 100 years from the date of issuance of the license and may, upon application by the Secretary, renew the license for additional terms.

(d) CAPACITY.—The interim storage facility shall provide sufficient capacity to store spent nuclear fuel from civilian nuclear power reactors until the Secretary is able to transfer the spent fuel to the repository, and shall be expandable if operation of the repository is delayed.

(e) ENVIRONMENTAL IMPACT STATEMENT.—(1) Construction and operation of the interim storage facility shall be considered a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the interim storage facility to the Commission with the license application.

(2) For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary need not consider the need for the interim storage facility or alternative sites or designs in the environmental impact statement.

(3) The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a license for storage of spent nuclear fuel at the interim storage facility. To the extent such statement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969.

(f) EXPEDITED ACTIONS.—The Secretary shall begin storing spent nuclear fuel at the interim storage facility at the earliest practicable date. All actions by the Secretary, the Commission, the Secretary of the Interior, or any federal agency or officer with respect to consideration of applications or requests for the issuance or grant of any authorization related to the interim storage facility shall be expedited, and any such application or request shall take precedence over any similar applications or requests not related to the interim storage facility.

(g) WASTE CONFIDENCE.—Licensing and operation of the interim storage facility in accordance with this section shall constitute reasonable assurance that high-level radioactive waste and spent nuclear fuel can and will be disposed of safely for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

SEC. 102. PERMANENT DISPOSAL.

(a) SITE CHARACTERIZATION.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's Program Approach to site characterization. The Commission shall review its existing regulations for the disposal of high-level radioactive waste in geologic repositories and shall amend them as may be necessary to reflect the Program Approach and this Act.

(b) ENVIRONMENTAL IMPACT STATEMENT.—(1) Construction and operation of the repository shall be considered a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application.

(2) For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary need not consider the need for the repository or alternative sites or designs in the environmental impact statement.

(3) The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (d), a license under subsection (e), or a license amendment under subsection (f). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969.

(c) SITE SUITABILITY DETERMINATION.—(1) The Secretary shall determine, based upon the results of the site characterization activities, whether the Yucca Mountain site is suitable for development of a geologic repository and report her determination to the Congress.

(2) If the Secretary determines that the Yucca Mountain site is unsuitable for development of a repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of her decision and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the nation's high-level radioactive waste and spent nuclear fuel.

(3) If the Secretary determines that the Yucca Mountain site is suitable for development of a repository, the Secretary shall apply to the Commission for authorization to construct the repository.

(d) CONSTRUCTION AUTHORIZATION.—The Commission shall initially grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that high-level radioactive waste and spent nuclear fuel can be disposed of in the repository—

(1) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(e) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of high-level radioactive waste and spent nuclear fuel in the repository if the Commission determines that the repository has been constructed and will operate—

(1) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(f) CLOSURE.—After placing high-level radioactive waste and spent nuclear fuel in the repository, and after providing for the retrievability of such high-level radioactive waste and spent nuclear fuel during any period the Secretary determines to be appropriate, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

(1) in conformity with the provisions of this Act and the regulations of the Commission;

(2) without unreasonable risk to the health and safety of the public; and

(3) consistent with the common defense and security.

(g) POST-CLOSURE OVERSIGHT.—Following repository closure, the Secretary shall continue to oversee the Yucca Mountain site to prevent any activity at the site that poses an unreasonable risk of—

(1) breaching the repository's engineered or geologic barriers; or

(2) increasing the exposure of individual members of the public to radiation beyond allowable limits.

(h) LICENSING STANDARDS.—For purposes of making any licensing determination under this section—

(1) RELEASE STANDARDS.—The Commission shall find that the repository will not constitute an unreasonable risk to the health and safety of the public if there is reasonable assurance that the amount of radioactive materials and radioactivity released from the site (excluding background radiation and other radiation arising from the natural geological characteristics of the site) over a 10,000-year period shall not result in an annual dose to an average member of the general population in the vicinity of the site in excess of one-third of the annual dose received from natural background sources by an average member of the general population in the United States.

(2) OVERALL SYSTEM PERFORMANCE.—The Commission shall not deny the issuance of a license on the basis of the Secretary's failure to demonstrate satisfaction of any individual subsystem performance standard so long as the Commission finds reasonable assurance of satisfaction of the overall system performance standard.

(3) GROUNDWATER PROTECTION.—Notwithstanding the provisions of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), a Commission finding of reasonable assurance of satisfaction of the system performance standard and the design objective shall constitute a finding of adequate protection of groundwater. No maximum contaminant level limits or other groundwater protection measures shall apply.

(4) HUMAN INTRUSION.—The Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure oversight of the Yucca Mountain site, in accordance with subsection (g), shall be sufficient to—

(A) prevent any activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

(B) prevent any increase in the exposure of individual members of the public to radiation beyond allowable limits.

SEC. 103. LAND WITHDRAWAL.

(a) WITHDRAWAL AND RESERVATION.—(1) The Yucca Mountain site, as described in subsection (b), is withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

(2) Jurisdiction of any land within the Yucca Mountain site managed by the Secretary of the Interior, the Secretary of Defense, or any other federal officer is transferred to the Secretary of Energy.

(3) The Yucca Mountain site is reserved for the use of the Secretary for the construction and operation of the interim storage facility and the repository and activities associated with the purposes of this title.

(b) LAND DESCRIPTION.—(1) The boundaries depicted on the map entitled "Yucca Mountain Site Withdrawal Map," dated _____, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

(2) Within 30 days after the date of the enactment of this Act, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

(B) file copies of the map described in paragraph (1) and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

(3) The map and legal description referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the map and legal description.

TITLE II—TRANSPORTATION AND STATE RELATIONS

SEC. 201. MULTI-PURPOSE CANISTERS.

The Secretary shall design one or more multi-purpose canister systems capable of holding spent nuclear fuel during interim storage, transportation, and disposal. The Secretary shall apply to the Commission to certify such systems for the storage and transportation of spent nuclear fuel. The Secretary is authorized to procure such systems in quantities necessary for the transportation, storage, and disposal of spent nuclear fuel as part of the integrated nuclear waste management system established under this Act. The Secretary is authorized to deploy such systems to holders of spent fuel disposal contracts under section 302.

SEC. 202. RAILROAD.

(a) AUTHORIZATION.—The Secretary shall acquire rights of way within the corridor designated in subsection (b) and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the interim storage facility and the repository.

(b) ROUTE DESIGNATION.—(1) The Secretary shall acquire such rights of way and develop such facilities within the corridor depicted on the map .

(2) Within 30 days after the date of the enactment of this Act, the Secretary shall—

(A) publish in the Federal Register a notice containing a legal description of the corridor; and

(B) file copies of the map described in paragraph (1) and the legal description of the corridor with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

(3) The map and legal description referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the map and legal description.

(c) WITHDRAWAL AND RESERVATION.—(1) The public lands depicted on such map are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation and mineral leasing laws, the geothermal laws, the material sale laws, and the mining laws.

(2) Jurisdiction of such land is transferred from the Secretary of the Interior to the Secretary of Energy.

(3) Such lands are reserved for the use of the Secretary for the construction and operation of such transportation facilities and activities associated under this title.

(4) The lands depicted in the map that are within the Quail Springs Wilderness Study and the Nellis A, B, and C Wilderness Study Areas are released from further review and management under section 603 of the Federal Land Policy and Management Act (43 U.S.C. 1782). Such lands shall be managed in accordance with this Act, notwithstanding any contrary provisions of Federal, State, or local statutes, laws, regulations, ordinances, or orders.

(d) ENVIRONMENTAL IMPACT STATEMENT.—(1) Construction and operation of transportation facilities within the corridor shall constitute a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 431 et seq.) The Secretary shall prepare an environmental impact statement on the construction and operation of such facilities prior to commencement of construction. In preparing such statement, the Secretary shall adopt, to the extent practicable, relevant environmental reports that have been developed by other Federal and State agencies.

(2) For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary need not consider the need for the development or improvement of transportation facilities, alternative routes, or alternative means of transportation.

(3) Acquisition of rights of way within the corridor shall not constitute a major federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 and shall not be delayed pending completion of the environmental impact statement required under paragraph (1).

(e) EXEMPTION.—Neither the Secretary nor any person constructing railroad facilities under contract with the Secretary under this section shall be considered a rail carrier within the meaning of the Interstate Commerce Act (49 U.S.C. 10102 (19)) and shall not be subject to the jurisdiction of the Interstate Commerce Commission under 49 U.S.C. 10901.

SEC. 203. TRANSPORTATION REQUIREMENTS.

(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste under this Act. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations. The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations from the Waste Fund for such purpose.

(d) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of

spent nuclear fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

SEC. 204. STATE CONSULTATION AND ASSISTANCE.

(a) PROVISION OF INFORMATION.—(1) The Secretary, the Commission, and other agencies involved in the construction, operation, or regulation of any aspect of the interim storage facility or repository shall provide to the Governor and legislature of Nevada timely and complete information regarding determinations or plans made with respect to the site characterization, siting, development, design, licensing, construction, operation, regulation, or decommissioning of the interim storage facility and repository.

(2) Upon written request for information by the Governor or legislature, the Secretary shall provide a written response to such request within 30 days of the receipt of such request. Such response shall provide the information requested or, in the alternative, the reasons why the information cannot be so provided.

(b) CONSULTATION AND COOPERATION.—In performing any study of the Yucca Mountain site for the purpose of determining the suitability of the site for a repository, in developing and operating the interim storage facility, and in developing and loading the repository, the Secretary shall consult and cooperate with the Governor and legislature of Nevada in an effort to resolve the concerns of the State regarding the public health and safety, environmental, and economic impacts of the interim storage facility or repository. In carrying out her duties under this title, the Secretary shall take such concerns into account to the maximum extent feasible.

(c) FINANCIAL ASSISTANCE.—(1)(A) The Secretary shall make grants to the State of Nevada and any affected unit of local government for purpose of participating in activities required by this section. Any salary or travel expense that would ordinarily be incurred by such State or affected unit of local government, may not be considered eligible for funding under this paragraph.

(B) The Secretary shall make grants to the State of Nevada and any affected unit of local government for purposes of enabling the State or affected unit of local government—

(i) to review activities taken under this title with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the interim storage facility or repository on the State or affected unit of local government and its residents;

(ii) to develop a request for impact assistance under paragraph (2);

(iii) to engage in any monitoring, testing, or evaluation activities with respect to site characterization programs with regard to such site;

(iv) to provide information to Nevada residents regarding any activities of such state, the Secretary, or the Commission with respect to such site; and

(v) to request information from, and make comments and recommendations to, the Secretary regarding such activities taken under this subtitle with respect to such site.

(C) Any salary or travel expense that would ordinarily be incurred by the State of Nevada or any affected unit of local government may not be considered eligible for funding under this paragraph.

(2)(A)(i) The Secretary shall provide financial and technical assistance to the State of Nevada and any affected unit of local government requesting such assistance.

(ii) Such assistance shall be designed to mitigate the impact on the State or affected unit of local government of the development of the interim storage facility or repository and the characterization of such site.

(iii) Such assistance to the State or affected unit of local government shall commence upon the initiation of site characterization activities.

(B) The State of Nevada and any affected unit of local government may request assistance under this subsection by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from site characterization activities at the Yucca Mountain site.

(C) As soon as practicable, the Secretary shall seek to enter into a binding agreement with the State of Nevada setting forth—

(i) the amount of assistance to be provided under this subsection to such state or affected unit of local government; and

(ii) the procedures to be followed in providing such assistance.

(3)(A) In addition to financial assistance provided under paragraph (1) and (2), the Secretary shall grant to the State of Nevada and any affected unit of local government an amount each fiscal year equal to the amount the State or affected unit of local government, respectively, would receive if authorized to tax site characterization activities at such site, the development and operation of the interim storage facility, and the development and operation of the repository, as the State or affected unit of local government taxes the non-federal real property and industrial activities occurring within the State or affected unit of local government.

(B) Such grants shall continue until such time as the respective activities, development, and operation are terminated at such site.

(4)(A) The State of Nevada or any affected unit of local government may not receive—

(i) any grant with respect to the interim storage facility under paragraph (1) after the expiration of the one-year period following the date on which the Commission disapproves an application for a license to store high-level radioactive waste and spent nuclear fuel at the site; or

(ii) any grant with respect to the site characterization activities or construction of the repository under paragraph (1) after the expiration of the one-year period following the earlier of—

(I) the date on which the Secretary notifies the Governor and legislature of the State of Nevada of the termination of site characterization activities at the Yucca Mountain site; or

(II) the date on which the Commission disapproves an application for a construction authorization for a repository at such site.

(B) The State of Nevada or any affected unit of local government may not receive any further assistance under paragraph (2)—

(i) with respect to the interim storage facility if construction or operation of the interim storage facility are terminated by the Secretary or if such activities are permanently enjoined by any court; or

(ii) with respect to the repository if repository construction activities or site characterization activities are terminated by the Secretary or if such activities are permanently enjoined by any court.

(C) At the end of the 2-year period beginning on the effective date of any license under section 102(c), no federal funds, shall be made available to the State of Nevada or affected unit of local government under paragraph (1) or (2), except for such funds as may be necessary to support State activities pursuant to agreements or contracts for impact assistance entered into under paragraph (2) by the State with the Secretary during such 2-year period.

(5) Financial assistance authorized in this subsection shall be made out of amounts held in the Waste Fund.

SEC. 205. PREEMPTION.

(a) IN GENERAL.—The Secretary shall be subject to and comply with all Federal, State, and local environmental or land use laws, requirements, or orders of general applicability, including those requiring permits or reporting, or those setting standards, criteria, or limitation.

(b) EXEMPTION.—(1) Notwithstanding subsection (a), the President shall exempt the Secretary from any Federal, State, or local requirement (including any law, regulation, or order requiring any license, permit, certification, authorization, or approval, or setting any standard, criterion, or limitation) if the President determines, in his discretion, that—

(A) issuance of the required licensed, permit, certification, authorization, or approval is being unreasonably delayed or denied;

(B) the requirement is not based on credible scientific data, is not generally applicable, or was adopted by formal means; or

(C) the cost of complying with the law, requirement, or order unreasonably exceeds the benefit to the public health and safety or the environment.

(2) In the event the President makes a determination under paragraph (1) with respect to any State requirement (including any requirement of any agency or subdivision of the State) and further determines, in his discretion, that such requirement was imposed for the purpose of delaying or obstructing construction or operation of the interim storage facility, repository, or associated facilities under this Act, the President may exempt the Secretary from all State requirements under this subsection or such portion thereof as the President determines necessary.

TITLE III—FUNDING AND ORGANIZATION

SEC. 301. BUDGET PRIORITIES.

For purposes of preparing annual requests for appropriations from the Waste Fund and allocating appropriated funds among competing requirements, the Secretary shall accord—

(1) the licensing, construction, and operation of the interim storage facility under section 101 the highest priority;

(2) the acquisition of rights of way and the construction and operation of the railroad under section 202 the next highest priority; and

(3) the licensing, construction, and operation of the repository under section 102 the lowest priority.

SEC. 302. NUCLEAR WASTE FUND.

(a) CONTRACTS.—(1) In the performance of his functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to high-level radioactive waste, or spent nuclear fuel, of domestic origin for the acceptance of title, subsequent transportation, and disposal of such waste or spent fuel. Such contracts shall provide for payment to the Secretary of fees pursuant to paragraphs (2) and

(3) sufficient to offset expenditures described in subsection (d).

(2) For electricity generated by a civilian nuclear power reactor and sold on or after the date 90 days after January 7, 1983, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt-hour.

(3) For spent nuclear fuel, or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to the application of the fee under paragraph (2) to such reactor, the Secretary shall, not later than 90 days after January 7, 1983, establish a 1 time fee per kilogram of heavy metal in spent nuclear fuel, or in solidified high-level radioactive waste. Such fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spend nuclear fuel, or such solidified high-level radioactive waste derived therefrom, to be collected from any person delivering such spent nuclear fuel or high-level waste, pursuant to section 402, to the Federal Government. Such fee shall be paid to the Treasury of the United States and shall be deposited in the separate fund established by subsection (c). In paying such a fee, the person delivering spend fuel, or solidified high-level radioactive wastes derived therefrom, to the Federal Government shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of such spent fuel, or the solidified high-level radioactive waste derived therefrom.

(4) Not later than 180 days after January 7, 1983, the Secretary shall establish procedures for the collection and payment of the fees establish by paragraph (2) and paragraph (3). The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3) above to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (d) herein. In the event the Secretary determines that either insufficient or excess revenues are being collected, in order to recover the costs incurred by the Federal Government that are specified in subsection (d), the Secretary shall propose an adjustment to the fee to ensure full cost recovery. The Secretary shall immediately transit this proposal for such an adjustment to Congress. The adjusted fee proposed by the Secretary shall be effective after a period of 90 days of continuous session have elapsed following the receipt of such transmittal unless during such 90-day period either House of Congress adopts a resolution disapproving their Secretary's proposed adjustment in accordance with the procedures set forth for congressional review of an energy action under section 551 of the Energy Policy and Conservation Act.

(5) Contracts entered into under this section shall provide that—

(A) following commencements of operation of a repository, the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent fuel; and

(B) in return for the payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, will dispose of the high-level radioactive waste or spent nuclear fuel involved as provided in title I.

(6) The Secretary shall establish in writing criteria setting forth the terms and conditions under which such disposal services shall be made available.

(b) ADVANCE CONTRACTING REQUIREMENT.—(1)(A) The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

(1) such person has entered into a contract with the Secretary under this section; or

(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

(B) The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of high-level radioactive waste and spent nuclear fuel that may result from the use of such license.

(2) Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in any repository constructed under this Act unless the generator or owner of such spent fuel or waste has entered into a contract with the Secretary under this section by not later than—

(A) June 30, 1983; or

(B) the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste; whichever occurs later.

(3) The rights and duties of a party to a contract entered into under this section may be assignable with transfer of title to the spent nuclear fuel or high-level radioactive waste involved.

(4) No high-level radioactive waste or spent nuclear fuel generated or owned by any department of the United States referred to in section 101 or 102 of title 5, United States Code, may be disposed of by the Secretary in any repository constructed under this Act unless such department transfers to the Secretary, for deposit in the Nuclear Waste Fund, amounts equivalent to the fees that would be paid to the Secretary under the contracts referred to in this section if such waste or spent fuel were generated by any other person.

(c) ESTABLISHMENT OF NUCLEAR WASTE FUND.—There hereby is established in the Treasury of the United States a separate fund, to be known as the Nuclear Waste Fund. The Waste Fund shall consist of—

(1) all receipts, proceeds, and recoveries realized by the Secretary under subsections (a), (b), and (e), which shall be deposited in the Waste Fund immediately upon their realization;

(2) any appropriations made by the Congress to the Waste Fund; and

(3) any unexpended balances available on the date of the enactment of this Act for functions or activities necessary or incident to the disposal of civilian high-level radioactive waste or civilian spent nuclear fuel, which shall automatically be transferred to the Waste Fund on such date.

(d) USE OF WASTE FUND.—The Secretary may make expenditures from the Waste Fund, subject to subsection (e), only for purposes of radioactive waste disposal activities under titles I and II, including—

(1) the identification, development, licensing, construction, operation, decommissioning, and post-decommissioning maintenance and monitoring of the interim storage facility or repository constructed under this Act;

(2) the conducting of nongeneric research, development, and demonstration activities under this Act;

(3) the administrative cost of the radioactive waste disposal program;

(4) any costs that may be incurred by the Secretary in connection with the transportation, treating, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in the repository or to be stored in the interim storage facility, including the cost of designing and procuring multi-purpose canisters under section 201 and the cost of constructing and operating rail systems under section 202;

(5) the costs associated with acquisition, design, modification, replacement, operation, and construction of facilities at the repository of interim storage facility; and necessary or incident to such repository or interim storage facility; and

(6) the provision of assistance to the State of Nevada, and affected units of local government under section 204.

(e) ADMINISTRATION OF WASTE FUND.—(1) The Secretary of the Treasury shall hold the Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Waste Fund during the preceding fiscal year.

(2) The Secretary shall submit the budget of the Waste Fund to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget of the Waste Fund shall consist of the estimates made by the Secretary of expenditures from the Waste Fund and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the Budget of the United States Government. The Secretary may make expenditures from the Waste Fund, subject to appropriations which shall remain available until expended. Appropriations shall be subject to triennial authorization.

(3) If the Secretary determines that the Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Waste Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

(5) If at any time the moneys available in the Waste Fund are insufficient to enable the Secretary to discharge his responsibilities under this subtitle, the Secretary shall issue to the Secretary of the Treasury obligations

in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Secretary and the Secretary of the Treasury. The total of such obligations shall not exceed amounts provided in appropriation Acts. Redemption of such obligations shall be made by the Secretary from moneys available in the Waste Fund. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations under this paragraph. The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such Act are extended to include any purchase of such obligations. The Secretary of the Treasury may at any time sell any of the obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.

(6) Any appropriations made available to the Waste Fund for any purpose described in subsection (d) shall be repaid into the general fund of the Treasury, together with interest from the date of availability of the appropriations until the date of repayment. Such interest shall be paid on the cumulative amount of appropriations available to the Waste Fund, less the average undisbursed cash balance in the Waste Fund account during the fiscal year involved. The rate of such interest shall be determined by the Secretary of the Treasury taking into consideration the average market yield during the month preceding each fiscal year on outstanding marketable obligations of the United States of comparable maturity. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest.

SEC. 303. BUDGET TREATMENT.

(a) SCOREKEEPING.—Notwithstanding any other provision of law, the receipts and disbursements of the Waste Fund for each fiscal year beginning after the date of the enactment of this Act shall be deemed to be equal to the amount of receipts and disbursements in fiscal year 1995 for purposes of—

(1) the budget of the United States Government as submitted by the President;

(2) the congressional budget for the United States Government; and

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) SEQUESTRATION.—Any disbursement from the Waste Fund shall be exempt from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) APPROPRIATIONS.—Any disbursement from the Waste Fund shall be subject to appropriations but shall be included in the discretionary spending limits as set forth in section 601 of the Congressional Budget and Impoundment Control Act of 1974 in any fiscal year beginning after the date of the enactment of this Act only to the extent that funds were appropriated from the Waste Fund in fiscal year 1995.

SEC. 304. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level III of the Executive Schedule under section 5315 of title 5, United States Code.

(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

(c) ANNUAL REPORT TO CONGRESS.—The Director of the Office shall annually prepare and submit to the Congress a comprehensive report on the activities and expenditures of the Office.

SEC. 305. DEFENSE CONTRIBUTION.

(a) ALLOCATION.—The Secretary shall determine the appropriate portion of the cost of managing high-level radioactive waste and spent nuclear fuel under this Act allocable to the permanent disposal of high-level radioactive waste from atomic energy defense activities. In addition to any request for an appropriation from the Waste Fund under section 302, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the full cost of the permanent disposal of high-level radioactive waste from atomic energy defense activities in the repository.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the full cost of the permanent disposal of high-level radioactive waste from atomic energy defense activities.

TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

SEC. 401. NRC REGULATIONS.

Nothing in this Act shall be read to repeal or require the amendment or repromulgation of Commission regulations of the Commission in effect on the date of enactment of this Act except to the extent such regulations are inconsistent with the provisions of this Act.

SEC. 402. JUDICIAL REVIEW OF AGENCY ACTIONS.

(a) JURISDICTION OF UNITED STATES COURTS OF APPEALS.—(1) Except for review in the Supreme Court of the United States, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

(2) The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia.

(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought not later than the 180th day after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action not later than the 180th day after the date such party acquired actual or constructive knowledge or such decision, action, or failure to act.

SEC. 403. TITLE TO MATERIAL.

Delivery, and acceptance by the Secretary, or any high-level radioactive waste or spent nuclear fuel for the interim storage facility or repository shall constitute a transfer to the Secretary of title to such waste or spent fuel.

SEC. 404. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

(b) ADJUDICATORY HEARING.—(1) At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission—

(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

(B) shall not consider—

(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed operate a such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

(3) The Provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(4) The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission.

(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

SEC. 405. SITING A SECOND REPOSITORY.

(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

SEC. 406. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

(a) FINANCIAL ARRANGEMENTS.—(1) The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

(2) If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

(b) TITLE AND CUSTODY.—(1) The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issue by the Commission for such disposal, if the Commission determines that—

(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

(2) If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

SEC. 407. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear powerplant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear powerplant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs.

TITLE V—NUCLEAR WASTE TECHNICAL REVIEW BOARD

SEC. 501. DEFINITIONS.

(1) The term "Chairman" means the Chairman of the Nuclear Waste Technical Review Board.

(2) The term "Board" means the Nuclear Waste Technical Review Board established under section 502.

SEC. 502. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

(a) ESTABLISHMENT.—There is established a Nuclear Waste Technical Review Board that shall be an independent establishment within the executive branch.

(b) MEMBERS.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

(2) The President shall designate a member of the Board to serve as chairman.

(3)(A) The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

(B) The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

(C)(i) Each person nominated for appointment to the Board shall be—

(I) eminent in a field of science or engineering, including environmental sciences; and

(II) selected solely on the basis of established records of distinguished service.

(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

(iii) No person shall be nominated for appointment to the Board who is an employee of—

(I) the Department of Energy;

(II) a national laboratory under contract with the Department of Energy; or

(III) an entity performing high-level radioactive waste or spent nuclear fuel activities under contract with the Department of Energy.

(4) Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraph (1) and (3).

(5) Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment.

SEC. 503. FUNCTIONS.

The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

(1) site characterization activities; and

(2) activities relating to the packaging or transportation of high-level radioactive waste or spent nuclear fuel.

SEC. 504. INVESTIGATORY POWERS.

(A) HEARINGS.—Upon request of the Chairman or a majority of the member of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(b) PRODUCTION OF DOCUMENTS.—(1) Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary to respond to any inquiry of the Board under this title.

(2) Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

SEC. 505. COMPENSATION OF MEMBERS.

(A) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

(b) TRAVEL EXPENSES—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

SEC. 506. STAFF.

(a) CLERICAL STAFF.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

(2) Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

(b) PROFESSIONAL STAFF.—(1) Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

(2) Not more than 10 professional staff members may be appointed under this subsection.

(3) Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

SEC. 507. SUPPORT SERVICES.

(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES—The Comptroller General, the Librarian of Congress, and the Director of the Office of Technology Assessment shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

SEC. 508. REPORT.

The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations. The first such report shall be submitted not later than 12 months after December 22, 1987.

SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

Notwithstanding subsection (d) of section 302, and subject to subsection (e) of such section, there are authorized to be appropriated for expenditures from amounts in the Waste Fund established in subsection (c) of such section such sums as may be necessary to carry out the provisions of this title.

SEC. 510. TERMINATION OF THE BOARD.

The Board shall cease to exist not later than 1 year after the date on which the Secretary begins disposal of high-level radioactive waste or spent nuclear fuel in the respository.●

By Mr. KENNEDY:

S. 168. A bill to ensure individual and family security through health insurance coverage for all Americans; to the Committee on Labor and Human Resources.

THE AFFORDABLE HEALTH CARE FOR ALL AMERICANS ACT

Mr. KENNEDY. Mr. President, the crisis in health care has not gone away, but hopefully the partisan gridlock that blocked action last year has. Our failure to enact comprehensive reform in 1994 guarantees that this crisis will worsen every year, until Congress finally has the courage to pass a genuine solution.

Last year, despite the economic recovery, the number of Americans without health insurance increased by 1 million. This year, the number of uninsured is certain to increase again. The rise in national health spending was close to $100 billion last year, and total spending will top $1 trillion this year. The main reason the Federal deficit is soaring is that out-of-control health costs continue to drive up Medicare and Medicaid spending faster than anything else in the budget. No American family can be confident that the insurance protecting them today will be there for them tomorrow if serious illness strikes.

Last year, we had the most extensive debate in the Nation's history on comprehensive reform. Committees in both the House and Senate reported out measures that met the two key tests of real reform—guaranteed health insurance for all Americans and control of health costs. For the first time, comprehensive reform legislation was debated on the floor of the U.S. Senate. In the end we were not successful in passing health reform, but the American people expect us to keep trying until we succeed.

Today I am introducing new legislation to achieve the central goals of reform—the Affordable Health Care for All Americans Act. This legislation builds on what we accomplished in the last Congress, while responding to the criticisms of the various bills proposed.

This legislation will guarantee every American comprehensive, affordable coverage, and it will control health care costs. All employers will be expected to contribute to the cost of coverage for their employees, except for mom and pop small businesses. Subsidies will be provided to help low-income workers and the unemployed. Costs will be controlled by market forces and by improved competition among insurers and providers, with tough backup premium limits in cases where competition fails.

At the same time, the legislation responds to criticisms made in the last Congress that the bills reported by the committees tried to do too much and were excessively regulatory and bureaucratic. The legislation I am introducing today is one-third the length of the bill reported by the Labor and Human Resources Committee in the last Congress. It does not include proposals that are desirable but that can be considered more carefully on a separate legislative track. It eliminates most new boards and commissions, and it adopts, in large measure, the market reform and oversight structure included in last year's bipartisan mainstream proposal.

This legislation will guarantee affordable, comprehensive health care for every citizen through a system of shared responsibility among individuals, businesses, and the Government. Employers are required to contribute to the cost of insurance for their employees and their families, and individuals are expected to contribute to the cost of their own coverage and the coverage of their dependents. Subsidies are provided for low-income workers and the unemployed.

This measure also provides assistance to businesses for the cost of covering low-wage workers, with greater assistance for smaller, low-wage businesses that have the most difficulty in affording a full contribution to the cost. In addition, small businesses with 10 workers or less and below average wages are exempt from the requirements, and special help is provided to assure affordability for the employees of these businesses. One hundred percent tax deductibility is provided for health insurance premiums paid by the self-employed. People who now rely on Medicaid for coverage of acute care services will participate in the same private health insurance system as all other Americans. Insurance reforms eliminate preexisting condition exclusion and provide guaranteed issue and renewability at affordable prices.

Elderly Americans and disabled Americans will benefit from substantial provisions on long-term home care

and community care. The bill closes the greatest current gap in Medicare by providing prescription drug coverage. It also establishes a new, voluntary program of insurance against the high cost of nursing home care. Such insurance will be available at a reasonable price to anyone 35 or older.

The bill controls health care costs by improving the health care market. Reforms here will require insurers to complete by providing care more efficiently and effectively, rather than by trying to insure only those least likely to get sick. The bill relies primarily on competition to hold down spending, but it also recognizes that excessive inflation is deeply embedded in the health care system and that competition will work more quickly in some health care markets than others. A backup system of premium limits is included in case competition forces are ineffective in restraining inflation. A reform of medical malpractice is also included.

Finally, the bill recognizes that an insurance card alone is not enough to assure access or protect quality. Increased funding is provided to assure the viability of the Nation's teaching hospitals, to expand access to care through community health centers and school health clinics, and to support biomedical research.

The bill is financed without broad-based new taxes. The basic financing comes from premiums paid by individuals and businesses, as is the case today. The subsidies for low-income individuals and small businesses are financed by lower rates of increase and other savings in existing government health programs and by an increase in the cigarette tax.

To respond to criticisms that the bills in the last Congress tried to do too much, the legislation focuses only on those aspects of last year's bills that are truly central to reform. Proposals that are desirable but less essential have been eliminated from the bill, such as those dealing with administrative simplification, privacy, health care fraud and abuse, new regulation of private long-term care insurance, and new remedies for disputes between insurance companies and individuals.

Most important, this legislation eliminates much of what was criticized as excessive bureaucracy and regulation. A great deal of this criticism each disingenuous, but we have made a new effort to eliminate unnecessary burdens on individuals, businesses, and State governments. The insurance reform and oversight is based on the proposal developed by the bipartisan mainstream group. Most of the new board and commissions created in the earlier bills have been dropped, and essential functions given to existing agencies. The standard benefit package has been eliminated and replaced by a test of actuarial equivalency to the insurance program that protects most Members of Congress, with assurances of attention to high priority needs. Mandatory health alliances have been eliminated in favor of voluntary health insurance purchasing cooperatives, and the size of businesses required to participate in the community rating pool has been reduced to 100 employees or fewer.

Obviously, this legislation will be modified as it moves through Congress. But I believe it builds effectively on the progress we made in the last 2 years, without sacrificing fundamental goals.

All industrialized countries in the world except South Africa and the United States guarantee health care as a basic right for all citizens. The American people deserve the same health security, and it is time for Congress to provide it.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mr. KERRY, Mr. REID, and Mr. INOUYE):

S. 170. A bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. SIMON, Mr. KENNEDY, Mr. KERRY, Mr. REID, and Mr. AKAKA):

S. 171. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes; to the Committee on Finance.

FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT LEGISLATION

Mr. DASCHLE. Mr. President, today I am reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act and the Medicaid Substance Abuse Treatment Act, legislation that will enhance our national effort to eliminate the tragic problem of Fetal Alcohol Syndrome [FAS] and the related condition known as Fetal Alcohol Effect [FAE].

FAS–FAE constitute the leading cause of mental retardation in the United States today. Although both conditions are completely preventable simply by abstaining from the consumption of alcohol during pregnancy, many people unfortunately do not realize the dangers of drinking while pregnant. The Office for Substance Abuse Prevention estimates that as many as 66 percent of all women drink while they are pregnant, endangering their infants' health and putting them at risk of being born with FAS or FAE.

Misconceptions about the impact of alcohol intake during pregnancy are not limited to the general public, however. Even some health care providers are unaware of the danger of drinking during pregnancy, and for many years it was widely held that moderate alcohol consumption during pregnancy was beneficial.

There are approximately 5,000 children born each year in the United States with FAS. It is estimated that the incidence of FAS is as high as 1 per 100 in some Native American communities. The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS is close to $1.6 billion each year. This is an extraordinary and unnecessary expense, given the fact that FAS is 100 percent preventable.

The first step toward eliminating this devastating disease is raising the public's consciousness about FAS–FAE. Although great strides have been made in this regard, much more work remains to be done. The Comprehensive Fetal Alcohol Syndrome Prevention Act attempts to fill in the gaps in our current FAS–FAE prevention system. It contains four major components, representing the provisions of the original legislation that have not yet been enacted. These provisions include the initiaion of a coordinated education and public awareness campaign; increased support for basic and applied epidemiologic research into the causes, treatment and prevention of FAS–FAE; widespread dissemination of FAS–FAE diagnostic criteria; and the establishment of an interagency task force to coordinate the wide range of Federal efforts in combating FAS—FAE. I ask that a summary of the bill be inserted into the RECORD following the completion of my remarks.

A prevention strategy cannot succeed in the absence of increased access to comprehensive treatment programs for pregnant addicted women so that women and their children can access care. Many pregnant substance abusers are denied treatment because facilities refuse to accept them, or the women cannot accept treatment because they lack adequate child care for their children while they receive treatment. In fact, many treatment programs specifically exclude pregnant women or women with children. To make matters worse, while Medicaid covers some services associated with substance abuse, like outpatient treatment and detoxification, it fails to cover residential treatment, which is considered by most health care professionals to be the most effective method of overcoming addiction.

The Medicaid Substance Abuse Treatment Act would permit coverage of residential alcohol and drug treatment for pregnant women and certain family members under the Medicaid Program, thereby assuring a stable

source of funding for States that wish to establish these programs. The bill has three primary objectives. First, it would facilitate the participation of pregnant women who are substance abusers in alcohol and drug treatment programs. Second, by increasing the availability of comprehensive and effective treatment programs for pregnant women and, thus, improving a woman's chances of bearing healthy children, it would help combat the serious and evergrowing problem of drug-impaired infants and children, many of whom are born with FAS and FAE. And, third, it would address the unique situation of pregnant addicted native American and Alaska Native women in Indian Health Service areas.

Mr. President, the cost of prevention is substantially less than the downstream costs in money and human capital of caring for children and adults who have been impaired due to prenatal exposure to alcohol and drugs. These prevention and treatment services are an investment that yields substantial long-term dividends—both on a societal level, as welfare dependence by substance abusers and their children is reduced, and on an individual level, as mothers plagued by alcohol and drug addiction are given the means to heal, for themselves and their unborn children.

FAS and FAE represent a national tragedy that reaches across economic and social boundaries. The demand for a comprehensive and determined response to this devastating problem is clear. I urge my colleagues to support these measures, and am hopeful that, with widespread support, we can enact this important legislation without delay. I ask unanimous consent that the full text of both bills and a summary be printed in the RECORD.

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

S. 170

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 "Comprehensive Fetal Alcohol Syndrome Prevention Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, more than 5,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effects, which are lesser, though still serious, alcohol-related birth defects;

(4) Fetal Alcohol Syndrome and Fetal Alcohol Effects are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(5) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are 30 times greater than national averages;

(6) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(7) as a reliable comparison, delivery and care costs are four times greater for infants who were exposed to illicit substances than for infants with no indication of substance exposure, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(8) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the risks and the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(9) we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end thereof the following new part:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

"(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

"(1) an education and public awareness program to—

"(A) support, conduct, and evaluate the effectiveness of—

"(i) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(ii) prevention and education programs, including school health education and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(iii) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations concerning the programs referred to in subparagraph (A); and

"(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

"(i) evaluating the effectiveness, with particular emphasis on the cultural competency and age-appropriateness, of programs referred to in subparagraph (A);

"(ii) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(iii) educating school-age children, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, with priority given to programs that are part of a sequential, comprehensive school health education program; and

"(iv) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally competent projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective intervention methods to prevent fetal exposure to alcohol;

"(2) an applied epidemiologic research and prevention program to—

"(A) support and conduct research on the causes, mechanisms, diagnostic methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) provide technical and consultative assistance and training to States, Tribal governments, local governments, scientific and academic institutions, and nonprofit organizations engaged in the conduct of—

"(i) Fetal Alcohol Syndrome prevention and early intervention programs; and

"(ii) research relating to the causes, mechanisms, diagnosis methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

"(i) conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multicultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

"(ii) improving and coordinating the surveillance and ongoing assessment methods implemented by such entities and the Federal Government with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(iii) developing and evaluating effective age-appropriate and culturally competent prevention programs for children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(iv) facilitating coordination and collaboration among Federal, State, local government, Indian tribal, and community-based Fetal Alcohol Syndrome prevention programs;

"(3) a basic research program to support and conduct basic research on services and effective prevention treatments and interventions for pregnant alcohol-dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(4) a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effects diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals; and

"(5) the establishment, in accordance with subsection (b), of an interagency task force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

"(b) INTERAGENCY TASK FORCE.—

"(1) MEMBERSHIP.—The Task Force established pursuant to paragraph (5) of subsection (a) shall—

"(A) be chaired by the Secretary or a designee of the Secretary, and staffed by the Administration; and

"(B) include representatives from all relevant agencies and offices within the Department of Health and Human Services, the Department of Agriculture, the Department of Education, the Department of Defense, the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco and Firearms, the Federal Trade Commission, and any other relevant Federal agency.

"(2) FUNCTIONS.—The Task Force shall—

"(A) coordinate all Federal programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, including programs that—

"(i) target individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

"(ii) provide health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

"(B) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, such sums as are necessary for each of the fiscal years 1995 through 1998.".

S. 171

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 "Medicaid Substance Abuse Treatment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) a woman's ability to bear healthy children is threatened by the consequences of alcoholism and drug addiction;

(2) an estimated 375,000 infants each year are born drug-exposed, at least 5,000 infants are born each year with fetal alcohol syndrome, and another 35,000 are born each year with fetal alcohol effect, a less severe version of fetal alcohol syndrome;

(3) drug use during pregnancy can result in low birthweight, physical deformities, mental retardation, learning disabilities, and heightened nervousness and irritability in newborns;

(4) fetal alcohol syndrome is the leading identifiable cause of mental retardation in the United States and the only cause that is 100 percent preventable;

(5) drug-impaired individuals pose extraordinary societal costs in terms of medical, educational, foster care, residential, and support services over the lifetimes of such individuals;

(6) women, in general, are underrepresented in drug and alcohol treatment programs;

(7) due to fears among service providers concerning the risks pregnancies pose, pregnant women face more obstacles to substance abuse treatment than do other addicts and many substance abuse treatment programs, in fact, exclude pregnant women or women with children;

(8) alcohol and drug treatment is an important prevention strategy to prevent low birthweight, transmission of AIDS, and chronic physical, mental, and emotional disabilities associated with prenatal exposure to alcohol and other drugs;

(9) effective substance abuse treatment must address the special needs of pregnant women who are alcohol or drug dependent, including substance-abusing women who may often face such problems as domestic violence, incest and other sexual abuse, poor housing, poverty, unemployment, lack of education and job skills, lack of access to health care, emotional problems, chemical dependency in their family backgrounds, single parenthood, and the need to ensure child care for existing children while undergoing substance abuse treatment;

(10) nonhospital residential treatment is an important component of comprehensive and effective substance abuse treatment for pregnant addicted women, many of whom need long-term, intensive habilitation outside of their communities to recover from their addiction and take care of themselves and their families; and

(11) a gap exists under the medicaid program for the financing of comprehensive residential care in the existing continuum of medicaid-covered alcoholism and drug abuse treatment services for low-income pregnant addicted women.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the ability of pregnant women who are substance abusers to participate in alcohol and drug treatment;

(2) to ensure the availability of comprehensive and effective treatment programs for pregnant women, thus promoting a woman's ability to bear healthy children;

(3) to ensure that nonhospital residential treatment is available to those low-income pregnant addicted women who need long-term, intensive habilitation to recover from their addiction;

(4) to create a new optional medicaid residential treatment service for alcoholism and drug dependency treatment; and

(5) to define the core services that must be provided by treatment providers to ensure that needed services will be available and appropriate.

SEC. 3. MEDICAID COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN, CARETAKER PARENTS, AND THEIR CHILDREN.

(a) COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—

(1) OPTIONAL COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (21);

(ii) in paragraph (24), by striking the period at the end and inserting a semicolon;

(iii) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(iv) by inserting after paragraph (23) the following new paragraph:

"(24) alcoholism and drug dependency residential treatment services (to the extent allowed and as defined in section 1931); and"; and

(B) in the sentence following paragraph (25), as so redesignated—

(i) in subdivision (A), by striking "or" at the end;

(ii) in subdivision (B), by inserting ", who is not receiving alcoholism and drug dependency residential treatment services," after "65 years of age"; and

(iii) by inserting after subdivision (B) the following:

"(C) any such payments with respect to alcoholism and drug dependency residential treatment services under paragraph (24) for individuals not described in section 1931(d).".

(2) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES DEFINED.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES

"SEC. 1931. (a) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—The term 'alcoholism and drug dependency residential treatment services' means all the required services described in subsection (b) which are provided—

"(1) in a coordinated manner by a residential treatment facility that meets the requirements of subsection (c) either directly or through arrangements with—

"(A) public and nonprofit private entities;

"(B) licensed practitioners or federally qualified health centers with respect to medical services; or

"(C) the Indian Health Service or a tribal or Indian organization that has entered into a contract with the Secretary under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 502 of the Indian Health Care Improvement Act (25 U.S.C. 1652) with respect to such services provided to women eligible to receive services in Indian Health Facilities; and

"(2) pursuant to a written individualized treatment plan prepared for each individual, which plan—

"(A) states specific objectives necessary to meet the individual's needs;

"(B) describes the services to be provided to the individual to achieve those objectives;

"(C) is established in consultation with the individual;

"(D) is periodically reviewed and (as appropriate) revised by the staff of the facility in consultation with the individual;

"(E) reflects the preferences of the individual; and

"(F) is established in a manner which promotes the active involvement of the individual in the development of the plan and its objectives.

"(b) REQUIRED SERVICES DEFINED.—

"(1) IN GENERAL.—The required services described in this subsection are as follows:

"(A) Counseling, addiction education, and treatment provided on an individual, group, and family basis and provided pursuant to individualized treatment plans, including the opportunity for involvement in Alcoholics Anonymous and Narcotics Anonymous.

"(B) Parenting skills training.

"(C) Education concerning prevention of HIV infection.

"(D) Assessment of each individual's need for domestic violence counseling and sexual abuse counseling and provision of such counseling where needed.

"(E) Room and board in a structured environment with on-site supervision 24 hours-a-day.

"(F) Therapeutic child care or counseling for children of individuals in treatment.

"(G) Assisting parents in obtaining access to—

"(i) developmental services (to the extent available) for their preschool children;

"(ii) public education for their school-age children, including assistance in enrolling them in school; and

"(iii) public education for parents who have not completed high school.

"(H) Facilitating access to prenatal and postpartum health care for women, to pediatric health care for infants and children, and to other health and social services where appropriate and to the extent available, including services under title V, services and nutritional supplements provided under the special supplemental food program for women, infants, and children (WIC) under section 17 of the Child Nutrition Act of 1966, services provided by federally qualified health centers, outpatient pediatric services, well-baby care, and early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r)).

"(I) Ensuring supervision of children during times their mother is in therapy or engaged in other necessary health or rehabilitative activities, including facilitating access to child care services under title IV and title XX.

"(J) Planning for and counseling to assist reentry into society, including appropriate outpatient treatment and counseling after discharge (which may be provided by the same program, if available and appropriate) to assist in preventing relapses, assistance in obtaining suitable affordable housing and employment upon discharge, and referrals to appropriate educational, vocational, and other employment-related programs (to the extent available).

"(K) Continuing specialized training for staff in the special needs of residents and their children, designed to enable such staff to stay abreast of the latest and most effective treatment techniques.

"(2) REQUIREMENT FOR CERTAIN SERVICES.—Services under subparagraphs (A), (B), (C), and (D), of paragraph (1) shall be provided in a cultural context that is appropriate to the individuals and in a manner that ensures that the individuals can communicate effectively, either directly or through interpreters, with persons providing services.

"(3) LIMITATIONS ON COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), services described in paragraph (1) shall be covered in the amount, duration, and scope therapeutically required for each eligible individual in need of such services.

"(B) RESTRICTIONS ON LIMITING COVERAGE.—A State plan shall not limit coverage of alcoholism and drug dependency residential treatment services for any period of less than 12 months per individual, except in those instances where a finding is made that such services are no longer therapeutically necessary for an individual.

"(c) FACILITY REQUIREMENTS.—The requirements of this subsection with respect to a facility are as follows:

"(1) The agency designated by the chief executive officer of the State to administer the State's alcohol and drug abuse prevention and treatment activities and programs has certified to the single State agency under section 1902(a)(5) that the facility—

"(A) is able to provide all the services described in subsection (b) either directly or through arrangements with—

"(i) public and nonprofit private entities;

"(ii) licensed practitioners or federally qualified health centers with respect to medical services; or

"(iii) the Indian Health Service or with a tribal or Indian organization that has entered into a contract with the Secretary under section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) or section 502 of the Indian Health Care Improvement Act (25 U.S.C. 1652) with respect to such services provided to women eligible to receive services in Indian Health Facilities; and

"(B) except for Indian Health Facilities, meets all applicable State licensure or certification requirements for a facility of that type.

"(2)(A) The facility or a distinct part of the facility provides room and board, except that—

"(i) subject to subparagraph (B), the facility shall have no more than 40 beds; and

"(ii) subject to subparagraph (C), the facility shall not be licensed as a hospital.

"(B) The single State agency may waive the bed limit under subparagraph (A)(i) for one or more facilities subject to review by the Secretary. Waivers, where granted, must be made pursuant to standards and procedures set out in the State plan and must require the facility seeking a waiver to demonstrate that—

"(i) the facility will be able to maintain a therapeutic, family-like environment;

"(ii) the facility can provide quality care in the delivery of each of the services identified in subsection (b);

"(iii) the size of the facility will be appropriate to the surrounding community; and

"(iv) the development of smaller facilities is not feasible in that geographic area.

"(C) The Secretary may waive the requirement under subparagraph (A)(ii) that a facility not be a hospital, if the Secretary finds that such facility is located in an Indian Health Service area and that such facility is the only or one of the only facilities available in such area to provide services under this section.

"(3) With respect to a facility providing the services described in subsection (b) to an individual eligible to receive services in Indian Health Facilities, such a facility demonstrates (as required by the Secretary) an ability to meet the special needs of Indian and Native Alaskan women.

"(d) ELIGIBLE INDIVIDUALS.—

"(1) IN GENERAL.—A State plan shall limit coverage of alcoholism and drug dependency residential treatment services under section 1905(a)(24) to the following individuals otherwise eligible for medical assistance under this title:

"(A) Women during pregnancy, and until the end of the 12th month following the termination of the pregnancy.

"(B) Children of a woman described in subparagraph (A).

"(C) At the option of a State, a caretaker parent or parents and children of such a parent.

"(2) INITIAL ASSESSMENT OF ELIGIBLE INDIVIDUALS.—An initial assessment of eligible individuals specified in paragraph (1) seeking alcoholism and drug dependency residential treatment services shall be performed by the agency designated by the chief executive officer of the State to administer the State's alcohol and drug abuse treatment activities (or its designee). Such assessment shall determine whether such individuals are in need of alcoholism or drug dependency treatment services and, if so, the treatment setting (such as inpatient hospital, nonhospital residential, or outpatient) that is most appropriate in meeting such individual's health and therapeutic needs and the needs of such individual's dependent children, if any.

"(e) OVERALL CAP ON MEDICAL ASSISTANCE AND ALLOCATION OF BEDS.—

"(1) TOTAL AMOUNT OF SERVICES AS MEDICAL ASSISTANCE.—

"(A) IN GENERAL.—The total amount of services provided under this section as medical assistance for which payment may be made available under section 1903 shall be limited to the total number of beds allowed to be allocated for such services in any given year as specified under subparagraph (B).

"(B) TOTAL NUMBER OF BEDS.—The total number of beds allowed to be allocated under this subparagraph (subject to paragraph (2)(C)) for the furnishing of services under this section and for which Federal medical assistance may be made available under section 1903 is for calendar year—

"(i) 1995, 1,080 beds;

"(ii) 1996, 2,000 beds;

"(iii) 1997, 3,500 beds;

"(iv) 1998, 5,000 beds;

"(v) 1999, 6,000 beds; and

"(vi) 2000 and for calendar years thereafter, a number of beds determined appropriate by the Secretary.

"(2) ALLOCATION OF BEDS.—

"(A) INITIAL ALLOCATION FORMULA.—For each calendar year, a State exercising the option to provide the services described in this section shall be allocated from the total number of beds available under paragraph (1)(B)—

"(i) in calendar years 1995 and 1996, 20 beds;

"(ii) in calendar years 1997, 1998, and 1999, 40 beds; and

"(iii) in calendar year 2000 and for each calendar year thereafter, a number of beds determined based on a formula (as provided by the Secretary) distributing beds to States on the basis of the relative percentage of women of childbearing age in a State.

"(B) REALLOCATION OF BEDS.—The Secretary shall provide that in allocating the number of beds made available to a State for the furnishing of services under this section that, to the extent not all States are exercising the option of providing services under

this section and there are beds available that have not been allocated in a year as provided in paragraph (1)(B), that such beds shall be reallocated among States which are furnishing services under this section based on a formula (as provided by the Secretary) distributing beds to States on the basis of the relative percentage of women of childbearing age in a State.

"(C) INDIAN HEALTH SERVICE AREAS.—In addition to the beds allowed to be allocated under paragraph (1)(B) there shall be an additional 20 beds allocated in any calendar year to States for each Indian Health Service area within the State to be utilized by Indian Health Facilities within such an area and, to the extent such beds are not utilized by a State, the beds shall be reapportioned to Indian Health Service areas in other States.".

(3) MAINTENANCE OF STATE FINANCIAL EFFORT AND 100 PERCENT FEDERAL MATCHING FOR SERVICES FOR INDIAN AND NATIVE ALASKAN WOMEN IN INDIAN HEALTH SERVICES AREAS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsections:

"(x) No payment shall be made to a State under this section in a State fiscal year for alcoholism and drug dependency residential treatment services (described in section 1931) unless the State provides assurances satisfactory to the Secretary that the State is maintaining State expenditures for such services at a level that is not less than the average annual level maintained by the State for such services for the 2-year period preceding such fiscal year.

"(y) Notwithstanding the preceding provisions of this section, the Federal medical assistance percentage for purposes of payment under this section for services described in section 1931 provided to individuals residing on or receiving services in an Indian Health Service area shall be 100 percent.".

(b) PAYMENT ON A COST-RELATED BASIS.—Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by adding "and" at the end of subparagraph (F); and

(3) by adding at the end the following new subparagraph:

"(G) for payment for alcoholism and drug dependency residential treatment services which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide all the services listed in section 1931(b) in conformity with applicable Federal and State laws, regulations, and quality and safety standards and to assure that individuals eligible for such services have reasonable access to such services;".

(c) CONFORMING AMENDMENTS.—

(1) CLARIFICATION OF OPTIONAL COVERAGE FOR SPECIFIED INDIVIDUALS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended, in the matter following subparagraph (F)—

(A) by striking "; and (XI)" and inserting ", (XI)";

(B) by striking ", and (XI)" and inserting ", and (XII)"; and

(C) by inserting before the semicolon at the end the following: ", and (XIII) the making available of alcoholism and drug dependency residential treatment services to individuals described in section 1931(d) shall not, by reason of this paragraph, require the making of such services available to other individuals".

(2) CONTINUATION OF ELIGIBILITY FOR ALCOHOLISM AND DRUG DEPENDENCY TREATMENT FOR PREGNANT WOMEN FOR 12 MONTHS FOLLOWING END OF PREGNANCY.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended in subsection (e)(5) by striking "under the plan," and all through the period at the end and inserting "under the plan—

"(A) as though she were pregnant, for all pregnancy-related and postpartum medical assistance under the plan, through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends; and

"(B) for alcoholism and drug dependency residential treatment services under section 1931 through the end of the 1-year period beginning on the last day of her pregnancy.".

(3) REDESIGNATIONS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is further amended—

(A) in subsection (a)(10)(C)(iv), by striking "(21)" and inserting "(24)"; and

(B) in subsection (j), by striking "(22)" and inserting "(25)".

(d) ANNUAL EDUCATION AND TRAINING IN INDIAN HEALTH SERVICE AREAS.—The Secretary of Health and Human Services in cooperation with the Indian Health Service shall conduct on at least an annual basis training and education in each of the 12 Indian Health Service areas for tribes, Indian organizations, residential treatment providers, and State health care workers regarding the availability and nature of residential treatment services available in such areas under the provisions of this Act.

(e) EFFECTIVE DATE; TRANSITION.—(1) The amendments made by this section apply to alcoholism and drug dependency residential treatment services furnished on or after July 1, 1995, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) The Secretary of Health and Human Services shall not take any compliance, disallowance, penalty, or other regulatory action against a State under title XIX of the Social Security Act with regard to alcoholism and drug dependency residential treatment services (as defined in section 1931(a) of such Act) made available under such title on or after July 1, 1995, before the date the Secretary issues final regulations to carry out the amendments made by this section, if the services are provided under its plan in good faith compliance with such amendments.

COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION ACT

SUMMARY

This bill would establish a comprehensive program to FAS/FAE across the nation by filling in the gaps in our current FAS/FAE prevention system. The program would:

Coordinate and support national and targeted public awareness, prevention and education programs on FAS/FAE.

Coordinate and support applied epidemiologic research concerning FAS/FAE.

Disseminate FAS/FAE diagnostic criteria to health care and social services providers.

Foster coordination among all Federal agencies that conduct or support FAS/FAE research.

FOUR-PART PROGRAM

The bill would create a program within the Department of Health and Human Services (HHS) with four primary components:

1. Education and public awareness

Various agencies under HHS would be required to coordinate, support and conduct national, State and community-based public awareness and prevention programs on FAS/FAE. The bill would authorize grants for State, local and other FAS/FAE prevention programs.

2. Applied epidemiologic research and prevention

The bill would require various agencies under HHS to conduct and support research (basic and applied epidemiologic) on the cause, prevention and treatment of FAS/FAE. It would provide technical assistance to State, tribal and local governments, as well as scientific and academic institutions and other public entities, that are conducting research on FAS/FAE or are engaged in prevention and early intervention programs. Grants would be awarded to such entities to assist in determining the most effective strategies for prevention and intervention of fetal exposure to alcohol.

3. Diagnostic Criteria for FAS/FAE

Various agencies under HHS would be required to widely disseminate to health care and social services providers the FAS/FAE diagnostic criteria developed pursuant to the ADAMHA Reorganization Act.

4. Inter-agency task force

A large number of government agencies are concerned directly or indirectly with FAS/FAE, but there is little coordination of these programs. This bill would create an Inter-Agency Task Force to coordinate federal efforts and report on an annual basis to the Secretary of HHS and to relevant congressional committees. The panel will include representatives from the Departments of HHS, Agriculture, Education, Defense, Interior, Justice, and Veterans Affairs; from the Bureau of Alcohol, Tobacco and Firearms; from the Federal Trade Commission; and from any other relevant Federal agency.

Mr. BINGAMAN. Mr. President, I am pleased today to join the distinguished minority leader, Senator DASCHLE, in reintroducing the Comprehensive Fetal Alcohol Syndrome Prevention Act. Through this legislation, we are proposing a comprehensive, coordinated, national effort to prevent one of the leading causes of birth defects in this country: Fetal Alcohol Syndrome.

The need for this legislation is well documented. Fetal Alcohol Syndrome [FAS] is the Nation's primary known cause of mental retardation; yet it is completely preventable. According to a 1993 report issued by the Centers for Disease Control and Prevention, the number of reported FAS cases has tripled over the past decade. The CDC reports that in 1992, nearly 4 infants out of every 10,000 births were born with FAS, suffering irreversible physical and mental harm. In 1979, the first year CDC collected information on the incidence of Fetal Alcohol Syndrome, it estimated the number of reported FAS cases at only 1 per 10,000 births. Adding to the extent of the problem are estimates which indicate that each year 10,000 to 12,000 infants are born with lesser, though still serious, alcohol-related birth defects known as Fetal Alcohol Effects [FAE].

In my home State of New Mexico, the number of infants born with FAS has exceeded the national average for a number of years. Each year, more than

36 babies are born in New Mexico with FAS, and more than 80 are born with FAE. Some experts believe our FAS rate has been consistently higher than the national average because our doctors, who have benefitted from a significant amount of State-based FAS research, are more familiar with its signs and symptoms.

If this is true, then nationally the number of FAS and FAE births could be higher than today's estimates. In fact, the CDC believes this to be the case. According to Dr. David Erickson, the chief of the CDC's Birth Defects and Genetic Diseases branch, the new CDC count—which we need to remember is a threefold increase over the 1979 estimate—probably is a substantial undercount. It is an undercount for a number of reasons, but chief among them is undoubtedly lack of awareness.

Although the exact number of infants and families impacted by FAS and FAE is not entirely certain, there is no question that Fetal Alcohol Syndrome is a national problem. It can impact any child, any family, and any community. But I am especially troubled about the threat FAS poses to the Navajo, Apache, and Pueblo children and families in New Mexico and to American Indians throughout the Nation.

New Mexico health officials estimate that the combined FAS rate for our State's 22 Indian Tribes is two to five times that of the national average. According to the Indian Health Service, the prevalence of FAS is significantly higher among American Indians and Alaska Natives than nationally. I have been told that in some American Indian and Alaska Native communities, as many as one in four newborns may be affected by FAS or FAE.

Mr. President, the real tragedy of Fetal Alcohol Syndrome and Fetal Alcohol Effects is that both are completely preventable. Not one more infant would be born with FAS or FAE if every pregnancy was an alcohol-free pregnancy. If we could get the message out that alcohol and pregnancy do not mix, if we could explain the compelling need for every mother to stay away from alcoholic beverages while she is pregnant, then we could eliminate this disease. The key is prevention through education.

Prevention through education is the cornerstone of the Comprehensive Fetal Alcohol Syndrome Prevention Act. As I mentioned earlier, this bill will create a comprehensive, coordinated program within the Department of Health and Human Services to help prevent FAS and FAE. Specifically, this bill:

Directs the Secretary of Health and Human Services to: coordinate and support national and targeted public awareness, prevention, and education programs on FAS-FAE; coordinate and support basic and applied epidemiologic research on FAS-FAE; assist states in establishing FAS-FAE surveillance programs; focus efforts on the needs of at-risk populations, and American Indians and Alaska Natives in particular.

Establishes an Inter-Agency Task Force on FAS-FAE: to coordinate all Federal agencies that conduct or support FAS-FAE research, programs, and surveillance or otherwise meet the general needs of populations actually or potentially impacted by FAS-FAE.

I believe one of the most important provisions of this bill is the section that would help states and local communities develop targeted campaigns to increase public awareness of the symptoms and impact for preventing FAS and FAE. The central focus of every campaign will be clear, effective, and culturally-sensitive methods and messages for FAS and FAE prevention. Initially, Federal efforts will focus on the needs of at-risk populations, and in particular, American Indians and Alaska Natives.

I urge my colleagues to study this legislation and lend it their support. As I mentioned earlier, FAS knows no boundaries. It can, and does, impact children and families in every State in this country. It is a problem so pervasive, yet so readily preventable, that it requires a broad-based, concerted, and coordinated effort for elimination.

Existing FAS-FAE prevention programs need increased funding, and we need to work to make this happen. But money alone is not the answer. We need a firm commitment from the Federal Government, the States, local governments, Indian tribes, schools, community-based organizations, and families to assume responsibility and work together, in a coordinated manner, for the benefit of our children. If we have this commitment, we can improve the quality of life for children already afflicted with FAS, and we can put an end to this terrible, and 100-percent preventable, disease.

By Mr. HEFLIN:

S.J.Res. 13. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government; to the Committee on the Judiciary.

BALANCED FEDERAL BUDGET CONSTITUTIONAL AMENDMENT

Mr. HEFLIN. Mr. President, as in morning business, I would like to introduce legislation to amend the U.S. Constitution to require the Federal Government to achieve and maintain a balanced budget. I have introduced in each Congress, at the beginning, a similar joint resolution during the time that I have served in the U.S. Senate. I might say that the first bill, or resolution—the first legislative act that I introduced when I came to the Senate was to introduce a bill for a constitutional amendment requiring a balanced Federal budget.

I believe the opportunity to adopt this legislatively and to submit it to the States for ratification is now at hand. In 1982, the Senate debated it at great length and a vote was taken and there were 69 votes. As Members of the Senate know, a constitutional amendment requiring a balanced budget requires a two-thirds vote. So there were two additional votes over the required number back in 1982. Since that time, we have had three votes in the Senate relative to the constitutional amendment requiring a balanced budget. One year there was one vote shy, which was 66 votes. And then on another occasion we got 63 votes.

In each of the occasions in which the Senate has acted pertaining to the constitutional amendment requiring a balanced budget, the House has failed to pass it by the required two-thirds vote. But this time I believe the House will pass it. Regarding the last time when we got 63 votes, I believe if the House had not acted before the Senate, the Senate would have voted the required two-thirds vote at that time. This measure has been around for a long time. It has narrowly missed its mark in the past, but I believe it will meet the mark of a two-thirds vote in the Senate and in the House this year.

It is also particularly important that we go ahead and act now. Interest rates are going up. A major portion of the budget each year deals with debt service. If interest rates were to double, then you can see that the amount of money that will be required to pay debt service will be doubled also. And so it is important that we go ahead and act soon to provide the necessary fiscal discipline.

It has been 33 years since the Government of the United States has operated on a balanced budget. Most of the States have provisions that require a balanced budget, and it provides the discipline which is needed relative to Government operations and fiscal restraint.

So it is my pleasure again today to offer a bill or resolution which is quite similar to the resolutions which I am cosponsoring with other Senators, including Senator HATCH. I want to congratulate Senator HATCH on his leadership in moving forward. He has a hearing set today relative to resolutions requiring a balanced budget which has a group of very distinguished Americans, a lot of former Attorneys General, and others, who will be testifying at that particular time.

So I think it is important that we move forward and we move forward as fast as we can. So I send to the desk at this time a resolution requiring it.

Mr. President, the time has finally come to pass this legislation and send it to the States for ratification. This amendment is not a gimmick, nor is it chicanery; it is good common sense.

Since I first came to the Senate in 1979, every Congress I have introduced

legislation proposing a constitutional amendment to balance the Federal budget, and I have dedicated myself to many years of work with my colleagues to adopt a resolution which would authorize the submission to the States for ratification of a constitutional amendment to require a balanced budget.

For much of our Nation's history, a balanced Federal budget was the status quo and part of our unwritten constitution. For our first 100 years, this country carried a surplus budget, but in recent years this Nation's spending has gone out of control. Indeed, the fiscal irresponsibility demonstrated over the years has convinced me that constitutional discipline is the only way we can achieve the goal of reducing deficits.

As you know, in 1982, the Senate did pass, by more than the required two-thirds vote, a constitutional amendment calling for a balanced budget. There were 69 votes in favor of it at that time. It was sent to the House of Representatives, where, in the House Judiciary Committee it was bottled up. The chairman would not allow it to come up for a committee vote, in order that it might be reported to the floor of the House of Representatives.

In order to bring the measure up for a vote in the House of Representatives, it was necessary to file a discharge petition. This is a petition that has to be signed by more than a majority of the whole number of the House of Representatives, and then it is brought up and voted on without amendment. The Senate-passed amendment failed to obtain the necessary two-thirds vote that was required in the House of Representatives at that time.

In the 99th Congress, after extensive debate, passage of a balanced budget amendment by the Senate failed by one vote—but got 66 votes. During the 101st Congress, I supported a measure which passed the Judiciary Committee, but it was never considered by the full Senate. In the 102d Congress, the Judiciary Committee favorably reported a bill, but since an amendment failed to pass the House by the necessary two-thirds vote, this killed the possibility of favorable action by the Senate.

In the 103d Congress, the Senate again narrowly defeated an amendment, which I cosponsored, by a vote of 63-37—only four votes short of the 67 votes needed for passage. If the recent elections tell us anything, it is that the American people want a leaner, more efficient Federal Government and a government that lives within its means.

Mr. President, I hope the time has come to finally adopt this long-overdue amendment and begin to move toward our goal of a balanced Federal budget.

Section 1 of the amendment requires a three-fifths vote of each House of Congress before the Federal Government can engage in deficit spending. A 60-percent vote in the Senate is a very difficult one to obtain. This requirement should establish the norm that spending will not exceed receipts in any fiscal year. If the government is going to spend money, it should have the money on hand to pay its bills.

Section 2 of the amendment requires a three-fifths vote by both Houses of Congress to raise the national debt. In addition to the three-fifths vote, Congress must provide "by law" for an increase in public debt. As I understand it, this means presentment to the President, where the President has the right to veto or sign. If the President chose to veto the bill, it would be returned to Congress for action to possibly override the veto. It is also important to note that section one, regarding the specific excess of outlays over receipts, contains this same requirement that Congress act "by law."

Section 2 is important because it functions as an "enforcement mechanism" for the balanced budget amendment. While section 1 states outright that "total outlays * * * shall not exceed total receipts" without the three-fifths authorization by Congress, the judicial branch would lack the ability to order the legislative and executive branches to meet this obligation. Therefore, section 2 will require a three-fifths vote to increase the national debt. This provision will increase the pressure to comply with the directive of this proposed constitutional amendment.

Other than just being directory, the amendment, by way of section 2, has some teeth and that is what is so important if we are going to do away with deficit spending and operate so that we do not spend any more money than the amount coming into the government. That is what we are trying to achieve here.

Section 3 provides for the submission by the President of a balanced budget to Congress. This section reflects the belief that sound fiscal planning should be a shared governmental responsibility by the President as well as the Congress.

Section 4 of the amendment requires a majority vote of the whole number of each House of Congress any time Congress votes to increase revenues. This holds public officials responsible, and puts elected officials on record for any tax increase which may be necessary to support Federal spending.

Section 5 of the amendment permits a waiver of the provisions for any fiscal year in which a declaration of war is in effect. This section also contains a provision long-supported by myself—that of allowing a waiver in cases of less than an outright declaration of war—where the United States is engaged in military conflict which causes an imminent and serious threat to national security, and is so declared by a joint resolution, which becomes law. Under this scenario, a majority of the whole number of each House of Congress may waive the requirements of a balanced budget amendment.

I firmly believe that Congress should have the option to waive the requirement for a balanced budget in cases of less than an outright declaration of war. Looking back over the history of our Nation, we find that we have had only five declared wars: The War of 1812, the Mexican War, the Spanish-American War, the First World War, and the Second World War.

The most recent encounters of the United States in armed conflict with enemies have been, of course, undeclared wars. We fought the Gulf war without a declaration of war. In addition, we fought both the Vietnam and Korean actions without declarations of war.

This country can be faced with military emergencies which threaten our national security, without a formal declaration of war being in effect. Circumstances may arise in which Congress may need to spend significant amounts on national defense without a declaration of war. Congress and the President must be given the necessary flexibility to respond rapidly when a military emergency arises.

The United States has engaged in only five declared wars, yet the United States has engaged in hostilities abroad which required no less commitment of human lives or American resources than declared wars. In fact, our Nation has been involved in approximately 200 instances in which the United States has used military forces abroad in situations of conflict. Not all of these would move Congress to seek a waiver of the requirement of a balanced budget, but Congress should have the constitutional flexibility to provide for our Nation's security.

Section 6 of the amendment permits Congress to rely on estimates of outlays and receipts in the implementation and enforcement of the amendment by appropriate legislation.

Section 7 of the amendment provides that total receipts shall include all receipts of the United States except those derived from borrowing. In addition, total outlays shall include all outlays of the United States except those for repayment of debt principal. This section is intended to better define the relevant amounts that must be balanced.

Section 8 directs the amendment to take effect beginning with fiscal year 2002 or with the second fiscal year beginning after ratification, whichever is later. This section will thus allow Congress an adequate period of time to consider and adopt the necessary procedures to implement the amendment and to begin the job of actually balancing the Federal budget.

Mr. President, the future of our Nation's economy is not a partisan issue.

Furthermore, the problem of deficit spending cannot be blamed on one branch of government or one political party. Similarly, just as everyone must share part of the blame for our economic ills, everyone must be united in acting to attack the growing problem of deficit spending. I recognize that a balanced budget amendment will not cure our economic problems overnight, but it will act to change the course of our future and lead to responsible fiscal management by our national government.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2, supra.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2, supra.

At the request of Mr. REID, his name was added as a cosponsor of S. 2, supra.

At the request of Mr. GRASSLEY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2, supra.

S. 4

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 4, a bill to grant the power to the President to reduce budget authority.

S. 10

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. REID] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 10, a bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress.

S. 14

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 14, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

S. 50

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 92

At the request of Mr. HATFIELD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.

SENATE JOINT RESOLUTION 1

At the request of Mr. WARNER, his name was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE RESOLUTION 1

At the request of Mr. DEWINE, his name was added as a cosponsor of Senate Resolution 1, a resolution informing the President of the United States that a quorum of each House is assembled.

SENATE RESOLUTION 26—RELATIVE TO APPOINTMENTS TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 26

Resolved, That the following shall constitute the majority party's membership on the following standing committee for the 104th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. Grassley, Mr. McCain, and Mr. Smith.

SENATE RESOLUTION 27—AMENDING RULE XXV

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 27

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 28—RELATIVE TO THE COMMITTEE ON RULES

Mr. GRASSLEY (for Mr. STEVENS for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 28

Resolved, That section 16(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "4,000" and inserting "40,000".

SENATE RESOLUTION 29—AMENDING RULE XXV

Mr. GRASSLEY (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 29

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on the Judiciary, and the Committee on Governmental Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Banking, Housing, and Urban Affairs, and the Committee on Energy and Natural Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Commerce, Science, and Transportation, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 30—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN STANDING COMMITTEES

Mr. GRASSLEY (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 30

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Energy and Natural Resources: Mr. Murkowski, Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Jeffords, and Mr. Burns.

Committee on Environmental and Public Works: Mr. Chafee, Mr. Warner, Mr. Smith, Mr. Faircloth, Mr. Kempthorne, Mr. Inhofe, Mr. Thomas, Mr. McConnell and, Mr. Bond.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Brown, Mr. Coverdell, Ms. Snowe, Mr. Thompson, Mr. Thomas, Mr. Grams, and Mr. Ashcroft.

AMENDMENTS SUBMITTED

OUTER CONTINENTAL SHELF DEEP WATER ROYALTY RELIEF ACT

JOHNSTON AMENDMENT NO. 2

(Ordered to be referred to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON submitted an amendment to the bill (S. 158) to provide for the energy security of the Nation through the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; as follows:

At the end of S. ___ add a new section as follows, numbered appropriately:

"SEC. ___ FINANCIAL RESPONSIBILITY.—Sec. 1016(c)(1) of the Oil Pollution Act of 1990 (Pub. L. 101-380) is amended by adding "up to" before "$150 million".

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

LEVIN (AND OTHERS) AMENDMENT NO. 3

Mr. LEVIN (for himself, Mr. WELLSTONE, Mr. MCCAIN, Mr. GLENN, Mr. FEINGOLD, and Mr. LAUTENBERG) proposed an amendment to the bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government; as follows:

At the end of the bill, add the following:

TITLE ___—LOBBYING AND GIFT REFORM

SEC. ___01. LOBBYING REGULATION AND DISCLOSURE.

It is the sense of the Senate that the current lobbying regulation and disclosure laws are flawed and inadequate and that as soon as possible during the first session of the 104th Congress, the Senate should adopt legislation to reform these laws.

SEC. ___02. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute or an agent of a foreign principal registered under the Foreign Agents Registration Act.

"(b) The prohibition in subparagraph (a) includes the following:

"(1) Anything provided by a lobbyist or an agent of a foreign principal which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or agent of a foreign principal.

"(2) Anything provided by a lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(4) A contribution or other payment by a lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee.

"(6) A financial contribution or expenditure made by a lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf Members, officers, or employees.

"(c) The following are not gifts subject to the prohibition in subparagraph (a):

"(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Food or refreshments of nominal value offered other than as part of a meal.

"(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

"(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(6) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(d)(1) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (a).

"(2) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

"(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or agent of a foreign principal.

"(3) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(B) Whether the gift was purchased by the individual who gave the item.

"(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

"(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

"(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this Rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the

Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.".

SEC. ___03. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute, or an agent of a foreign principal registered under the Foreign Agents Registration Act.

"(2) The prohibition in subparagraph (1) includes the following:

"(A) Anything provided by a lobbyist or an agent of a foreign principal which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or agent of a foreign principal.

"(B) Anything provided by a lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

"(D) A contribution or other payment by a lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee.

"(F) A financial contribution or expenditure made by a lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"(3) The following are not gifts subject to the prohibition in subparagraph (1):

"(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

"(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(C) Food or refreshments of nominal value offered other than as part of a meal.

"(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee if such benefits are customarily provided to others in similar circumstances.

"(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(4)(A) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

"(B) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

"(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

"(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or agent of a foreign principal.

"(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

"(ii) Whether the gift was purchased by the individual who gave the item.

"(iii) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

"(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(d) The restrictions in paragraph (b) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

"(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

"(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments,

and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

"(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

"(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(16) Bequests, inheritances, and other transfers at death.

"(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

"(21) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph

(1) as soon as possible after they are received.".

SEC. __04. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: "Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section.".

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) FOOD, REFRESHMENTS, AND ENTERTAINMENT.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this subtitle.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this subtitle.

SEC. __05. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 201, 202, 203(c), and 203(d) of this subtitle are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. __06. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on May 31, 1995.

FORD (AND FEINGOLD) AMENDMENT NO. 4

Mr. FORD (for himself and Mr. FEINGOLD) proposed an amendment to the bill S. 2, supra; as follows:

At the appropriate place, insert the following:

SEC. . USE OF FREQUENT FLYER MILES.

(A) LIMITATION ON THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives shall be considered the property of the Government and may not be converted to personal use.

(b) REGULATION.—The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means travel engaged in the course of official business of the House of Representative and the Senate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. 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 Thursday, January 5, 1995, to conduct a hearing to examine issues involving municipal, corporate, and individual investors in derivative products and the use of highly leveraged investment strategies.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee (jointly with the Senate Budget Committee) for authority to meet on Thursday, January 5, for a hearing on S. 1, Unfunded Mandates.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet during the session of the Senate on Thursday, January 5, 1995, at 10 a.m. to hold a hearing on the balanced budget amendment to the Constitution.

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

ADDITIONAL STATEMENTS

AN INTERVIEW WITH QUENTIN D. YOUNG

• Mr. SIMON. Mr. President, one of the people who has been calling for justice in the field of health care in this Nation for many years is Dr. Quentin Young.

Recently, he was interviewed by the Christian Century, and that interview was published. It contains so much common sense that I hope some of my colleagues will read what he has to say.

I ask to insert his comments at the end of my remarks.

A person does not have to agree with everything that he mentions in his interview to recognize that we should be doing much better and that our friends in Canada are doing much better.

My conversations with Canadian Members of Parliament suggest that there are some improvements that we could make on the Canadian system, if we were to adopt a similar system. To suggest, as have so many in our country, that the Canadian system is a failure, is an outright falsehood. It is of interest that not a single Canadian Member of Parliament has introduced legislation to repeal the Canadian system.

The article follows:

HEALTH REFORM AND CIVIC SURVIVAL: AN INTERVIEW WITH QUENTIN D. YOUNG

(Since his days as a medical student at Cook County Hospital in Chicago, Dr. Quentin D. Young has been engaged professionally and politically in issues of public health. Currently clinical professor of preventive medicine at the University of Illinois Medical Center in Chicago, Young is also national president of Physicians for a National Health Program. He has been a leading and tireless spokesman for health care reform. We spoke with him recently about the fate of the Clinton health care proposal and the alternative of a single-payer insurance system like Canada's.)

A year ago many people had high hopes for health care reform. It was at the top of President Clinton's agenda and it seemed to have widespread public support. Now the issue is dead, and perhaps a crucial political opportunity has been lost. What went wrong?

President Clinton produced an enormously complicated proposal, which left him vulnerable to attacks from across the spectrum. Those of us who support a single-payer plan thought that if the reform had been enacted the way he proposed, it would have been a dreadful disappointment and a step backward. By going the route he did, he was forced to rely on the whole insurance infrastructure and a real nightmare of managed competition. All these huge bureaus he proposed—they invited ridicule and defeat. From his public and private comments it is clear that he understands the redundancy and the parasitic role of the insurance industry: it adds nothing to the product and subtracts mightily. (Basically insurance agencies and conglomerates are in the business of finding reasons not to give care.) So in light of that, his proposal showed a lack of courage. Another form of cowardice was that he didn't come right out and call his mandated premium—which had all the force of law—a tax. So that's the President's contribution to the failure of reform.

The decisive factor was the appalling undermining of the democratic process that took place in Congress. At least $150 million were spent on lobbying, on polls, on onslaughts from small business groups and others. In the face of this pressure, Congress became impotent. I think that viewing this activity intensified people's dislike of the political process. And I also think that there's a little bit of concern by those involved that perhaps the lobbyists engaged in overkill—that they created a sense of futility among the public. And power elites usually don't like to see a sense of futility

among the public. Nor is it wholesome from the point of view of a reformer.

The conventional wisdom was—probably still is—that a single-payer plan is politically unfeasible.

Well, the route Clinton tried was politically unfeasible. His proposal couldn't have done any worse than it did. And winning isn't the whole thing. The big changes that have occurred in American politics—the abolition of slavery, the adoption of unemployment insurance and social security—did not happen in one swift action. There was a buildup of popular pressure and finally a breakthrough.

A battle over a single-payer plan would have clearly defined the issues, as is happening in the debate over the referendum on universal coverage in California. They are having a huge David-and-Goliath fight against the same forces that defeated the Clinton plan, because those forces know that if California should miraculously pass such legislation, then the game is over. In Canada in 1967 Saskatchewan passed health insurance legislation, and two years later Alberta did. In '71 the Tory Parliament in Ottawa voted unanimously for Medicare, which is what they call their national single-payer system. And, of course, the rest is history.

It's clear that you regard Canadian experience as a success story.

Canada has a humane, fair, extremely popular system. It does better than we do in longevity and infant mortality and most other health indices. Its achievement in cost containment is very simply summarized. Twenty-three years ago, before Canada initiated its reform, the U.S. and Canada were both spending 7.1 percent of their respective GDPs on health care. Now Canada's spending has risen to 9.5 percent—not a tiny rise, but nothing like our rise to about 15 or 16 percent, with no end in sight.

Whenever we talk about implementing a single-payer plan like Canada's that aims both to offer universal coverage and to cut costs, don't we have to talk also about putting limits on services? And that's what scares people. We don't like the thought of needing a heart bypass operation and being 315th on the lis

There has been an inordinate amount of Canada-bashing and exploitation of fear on this topic. The short answer is that that kind of denial of care can't possibly happen in the short run. We're spending about a trillion dollars per year now on health care, and the figure is rising. That's a per capita expenditure that's 40 percent higher than Canada's—so in terms of funding we would have 40 percent more available if we were to adopt their system. If you suddenly were to give the Canadian system a thousand dollars more per capita, then any problems of rationing would be solved.

In the U.S. under single-payer you'd immediately get a minimum of $100 billion available for health care by eliminating the waste in the insurance system. That's what Canada experienced when it initiated its reform. Canadians used to devote 11 percent of health costs to health insurance administration—which is what we spend. Now Canada spends less than 1 percent on insurance administration.

Add to that the benefits of negotiated fees with doctors. Many billions of dollars are truly squandered on excessive fees, breathtaking fees—a half hour's work is rewarded with $2,000 or $4,000. That's ridiculous.

The problems of the Canadian system, compared to ours, are trivial. More to the point, whatever problems it has involve a relative shortage in the area of high technology. That's precisely the area in which we have too much—literally too much equipment and too many specialists. This is a burden on the system. No reform will work until we rectify this problem: 75 to 80 percent of our physicians are specialists, only 20 to 25 percent are in primary care. The ratio should be 50–50, possibly 60–40 primary care. Those are the kinds of problems the marketplace gives us. Specialties offer the higher rewards.

A third source of savings with single-payer is that you could really control the laissez-faire medicine that is supposedly controlled by managed competition. I'm speaking, for example, about unnecessary surgery. About a third of hysterectomies performed in the U.S. were unneeded. There's thousands of dollars and harm to patients that could be saved. We're doing twice as many Caesareans as needed. At least 20 percent of coronary bypasses shouldn't have been done. So I don't think we have to ration yet if we eliminate these problems.

In the year 2010 it may be different. People are living longer. There is no question about the correlation of age with medical utilization. And scientists keep coming up with more and more complicated things that we can do to help people, which always adds big costs. But on the other end of the spectrum, you wouldn't have to treat some people at all because you've immunized all the kids and you will have early detection of breast cancer, and so on.

One often hears reports that wealthy Canadians come to the U.S. for treatment—the implication being that care here is quicker and better.

I'm sure Canadians went to the Mayo Clinic and to Johns Hopkins before there was mass health reform and they probably do now. Many Americans are going to Canada for care. But the crucial thing is that 99 percent of the health care the Canadians receive is under the system, which maintains high standards of research and training.

One of the very important characteristics of single-payer as it's played out in Canada, which I concede is due to its parliamentary system of government, is the fact that every week in each of the provinces and in Ottawa the minister of health has to face questions and complaints—"Mrs. Jones spent six hours in the emergency room" and so on.

Also, it is illegal in Canada, as it would need to be under single-payer legislation here, for a private insurer to offer a benefit that is covered under the plan. If you allow that, you begin to undermine the system. You have to have everybody in it—particularly the elites. They will guarantee the product. They will see that by and large there's equity, there's high quality, there's a way to correct incompetence.

This point came home to me when I was on a radio show with an Anglican archbishop from Canada. He talked about the danger of Canada's being torn apart by the Anglophile-Francophile issue, and how a survey was conducted to see what makes Canadians feel patriotic, what brings them together in the midst of division. And way up at the top in the poll, for Canadians of all stripes—including those in Quebec—was the national health system. Here's a civic adventure that has brought people together. Compare that to the U.S. system of tooth and claw, of fear and bankruptcy and denial.

One of the reasons physicians and patients in the U.S. are wary about government-run health insurance is that they suspect it will mean an unreasonable limit on physicians' autonomy.

One of the benefits of single-payer is that, with everything going through the same computer, as it were, you can easily create a physician profile, noting frequency and interval of patient visits, number of ECGs prescribed, and so on. With this profile you can easily begin to see the doctor who is off the charts—who's doing three times the average number of ECGs, for example. That's a place to look for saving resources without oppressing physicians.

U.S. doctors already face scrutiny, but of a different kind: we doctors have an insurance person at the other end of the line from whom we have to get permission to practice medicine. Sometimes the line is busy, sometimes you're put on hold, and finally when you talk to the person she needs to have you spell the diagnosis that you're getting permission to treat. Not a happy scene. Do that three or four times in an afternoon and you wonder why you went into medicine.

The insurance system has transformed doctors into technicians and given them some incredible restrictions. HMOs sometimes forbid doctors from discussing treatment options that aren't available under the plan. That violates the principle of informed consent, central to any real patient-doctor relationship.

I can give myself as an example of the need for appropriate scrutiny. I was trained at Cook County Hospital in the late 1940s and '50s when one-third of the hospital beds were dedicated to TB. We used to do X-rays on these patients every week—it was the only guide to how someone was doing. And it became an article of faith that one had to do a chest X-ray of every new patient, certainly of every over-40 urban dweller. About five years ago a younger colleague told me that there's no medical justification for doing this. Routine chest X-rays of people who have no symptoms are simply not an effective diagnostic tool anymore. I was acting out of my experience and training. But my old-fashioned approach had ceased to be good medicine.

You mentioned your own medical training. As you look back, do you recall any particular experience that galvanized your concern for reforming the way health care is delivered?

Well, certainly training at Cook County was part of it. It's a big public hospital that deals with an endless sea of patients—1,500 a day come through the doors in every state of malady: end-stage Alzheimer's, gunshot wounds, bad colds, gallbladder problems, cancer. Whatever there was, County had. And you see the most disenfranchised, the most impoverished, the wretched of the earth. I was just a middle-class, kind of liberal person, but it became clear that a doctor at County could adopt one of two philosophies—and the staff was about evenly divided along these lines. About half the doctors felt that they were witnessing divine justice, a heavenly—or Darwinian—retribution for evil ways, for excesses in drugs, in booze and everything else. Patients came to the hospital with their breath laden with alcohol, with needle marks on their arms, their babies illegitimate and all the rest. The other half decided that here was the congealed oppression of our society—people whose skin color, economic position, place of birth, family size, you name it—operated to give them a very short stick. When you saw them medically and psychologically in that broken, oppressed state, it was clear that you had to address issues of justice, not just medical treatment.

I had to decide which of these value systems was fair and just, and which one I could

live with. It seemed to me the first approach is judgmental and harsh and simplistic. Taking the alternative view gave me a shot at being a part of the human race. And taking that view also accounts for my optimism. While we are not a noble species, I've seen evidence that when people are given the opportunity they can be very noble. People get bigger than themselves, take risks, are altruistic. I've been privileged to be in a few of those moments, like the civil rights movement. That little kernel of altruism, which may account for .002 percent of everyday behavior, at times expands to be 100 percent for that day, or that week. My notion, both as a doctor and as a citizen, is that you have to expand that altruistic fraction.

When we interviewed former Surgeon General C. Everett Koop about health reform, he said at one point that a central issue is the simple question, "Am I my brother's keeper?" Is it fair to say the American public, or a large section of it, has basically said no to that question?

It's not fair to say that. The polls keep saying that Americans want universal care. They even say health care is a human right, which of course it isn't. It is, at best, an implied right the way privacy is.

There's a dialectic to being one's brother's keeper. It isn't simply, "Christ asserted it and therefore it's right." It's a living thing. I don't have the credentials to be theological, but I do think that the act of taking care of everybody in our health care system will make us our brother's keeper. It will emancipate us to attack the other enormous problems that we must solve. We can't have people hungry every night. We can't have children uneducated. But we do. We have to stop that. We won't survive otherwise. And nowhere is it written that every society survives. It's written somewhere that they all perish. And we've got all the credentials to go down the road to oblivion—not tomorrow or the next day, but not necessarily very much later. Time is running out.

You are putting health care reform in the context of a much larger moral crisis.

I do see health care reform as crucial to national civic survival. Consider some of the huge problems we have: air pollution, waste disposal, failed schools, homelessness, crime in the streets, hunger. The common denominator is that there are no resources available to solve these problems beyond what's already out there. Then consider health care, which is the biggest problem, and one that affects everybody. Homelessness affects those who have to live around the homeless, and it affects some sensitive people, but otherwise the problem belongs to the people who are homeless—and so on with all the problems I mentioned. But when you get to health, it's everybody's problem—if not today, then tomorrow. And it's the only social problem that we can fix using the resources—manpower, facilities, expenditures—we already have in place.

I don't want to be apocalyptic, but I think the case can be made in terms of the national mood—the polarization, the hate, the despair, the dissatisfaction with the political process—that health care reform offers us our last best chance to restore a sense of civic life and civic responsibility.•

COSPONSORSHIP OF THE BASEBALL PRESERVATION ACT

• Mr. GRAHAM. Mr. President, I lend my support to the National Pastime Preservation Act submitted to the new Congress by Senator DANIEL PATRICK MOYNIHAN and cosponsored by Senator JOHN WARNER.

Once again, Major League Baseball has shown that it does not warrant an exemption from our antitrust laws. Our national pastime has been silenced, with little or no immediate prospect of a resumption in play.

Mr. President, today is perhaps the coldest day of the winter so far this season. On these chilly days, our Nation should be on the verge of anticipating the annual ritual that signals hope of warmer weather on the way; the crack of bats at spring training.

But spring training could be lost. The possibility—which would compound the loss of part of the 1994 regular season and the World Series—underscores the urgency of prompt consideration of the National Pastime Preservation Act.

For Florida, the loss of spring training would result in an estimated loss in tourism dollars of at least $350 million, perhaps $1 billion. In the last several years, communities in Florida have made substantial investments in new and upgraded training facilities for the very clubs that will not be able to play.

This crisis has hurt Florida and America. Clearly, it is time to subject Major League Baseball to the same laws of competition that apply to the rest of business in our country. No other professional sport has an antitrust exemption.

Major League Baseball has used it antitrust exemption to prevent franchise migration to areas more willing to support teams. A consequence of this failure to allow the market to determine franchise location is a wide disparity between franchises. This, in turn, had led to the revenue-sharing proposal to be financed by a ceiling on players' salaries. Thus, the issue which is at the heart of the current controversy—a ceiling on players' salaries—is attributable to a misuse of the antitrust exemption. Additionally, removal of the antitrust exemption would be an incentive to the players to go back to work and continue negotiations.

I urge my colleagues—in the name of restoring our national pastime—to consider and support the legislation to remove baseball's antitrust exemption.•

SPEECH BY U.S. AMBASSADOR TO ARMENIA

• Mr. SIMON. Mr. President, recently, I read in the news of the Armenian General Benevolent Union, a speech by Ambassador Harry Gilmore, the U.S. Ambassador to Armenia.

Because it has insights into the problems faced in Armenia, I am asking to insert it into the CONGRESSIONAL RECORD at the end of these brief remarks.

The United States must exert every effort to see that Armenia and her neighbors, Turkey and Azerbaijan, can live together in peace.

This is in the best interests of Armenia and is in the best interests of Turkey and Azerbaijan.

But there are emotional barriers to achieving this.

While those emotional barriers remain, the people of Armenia struggle.

This speech was given in Los Angeles, on June 14, 1994, to guests attending a fundraising banquet for the American University of Armenia, which I have had the privilege of visiting in Armenia.

The speech follows:

HARRY GILMORE—UNITED STATES AMBASSADOR TO THE REPUBLIC OF ARMENIA

Distinguished friends and guests of the American University of Armenia, I bring you a story tonight of darkness and light. The darkness you know. Armenia is going through perhaps the most difficult period it has endured since the end of first Republic of Armenia in 1920. The people of Armenia have been living without heat and light, beset by war and economic hardship. But in the middle of the darkness there are some islands of light—and one of those is the American University of Armenia.

Tonight I want to tell you some of my experiences as the first Ambassador of the United States to the Republic of Armenia. I want to tell you something about what the United States Government is doing in Armenia. And I want to tell you why I believe in the future of Armenia.

Our Embassy in Yerevan, the first foreign Embassy in Armenia, opened in February 1992, in the Hrazdan Hotel. Now we are in the building that once was home of the Young Communist League. We have about fifteen Americans working in our Embassy from the Department of State, USAID, USIA, and the Peace Corps, and about sixty Armenian employees. Plus there are 25 Peace Corps Volunteers in Armenia, with more to come in July.

As you may know, in August 1992 I was first nominated to be Ambassador by President Bush. After the 1992 elections, President Clinton re-nominated me. I was finally confirmed by the Senate in May 1993. I arrived in Yerevan with my wife Carol that same month, one year ago.

I found our diplomats in Yerevan were living, much like the residents of Yerevan, frequently without electricity, heat, or water. There was, and often still is, only about one or two hours of electricity each day. During the first winter, our diplomats often wrote their cables by the light of butane lanterns. One diplomat found that his laptop computer wouldn't start unless he heated it up first on top of his wood stove.

Now we are fortunate to have generators and kerosene heaters in our homes and at the Embassy. Most Armenians are not so lucky. Nuclear physicists are working by candlelight. A factory that used to produce microprocessors is making kerosene stoves. One daily newspaper, The Voice of Armenia is being printed on ice-cream wrapping paper. The winter before I arrived, the temperature inside school classrooms was often below freezing. Some classes consisted of little more than jumping up and down to stay warm.

I decided from the beginning that our Embassy should have three goals: first, to help Armenia survive, emphasizing humanitarian assistance; second, to try to help Armenia achieve peace, and an end to its economic

isolation; and third, to help Armenia build a democratic government and new free market economy that will allow Armenians to control their own destiny, and guarantee their own future.

HELPING ARMENIA SURVIVE: HUMANITARIAN ASSISTANCE

Our first job has been to help provide humanitarian aid, so Armenia can survive the economic crises caused by the collapse of the Soviet Union and the war. The Armenian-American community, the Armenian Church and other private donor organizations have been extremely active in these efforts. Soon after the Embassy opened, the U.S. Agency for International Development located its regional office for the Caucasus in Yerevan, and our government got involved in a major way.

Much of our time has been taken up by the logistics of getting wheat and fuel moving to Armenia. I now know more about the Georgian railway system than I ever wanted to know. When U.S. government wheat was stranded in Batumi, in Georgia, because there was no electricity to run the Georgian railways, we chartered diesel locomotives, and provided fuel for them. When there was a shortage of wheat in Armenia, because the trains in Georgia weren't running, we obtained money to buy kerosene and diesel fuel to trade to the Armenian farmers for wheat.

An airlift of planes chartered by the United States government has brought in medicine, flour, and other necessities of life, purchased by the government or donated by private organizations in the U.S. Thanks largely to the lobbying efforts of the Armenian-American community, a winter airlift brought in over eighty thousand kerosene heaters, and trains of tank cars brought thousands of tons of kerosene to Armenia, so schools and homes of the elderly, one-parent families, and other people sitting at home in the cold could have heat.

The winter of 1992–93 all the schools closed in Armenia. It was too cold to study. This winter was different. In February I visited a working class school in the Charbakh district outside Yerevan. You could see through a crack in the wall caused by the 1988 earthquake. The temperature in the hallways was freezing, and the students and teachers wore winter coats, hats, scarves and mittens inside but because of the heaters and kerosene we and a French organization named Forum had furnished, classes were going on, and students were learning. With great pride, they sang Armenian songs and recited Armenian poetry for me. So I can tell you first hand that our help is getting there, and is getting to the people who need it most.

But humanitarian aid, though it takes much of our time and efforts, is only a temporary measure, not a long-term answer. The real answer lies in finding an end to the conflict in Artsakh.

ENDING THE WAR

Helping the parties to find an end to the war is the most important, and the most difficult, of our objectives. Without peace—and I mean a just peace—there cannot be any end to economic isolation, no development, no trade. The war is taking the resources of Armenia, and the lives of some of its best young men. I see the new graves in the cemeteries, the faces in the newspapers, the memorial shrines in the schools. The war is a very heavy burden for the people of Armenia, Azerbaijan, and Nagorno-Karabakh.

Some people think that the war could be ended by a few telephone calls. I wish it were so simple. Hatred and distrust have built up over the decades, and have often been used by politicians for their own purposes. It may take a long time for the hatred to die down, and the people of Armenia, Nagorno-Karabakh and Azerbaijan will have to live again as neighbors.

Our job is to encourage and facilitate an end to the fighting, and then to get the participants to sit down together, talking instead of shooting. We believe the best way to do this is through the international efforts of the so-called "Minsk Group" of the Conference on Security and Cooperation in Europe, a process which includes all the countries in the region, except Iran, and which allows the people of Nagorno-Karabakh to be heard. The Russian Government is also working to achieve a settlement. We are trying to encourage the Russians to combine their efforts with those of the CSCE.

It is difficult and frustrating process. At this point, the leaders of Azerbaijan and Nagorno-Karabakh say they want to talk. But so far the kind of compromise which would end the fighting and launch a negotiating process has been elusive. We are trying, step by step, to find common ground and build trust. It will demand compromise from both sides. The compromises may be painful. But the only alternative to compromise is an endless war. I don't believe that anyone in Armenia wants to see the children of the next generation fighting the same endless war.

HELPING ARMENIA TOWARD DEMOCRACY AND ECONOMIC GROWTH

Our third objective is to help Armenia build a durable democracy and a working free market. The government of President Ter-Petrossian is now one of only two governments in the former Soviet Union not headed by a former Communist. Armenia has a multi-party system and an active free press. Despite great criticism, an independent Armenia is stubbornly following the course of market reforms and independent foreign policy. Armenia has the potential to remain a democratic and truly independent state.

What Armenia needs is the experience of democracy and a free market, and the training to make it work. This is why the American University of Armenia is so important.

We know that no single Western form of government or economic life can simply be copied in Armenia. America and Armenia have different histories and different traditions. But many Armenian members of parliament and members of the government have asked us for help. They want to learn from our experience, take note of our successes, try to avoid our mistakes.

PEACE CORPS

Today we have 25 Peace Corps Volunteers in Armenia, 16 teaching English in villages and towns, and 9 experienced small business advisers. They've spent two winters there, sharing the hardships of the local people. I'm very proud of these young, and some not so young, men and women, who are helping share our American know-how in Armenia.

FARMERS AND AGRICULTURE

We have brought American farmers and agricultural experts to Armenia to help establish an extension service, similar to our own, for the farmers of Armenia. And we have provided new varieties of wheat seed both to replenish stocks and to improve yields. One example of what they did: in Soviet times, combine opertors were given quotas of acres to harvest, regardless of how much wheat they actually harvested. Our extension agents shared their experience of how to use their harvesters to get the maximum amount of grain, with the least waste.

EDUCATIONAL EXCHANGES

We are working to give more Armenian students and professionals the chance to study in America, so they can take their new experiences back to Armenia and help rebuild the country. We have open competitions in Yerevan for Fulbright scholarships and other exchange programs. Under the Fulbright program, leading scholars from Yerevan State University will be teaching and doing research in the United States, and Armenian scholars are working at the State University. This year we will send over 100 Armenian professionals for specialized short courses and workshops in the U.S.

Today thirty-four high school students from Armenia, chosen by an open competition from among 1500 applicants, are studying at high schools all over the United States. Each one is making Americans aware of the new realities in Armenia. Each will return with an expanded understanding of the U.S., and, I hope, with useful knowledge that can help Armenia.

ECO SPHERE

We are also providing assistance to privatize Armenia's urban housing stock and to improve a range of Armenia's energy systems. For example, U.S. legal advisors have helped draft the first land use code and condominium legislation. We have initiated successful weatherization/winterization trials in schools and hospitals and we are providing critical equipment and technology both to conserve energy in power plants and industry and to develop new sources of hydro, coal and oil energy.

In the two years since the Embassy opened, we've learned a lot. We've learned that some people, and some institutions, are resistant to change and even find it threatening. The old menatlity, of waiting for someone at the top to make a decision, is hard to change. We've learned that it's sometimes better to start entirely new institutions than to try to reform old ones, and that it's often best to target the younger people and professionals, who are the most open to change, and the most important resource for the future. Most of USAID assistance targets 23–35 year old professionals. That is one reason why, on many projects, we've chosen to work with the American University of Armenia.

THE AMERICAN UNIVERSITY OF ARMENIA

To me, the American University of Armenia exemplifies what is best about Armenian education. When you walk in the doors of the American University, you feel a sense of energy, of purpose. When you look in the computer lab, and see the students at work stations, you could be in any American University. But I think there are very few universities in the United States where the students work with such dedication and enthusiasm. There is another difference—when you talk to the students, you learn they are not there just for themselves, they are there because they want to make Armenia a better place to live for future generations.

We are working together with the University on a number of projects. The U.S. Information Agency opened its library, the first in the Caucasus, alongside the library of the University. This library is open to the whole community, not just AUA students, and serves students and teachers from Yerevan State University and schools all over Yerevan.

JUNIOR ACHIEVEMENT

USIA, the Peace Corps and the AUA worked together to launch the Junior

Achievement Program in Armenia. Today high school students in Yerevan are learning practical business and economics by running their own small businesses.

CEPRA

USAID is working with the University and the Ministry of Economy to establish Armenia's first economic research center, "CEPRA", which represents a watershed in university-government collaboration in finding answers to the country's most pressing macroeconomic problems. The establishment of this innovative government center within the University is a testament to the flexibility and foresight of AUA's leadership in applying its intellectual resources to the current economic situation.

RADIO STATION

Students learn more than just theory at AUA. One group of recent AUA graduates is trying to open the first independent radio station in Armenia. A second group has started a newspaper. A third group has started a publishing house, and translated and published the first market economics textbook in Armenian for the Junior Achievement Program.

A team organized by the Center for Business Research and Development at AUA, with support from the Embassy, has translated into Armenian two books on business management, and is at work translating a university economics textbook that will be the standard text for Armenian universities.

While we work closely with AUA, I should emphasize that we are not ignoring the State University. This year, for the first time, two Fulbright lecturers will be teaching jointly at the State University and at AUA, in the areas of American history and law. We are sponsoring a program with the University of Colorado to help reshape the economics curriculum at the State University. And several scholars from the State University will receive Fulbright fellowships to do research in the United States. In our view, AUA and the State University are partners, not rivals.

To put it simply, AUA is a model of how the Armenian Government, the American Government, and the Armenian-American community are all working together, preparing Armenia for the future, and looking together for solutions to Armenia's problems. Some people say that a pessimist is an optimist who has spent the winter in Armenia. But I have spent the winter in Armenia, and I remain an optimist. When I visit the American University, I know that there is hope for the future. The future of Armenia is the hands and minds of today's students.

CONCLUSIONS

In my first year in Armenia, I developed an even deeper respect for the Armenian people. Against terrible adversity, against heavy odds they have kept their faith, their language, their culture and their pride intact. What would happen if, in America, we had to endure the conditions they endure; virtually no light, no heat, no gas, no electricity? The Armenian people have borne this stoically for four winters.

At the beginning of my remarks, I mentioned the First Republic of Armenia. You all know how it ended after roughly two years—divided within, fighting with neighboring Azerbaijan over Nagorno-Karabakh, beset by hunger and cold, warring with Turkey, without substantial help from the West, it was invaded by the Red Army, lost its independence, and became part of the Soviet Empire.

This new Armenian Republic has now lasted longer than the first Republic. Today's Armenia is also beset by many problems; petroleum and transportation embargoes, the same geographic dilemma, and again conflict over Nagorno-Karabakh.

What is different now is that Armenia is a member of the United Nations and the CSCE, a full member in the family of democratic nations. Today, there are international mechanisms for helping resolve conflicts, and for helping newborn countries to get on their feet. Today there is a successful and vigorous Armenian diaspora especially in the U.S. which is actively involved in supporting the reborn Armenian republic. These are now available to the Armenian Republic, and Armenia is using them.

But in the end, what can guarantee the independence of Armenia? In the 1930's, the great Armenian poet Charents wrote an acrostic into one of his poems—the second letter of each line spelled out, "Oh Armenian people, your only salvation is in your united strength." For these words Charents was expelled from the Soviet Writers' Union and died in prison. But what Charents said then is still true today. Ultimately, it is the Armenian people themselves, working together, who can guarantee their independence.

Armenia cannot survive in economic or political isolation. For Armenia to be a successful member of the community of nations, it will have to develop all of its resources. It must and will find ways to end the isolation, to establish new political and economic links with its neighbors, to establish connections with the rest of the world. Armenia has much to offer the world—a unique culture, a rich history, and above all an abundance of talented people—especially young people—who want to make a mark on the future. I hope and believe they will continue to enrich world culture and to contribute to the welfare of the reborn Armenian state.●

INTERSTATE BANKING AND BRANCHING ACT OF 1994

● Mr. BENNETT. Mr. President, last year we worked hard to ensure, after careful consideration by the Senate Banking Committee, the Senate, and the conference committee, that banks providing credit to out-of-State borrowers would be unaffected by other changes made in the new interstate banking and branching law. We considered the interests of the States, financial institutions, and regulators, and consumers on this very important point.

Unfortunately, and notwithstanding the care we took with the words we used, it has come to my attention that a recent court decision has misinterpreted several provisions of the interstate banking law. I want to set the record straight so that there is no confusion or misunderstanding.

Mr. Chairman, the intermediate appellate court in Pennsylvania issued its decision on December 14, 1994, in the so-called Mazaika case. In a 6–3 decision, the court held that a national bank located in Ohio was not authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents—charges that the court acknowledged to be lawful in Ohio. Mr. Chairman, every other final decision by other courts on the merits of this very question has concluded that such charges were authorized by section 85 to be collected from all borrowers, anywhere in the Nation, as long as they were legal in the bank's home State.

In its decision, the majority noted the enactment of the Riegle-Neal Interstate Banking and Branching Act of 1994 and said that the interstate banking law "expressly provides that a national bank is bound, as to operations carried on in a particular State, by the consumer protection laws of each State in which it operates any branches." The majority was referring to the applicable law provision of the interstate law.

Mr. Chairman, it is my view that the Mazaika majority made several mistakes in its reference to the applicable law provision of the interstate banking law. These matters should be clarified.

First, the applicable law provision in the interstate law applies only and by its terms when a bank actually has branches in a second State. And even in such circumstances, the applicable law provision subjects the interstate branch of a bank to certain State laws only where those laws are not preempted by Federal law. This provision has no bearing on or relevance to the Mazaika case because, in that case, no branching by the Ohio bank into Pennsylvania is involved. Moreover, the law has long been settled by the courts that section 85 is preemptive.

Second, the Mazaika majority simply ignored the very important savings clause in the interstate law. The savings clause is part of section 111 of the interstate law. Mr. Chairman, I well recall that this provision was included in the Senate bill at the request of the Senator from Delaware for two reasons. The clause makes clear that a branch of a bank in one State may charge interest allowed by that State's laws in making loans to borrowers in another State even if the bank has branched interstate into the borrowers' State. In addition, the Senate Banking Committee and the Senate very much wanted this provision in the law in order to ensure that a bank's ability to collect all lending charges had not been affected by other provisions of the interstate law—such as the applicable law provision.

The savings clause provides that nothing in the interstate law affects section 85 of the National Bank Act and also section 27 of the Federal Deposit Insurance Act, which relates to charges by State banks. The savings clause therefore preserves the preexisting lending authority of banks to collect all lending charges in accordance with home State law, without regard to the changes in branching authority made by the interstate law.

Does the Senator agree with my understandings that the majority in

Mazaika seriously misconstrued the interstate banking legislation?

Mr. ROTH. Yes, I most certainly do, and I agree that it is very important to confirm these points.

At the Senate Banking Committee, I requested, and the Managers' Amendment included, the savings clause. The savings clause, as I have previously stated, made clear that the adoption of interstate banking legislation will not and was not intended to affect the existing authority with respect to any charges imposed by national and state banks for extensions of credit from out-of-state offices.

The Senate Banking Committee report and the conference report both contain explanatory language that is consistent with this reading of the interstate law. The reports state that, as a result of the savings clause, nothing in the interstate banking law affects existing authorities with respect to any charges under section 85 of the National Bank Act or section 27 of the Federal Deposit Insurance Act that are assessed by banks for loans made to borrowers outside the State where the bank or branch making the loan is located.

I took to the floor of this Chamber on September 13, 1994, to reemphasize these important points.

I very much agree with the Senator from Utah that the majority in Mazaika misread and seriously misconstrued the interstate banking legislation. I hope our discussion today clarifies these matters.

Mr. BENNETT. Mr. Chairman, I also wish to set the record straight about another provision in the interstate banking law. Section 114 establishes a new procedure concerning when the Federal banking agencies issue interpretive rulings or opinion letters that preempt certain State laws. I have learned that some are arguing that section 114 and its legislative history somehow overrule, or cast doubt upon, interpretations of the word "interest" by the OCC, the FDIC, and the OTS. These interpretations have been repeatedly cited by many courts.

Mr. Chairman, it is my interpretation that nothing in section 114 or the legislative history of the interstate banking law overrules, or casts doubt upon, these prior interpretive letters issued by the Federal banking agencies. The savings clause in section 111 makes this abundantly clear. Indeed, it is my understanding that section 114 addresses only procedural matters, and was not intended to alter or establish any principles of substantive law.

May I ask the Senator from Delaware whether he agrees with my interpretation?

Mr. ROTH. I do.•

WHEN GAMBLING COMES TO TOWN

• Mr. SIMON. Mr. President, during the last session of Congress, I introduced a bill to set up a commission to look at the whole question of where we're going in the United States on gambling and what our policy should be. This is a major cultural shift that is taking place that has an impact on our citizens and has an impact on government revenue.

Recently, I heard reference to an article by Stephen J. Simurda in the Columbia Journalism Review, and I got a copy of the article. I ask to insert it at the end of my remarks.

My instinct is that we should move with some caution in this field.

The article mentions that the Center for Addiction Studies at Harvard University says that between 3.5 and 5 percent of adults exposed to gambling can be expected to develop into pathological gamblers. Even more disturbing, the percentage is higher, 6 to 8.5 percent, for college and high school students.

I do not know what the answer is, but I know that Congress and our Federal Government probably should not ignore this phenomenon.

The article follows:

WHEN GAMBLING COMES TO TOWN

(By Stephen J. Simurda)

Just five years ago state-authorized casino gambling in the United States was confined to Nevada and Atlantic City, New Jersey. Today, casinos can be found in eighteen states. Many are Indian-owned—as in New York, Connecticut, Minnesota, Michigan, Arizona, and Oregon. Others are floating casinos—like those on the rivers of Illinois, Iowa, and Mississippi.

And more are on the way. Missouri and Indiana have recently approved casinos, and the biggest one in the world is being built in New Orleans. Several more states, including Ohio, Pennsylvania, Massachusetts, and South Carolina, are considering various forms of legal gambling.

"All of a sudden it's like, bang! legalized gambling is the biggest economic development force in almost every state in the country," says Robert Goodman, an urban planner at the University of Massachusetts at Amherst who recently completed a two-year study of the gambling industry.

The current gambling surge can be traced, in part, to state lotteries, which have become a fixture in the American landscape in the thirty years since New Hampshire started the first public lottery of this century. Today, thirty-six states have lotteries, and legislators would be hard pressed to make fiscal ends meet without the millions of dollars they generate.

Taken together, these developments add up to a fundamental shift in the role gambling plays in U.S. society. In 1992, Americans spent a staggering $30 billion on legal gambling, a figure The Wall Street Journal reports was more than was spent on books, movies, recorded music, and attractions (such as amusement and theme parks) combined.

The transformation of America into a gambling society was, of course, greatly accelerated by years of federal cutbacks, compelling cities and states to generate more revenue at a time when few politicians dare to prescribe an old-fashioned formula—raising taxes. So State legislators, mayors, and governors are often quite receptive to gambling promoters, a group that generally includes deep-pocketed developers, prominent local attorneys or financial consultants, and, in some cases, powerful political colleagues. Armed with glowing economic impact studies, promoters set out to convince communities that casino gambling will provide a big boost to their economy.

Journalists across the country who are asked to cover legalized casino gambling may find it a difficult and confusing assignment, for a variety of reasons. "It doesn't fit easily within the framework of a beat that most newspapers have, and there is a certain amount of technical expertise needed," says Robert Franklin, who covers philanthropy and charitable gambling for the Minneapolis/St. Paul Star Tribune. "There is no place from which to gather a lot of information in a hurry," adds Steve Wiegand, who has covered gambling for The Sacramento Bee. "And so many of the people I speak to are so self-serving it is hard to know how much of what they tell me is true."

These and other problems and potential pitfalls were mentioned by several journalists who have come up against one of the biggest local stories of the decade. What follows, then, is something of a field map for reporters and editors who find themselves suddenly compelled to explore and explain a complicated piece of terrain.

THE PROPOSAL

It promises a lot and has a strong marketing effort behind it. In Bridgeport, Connecticut, a city that recently emerged from Chapter 11 bankruptcy protection, Steve Wynn of Mirage Resorts promised 12,000 new jobs, four million visitors a year, and millions in tax revenues. And over the first half of 1993 he and other casino promoters spent more than $2 million on lobbying, the most ever in Connecticut, to gain approval of a casino bill.

Legislators declined to act on the bill after the Mashantucket Pequots—a tribe that operates a huge and hugely successful casino on tribal lands in Ledyard, Connecticut—agreed to pay the State $113 million, an amount equal to the State's budget shortfall for the fiscal year, out of slot machine profits. (Indian-owned casinos nationwide enjoy tax-free status; their success has spurred efforts to legalize corporate-owned casinos that would pay taxes.)

Inevitably, casino proposals will promise lots of jobs and tax money, among other incentives, but the promises are just that, and the reality may not match the sales pitch.

In Iowa, residents of Davenport—and the local media—were dazzled in 1989 by promises of a $76 million investment by a floating-casino developer, including the building of a fifteen-story hotel, a shopping center, and an office building. By last year it was estimated that less than $20 million had actually been spent, and nothing had been built. "The city was looking for bricks and mortar, land-based development, and that's what we didn't get," says Clark Kauffman, a reporter for the Quad-City Times in Davenport.

As a city or state reacts to a gambling plan with its own ideas about how the money might be spent, it's important to examine who will benefit. In many states, lottery revenues, for example, are supposed to contribute to education or services for the elderly. But in California and Illinois, among others, it's been shown that lottery funds have often just replaced legislative appropriations, not supplemented them, as many people thought they were intended to do.

GETTING A VARIETY OF OPINIONS

It's never hard to find promoters eager to make the case for gambling. "Reporters can

expect to be showered with attention" by gambling promoters, says Daniel Heneghan, who has covered gambling for the Atlantic City Press since 1979 and has been offered free trips to other gambling properties by casino owners. (He declined the offers.)

Meanwhile, "informed critics of the industry are very hard to find," says David Johnston, a writer and editor at The Philadelphia Inquirer and author of Temples of Chance: How America Inc. Bought Out Murder Inc. To Win Control of the Casino Business. As a result, opposition presented in the media often comes from the religious community, which makes moralistic arguments against casinos—the kind of arguments many people don't take very seriously. Last August 20, The Washington Post ran a front-page story about gambling headed D.C. CONSIDERING CASINO GAMBLING: OPTION VIEWED AS ECONOMIC BOOSTER. The only opponent quoted in the piece was an assistant pastor at a Baptist church, who said, "We don't support gambling, because it's anti-Biblical and anti-Christ."

Reporters can usually get a more cogent analysis from economists, planners, psychologists, and other professionals. Pauline Yoshihashi of The Wall Street Journal, for example, in researching a piece that appeared in the Journal last October, asked a cultural anthropologist to explain the lure of gambling, and an entertainment industry analyst from a brokerage house to talk about the effect gambling may have on other entertainment businesses.

In a five-part series in The Boston Globe last September, reporters Mitchell Zuckoff and Doug Bailey turned to an architect and regional planner to discuss the government's promotion of legalized gambling, and to a professor of commerce and legal policy to address the parasitic nature of legalized gambling on the economy.

LOOKING OUT FOR FINANCIAL CONFLICTS

"Gambling interests suck up everybody," says Vicki Abt, a professor of sociology at Penn State University and author of The Business of Risk. Abt says that includes her co-author, Eugene Christiansen, who is often described as a "gambling industry analyst," as he was in The Boston Globe's generally first-rate series on gambling.

In fact, Christiansen is a consultant who makes about half of his income working for the gambling industry—a bit of background information he's rarely asked about. "Reporters are much less interested in exploring my ties to the industry than they are in getting me to give the secret as to why gambling is bad." Christiansen says. His willingness to be critical of the spread of legalized gambling, it should be noted, does not conflict with the interests of some large casino companies that stand to lose revenue if rivals move in on their turf.

Then there's I. Nelson Rose, a professor at the Whittier Law School in California, whose resume calls him the "nation's leading authority on gambling and the law." But nowhere in his nine-page vita does Rose mention that for the past three years he has been a partner in a plan to develop a string of Indian-owned casinos in southern California.

"I have no trouble talking about it." says Rose when asked about his business ventures, but he doesn't always volunteer the information to reporters. (In the Globe series, Rose was described as a professor "who studies gambling law." The Quad-City Times called him "one of the nation's top authorities on legalized gambling.")

It's worth noting that Christiansen and Rose are still good sources for gambling stories, says David Johnston, "but you need to put them in the universe."

Almost no source is safe, it seems. A reporter calling the National Council on Problem Gambling in New York City, for example, might expect to get an anti-gambling perspective, or at least a view that is cautious about the spread of legalized gambling. "That's not what my board wants me to do," says Jean Falzon, the group's executive director. Instead, the council, whose board includes several gambling industry executives, focuses on raising money, often from the industry, for research about, and the education of, compulsive gamblers.

What's a reporter to do?" You flat out ask them" if they make money off the industry, says The Wall Street Journal's Yoshihashi. (For the record, two of the experts quoted in this story, Goodman and Abt, say they take no money from the gambling industry.)

EVALUATING THE ECONOMIC BENEFITS

A casino proposal will offer enough numbers to confuse even an experienced business reporter. And they're all soft. Nevertheless, exploring the economic side of casino development can offer some of the best stories about the issue.

"Many real economic issues are not being discussed by promoters or local politicians" who are eager to get casinos open and generating money, says Yoshihashi. One of these issues involves how many of a projected casino's anticipated customers will come from outside the immediate area. If most of the gamblers are local, the dollars spent at the casino represent money not being spent on other things in the local economy, inevitably hurting some area businesses. Then, too, there's the issue of jobs, which are usually touted as skilled and high-paying. In reality, the skills are usually pretty minimal, as is the pay, which generally anticipates generous tips. There's also a history of racial discrimination and sexual harassment in the casino industry.

Another issue centers around the likelihood that a casino will help a community turn its luck around. "There can be a lot of false expectations about long-term economic development," says William Eadington, director of the Institute for the Study of Gambling and Commercial Gaming at the University of Nevada at Reno. "It's all driven by a myopic perspective that all that matters is economic, which is bound to be disappointing." (Eadington, by the way, makes money off the industry, running training sessions for casino managers and sponsoring an international gambling conference that draws from industry and academia.)

Lastly, despite regular denials from gambling promoters, there is abundant evidence that legalized gambling, especially state lotteries, is regressive, with poorer citizens gambling a disproportionate share of their income. Information on this often-scanted subject has come from the New Jersey Lottery Commission, The Heartland Institute in Chicago, and Duke University, among others.

LOOKING AT THE SOCIAL COSTS

Examining the social cost of gambling can be a fertile area for an enterprising journalist. "There's absolutely been an explosion in the number of compulsive gamblers in Minnesota" since casinos began opening on Native American reservations across the state, says Jim Kelly, assistant city editor of the Star Tribune in the Twin Cities. The paper has attempted to cover this issue, a notable example being a page-one November 12, 1992, piece that examined increases in crime related to compulsive gambling.

Howard Shaffer, director of the Zinberg Center for Addiction Studies at Harvard University, says that between 3.5 and 5 percent of those adults exposed to gambling can be expected to develop into pathological gamblers. Even more disturbing, the percentage is higher (6 to 8.5 percent) for college and high school students, according to Shaffer's most recent research. "It's like crack was to cocaine. It's becoming too easy to gamble," says Shaffer.

New forms of legalized gambling may also contribute to an increase in crime, or at least increases in the cost of ensuring public safety. Meanwhile, there's the likelihood of more white-collar crime when gamblers who lose too much in the casinos try to make up their losses by stealing from employers or institutions.

HOW WILL IT BE REGULATED?

"If you're going to have gambling as public policy, you have to have regulation," says Yoshihashi. The Wall Street Journal reporter suggests that communities consider imposing a waiting period between the time someone leaves the industry and the time the person can serve in a regulatory capacity, and vice versa.

David Johnston of The Philadelphia Inquirer adds that reporters should find out, for example, whether a tax agent will be required to be on hand when money is counted, and how much casino operators will have to disclose about their business relationships with those in the community. He also suggests looking into whether the casino will permit credit gambling, which he says creates a host of problems, and whether there will be stiff penalties for casinos that permit underage patrons to gamble.

Regulation is a particularly big issue at casinos on Indian reservations because their sovereign-nation status has put them into something of a regulatory limbo. A recent article in Gaming & Wagering Business, a trade magazine, raised allegations of misuse of funds, ties to organized crime, and sexual harassment at one reservation-based casino in Minnesota.

Chris Ison, one of five reporters at the Star Tribune who cover gambling in an unusual team approach, says he is aware of the allegations, but has yet to explore them in depth. Ison has uncovered and reported on other forms of wrongdoing, some of which involve the regulators themselves. Last year, for example, he co-wrote a piece revealing that the area director of the federal Bureau of Indian Affairs was receiving cash vouchers with which to gamble when he made regulatory visits to a casino.

THE BOTTOM LINE

In general, gambling needs to be covered like other economic development proposals—glitz and hype notwithstanding. Journalists should not forget that they may be the only ones able to cast a skeptical eye on plans to expand legalized gambling in their community.

"Remember, this is an industry that's in the business of selling illusion," says David Johnston. "And it begins long before the casino ever opens."•

THE PEACE POWERS ACT OF 1995

• Mr. NICKLES. Mr. President, I am pleased to be a cosponsor of S. 5, the Peace Powers Act of 1995, introduced by Majority Leader DOLE. This is a much-needed piece of legislation, in that it not only unties the President's

hands in those instances where he needs to act to ensure American interests, it also enacts important reforms in the manner in which the United States participates in U.N. operations.

First, S. 5 repeals the unworkable—and probably unconstitutional—War Powers Resolution. This is long overdue. I, like many of my colleagues, have always believed that the Framers of the Constitution always intended that the President should be able to act with dispatch to protect American interests in his capacity of Commander in Chief of the U.S. Armed Forces. While Congress retains the power of the purse, and the continuing right to cut off funds at will, there is no clear right for Congress to preemptively subject the President to a drop dead date in the conduct of military operations. This bill does retain the consultation and reporting provisions of the War Powers Resolution, which have not been controversial and with which all administrations have complied, in the spirit of cooperation between the executive and legislative branches.

A major provision is section 5 of the bill, which amends the United Nations Participation Act to prohibit the President from placing any element of the U.S. Armed Forces under the command or operational control of any foreign national in any UN peacekeeping operation. This is a matter that commands strong support among the American public, who do not want to see our service personnel placed willy-nilly under the control of non-Americans, exposed to dangers in operations that may have little if any relation to American interests. I am pleased to point out that this provision is very similar to an amendment that I attempted—unsuccessfully, at that time—to add to the Department of Defense appropriations bill in 1993. However, as President Clinton has shown himself more and more willing to delegate his constitutional power to international bureaucrats at the United Nations, the wisdom of this prohibition has become more and more apparent. I look forward to its becoming law in the very near future.

Finally, S. 5 includes provisions to reform the way U.N. peacekeeping is paid for. With passage of this legislation, costs incurred by the Defense Department in U.N. peacekeeping operations will be credited to the United States against our assessments to the United Nations. No more would the United States be, in effect, stuck with the bill twice: the first time, when the Defense Department expends resources to support a U.N. mission, and the second time when the U.N. bills us for our share of the same mission. Also, the Peace Powers Act requires that advance notice of funding sources for peacekeeping operations be identified before the U.N. Security Council votes to establish, extend, or expand U.N. peacekeeping operations. This would prevent "deficit voting" by the Clinton administration—which has treated peacekeeping, in effect, as a sort of "international entitlement program," where we commit to an operation and only worry about paying for it afterward.

The Peace Powers Act is the start of what I hope will be a major reexamination of U.S. priorities in the national security area. In particular, the Clinton administration, in the view of many of us, has not approached its responsibilities in this area with sufficient seriousness. For example, we have seen the way in which the Clinton administration has completely mishandled the nuclear crisis involving North Korea. In fact, while the Clinton administration claims that preventing the proliferation of weapons of mass destruction is a top priority, its actions, as evidenced by the October 1994 nuclear agreement with North Korea may do more to promote nuclear proliferation.

The agreed framework commits the United States to provide North Korea with immediate economic, political and security benefits in return for Pyongyang freezing its nuclear complex.

What signal does this send to other would-be proliferators? That building a nuclear weapons complex, in violation of an international accord—namely, the 1968 Nonproliferation Treaty—is the best way to get economic aid, political concessions, and national security assurances from the United States. Here is what Iraqi foreign minister Mohammed Saeed Sahhaf had to say about the United States-North Korean deal: "What does North Korea get for its refusal?", [referring to international inspections of two sites suspected of holding nuclear weapons-related materials] "They get a $4 billion light-water reactor, get a couple billion dollars in addition, plus unlimited oil deliveries. What do we get? We get nothing." [As related to the Washington Post by Rolf Ekeus, director of the U.N. Special Commission on Iraq.]

Under the agreed framework the United States will: Immediately provide North Korea with close to $4.7 million worth of heavy oil; establish liaison offices with North Korea; begin relaxing trade restrictions; and cancel the annual United States/South Korean military exercise "Team Spirit." And North Korea's shooting down of a United States helicopter that accidentally strayed north of the snow-obscured border-line—and then holding the surviving pilot prisoner—has not diluted this administration's eagerness to deal with North Korea.

But even more astounding is that despite months of North Korean intransigence over allowing international nuclear inspections, the Clinton administration agreed to provide these valuable assets without ensuring international inspections. Only after about 5 years into the agreement's implementation, and close to the completion of the first of two light water reactors, is North Korea required to come into full compliance with the 1968 Non-Proliferation Treaty, which prohibits the diversion of nuclear materials from peaceful purposes to weapons use and obligates signatories to accept "safeguards" to monitor and verify compliance. And it is only at this point that the special inspections of the two nuclear waste sites will be allowed.

To give another example, I applaud the proposal of my colleague, Senator MCCONNELL, the incoming chairman of the Subcommittee on Foreign Operations, to take a new look at our foreign aid to Russia and other states of the former Soviet Union in light of some of the things that are happening there. Senator MCCONNELL has called for cutting aid to Russia upon evidence that Moscow is directing or supporting the violation of another nation's sovereignty. In addition, I am sure my colleagues feel as I do about the disturbing television pictures we are seeing from Chechnya, and the actions of Russian forces there. While Chechnya is legally part of Russia and not a neighboring country, I am concerned what these actions may indicate about the direction of the Russian Government and its commitment to democratic reform.

So, as I have said, Mr. President, there are many issues for us to take a look at in the 104th Congress. The Peace Powers Act is an excellent beginning. I hope it will rapidly be enacted.•

UNITED STATES-NORTH KOREAN AGREED FRAMEWORK: WHAT IT MEANS FOR US; WHAT IT MEANS FOR SEOUL

• Mr. SIMON. Mr. President, last month my colleague Senator MURKOWSKI and I made a factfinding trip to several Asian countries, including North and South Korea. In both Pyongyang and Seoul we naturally focused much of our attention on the Agreed Framework recently concluded between the United States and North Korea. According to that document, North Korea is to dismantle its nuclear weapons production capability in exchange for assistance—primarily from South Korea and Japan—in reconfiguring its energy sector.

I know that some in this chamber have serious misgivings about our deal with North Korea. I understand that; given Pyongyang's record, it would be a mistake to treat that government's "commitments" with anything less than a very healthy skepticism. But I believe that the more one looks at the Agreed Framework with North Korea the more one sees that the agreement does not depend on trusting

Pyongyang. Rather, the United States has crafted an agreement that gives us and our partners, South Korea and Japan, new levers over North Korea. If the North Koreans don't live up to their commitments, they lose out, and we're the ones who decide if those obligations are being met.

When I was in Seoul our talented and hard-working Ambassador there, James T. Laney, gave me a memo that spells out very cogently just how much we and the South Koreans stand to gain from the Agreed Framework with North Korea. The memo does have a shortcoming: like many documents produced within the U.S. Government, it is full of acronyms. Let me spell some of those out. The DPRK is the Democratic People's Republic of Korea—North Korea—and the ROK is the Republic of Korea—South Korea. The ROKG is the Republic of Korea Government. An LWR is a Light Water Reactor, the NPT is the Nuclear Nonproliferation Treaty, and the IAEA is the International Atomic Energy Agency.

Ambassador Laney also gave me a very interesting statement describing the evolving South Korean reaction to the Agreed Framework. No country looks more warily at North Korea than South Korea does. So it's worth noting that, as details about the agreement became known, the Seoul stock market went up more than 20 percent. That's not the reaction of a business community that thinks its country has been left more vulnerable.

I respectfully request that Ambassador Laney's memo, "What the U.S.-DPRK Agreed Framework Means for Korea," and his statement, "Seoul's Second Thoughts," be inserted into the RECORD.

The material follows:

WHAT THE U.S.-DPRK AGREED FRAMEWORK MEANS FOR KOREA

South Koreans are nobody's fools when it comes to trusting North Korea. They don't. They are watching like hawks for the first sign of DPRK backsliding or nonperformance regarding the Geneva Agreed Framework. We drew heavily on the ROK's experience and advice to design a Framework that avoids the mistakes of past agreements with the DPRK. The Framework was designed to compel the DPRK to take measurable steps in compliance before getting significant benefits.

Determined not to be cut out of the game, the South Koreans are trying to promote inter-Korean dialogue. Equally determined to hobble ROK influence (and perhaps unwilling to talk before the succession is completed in Pyongyang), the North Koreans are resisting. The recent ROKG initiative to unfreeze private commercial projects in the North was a clever first step which, in tandem with pressure from the U.S., may move Pyongyang back towards substantive dialogue with Seoul. Inter-Korean dialogue is essential because many of Korea's problems can only be solved by the Koreans and because the absence of dialogue generates ROK public fears about progress in U.S.-DPRK relations.

ORIGIN OF THE U.S. "CONCESSIONS"

LWR's: When North Korea floated the idea of converting from gas-graphite (GGMR) to the light water system (LWR), U.S. arms-control experts were intrigued. However, we declined its request that we supply LWR's because the DPRK could not pay for them. In mid-1994, the Kim Young-Sam administration indicated that it wished to provide an LWR to the DPRK as an investment in Korea, by Korea, and as an important inducement to the North to settle the nuclear issue on our terms. The LWR ultimately became the centerpiece of the settlement.

We refused to allow the offer of an LWR project to serve as a reward for North Korea belatedly complying with the NPT. Only on the condition that the DPRK would obtain a clean bill of health from the IAEA before getting any significant components did we use the ROK offer to induce the DPRK to go beyond the requirements of the Treaty and give up its entire graphite-based nuclear program permanently. The South's unique willingness to sponsor an LWR project denies this proposal any precedential value, and North Korea's unenviable position in the world makes it an unlikely role model for would be proliferators.

Heavy Oil: The second "trade-off" was designed to bring the DPRK even further beyond its NPT obligations—to freeze its nuclear program immediately and to dismantle it before the LWR project was even finished. We persuaded the DPRK to stop building and operating nuclear facilities (as was its right under the NPT) and instead take heavy oil (which the North cannot refine into gasoline) for generating substitute electricity. The DPRK renounced all nuclear activity, civilian or military, until the LWR project is completed in the next decade, to be verified by IAEA monitoring.

SOUTH KOREAN PERSPECTIVE

War against Non-Proliferation: The U.S. and ROK shared the goal of ending the North Korean nuclear threat and agreed on strategy for accomplishing that. South Korea's overriding concern in dealing with the DPRK nuclear threat was to avoid turning the Korean peninsula into a battlefield. The conventional military threat—unabated despite the Geneva Framework—was a more immediate danger than the nuclear threat in the eyes of many Koreans. During negotiations, we systematically but quietly upgraded our deterrent posture and today the U.S. is in the strongest position militarily that it has ever been with regard to the DPRK. Further South Korean objectives were that a settlement also promote inter-Korean relations by engaging North and South in a joint project that will bring about—indeed compel—cooperation (while rendering the North increasingly dependent on the South); give the North nothing of possible detriment to the U.S. security presence or the U.S.-ROK alliance (such as the bilateral Peace Treaty that the DPRK had sought as a first step towards withdrawal of U.S. forces) and avoid giving the DPRK a legally-binding inter-Governmental agreement (but instead describe the unilateral steps the U.S. would take in response to DPRK fulfillments of its commitments). The ROK got what it wanted.

WHAT SOUTH KOREANS DON'T LIKE ABOUT THE SETTLEMENT

Zero-Sum Approach: A large and influential minority of Koreans who fled south during the war has traditionally dictated a "zero-sum" approach to North Korea. During U.S.-DPRK talks there was discomfort at having the ROK's ally engaged in dialogue with its adversary "over ROK heads". Exaggerated (and largely uninformed) reports of U.S. "concessions" to the North during negotiations generated criticism of the U.S. and heightened unjustified fears. Nevertheless, all Koreans seemed to agree that only the U.S. could negotiate a peaceful settlement with the DPRK. The ROK was unable to sustain its own bilateral talks with the North, and flatly opposed the idea of a multilateral approach such as the Russians suggested or the older idea of a U.S.-DPRK-ROK "trialogue." While the sensitive details were withheld from the public, the ROKG was briefed every step of the way in the course of negotiations.

Special Inspections: When the Geneva Framework was signed, initial South Korean complaints centered around the length of time before Special Inspections, which had become a symbol of DPRK non-compliance. Yet most ROK analysts had judged that Pyongyang would never provide access to the disputed sites which were tangled in DPRK national pride and had become an important source of its negotiating leverage. The ROKG agreed with us that the right of IAEA access was non-negotiable, but the timing could be adjusted because freezing the DPRK's current program took precedence over uncovering more details about its past activities. In the end, the DPRK agreed to permit IAEA access to the disputed (and any other) site by the mid-point in the LWR project.

No turning back: South Korea has already shifted from analyzing the framework to implementing it. No critic of the agreement believes it is renegotiable or that we would be better off without it. In fact, the Koreans are worried that U.S. domestic debate on the Framework could inadvertently lead to results that threaten their interests. ROK analysts point out that the perceived threat the U.S. might renege on the deal only encourages the North to retain and strengthen its leverage to forestall us. And in the event of any U.S. retreat from the Framework, they fear the DPRK might stop cooperation with the IAEA, expel the inspectors, restart plutonium production, and reprocess its accumulated spent fuel—returning us to the situation that prevailed this summer.

SIX MONTHS AGO

U.S. pressure: We veered as close to armed conflict on the Korean Peninsula in 1994 as at any point since the 1953 Armistice. The U.S. attacked DPRK non-compliance to IAEA requirements in the UNSC and mobilized support for economic sanctions. We took a firm line and—to the great discomfort of many South Koreans—came close to an exodus of U.S. citizens and a massive augmentation to U.S. military forces.

DPRK defiance: The North Koreans remained intransigent. There was no sign they would capitulate; instead, Pyongyang began to speed up its nuclear program. Experts believed the DPRK could withstand economic sanctions for some time, particularly with Chinese help. The ROK feared that North Korea would lash out in response to sanctions. Predictions included provocations on the DMZ; punitive military attacks on Seoul by commandos, artillery, missiles, and possibly even chemical weapons; terrorist acts in Seoul, Tokyo and Washington; or the extreme scenario of a full-fledged suicidal attack on the ROK. Only when we found a way to return to negotiations did the DPRK begin to reverse its hardline positions.

Strains on the Alliance: Anti-U.S. feelings were evident in South Korea during this period. A misperception took root that the U.S. was baiting a wounded but dangerous

animal—gambling with Korean lives and property in defense of its global non-proliferation policy or, less flatteringly, U.S. business interests.

SIX MONTHS FROM NOW

In the Region: The U.S.-ROK alliance is stronger than ever and we are working as partners to see the Framework to a successful conclusion. The DPRK nuclear threat gave birth to a three-way partnership: the U.S.-ROK-Japan trilateral alliance. North Korean efforts to find a seam to exploit have been frustrated. At the same time, China has been prevented from wielding influence without responsibility or reaping benefits without investment in the settlement.

Prospects: By mid-1995, KEDO should be operating under U.S. leadership, investing Japanese capital, and overseeing a ROK contractor who will build the LWR project in the DPRK. The ROKG is satisfied with its central role in KEDO and the LWR project. Seoul is encouraged by early DPRK cooperation with the IAEA and the U.S. technical delegation negotiating the stabilization and shipment of the spent fuel. While sensitive to the risk that the opening of U.S.-DPRK liaison offices will reawaken anxieties in the South, the ROKG has taken a constructive position, recognizing that liaison offices will be critical in settling problems during the process of implementing North Korea's agreements.

Prying loose the shutters: In the weeks since the agreement we have acquired a great deal of information about North Korea and stand to uncover more. U.S. nuclear experts have visited its nuclear installation. IAEA inspectors have gathered significant new information of direct value in evaluating DPRK nuclear capability in the event that Pyongyang decided to abrogate the agreement. DPRK diplomats and negotiators have been exposed to the U.S. and have revealed information about their system and its problems that gives us important clues. Americans are entering the DPRK for a first-hand look. In the process, we are loosening the hermetic seals that have kept out foreign ideas and influences, and bringing that country closer to freedom.

For South Korea: Since talk of UN sanctions gave way to U.S.-DPRK talks in Geneva, the Korean stock market has shot up: adding some $30-plus billions of wealth to the Korean economy and aiding U.S. investors and businessmen. The South Korean focus has measurably shifted away from a cold war fixation on beating the North—a mindset that spawned anti-democratic laws and policies that the U.S. has worked to erase. Instead, the ROKG has adopted measures to spur economic intercourse with the North, promoting trade and investment as a means to reduce tensions on the peninsula and accelerate reform in the DPRK. The South's interest now is in developing the North's resources and integrating it into this prosperous region. Not only can that strategy benefit the U.S. economy, it also gives North Korea a stake in the game that works to our advantage: something to lose from misbehavior.

MAINTAINING U.S. LEADERSHIP

Like us, the ROKG is watching the DPRK's performance and is keeping its powder dry. Seoul is not about to let North Korea evade the terms of the settlement, which the ROKG has embraced as a blueprint for solving the nuclear threat and for transforming the DPRK. The leaders of the U.S., the ROK, and Japan stood shoulder-to-shoulder in Jakarta and promised to make the Framework succeed. The UN Security Council formally welcomed and endorsed it. The IAEA has blessed it and has begun performing its part. For the U.S. to abrogate that settlement would precipitate a crisis, not only with the DPRK, but a crisis of confidence in U.S. leadership throughout Asia. It would compound the difficulty of any effort by the U.S. to employ UNSC sanctions against the North in response to the renewed DPRK nuclear activity that would surely follow. If, on the other hand, the DPRK balks at living up to its commitment, the U.S. retains the full range of options in deterring, coercing, or punishing the North Koreans.

Implementation of the terms of the Framework, as the North Koreans repeatedly pointed out, will compel the DPRK systematically to strip itself of a nuclear capability. But far from achieving its major objective—normalization and an end to the U.S. embargo—North Korea faces precisely the same set of requirements that has confronted it for years. Pyongyang must make significant progress in accounting for and returning MIA remains, toward ending weapons and ballistic missile sales to the Middle East, in reducing the conventional military threat, in improving human rights practices, and the rest of the broad agenda of U.S. concerns. The South Koreans, who share these concerns and have many more of their own, believe that the significant leverage the U.S. retains will be an important tool for influencing DPRK behavior in the non-nuclear area.

SEOUL'S SECOND THOUGHTS

With the new leadership in Congress taking a hard look at the recent Geneva Agreement Framework between the United States and North Korea, it seems worthwhile to ask how South Koreans view it, since they are the ones that will be most affected by it and the ones who will carry the largest share of the cost.

It is true that, despite the closeness of U.S.-ROK consultation in both Geneva and Seoul throughout the course of the negotiations, and although the outcome met our joint objectives and priorities, the settlement was initially greeted with criticism and even some dismay in Seoul. Just before the completion of the Geneva talks, President Kim Young Sam himself voiced some caustic comments about American foreign policy in an interview with the New York Times. The real issue behind the criticism, however, was the pain that Koreans felt because they were not at the table in negotiations that were of such paramount importance to their nation. Still, it is interesting to see how much Seoul's early criticisms (most of which, like President Kim's interview, came before the agreement was final—let alone public) parallel the more recent comments by the new Republican leadership in Congress. "We gave away too much." "We are waiting too long to find out about the past." "How can we trust the North Koreans to keep their word?"

Here in Seoul, however, after a few weeks of close inspection and vigorous public debate, public opinion has shifted unmistakably in favor of implementing the agreement, and there is no serious thought of turning the clock back. In fact, President Kim recently announced a policy of encouraging economic ventures in the North. While North Korea pretends to spurn this initiative, its officials already have begun to welcome South Korean business trips to Pyongyang. The opportunity of doing business in the North has been a lure to the South for several years. Furthermore, since the U.S. and North Korea agreed to return to negotiations six months ago, the investment climate in Seoul has improved remarkably, and the Seoul stock market has shot up more than 20% for an appreciation of some 28 billion dollars in the equity market. These economic indictors speak worlds about the way business views the reduction in tensions.

Partly as a gesture of reconciliation but also shrewdly assessing the future, President Kim, in a major policy speech last August, offered to build Light Water Reactors for the North. Even those who have complained that Seoul is having to carry too large a share of the financial burden acknowledge that the Light Water Reactor can be viewed as a long-term investment in Korea's future. And while everyone would prefer to have the secrets of the past unlocked now, the fact is that the agreement requires the North to open up all of its nuclear facilities before the core nuclear components will be installed in the first Light Water Reactor. Meanwhile, the production of weapons-grade plutonium has been stopped, dead.

Only a few months ago, the United States was headed resolutely towards U.N. sanctions, which the North had declared would be "an act of war." During the previous six months, the United States had enhanced its military capability significantly by the introduction of Patriot Missiles, Apache Helicopters and Counter-Fire Radars to check the enormous strength of the North Korean artillery along the DMZ. Our resolve to defend the Republic of Korea and our preparations for any eventuality did not go unnoticed by the North. We discouraged North Korean adventurism while encouraging them to negotiate.

While many South Koreans preferred the status quo, sustained through mutual deterrence for 40 years, the fact is it had been irrevocably shattered by the aggressive nuclear program of the North, leading to a situation totally unacceptable to the United States, the Republic of Korea, and the international community. Washington and Seoul agreed that we had to act, either by inducing the North Koreans to relinquish their nuclear program through negotiations, or by forcing them to give it up. Mindful of the risks, we were prepared to pursue the latter course if negotiations did not work. Since the North had already isolated itself from the world, the effect of sanctions would have been limited. And with more than a million men under arms near the DMZ, the provocation of a weak and possibly unsteady regime could well have brought nightmarish results. No South Korean wanted to take that chance.

Those here who have claimed that we have rewarded North Korea's bad behavior have been reminded that the agreement calls not only for North Korea to meet all of the NPT conditions, but to go far beyond them: no further construction of new reactors and no reprocessing; and in the end, the demolition of all the facilities associated with the present program. We tend to overlook how much the North is actually giving up—years of enormous investment in their ultimate and prized symbol of independence. United States technicians have even visited the nuclear site at Youngbyon, an event unthinkable a few months ago.

Of course the jury is still out on whether this agreement will finally work. After all, North Korea has been an enemy for more than forty years, and as long as its nuclear and conventional threat remains, we will

continue to be prepared and wary. The settlement is driven by performance, not by trust. But the International Atomic Energy Agency has confirmed that Pyongyang has taken the first steps in the agreement, and South Korea and the Northeast Asia region are breathing a little easier now with the reduction of tensions and the prospect of opening up the North.●

Mr. DOLE. 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. GRASSLEY. Mr. President, I ask unanimous consent that the calling of the quorum be rescinded.

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

Mr. GRASSLEY. Before I start the business of closing, I ask unanimous consent that Senator D'AMATO be added as a cosponsor of S. 2.

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

INCREASING PORTION OF FUNDS AVAILABLE TO COMMITTEE

Mr. GRASSLEY. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 28) to increase the portion of funds available to the Committee on Rules and Administration for hiring consultants.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 28) was agreed to, as follows:

Resolved, That section 16(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "4,000" and inserting "40,000".

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE READ FOR FIRST TIME—S. 169

Mr. GRASSLEY. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 169) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

Mr. GRASSLEY. I now ask for the second reading of the bill.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read on the next legislative day.

AMENDING RULE XXV

MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN COMMITTEES

Mr. GRASSLEY. Mr. President, I send the following two resolutions to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 29) amending rule XXV, and a resolution (S. Res. 30) making majority party appointments to certain standing committees for the 104th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions?

There being no objection, the Senate proceeded to consider the resolutions.

The PRESIDING OFFICER. The question is on agreeing to the resolutions, en bloc.

The resolutions (S. Res. 29 and S. Res. 30) were agreed to, as follows:

S. RES. 29

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on the Judiciary, and the Committee on Governmental Affairs, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Banking, Housing, and Urban Affairs, and the Committee on energy and Natural Resources, may, during the One Hundred fourth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Commerce, Science, and Transportation, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth congress, also serve as a member of the Committee on Foreign Relations, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

S. RES. 30

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Energy and Natural Resources: Mr. Murkowski, Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Jeffords, and Mr. Burns.

Committee on Environment and Public Works: Mr. Chafee, Mr. Warner, Mr. Smith, Mr. Faircloth, Mr. Kempthorne, Mr. Inhofe, Mr. Thomas, Mr. McConnell, and Mr. Bond.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Brown, Mr. Coverdell, Ms. Snowe, Mr. Thompson, Mr. Thomas, Mr. Grams, and Mr. Ashcroft.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the resolutions were agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Friday, January 6, 1995; that following the prayer, the Journal of proceedings be deemed approved to date.

I further ask unanimous consent that following the time for the two leaders, at 9:30, the Senate resume consideration of S. 2 and the pending amendment No. 4.

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

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, on behalf of the floor leader, I say that Senators should be on notice that rollcall votes are expected on Friday.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. GRASSLEY. Mr. President, I now move that the Senate stand in recess under the previous order.

The motion was agreed to, and the Senate, at 7:49 p.m., recessed until 9:15 a.m. tomorrow.

NOMINATIONS

Executive nominations received by the Senate January 5, 1995:

NATIONAL COUNCIL ON DISABILITY

YERKER ANDERSSON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996, VICE ANNE C. SEGGERMAN, TERM EXPIRED.

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995. (REAPPOINTMENT.)

AUDREY L. MCCRIMON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE ROBERT S. MUELLER, TERM EXPIRED.

LILLIAM RANGEL POLLO, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996, VICE HELEN WILSHIRE WALSH, TERM EXPIRED.

DEBRA ROBINSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE ANTHONY HURLBUTT FLACK, TERM EXPIRED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM OF 6 YEARS, VICE JACK EDWARDS, TERM EXPIRED.

NATIONAL MUSEUM SERVICES BOARD

ROBERT G. BREUNIG, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998. (REAPPOINTMENT.)

KINSHASHA HOLMAN CONWILL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE WILLARD L. BOYD, TERM EXPIRED.

CHARLES HUMMEL, OF DELAWARE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1999, VICE MARILYN LOGSDON MENNELLO, TERM EXPIRED.

AYSE MANYAS KENMORE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 6, 1995, VICE DAPHNE WOOD MURRAY, RESIGNED.

NANCY MARSIGLIA, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE GEORGE S. ROSBOROUGH, JR., TERM EXPIRED.

ARTHUR ROSENBLATT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE RICHARD J. SCHWARTZ, TERM EXPIRED.

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE JAMES H. DUFF, TERM EXPIRED.

TOWNSEND WOLFE, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1995, VICE ROSEMARY G. MCMILLAN, TERM EXPIRED.

PHILLIP FROST, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE ARTHUR C. BEALE, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

E. GORDON GEE, OF OHIO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999, VICE GARY EUGENE WOOD, TERM EXPIRED.

JOSEPH E. STEVENS, JR., OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997, VICE TRUMAN MCGILL HOBBS, TERM EXPIRED.

STEVEN L. ZINTER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997, VICE RICHARD J. FITZGERALD, RESIGNED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2000, VICE BARRY M. GOLDWATER, JR., TERM EXPIRED.

LT. GEN. WILLIAM W. QUINN, U.S. ARMY, RETIRED, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 1999. (REAPPOINTMENT.)

HOWARD W. CANNON, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 1998. (REAPPOINTMENT.)

LYNDA HARE SCRIBANTE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 1999, VICE DEAN BURCH.

NIRANJAN SHAMALBHAI SHAH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 1998, VICE TIMOTHY W. TONG, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

SANFORD D. GREENBERG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE WARREN J. BAKER, TERM EXPIRED.

EVE L. MENGER, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ARDEN L. BEMENT, JR., TERM EXPIRED.

CLAUDIA MITCHELL-KERNAN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE DANIEL C. DRUCKER, TERM EXPIRED.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE CHARLES H. HOSLER, JR., TERM EXPIRED.

ROBERT M. SOLOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE PETER H. RAVEN, TERM EXPIRED.

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ROLAND W. SCHMITT, TERM EXPIRED.

JOHN A. WHITE, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE BENJAMIN S. SHEN, TERM EXPIRED.

NATIONAL MEDIATION BOARD

KENNETH BYRON HIPP, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1997, VICE PATRICK J. CLEARY, RESIGNED.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 1998. (REAPPOINTMENT.)

VIRGIL M. SPEAKMAN, OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD, FOR A TERM EXPIRING AUGUST 28, 1999. (REAPPOINTMENT.)

NATIONAL INSTITUTE FOR LITERACY

MARCIENE S. MATTLEMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 12, 1995, VICE JIM EDGAR, RESIGNED.

LYNNE C. WAIHEE, OF HAWAII, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF 3 YEARS. (NEW POSITION.)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOAN CHALLINOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1999, VICE ELINOR H. SWAIM, TERM EXPIRED.

STATE JUSTICE INSTITUTE

TERRENCE B. ADAMSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997. (REAPPOINTMENT.)

JANIE L. SHORES, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE VIVI L. DILWEG, TERM EXPIRED.

DEPARTMENT OF JUSTICE

CALTON WINDLEY BLAND, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR A TERM OF 4 YEARS, VICE WILLIAM I. BERRYHILL, JR.

JUAN ABRAN DEHERRERA, OF WYOMING, TO BE U.S. MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF 4 YEARS, VICE DELAINE ROBERTS.

JOE BRADLEY PIGOTT, OF MISSISSIPPI, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE GEORGE L. PHILLIPS.

MARTIN JAMES BURKE, OF NEW YORK, TO BE U.S. MARSHALL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS, VICE ROMOLO J. IMUNDI.

J. DON FOSTER, OF ALABAMA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS, VICE J.B. SESSIONS III, RESIGNED.

GEORGE K. MCKINNEY, OF MARYLAND, TO BE U.S. MARSHALL FOR THE DISTRICT OF MARYLAND FOR THE TERM OF 4 YEARS, VICE SCOTT ALAN SEWELL.

NATIONAL DRUG CONTROL POLICY

ROSE OCHI, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY, VICE KAY COLES JAMES, RESIGNED.

COUNCIL OF ECONOMIC ADVISERS

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE ALAN S. BLINDER, RESIGNED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

STEVE M. HAYS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1997, VICE DIANNE INGELS, TERM EXPIRED.

FEDERAL DEPOSIT INSURANCE CORPORATION

NORWOOD J. JACKSON, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION. (NEW POSITION.)

SECURITIES INVESTOR PROTECTION CORPORATION

CHARLES L. MARINACCIO, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996, VICE GEORGE H. PFAU, JR., TERM EXPIRED.

DEBORAH DUDLEY BRANSON, OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996, VICE JESSE D. WINZENREID, TERM EXPIRED.

ALBERT JAMES DWOSKIN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1995, VICE FRANK G. ZARB, TERM EXPIRED.

FEDERAL HOUSING FINANCE BOARD

BRUCE A. MORRISON, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2000, VICE WILLIAM C. PERKINS, RESIGNED.

J. TIMOTHY O'NEILL, OF VIRGINIA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR THE REMAINDER OF THE TERM EXPIRING FEBRUARY 27, 1997, VICE MARILYN R. SEYMANN, RESIGNED.

NATIONAL CONSUMER COOPERATIVE BANK

TONY SCALLON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS, VICE JOHN K. STEWART, TERM EXPIRED.

SHEILA ANNE SMITH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS, VICE FRANK B. SOLLARS, TERM EXPIRED.

NATIONAL SECURITY EDUCATION BOARD

HERSCHELLE CHALLENOR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE STEVEN MULLER.

STANLEY K. SHEINBAUM, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE JOHN P. ROCHE, RESIGNED.

DEPARTMENT OF DEFENSE

SHEILA CHESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE GILBERT F. CASELLAS.

ELEANOR HILL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE SUSAN J. CRAWFORD.

PANAMA CANAL COMMISSION

VINCENT REED RYAN, JR., OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMMISSION, VICE WALTER J. SHEA.

OFFICE OF MANAGEMENT AND BUDGET

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE EDWARD JOSEPH MAZUR, RESIGNED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

ROBERT F. DRINAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS . (NEW POSITION.)

SUSAN HAYASE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

CHERRY T. KINOSHITA, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

ELSA H. KUDO, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

YEIICHI KUWAYAMA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

DALE MINAMI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION.)

DON T. NAKANISHI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION.)

SPECIAL PANEL ON APPEALS

DENIS J. HAUPTLY, OF MINNESOTA, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF 6 YEARS, VICE BARBARA JEAN MAHONE, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

DENNIS M. DUFFY, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE VICTOR P. RAYMOND.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JAY C. EHLE, OF OHIO, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE CONRAD FREDIN.

WILLIAM L. WILSON, OF MINNESOTA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE VIRGIN E. BROWN, RESIGNED.

COMMUNICATIONS SATELLITE CORPORATION

CHARLES T. MANATT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1997, VICE RUDY BOSCHWITZ.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCTS SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 1996, VICE JACQUELINE JONES-SMITH, RESIGNED.

FEDERAL TRADE COMMISSION

ROBERT PITOFSKY, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1994, VICE DEBORAH KAYE OWEN, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT TALCOTT FRANCIS II, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1999, VICE JOHN K. LAUBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

U.S. TAX COURT

MAURICE B. FOLEY, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE CHARLES E. CLAPP II, RETIRED.

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE PERRY SHIELDS, RETIRED.

SOCIAL SECURITY ADMINISTRATION

SHIRLEY SEARS CHATER, OF TEXAS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION.)

NUCLEAR REGULATORY COMMISSION

SHIRLEY ANN JACKSON, OF NEW JERSEY, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 1999, VICE FORREST J. REMICK, TERM EXPIRED.

ROBERT M. SUSSMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 1998, VICE JAMES R. CURTISS, TERM EXPIRED.

DAN M. BERKOVITZ, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANQUE, TERM EXPIRED.

COUNCIL ON ENVIRONMENTAL QUALITY

KATHLEEN A. MCGINTY, OF PENNSYLVANIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE MICHAEL R. DELAND, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING LAST RECESS OF THE SENATE.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE JAMES D. SANTINI, TERM EXPIRED.

FEDERAL AGRICULTURE MORTGAGE CORPORATION

EUGENE BRANSTOOL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE JOHN R. DAHL.

DEPARTMENT OF THE INTERIOR

WILMA A. LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE INTERIOR, VICE JAMES R. RICHARDS, RESIGNED.

HOUSE OF REPRESENTATIVES—*Thursday, January 5, 1995*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 5, 1995.

I hereby designate the Honorable F. JAMES SENSENBRENNER, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are grateful, O God, that Your spirit is with us wherever we are and is sufficient for all our needs. If we are on the mountaintop full of joy and anticipation, You are there in our jubilation, and if we walk through the valley of the shadow of death, You support us with Your strong and abiding grace. May our spirits be open to Your spirit, and our wills to Your will, that we will walk the path of life with confidence and with peace.

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. The Pledge of Allegiance this morning will be led by the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY 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.

REPORT ON CONTRACT WITH AMERICA

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

Mr. BOEHNER. Mr. Speaker, we have 99 days left in our pledge to the American people with our Contract With America. Yesterday the House fulfilled its promise when we decided to apply all the laws that apply to other Americans to the House itself.

We cut the number of committees and subcommittees, we cut committee staff by one-third, we decided to limit the terms of committee chairmen, we banned proxy voting in committee, we opened committee meetings to the public in all cases except those that involve national security, and we decided to change the rules to require a three-fifths majority to raise taxes. We are going to eliminate baseline budgeting and have real numbers for the first time, and we announced we are going to have a complete, comprehensive audit of the House and its books over the past year.

There are 10 items that we are continued to commit to bring to the floor over these next 99 days. Republicans in the House are committed to doing that. We are committing to the American people to continue to live up to the contract that we made with you.

THE NEED FOR REAL LOBBYING REFORM

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

Mrs. KENNELLY. Mr. Speaker, a famous Hartford resident once said that everybody talks about the weather, but nobody does anything about it.

Well, to paraphrase Mark Twain, some people talk about reform, but they do not always do it.

Yesterday, we considered fundamental reform—a ban on gift giving. Yet, despite the majority's purported commitment to sweeping reform, some of the most zealous congressional reformers opposed this relatively minor change.

That is not right, and the American people deserve better.

Last November, Washington was sent a very strong message that business as usual must stop. That means we should have passed the gift ban.

I urge our friends on the other side of the aisle to follow through on their commitment to reform, and to pass legislation such as the gift ban to crack down on special interests and special influence. There can be no true congressional reform without it.

PROMISES MADE AND KEPT

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

Mr. SOLOMON. Mr. Speaker, yesterday was a great success. It was an exciting day for this House and for the American people.

Our opening day was about promises made and about promises kept, and we began to keep those promises yesterday. We fulfilled the first part of our Contract With America with a bipartisan coalition, and we thank you on that side of the aisle, because it means we are going to work together. We look forward to continuing to work in a bipartisan fashion with our Democratic colleagues on the other side of the aisle to pass the rest of this contract for America, which is going to bring back the Reagan revolution once again.

SUPPORT URGED FOR LOBBYIST GIFT BAN

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

Ms. DELAURO. Mr. Speaker, Democrats were proud to join Republicans yesterday in passing many necessary procedural reforms. Those reforms continue the work begun by Democrats to make the House more accountable to the people. But, Republicans failed to act on the most important reform, the one central to our ability to restore faith in Government—the ban on gifts from lobbyists.

The American people are fed up with a Congress bought and paid for by the special interests. Perks and privileges betray the public trust. Until Democrats and Republicans unite to end the corrupting influence of the moneyed interests on this body, we have failed to deliver the change that the American people have demanded.

So I ask my Republican counterparts to join Democrats in telling the influence peddlers that this House is not for sale—not for the price of a free meal; not for the price of a junket to a tropical island; not for sale at any price. Let us pass the gift ban and begin restoring the People's House to the people.

A HISTORIC DAY FOR CONGRESS

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

Mr. FOLEY. Mr. Speaker, what a proud day for a freshman from Lake

Worth, FL, to step on to the floor of the House of Representatives and be sworn in, but, more importantly, pass the promises that I made on the campaign trail; to see Members of Congress, Republicans and Democrats alike, elected by the people of the United States of America, bring respect and honor to this House of Representatives. We started a historic day, a historic opportunity, to bring trust back to this institution.

There is much to be done in the 104th Congress. We know we will work with our friends on the Democratic aisle on welfare reform, immigration reform, balancing the budget, stopping violent criminals, protecting our children, and restoring hope for American families to achieve the American dream.

Mr. Speaker, with good, continued cooperation and good will, we can continue to keep the promises we made to America. The 104th Congress will truly be successful.

GIVE AND TAKE NEEDED IN HOUSE

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

Mr. RICHARDSON. Mr. Speaker, yesterday belonged to the Republican majority, and there were moments of grace and class, and we did pass some needed reforms. But there was an absence of bipartisanship and an absence of openness in the process.

The Republicans were two for two. Out of two bills we considered, there were two closed rules, two gag rules, where the minority was unable to offer alternatives.

The American people voted for less Government and more ethics and accountability. They did not vote for arrogant government, for one-party coronations. They voted for bipartisanship and an end to gridlock. We wanted to raise the gift ban, the royalties issues, and the frequent flier issue, but were shut off.

Mr. Speaker, the best contract with America is give and take, compromise, openness, and bipartisanship. Regrettably, yesterday was not a good start.

TRUST AND FAITH IN CONGRESS BEING RESTORED

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

Mr. JONES. Mr. Speaker, I wish to express my thanks to the American people for the opportunity of allowing me to participate in what clearly was yesterday's congressional revolution.

During 40 years of Democratic control of Congress, this House never saw so much reform in one single day, honoring our promise to the American people. We began our journey by reforming the way Washington works by passing nine congressional reform measures, knowing full well that cleaning up our own house must be a first priority, before we carry America's agenda.

I am particularly pleased of our reform measures that have brought greater accountability to this House. Included in these reforms I am especially pleased with the ordering of a full and thorough audit, which will hopefully restore the public's faith in Congress.

In addition, we have finally ended the arrogance of Congress, by forcing Congress to live by the same laws it imposes on everyone else.

Mr. Speaker, with continued diligence, we can restore America's trust and faith in Congress. I look forward to our continued success, and pledge my unending support to fulfill our promise to the American people.

□ 1010

THEY CAN'T HAVE IT BOTH WAYS

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

Mr. EDWARDS. Mr. Speaker, yesterday this House passed bipartisan legislation to reform Congress. Together Democrats and Republicans took the first important step toward restoring faith in this institution, and I applaud the new leadership for that.

But I had one disappointment. There is one thing Americans do not want, and that is a double standard. That is why we applied the laws of this land to the rules of this Congress.

Yet for 2 years our Republican friends criticized the fact that we had closed rules, that we did not allow amendments to be brought forward on this floor. My friends on the Republican side should do one of two things. They should either admit they were wrong over the last 2 years as they attacked Democrats for trying to limit amendments on this floor, or they should admit they were wrong yesterday and today in trying to limit that open process. It is their choice, and I am willing to accept that choice, but they cannot have it both ways.

Mr. Speaker, I hope we can proceed with open rules and the open process, and I look forward to working with colleagues on both sides of the aisle to restore faith in this institution.

INTRODUCTION OF THE SENIOR CITIZENS' EQUITY ACT

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

Mr. BUNNING. Mr. Speaker, yesterday, I, along with my colleagues, Mr. HASTERT, Mrs. KELLY, and Mrs. THURMAN, and over 125 other Members of Congress, introduced the Senior Citizens' Equity Act aimed at alleviating the financial burdens the Clinton administration has piled on older Americans.

This legislation has four main components. First it will allow our seniors to earn more without losing their Social Security benefits. Many older Americans must continue working to pay for life's necessities. Their Social Security benefits simply do not go far enough.

Next it would repeal the Clinton tax increase on Social Security benefits. This was one of the most outrageous proposals in his tax bill 2 years ago.

Our bill also includes tax incentives for long-term health care and clearly defines the "adult-only" housing under the fair housing amendments so retirement communities can continue and grow without fear of discrimination suits.

I am committed to seeing this legislation enacted. I especially look forward to working with Chairman ARCHER on this bill. He has long supported changes to the Social Security earnings test which will stop punishing older Americans who are contributing to society.

I urge the other 314 Members of Congress to join us in supporting the Senior Citizens Equity Act.

GIVING THE GOVERNMENT BACK TO THE AMERICAN PEOPLE

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

Mr. TIAHRT. Mr. Speaker, yesterday was a triumph for the American people and the House of Representatives. We accomplished something that has been rarely accomplished in the past. We kept our promises that we made to the American people. Working with a bipartisan coalition we passed on the floor rules to cut committees and staff, ban proxy voting, term limits for chairmen of committees, and limitations on tax increases.

We started a revolution to give the government back to the American people, a smaller, more effective government that is accountable to them, the American taxpayer. I look forward to continuing our bipartisan work to pass the rest of the Contract With America. It is what we promised the American people we would do. It is a promise we are going to keep.

FREQUENT FLYER MILES REFORM

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

Mr. BARRETT of Wisconsin. Good morning, Mr. Speaker.

Mr. Speaker, we had a good start to our legislative session yesterday when

we passed the Congressional Accountability Act, but we missed an important opportunity because we did not pass the important ban on personal use of frequent flyer miles. Now why did we not pass this important ban?

Well, several weeks ago the new incoming Speaker, NEWT GINGRICH, said this is a Mickey Mouse issue. Well, the new Speaker is correct drawing on Walt Disney for some of his analogies, but he is choosing the wrong character. The character he should be choosing is Goofy because it is just downright goofy for anyone to suggest that elected Members of Congress can use frequent flyer miles that are paid for by taxpayers to take vacations around this country or even overseas. The American people want reform, but they do not want the Members of this House to use frequent flyer miles for their own vacations.

Mr. Speaker, if new Members are interested in reform in this House, this is a reform that should take place, and it should take place immediately. I yield back the balance of my time.

CLEANING UP OUR ACT

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

Mr. CHRISTENSEN. Mr. Speaker, yesterday truly was a historic day in America's history. After 40 years of Democratic control, we finally began the process of making this institution truly the people's House. Joining this congressional revolution, which began with nine major reforms, I stand here honored, humbled, and grateful for the opportunity to serve the people of Nebraska and the American people.

The American people spoke last November, and we are listening. They said, "Cut government spending, cut taxes, quit being overly intrusive in our lives, and clean up your act."

Well, before we cut spending, cut taxes and get government off of America's back, we began the process of cleaning up our own act. Specifically we passed two measures making Congress both more accountable and more open. We limited the terms of committee chairs. We opened up congressional hearings to C-SPAN cameras, the media and the public.

It was a historic first day, but there is much to be done. Mr. Speaker, I look forward to the continued success of this House and making it the people's House once again.

IT WAS A GOOD START

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

Mr. CRAPO. Mr. Speaker, yesterday we truly did get off to a good start. We began fulfilling many of the promises to reform this Congress and to do what the American people have asked us to do, and we did it in a bipartisan fashion.

Yes, there are a few detractors who are trying to point to what could have been done in addition yesterday, but there are very few that we will hear who will criticize the reforms that were put into place yesterday, and it was a good start.

And what those few detractors do not point out is that the gift ban has been committed to as an issue that will come forward and will be addressed in this Congress. Yet the way the vote was structured yesterday, had we voted to support the motions that were made, they would have stalled the critical reforms that we did put into place. They would have stalled the term limits that were put into place on our committee chairmen, and our Speaker and other leadership. They would have stalled the effort to require rollcall votes on spending and taxing measures every time. They would have stalled the effort to reduce the ability of this Congress to continue to raise taxes on the American people. They would have stalled the effort to eliminate the budget gimmicks.

We had a good start yesterday. Let us continue in the bipartisan fashion we made.

DISMANTLING THE IDIOCRACY OF UNFUNDED MANDATES

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

Mr. HAYWORTH. Mr. Speaker, 1 year ago today I announced my candidacy to represent the Sixth District of Arizona.

During these past 365 days, I have listened and learned a lot traveling the width and breadth of the district that in square mileage is the size of the State of Tennessee.

One recurring and overwhelming sentiment shared by my constituents is an absolute repudiation of unfunded Federal mandates.

In fact, one mayor in my district has coined an interesting term for the entire process of oppressive overregulation—he now calls the Federal bureaucracy the idiocracy.

It is estimated that this idiocracy will cost State and local governments nearly $16 billion in 1995 alone. That comes at the expense of my children's future, the prosperity of the hard-working men and women of my district, and commonsense governance.

During these next 99 days, we have a historic opportunity to restore—the Jeffersonian ideal of a limited and frugal federal Government as we enact our Contract With America. Let us work together to dismantle the idiocracy.

ABORTION CLINIC KILLINGS

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

Ms. FURSE. Mr. Speaker, I rise today with great sadness, but with great outrage. Two more people have lost their lives because they work at abortion clinics. They were simply doing their job, and it was legal; yet lawlessness again prevailed, and another tragedy has occurred.

I want to make it clear abortion is legal in this country, but murder is illegal and immoral. This violence is a coordinated effort. It is led by anti-abortion extremists throughout the country, and unfortunately experts in my home State of Oregon say that it, Oregon, is a communication hub for fanning the flames of violence.

In the last Congress I fought to pass the freedom of access to clinic entrances bill, which is now the law, and I call upon the law enforcement communities of this country to make sure that those who are exercising their legal right to work in abortion clinics and to have access to abortion, those rights must be protected. We must in this House set aside our partisan differences and protect our citizens.

OFFERING PARTNERSHIP IN REFORM

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

Mr. NEY. Mr. Speaker, we surely all learned during our campaigns that the American people, whether they are Republican, Democrat, or Independent, have the willingness to become involved in the energetic give and take of public debate. We saw that same energy on this floor for 13 hours yesterday come forth from both sides of the aisle. But when we looked at the final tally on that scoreboard up there, we had the support of our Democrat colleagues for our contract with the people of this country.

Let me say, you can pick apart what we could not do yesterday. We can pick apart what you did not do when you had ample time over a period of years. However, that is not the direction that the people of this country want. There is time left to do other good things for the citizens of our country.

We extend to this side of the aisle not a right hand, but both hands, for you to involve yourself with us for a partnership down the road to make other necessary changes for a better way of life for the people of this great country.

IT IS PAST TIME FOR AN AUDIT OF THE HOUSE

(Mr. BROWNBACK asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BROWNBACK. Mr. Speaker, what a great day it was for America yesterday, and for this farmboy from Parker, KS. We put in place a number of reform initiatives that needed to take place. I was delighted to carry the bill to do a complete audit of the House of Representatives. It passed, 430 to 1. I say that is unanimous bipartisan support. I am going to look for the one guy that did not agree to vote for this particular bill.

One other thing that I was amazed and very saddened and mad about was the fact that this institution has never been audited before. Can Members imagine any business, any not-for-profit entity, any agency that has never been audited?

In the history of this institution it has not been done, not in the past 40 years, not in the past 50 years, not in the past 5 years.

What is going to happen? We are going to make this place accountable to the American people, and we are going to tell the American people how the assets have been used and where the dollars have been spent. So keep watching as we reveal and we open the doors to the people's House.

REFORM PROCESS SHOULD INCLUDE BAN OF LOBBYIST GIFTS

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

Mr. BENTSEN. Mr. Speaker, last night this House proclaimed its intentions to pursue a course of reform. Member after Member asserted they were acting on the will of the people and taking the lead to change the way we do business.

Fair enough, but let us not stop, let us not recess, but move on and tackle the issues which the people of the 25th District desire to be addressed—a lobbyist gift ban and campaign finance reform. My constituents want to change business as usual—end free trips, curb the influence of special interests, reform campaign finance, and stop the money chase. You cannot have one without the other.

I just defeated a man who spent $3 million of his own money. As long as we engage in a bidding war for campaign dollars, we shall never be free from the influence of outside interests. To quote Willie Nelson, "We came to play, not just for the ride." Let us stay and do the job to reform campaign finance and ban lobbyist gifts.

HISTORIC CONGRESSIONAL REFORMS: THE FIRST STEP IN RESTORING AMERICA'S TRUST AND FAITH IN CONGRESS

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

Mr. LONGLEY. Yesterday was a great day for this country. We instituted nine historic reforms in our congressional revolution, and we have begun a journey of restoring trust and confidence in the American Government.

I am especially pleased with our passage requiring super majorities to raise taxes. For too long it has been too easy to raise taxes and spend the people's money, and in fact the budget process has been rigged in favor of tax increases rather than spending cuts.

Yesterday on the floor of this House I sat with my 6-year-old daughter and my 10-year-old son. We are not only taxing our families to death today, but we are spending our children's money today, that they will be forced to repay tomorrow. That must be stopped. I look forward to continuing our work to earn the trust of all Americans.

CALLING FOR FULL DISCLOSURE ON GOPAC FOR TRUE CONGRESSIONAL OPENNESS

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

Mr. DURBIN. Mr. Speaker, yesterday the new 104th Congress launched a new beginning, a new spirit of openness. In the name of that spirit of openness I am calling on Speaker GINGRICH to make a full disclosure of not only all of the contributors to his multi million-dollar GOPAC, but also a full disclosure of the contributors to the Progress and Freedom Foundation.

This foundation enjoys preferential Federal tax treatment. The foundation raised $1.6 million in 1993 and 1994 from 95 donors. Over $400,000 from this foundation went to pay for the Speaker's college courses.

This morning the Roll Call newspaper, published in Washington, DC, has a front page story about contributions made to the Progress and Freedom Foundation by a biomedical company which then asked for help from the Speaker's office in terms of approval for a new home AIDS test with the FDA.

I think it is time for the Speaker to really fully disclose what is behind the Progress and Freedom Foundation and GOPAC. In this new spirit of openness the Speaker should open the books on both of these organizations. That I think would launch a real new beginning, real new openness, and full disclosure.

THE MOST PRODUCTIVE FIRST DAY IN CONGRESSIONAL HISTORY

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

Mr. BURR. Mr. Speaker, in our Contract With America, my Republican colleagues and I promised that on the first day of the 104th Congress we would make dramatic changes in the way Congress does business.

Yesterday, during my first day as a new Representative from North Carolina's Fifth Congressional District, we kept our word. We voted to make Congress live under the laws it imposed on the rest of the country, to cut congressional committee staffs by one-third, and to limit the term of committee chairmen, and yes, the Speaker of the House.

Our first day in office was the most productive first day in congressional history, and I was encouraged that many of the reforms were supported by Republicans and Democrats alike.

During the next 99 days and throughout the next 2 years we now face the challenge of passing the reforms demanded by my constituents and by all the American people. The American people want and deserve the reforms. Today I urge my colleagues to join me in fulfilling the wish of the American people.

WHO WAS HELPED AND WHO WAS HURT AFTER FIRST DAY'S ACTIONS?

(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, we worked from yesterday until early this morning. We now have nothing to do on the floor for the next couple of weeks. At the end of each day, I believe it is important to be honest and to ask the question: Who was helped and who was hurt by what we did?

Do not get me wrong, Mr. Speaker, we passed important reforms, many of which Democrats had pushed last Congress.

But, who did we help, and who did we hurt? The jobless remain unemployed. Those without health care still don't have it. Our young have no new direction. The chill of winter is certain to claim the lives of some homeless people. And, no hope was given to small farmers.

We have been asked to meet the challenge of change, but what did we change on day one and day two of this Congress? I ask my colleagues in the majority, what did we do to reinforce families? What did we do to restore the American dream? What did we do last night to take back our streets? Who did we help?

I would suggest that when it is summed up, all we did was make a move for news; those suffering citizens got nothing.

A GOOD BEGINNING TO CONGRESSIONAL REFORM

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

Mr. GANSKE. Mr. Speaker, yesterday was a beginning. We ended Congress' special exemption from the laws that they have passed for others. We reduced committees and subcommittees and committee staff. We determined that budgets should be done with zero baselines, with honest numbers. We opened up the House books.

Most of these bills passed with bipartisan support. It was the beginning of keeping promises that were made. I look forward to working with my Democratic colleagues to balance the budget and to reform the welfare state. This way we can keep our promises and our Contract With America.

A CALL TO ADDRESS THE REAL NEEDS

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

Mr. FATTAH. Mr. Speaker, I think it was Emerson who said, "If we make our deal with life for a penny and we get no more, then there's no one to blame except ourselves." There was a lot of motion yesterday, but very little action on the issues that affect the heartland of our Nation.

I would like to compliment the majority on a day in which they accomplished what they set out to do and ask them to raise their vision slightly now to focus on the real problems of our land. Let us spend 13 hours on how to create jobs in this country, how to provide training and opportunity so Americans can come to work and earn a decent wage.

We all started a new job yesterday. There are some Americans, millions of them, who do not have a job to go to. Before we pat ourselves on the back too much, let us look now at the real needs of this Nation, and as those who have been given the tremendous responsibility to help shape the future of this land, let us now dedicate our work and our actions to those issues.

WHAT A DIFFERENCE A DAY MAKES

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

Mr. CHRYSLER. What a difference a day makes, Mr. Speaker. Yesterday was a great and historic day for the American people and the House. Yesterday was all about promises made and promises kept.

We were sent a strong message in November. The people want less government, lower taxes, they want to let people keep more of what they earn and save and they want to let people make their own decisions about how they spend their money, not government. They want a government that works for them and not against them.

We fulfilled the first part of our Contract With America with an overwhelming bipartisan coalition and we will continue to work in a bipartisan fashion to pass the rest of the Contract With America in the next 99 days.

I was proud to be part of the beginning of this historic revolution and to keep my promises to create a new agenda for Congress and a new direction for America.

A POSITIVE FIRST STEP

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

Mr. DOOLITTLE. Mr. Speaker, all too often politicians make promises, but don't keep them. That is in large part the cause of cynicism among the American people about their government institutions.

Last night and early this morning, the American people witnessed monumental change in the House of Representatives as we kept our promises. With votes from both sides of the aisle we began to deliver on the Contract With America.

It was a first step to restore the bonds of trust between the American people and all of us, their elected representatives. By changing the very way this institution operates—cutting committees, cutting staff, banning ghost voting, auditing the House books, and using honest budgeting we have set a positive tone for fulfilling the rest of our promises during the next 99 days.

DELIVERING ON PROMISED REFORM

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

Mr. SHADEGG. Mr. Speaker, yesterday was truly a historic day. For me it was a personal privilege to represent the people of the Fourth Congressional District of Arizona and to be here with my 9-year-old son and my 13-year-old daughter. Yesterday was historic for many reasons. We set the tone for a very different U.S. Congress. We proved that the American people asked to trust us and that we could be trusted, that we promised reforms and that we delivered on those reforms.

The people in my district thought it an outrage that the laws we impose on the rest of America do not apply to the Congress. Yesterday we applied those laws to the U.S. Congress. The people of America thought it an outrage that our committee and our committee staffs had grown bloated and oversized and we cut those committees and we cut those committee staffs. We began the premise and the process of fulfilling the promises we had made to the American people. In the next 99 days, we will carry forward real reforms, reforms which will truly change the lives of Americans.

I invite the people of the Nation to look in and to join us in this great and historic process.

THE POWER OF GOOD IDEAS

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

Mr. TALENT. Mr. Speaker, yesterday the House made an excellent start in holding this body accountable to the people, cutting its costs. What particularly impressed me about what happened yesterday was the strong bipartisan majorities that supported most, if not all, of the measures that were brought before the House.

The following measures and many others as well passed by unanimous or near unanimous votes: Substantial cuts in committee staff, an independent auditor to examine the books of the House, banning of proxy voting, congressional compliance, that this body would finally be brought under the same laws that it has passed for everyone else.

Yesterday, Mr. Speaker, what we heard was the sound of gridlock breaking. It was broken not by partisanship or by arm-twisting but by the power of good ideas. I look forward to the power of good ideas dominating in this House for the next 100 days, substantial support from both sides of the aisle toward an agenda that brings this body back to the people of the United States.

OPENING CONGRESS TO THE PEOPLE

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

Mr. BUNN of Oregon. Mr. Speaker, I was delighted yesterday to see the promises that we have made be delivered on.

Yet we have got a number more to do. One of the keys that happened yesterday was opening the process and shining light on what Congress does. I have to admit, I was amazed last month when I showed up as a new Member and I had my temporary identification, I asked a police officer, "Where am I allowed to go in this building?"

He said, "Just about everywhere you want but a committee room."

I said, "What do you mean? Aren't the committees open to the public?"

He said, "They're not only not open to the public, but at least some committees are not even open to other Members."

We have made a change to that. We are going to let people see what goes on here and I believe we are going to deliver on all the promises that we have made to America.

CONTRACT WITH AMERICA: THE PEOPLE'S CONTRACT

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

Mr. HEINEMAN. Mr. Speaker, My name is FRED HEINEMAN, from the Fourth Congressional District in North Carolina. You will never detect a southern dialect in my speech because I was born and bred in the Bronx. The people of North Carolina did not concern themselves with where I lived or whether I was a Republican or Democrat when they recruited me from the NYPD to be their chief of police. Nor did any citizen ever ask me if I was a Republican or Democrat when I responded to a 911 call. Likewise, I did not ask them if they were a Republican or Democrat when I responded to their call for assistance.

As a freshman Member of Congress I am privileged to serve with my colleagues who come here from professional life, to wit: three doctors, a dentist, a veterinarian, several lawyers, and others in various professions. I am sure that they were not asked what their political commitments were when questioned about serving their clients.

Having conducted a cursory study of the background of my colleagues across the aisle, I find I am privileged to be in the company of professionals who I am sure are committed to working for the good of the people. So I see 435 legislators coming from various backgrounds to deal with the business of the people of this country as well as to impact profoundly on the rest of the world. Must we change and be other than ourselves when we come to Congress? Can we resist our commitments when we were first elected to this body and work for the people without regard to politics. I look at the Contract With America as the people's contract and for them to join us in the fufillment of the people's agenda for change.

I look forward to bipartisanship.

A SUCCESSFUL BEGINNING

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

Mr. SCARBOROUGH. Yesterday was a truly exciting day not only for people all across America but especially for the people of the First Congressional District of Florida. I think, like people across the country, we have become too cynical about our Government. We live in a cynical age in American politics, an age where we are viewed as an arrogant capital. But yesterday that arrogance was stripped away as we kept the promise that we made throughout this campaign. It was a campaign not about ideology, not about being a right-wing fanatical or a left-wing liberal, it was about commonsense approaches to our problems that are facing us. We addressed the issues, we had a commonsense approach to make Congress abide by the same laws that we make businesses abide by, and by enacting commonsense reform that is going to allow this Congress once and for all to move into the 21st century, creating a second American revolution that will not only build on the Contract With America but the original contract established in the Constitution of the United States.

INTRODUCTION OF THE SENIOR CITIZENS EQUITY ACT

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

Mr. HASTERT. Mr. Speaker, yesterday, I along with Representative BUNNING, Representative KELLY, Representative THURMAN, and over 100 others introduced the Senior Citizens Equity Act, 1 of the 10 pieces of legislation proposed as part of the Contract With America.

The Senior Citizens Equity Act recognizes that it is time we change our laws so that our Nation's seniors are treated fairly.

First, this legislation sharply curtails the impact of the Social Security earnings limitation on our seniors who continue to remain productive in the workplace. For far too long we have penalized working seniors who earn little more than minimum wage, by taxing them at rates higher than those of millionaires. It is time that we ease this burden for those seniors who need to work to supplement their pension and Social Security income.

This bill would also repeal the $25 billion tax increase on seniors that was approved by the last Congress. That new tax imposed exorbitantly high income tax rates on senior citizens simply because they drew Social Security benefits and earned as little as $34,000 a year. It also set a dangerous precedent. For the first time in the history of the Social Security Program, Social Security funds were directly tapped to pay for Government programs.

Some argue that we cannot repeal this tax because it will increase the deficit. But Americans know that the Federal budget deficit is not the result of them paying too little in taxes—but rather, it is the result of the Government wasting too much.

Finally, this bill includes provisions that enables Americans and their employers to make their own preparations for future long-term care—and to do so without the Federal Government taxing the money set aside for that purpose. The costs of long-term care are high and it is time that Congress begin to help Americans prepare for the future.

Mr. Speaker, I commend this legislation to the attention of my colleagues and urge its quick discussion and adoption. The senior citizens of this country deserve no less.

□ 1040

INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO OUTLAW RETROACTIVE TAXES

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

Mr. ROYCE. Mr. Speaker, today I am introducing a Constitutional amendment to outlaw retroactive taxation. It is the same wording that I introduced last session under House Joint Resolution 248. Last session it was cosponsored by 146 Members.

I introduced it in response to President Clinton's retroactive tax increase which reached back even before he was sworn into office. Even the new Russian Constitution protects those citizens from the Government retroactively raising taxes on their people. I think it is time, Mr. Speaker, that the American public, the American taxpayers have the same protections.

Even someone accused of a crime is given the right that there will not be laws passed which come into play retroactively. Taxpayers should have that same right.

MAKING FAMILY PLANNING CLINICS SECURE

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

Mrs. SCHROEDER. Mr. Speaker, a little later this morning we will be having a press conference in which I will call upon Attorney General Janet Reno to please give to the Judiciary Committee as rapidly as possible the findings from the task force she has set up as to what we can do to make women's lives much more secure as they attend family planning clinics. People forget that women get all of their health care almost from family planning clinics during their reproductive years, and the domestic terrorism that has been going on is absolutely unacceptable.

The people saying that if women want this they have to go out and hire private armies to secure it is ridiculous. This Constitution guarantees

equal protection of the law. It never says you get your constitutional rights only if you can hire an army to enforce it for you. That is what the Federal Government is there for.

So I certainly hope that we can get those recommendations back from our law enforcement community and we can move on it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPUBLICAN REFORMS

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I wanted to make a couple of observations this morning. Much has been said on the other side of the aisle about the fact that the Democrat Party was unable to offer amendments to the rules changes that were offered yesterday. That was true, but the truth is in the 200-year history of this Congress, when the opening day activities begin, the majority party submits a rules package to the Congress for their approval and there has never been any opportunity to amend that opening day document.

We this year, because we had campaigned for years and years in the minority to open up this House to openness and fairness, and accountability, had proposed a number of major changes to the rules of the House. What we did is we took the old rules of the 103d Congress which had been proposed year in and year out by the Democratic Party, and we brought those rules to the floor with certain changes. And there were eight significant changes that we wanted to make. They were reforms that the American people have been asking for this Congress to enact for many, many years, because we had failed to enact those reforms, this Congress had dropped in esteem in the eyes of the American people to something like 20 percent. And that is embarrassing to a Member like me that holds this body in the greatest esteem.

So we offered these changes, and we also offered, every Member, not just Democrats but Republicans and Democrats alike, the opportunity to vote on each one of those changes that we were going to make from the rules that we had been operating under the Democrat leadership all of those years. They were changes like reducing the committees and subcommittee reorganization, and staffs. We eliminated three full committees. We eliminated more than 20 subcommittees and that resulted in reducing this congressional bureaucracy by more than 600 jobs.

Why is that significant? We never like to put people out of work. But the truth is over the last several decades this Congress had just grown and grown and grown. The number of committees and subcommittees and staff had proliferated to a point that this is where gridlock really existed. A lot of press and the media used to say that gridlock was caused between Democrats and Republicans, because we Republicans controlled the White House and the Democrats controlled both bodies of this Congress.

That was not entirely true, and it became evident when the Democrats won control of the White House and President Clinton was elected. And then that was supposed to end all gridlock, but lo and behold, gridlock continued. So it was not Republicans and Democrats.

So then the media blamed it on conservatives and liberals. What it boiled down to it was not Republicans and Democrats, it was not liberals and conservatives, it was the bureaucracy of this Congress.

One good example of this is when President Clinton offered up last year his health care reform package, and lo and behold, that package was sent to three different committees in this Congress, referred jointly to three different committees and dozens and dozens of subcommittees.

What did that mean. That meant that bill was dead on arrival because of all of the little fiefdoms that had to begin to look at that piece of legislation.

We in this rules package yesterday made one great significant change to that and the Speaker of this House now is going to take any piece of legislation that comes before this body, if it is offered by the gentleman from Missouri [Mr. VOLKMER] or the gentlewoman from Connecticut [Ms. DELAURO], it is going to be assigned to one primary committee. That can be the Committee on Commerce, it could be the Committee on Rules, which I am the chairman of, but it will go to one primary committee. If there is another jurisdiction involved such as maybe a tax significance of some kind, then the Committee on Commerce will send that little portion over to Ways and Means with instructions to act on it and get it back. But it means that this bureaucracy, this gridlock is going to be broken because we have shrunk the size of this Congress. And incidentally, we are not through doing it yet; we are going to continue.

□ 1050

But we also have set the example for what we intend to do to this Federal Government. There was an election back on November 8, and I am going to tell you that election really surprised this Member of Congress. I have been here suffering in the minority for 16 years, and I never in this world thought that I, JERRY SOLOMON, would ever become chairman of the Committee on Rules in this House. Because the Rules Committees are controlled by the majority party, and because the Democrats have had such a wide majority of Members, I just thought that was impossible.

But the truth of the matter is the American people spoke, and they spoke very loudly, and we elected Republicans across this Nation in places we never ever thought that they would serve, and now we Republicans have that majority. We are going to use the example of shrinking this Congress by the three committees and dozens of subcommittees and eliminating 600-plus jobs. We are going to send the example that that is what we want to do to the Federal Government as well. We want to carry on the second part of the Reagan revolution that ended in 1983.

You know, Ronald Reagan came in here in 1981, and we were able to push through the Reagan program, which really began to tighten the belts of the Federal Government. We dealt with entitlements, and in doing so, and all of those that voted for all of those tough medicine cuts, we had to go back and face the electorate 2 years later in the Reagan administration's term. Lo and behold, we lost an awful lot of Republicans, because all of the special interest groups went after them. "You cut my entitlement program. I am not voting for you."

We lost a lot of good conservative Democrats, because they voted with us, too, because it was a coalition of Republicans and conservative Democrats that ran through the first 2 years of the Reagan programs, and we began to turn this country around.

After the election in 1982, after 2 years of Ronald Reagan, we no longer had that kind of coalition. We no longer had 192 Republicans to go with about 40 good conservative Democrats, because we now were down to about 173 Republicans. We lost about 20 of those conservative Democrats.

So now Ronald Reagan could no longer have the votes on the floor of these two bodies to carry out his revolution. So he had to become a compromise President.

You might keep this in mind, because Bill Clinton is going to have to make this decision very shortly. Ronald Reagan had to decide whether he was going to become the veto king or become a compromiser. He chose the latter. He wanted to accomplish what he could with this vision and the vision of those who supported him.

As a result of that, he became less effective. He was tremendously effective in 1981 and 1982. In 1983 and 1984 he had to be a compromiser. He only got a little bit of what he wanted. Then there

was another election. He lost more of the conservative philosophy, and he had to compromise at even higher levels. This carried right on through into 1988 when George Bush was elected and, of course, by that time we had dropped in numbers to the point where really the Reagan revolution had stopped.

What I was getting at in the beginning was this revolution now has started all over again. The American people have spoken, because they want this Congress and this White House to shrink the size of the Federal Government and shrink the size of the power of the Federal Government and grow the private sector, because that is what this country is all about.

We never were intended when we formed this Republic of States into a U.S. Government, we never intended for this to be a big Government that was going to rule the lives of the American people. This Republic of States was formed for the specific purpose of providing a common defense for the States of this Nation.

Lo and behold, now we have gotten into all of these other myriad of programs.

We are going to change all of that. We are going to restructure this Government. We are going to shrink the size of it. We are going to give the power back to the States and back to the American people.

Now, having said all of that, I just wanted to point out to the Members what is going to be happening in the next several weeks on the floor, because Speaker GINGRICH, as you know, has put out the word that we are going to be a working Congress for this 100 days, and that we are expected to be in Washington working 5 days a week during the months of January, February, and March.

Well, some people yesterday were questioning why we do not have legislation on the floor today, for instance, and Friday and next Monday and Tuesday. Well, again, I just want to point out that I was the ranking Republican serving in the minority on the Committee on Rules, and for years and years we saw the fact that minority rights were waived and that Members really did not have the opportunity to participate in the debate on this floor, offering amendments, and never had the chance to really read legislation.

I would point out what happened. You know, in the days of a man named Tip O'Neill, he was a tough partisan Democrat who sat in that chair right there. Although he was tough and he was partisan, he was one of the fairest Speakers that we have ever had. He was willing to bring legislation to this floor and let the House work its will. He did not discriminate against his own conservative Democrats even though he was a liberal, and he allowed them to offer amendments. Only 15 percent of the rules that brought legislation to this floor were brought here in a restricted manner. They were open rules.

There was much talk yesterday that we had closed rules that brought legislation to the floor. The truth is there were no rules at all. We do not have a Committee on Rules. The truth is we do not have any rules at all. Our Committee on Rules, which I am the chairman of, will not even organize until this afternoon at 2 o'clock, and from that point on, I have been instructed by our new Speaker GINGRICH that we will be as open and fair and as accountable to the American people and to this Congress and to all Members of the Congress regardless of political or philosophical persuasion. He has instructed me to try to have open rules and fair rules be the norm of this Congress.

We are going to go back to the days of Tip O'Neill when we had free and unfettered debate on this floor for the most part. That does not mean that every rule is going to be open, that every rule is not going to be restricted. Because there are times when we are dealing with national security, when we are going to debate the national defense budget which the chairman up there sits on the committee. We are going to have to have a structured rule. We will have to have limited debates. But we will make sure the liberals and the conservatives both have their amendments in order so that we can have a reasonable debate.

There are times when we will be debating intelligence matters that might affect the national security of this country, and we might have to have structured, restricted rules in those cases. There are other cases when we will be dealing with the U.S. Tax Code. That is something that is extremely complex, and you cannot bring bills on the floor and just have unfettered debate and amendments offered on any part of that Code. It would be a disaster.

When we develop budgets over a 2-year period, you have to be able to depend on the revenues that are coming in in that 2-year period. There are times when we will not have open and free, unfettered debate. We will have negotiations with the minority, and I can assure you I am going to follow Speaker GINGRICH's suggestions that the open rule be the norm. When I go to the organizational meeting this afternoon, I will be instructing the other members of the committee to do just that.

In regard to minority rights, there is a chart next to me, and this is why I took the well today, to talk about how legislation will come to this floor. The truth of the matter is that under the rules of the House that we adopted yesterday which provide for openness and fairness, and I key in on fairness and accountability, in being fair, we want to be fair to the minority as well. I know what it was like to be persecuted in the minority.

The truth of the matter is when a piece of legislation, any one of these pieces of legislation that were in our 100-days contract, when they were introduced yesterday, they were assigned to committees.

The Fiscal Responsibility Act will be brought to the floor. It is a balanced-budget amendment to the Constitution and a line-item veto giving the President a tool to eliminate wasteful spending.

We are setting hearings. And, Mr. Speaker, I am including at this point in the RECORD the January tentative committee activity for hearings on the 100-days contract.

JANUARY: TENTATIVE COMMITTEE ACTIVITY

Thursday, 1/5/95

W&M—Hearing: Contract Overview.

Friday, 1/6/95

SCI—Hearing: Sci & Tech in Govt., Sec. Brown.

Monday, 1/9/95

JUD—Hearing: Balanced Budget (or 1/10).
W&M—Hearing: Social Security.

Tuesday, 1/10/95

BUD—Joint Hearing: Dyn v. Stat Scoring.
GOV—Markup: Unfunded Mandate.
RUL—Markup: Unfun. Mandate (or 1/11).
W&M—Hearing: Contract Overview.

Wednesday, 1/11/95

ECOP—Hearing: Role of Gov't in Education & Wkplace Policy (or 1/12).
W&M—Hearing: Contract Overview.

Thursday, 1/12/95

INR—Hearing: Int'l Sit. & Clinton For. Pol., Fmr. Sec. State Baker.
RUL—Rule: Unfun. Mandate (or 1/13).
W&M—Hearing: Contract Overview.

Friday, 1/13/95

W&M—Hearing: Welfare Reform.

Monday, 1/16/95

JUD—Hearing (wk of): Term Limits, Legal Reform.
SCI—Hearing (wk of): Risk Assessment.
SCI—Markup (wk of): Hydrogen Research Bill.
SMB—Hearing (wk of): Sm. Bus. Tax Issues.

Tuesday, 1/17/95

NATS—Briefing: Classified Threat (or 1/18).
RUL—Rule: Balanced Budget (or 1/18).
W&M—Hearing: Contract Family Provisions.

Wednesday, 1/18/95

GOV—Hearing: Line-Item Veto.
ECOP—Hearing: Welfare Reform.
W&M—Hearing: Contract Family Provisions.

Thursday, 1/19/95

INR—Hearing: Kirkpatrick & Brzezinski.
W&M—Hearing: Contract Family Provisions.
Balanced Budget Floor Vote.

Friday, 1/20/95

W&M—Hm. Res. Hrng: Welfare Reform.
W&M—Oversight Hrng.

Monday, 1/23/95

AGR—Hearing (wk of): Food Stamp Reform.
SMB—Hearing (wk of): Regulatory Reform.
W&M—Hm. Res. Hrng: Welfare Reform.

W&M—Oversight Hrng.

Tuesday, 1/24/95

W&M—Hearing: Contract Savings & Invest. Provisions.

Wednesday, 1/25/95

GOV—Markup: Line-Item Veto.
W&M—Hearing: Contract Savings & Invest. Provisions.

Thursday, 1/26/95

W&M—Hearing: Contract Savings & Invest. Provisions.

Friday, 1/27/95

W&M—Oversight Hrng.

Monday, 1/30/95

RUL—Rule (wk of): Line-Item Veto.
W&M—Hm. Res. Hrng: Welfare Reform.
W&M—Trade Hrng: Customs Oversight.

Tuesday, 1/31/95

W&M—Hearing: Contract Savings & Invest. Provisions.

COMMITTEES

AGR: Agriculture
APP: Appropriations
BNK: Banking
COM: Commerce
ECOP: Econ. Opportunity
GOV: Gov Ref & Oversight
HOV: House Oversight
INR: Int'l Relations
JUD: Judiciary
NATS: National Security
PLR: Pub Lands & Rsrces
RUL: Rules
SMB: Small Business
STN: Stand. Off. Conduct
SCI: Science
TRN: Trans & Infrastruct.
VET: Vetrans' Affairs
W&M: Ways & Means.

And I would point to the chart here which shows what happens to a piece of legislation if there is a balanced-budget amendment, and that has now been sent to, as primary jurisdiction, the Committee on the Judiciary. When that Committee on the Judiciary finishes its hearings and when it marks up the balanced-budget amendment and when it is finished, it will send that bill to the Committee on Rules.

Now, in the meantime, let us say it happens today, on Thursday, the committee offers the bill reported and views are requested.

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That means that for Friday, Monday, and Tuesday, the next 3 legislative days, that that bill is available for the minority to file their views, and they have the opportunity then to read that legislation. They have the opportunity to discuss with other Members who do not serve on the Committee on the Judiciary what they might want in those views. We have to wait 3 days. That takes us from today through next Tuesday just for the filing of those minority views. Then the committee files the report with this body right here, with the Clerk, and that is on Wednesday. Then Thursday, and this is already next Thursday, a week from now, there are 3 days for every single Member of this body to see that piece of legislation and to be able to review it.

Then the bill comes to the Committee on Rules upstairs, where we will meet, and we will then put out a rule which would allow whatever amendments are going to be allowed, whatever substitutes or alternatives. Then the bill will finally be able to come to this floor on the 10th day, on Wednesday.

So that is why you do not see legislation on the floor here today on these issues because we do intend in the new majority to honor the rights of the minority, and I am going to see to it with every bit of persuasion that I possess that we honor these rights for Members to be able to know what they are voting on, to be able to have that right, to vote and to offer amendments on the floor of this House.

Having said that, if I might, I would ask that my report on the issue of restrictive rules, which we compiled during the 103d Congress be put in the RECORD. This does show that during the 103d Congress, 73 rules that came to this floor, of that number, 70 percent of them were restricted or closed rules. Now, that is 70 percent. We are going to try to turn that around.

I am going to say to you now, today, we are shooting to have 70 percent of those rules open so that as the minority and even the majority Members over here will have the right to work their will on the floor of this Congress.

I ask that that be put into the RECORD.

The document referred to is as follows:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	104	31	30	73	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 7, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Aat	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A	A: Voice Vote (Oct. 5, 1994).
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A	F: 83–339 (Oct. 5, 1994).
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A	A: 384–28 (Oct. 6, 1994).
H. Res. 570, Oct. 5, 1994	MC	H. J. Res. 416: U.S. in Haiti	N/A	N/A	A: 241–182 (Oct. 6, 1994).
H. Res. 576, Oct. 6, 1994	C	H.R. 5231: Presidio Management	N/A	N/A	A: Voice Vote (Oct. 7, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Having said all that, Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman from New York for yielding this opportunity to me.

I just want to make a comment with regard to the closed rules. I have sat in this Chamber day after day, as the gentleman from New York has, and I have great respect for my colleague. I have listened to his personal opposition to closed rules and the opposition of other Republicans on the issue of closed rules. I just would like to take a second to lift some quotes here. Here is one by Representative DREIER, "Each time a closed rule is foisted on the House, Members of Congress are denied the opportunity to represent their constituents."

A quote from the Honorable Mr. SOLOMON: "The people are sick and tired of political gamesmanship. They want back into their own House. They want it open and democratic and not closed and dictatorial."

Representative PRYCE: "With every closed rule, millions of voters are disenfranchised when their duly elected Representatives are prevented from offering relevant amendments to bills that we consider."

These are all quotes from the last session of the Congress. The gentleman has also commented that in fact part of what occurred here is the American public wanted to see change, wanted to see the process open, and wanted to see reform. I agree with the gentleman. I think we made so many strides in the last Congress to deal with reform in passing the Accountability Act. We passed it again last night. But I would just say this to you, that yesterday, something that really happened on the floor probably is a first in the House; there were two closed rules, two gag rules offered on the first day.

The second of the closed rules was hidden within the closed rule, so it was a closed rule inside a closed rule.

Now, the point is that if you want to have change, you cannot be talking in two directions and saying that the Democrats did it a year ago, therefore, "We have a right to do it now." The issue is if you truly believe that the process should be open. We had a historic opportunity yesterday on the floor of this House to demonstrate two things: Openness of this process. There should have been an opportunity for

Democrats to amend the Accountability Act and to deal with a vote on a gift ban and that we should have taken this very historic day and turned it into that opportunity to say to the American people that in fact we have changed, we have reformed this body, this institution; we opened up the process and people can amend and debate on this floor and we have separated ourselves from the special interests who have an overwhelming effect in this body and who have a direct effect on legislation.

On both of these instances, the opportunity was missed. I say that more in sorrow than I do in outrage or anger because I think that the public is demanding reform, an opportunity to do so, but you cannot say it and then not do it. And it is not good enough to say, "You did it; therefore, it is now our opportunity to do it." We cannot have that on the floor of this House.

Mr. SOLOMON. What the gentlewoman says makes a lot of sense. I am going to throw out a challenge to the gentlewoman because we probably will adjourn this first of the session of the 104th Congress, hopefully, sometime in October, although in an off year, and a coming Presidential year, we could be here until December. I say to the gentleman from Missouri [Mr. VOLKMER], that I hope that does not happen.

But I want to throw out a challenge to the gentlewoman. I want her to judge us by our overall performance, and particularly I want the gentlewoman to hold me accountable. I want the gentlewoman to sit down here with me on the floor of this Congress in October or November, and let us see how open these rules were. Let us judge it at that time. I am going to pledge to the gentlewoman to try to turn this around; instead of having 70 percent closed rules and restricted rules, we are going to have 70 percent open and unrestricted rules, if we possibly can.

So let us judge our performance then, in October or thereabouts.

Ms. DELAURO. I would be happy to cooperate with my colleague. I also believe it is one thing for me to hold anyone accountable, but we are all accountable to the American public. That is what is at issue. That is what happens on the floor of this House. It is the people who send us here who hold us accountable for our openness, our sincerity, or compassion, our actions, for the opportunity to do the things that they send us here to do on their behalf and to raise their standard of living, to separate out the special interests in this body. Ultimately, they will be the deciders. But I am happy to accept the gentleman's challenge.

Mr. SOLOMON. I look forward to it.

Mr. Speaker, let me yield to a very important member of the Committee on Rules, the gentleman from California [Mr. DREIER], from Carmel, CA, who was the cochairman of the congressional task force appointed by the Speaker to reform this House and who had more input into the legislation we adopted yesterday than any other Member I know.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding this opportunity to me. I would like to simply rise in strong support of the case that the gentleman has been making.

Quite frankly, having just entered the Chamber, I would like to associate myself with the remarks of my friend from Connecticut, Ms. DELAURO, who has just talked about the need for accountability, compassion, concern, responding to the wishes of the American people. That is exactly what happened right here just a few hours ago before we adjourned the first day of the 104th Congress, by creating the kind of openness that my friend said is absolutely essential if we are going to effectively do our job.

It seems to me, as we look at the challenges ahead over the next 99 days, we are going to easily tackle every one of these problems. But we have to do it. We have to do it not only because we stood on the steps of the Capitol on September 27 and signed that contract, letting the American people know we would bring to the floor in the first 100 days those 10 pieces of legislation, but because so many of them are the right thing to do.

We are not simply putting into place legislation which was structured, as many in the media have said, based on public opinion polls. These are the kinds of things that we on this side of the aisle have been trying for years and, in many cases, decades, to bring to the floor of the Congress.

Now, I think the point that the chairman of the Committee on Rules is making is that we are in a position where we have been denied the opportunity to even have a hearing on so many of these measures. That is what we are planning to do. We want to create a fair and an open process here, which unfortunately, the pattern of leadership that we have seen at least over the last decade and a half, the last 15 years, has been such that we have unfortunately not been able to have the kind of openness we would like.

I would like to congratulate the chairman of the Committee on Rules for his special order, and I want to thank him.

Mr. SOLOMON. Let me first of all just say to the gentleman that we really appreciate all the work that he did, the work he did particularly on realignment of the committee jurisdictions and reducing the size of the committees and subcommittees. That has really helped to make this a functioning body in the next 2 years. I know that the gentleman has not finished yet.

Mr. DREIER. That is just what I was going to say.

Mr. SOLOMON. I know the gentleman has not finished it yet.

Mr. DREIER. That is exactly what I was going to say. There are many people who would like to believe that January 4 ended the process of political and congressional reform. Nothing could be further from the truth because we plan to continue.

My friend knows we passed a resolution in the Republican conference which calls for further review of the reforms that have been implemented. What we plan to do is to continue this process because we cannot reverse 40 years of one-party control and what existed here overnight.

So I thank my friend and appreciate his remarks.

□ 1110

Mr. SOLOMON. I am going to pile some burden on the gentleman's shoulders because at 2 o'clock this afternoon I will appoint him as chairman of the Subcommittee on Rules, revamping the rules of this House and the committee structures. The gentleman is going to have his work cut out for him, Mr. Speaker.

Mr. DREIER. Mr. Speaker, if the gentleman would yield, I say to my chairman, "I'd like to think I'm ready, willing, and able."

Mr. SOLOMON. I say to the gentleman, "You are."

Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER], my good friend.

Mr. VOLKMER. Mr. Speaker, I want to commend the gentleman from New York [Mr. SOLOMON] for his attitude as far as openness of the House, as far as the future, and closed rules and open rules.

I have a little question I would like to ask of the gentleman:

In the past, whenever there has been an opportunity for legislation that is very controversial, and there is a question of trying to limit the amount and numbers of amendments—because in the past, as the gentleman realizes and I know from history—we have both been here—that when we had such legislation in the past, we sometimes see 200 or 250 amendments in 2 weeks, and some of them are just, as the gentleman knows as well as I——

Mr. SOLOMON. The California Desert Act?

Mr. VOLKMER. Yes, and others.

And so I recognize, and I think the gentleman recognizes, that there are opportunities and times when there would be restrictions on amendments. Now at other times there may not be that restriction, but sometimes there are both the sponsors of the legislation, the committee chairman and others, that have worked on that legislation, and other Members would like to have some idea of what amendments are going to be brought up. With a strictly open rule and nothing said,

there is no opportunity. I can bring an amendment up here on the floor, blindside somebody on it as long as it is germane and it is in order. At times there have been provisions that the chairmen of the Committee on Rules have said, "You're going to have to have them in the CONGRESSIONAL RECORD within a certain length of time, or by a certain date, or by a certain hour of a certain date."

Does the gentleman plan to use that type of restriction on amendments?

Mr. SOLOMON. Excuse me. I walked over on this side. I just wanted to show the gentleman we are cooperating.

Mr. VOLKMER. Right.

Mr. SOLOMON. We want to look out for the rights——

Mr. VOLKMER. Well, I would much rather have 70 percent open rules than 70 percent closed rules. I have always said that. I agree with the gentleman that Members, all Members, have been sent here to be able to participate in the debate on the legislation, offer amendments, and have their ideas expressed also.

Mr. SOLOMON. The gentleman is absolutely right. The gentleman makes some sense, too, and, as I told the gentleman from California [Mr. DELLUMS] who is the former chairman of the Committee on Armed Services and now the ranking minority member, that when the defense budget comes before the Committee on Rules, we want to be able to sit down with him because we cannot bring that bill to the floor under an open debate. We would be here for 3 months debating just that one bill.

Mr. VOLKMER. Right.

Mr. SOLOMON. And what we will do, we will negotiate with the minority, we will make sure if someone has an issue such as SDI; for instance, the Strategic Defense Initiative. We cannot allow 50 amendments on the Strategic Defense Initiative, but what we will do is we will allow a liberal's point of view, we will allow a conservative, and maybe a moderate. In other words, we will have three amendments dealing with that issue.

One thing we will eliminate is this business of king of the hill, and that is something, as the gentleman knows—the gentleman, I think, shares my view—that there is no place in this body for a king-of-the-hill procedure. What a king-of-the-hill procedure is is that one amendment might pass with 280 votes, and then another amendment will follow right behind it, wipe that out, and only get 218 votes, and the one with the fewer votes wins. Well, no more of that. I have spoken to Speaker GINGRICH about that. We are going to try to do away with this king-of-the-hill procedure, and we are going to let the best man win, or the best amendment win, or the best alternative win. The one with the most votes will win. That is how it should be.

There might come a time when we want to allow the printing of the amendments in the CONGRESSIONAL RECORD prior to debate. We might even go so far as to have those amendments numbered so they will be easier to identify. I know the gentleman from Missouri [Mr. VOLKMER] is a very diligent Member of this House, and he reads the amendments, and sometimes it is hard to follow which amendment is being called up at certain times. One Member may have 10 amendments resting at the desk, and he calls up an amendment, and we do not know what it is, what the text is. So, if we number those amendments, it will make a lot more sense.

So, there will be times on complex issues when we will do that. Otherwise we will try to bring bills to the floor under an open rule process and let the Members offer amendments as they see fit right from the floor.

Mr. VOLKMER. The last comment I would like to make to the gentleman from New York [Mr. SOLOMON] is that I could understand in the resolution that we had yesterday, as far as the actual rules changes, and I could understand the provision there for closed rules. We have always had that. We have never had anything, as long as I have been here, any different. So, I am not objecting to that.

But I do have a strong disappointment, a very strong disappointment, in the majority in requiring a closed rule.

I know the gentleman did not have a Committee on Rules, but I could read, too, the gentleman from New York, in here the provision in regard to what we call the compliance legislation, and what I am saddened by is that that bill, which is a good bill, has overwhelming support, we all supported it last year, and it went to the Senate and died, so it still has not become law. I listened to the speeches here this morning, some of the 1-minutes saying that we have now placed the House under all the laws of the United States that affect all private business and industry.

Mr. Speaker, I say to the gentleman, "We haven't done that yet, JERRY. You know that, and I know that, and until it passes the Senate, comes out of conference, goes to the President and is signed, we haven't done anything."

We passed it. We did that last year. It does not do anything until it becomes law.

Mr. SOLOMON. That is right.

Mr. VOLKMER. All right. So let us tell the American people we still got a ways to go.

But my problem is what was done yesterday on that bill is that we in the minority, we in the minority, will never, never have an opportunity to change one word in that law, not one word.

Now that is not part of the rule; that is legislation. We should have been given an opportunity to offer amendments to that legislation.

Mr. SOLOMON. Well, I understand.

Mr. VOLKMER. I am very disappointed.

Mr. SOLOMON. I understand the gentleman's logic, and I share that view to a certain extent, and, as a matter of fact, I even spoke on the fact that I did not want to see the accountability bill, if it were going to be changed in any way, come to this floor under a closed rule. There was talk, as the gentleman knows. There were negotiations going on, both Democrats and Republicans negotiating with the Senate, to put together the differences and to bring the accountability bill, revised with the Senate concerns, with Democrat concerns, into the bill and bring it onto the floor yesterday under a closed rule with no amendments. I objected to that. As a matter of fact, I refused to let that happen because there then would not have been a bill that was debated on this floor, was amended on this floor, and passed overwhelmingly with, I think, only four votes in opposition. I said, "If you want to bring this bill on the floor tomorrow, you will bring the exact bill we had that we spent hours debating and that we spent hours amending and that we sent over to the Senate."

The reason we brought it up yesterday, and finally they agreed to bring the same bill that passed this House, not some revised edition with these negotiations that could not be amended; the reason they brought that to this floor was so that we would not die, and we were afraid. As the gentleman knows, we put this off today, that bill could have languished for another month by the time we get it on this calendar with all this 100 days business. The chances are it would have been next July or August, and one never can tell around here what happens. Bills disappear. They hide. They are never seen again.

We wanted to pass that bill. Seventy-three new Republicans, all of them, wanted that bill acted on yesterday. They wanted to have it done. We sent that bill over again to the Democrats that were working on it. Mr. Swett, who was a good Member of this body who is no longer here now, was not here, but other Members were. The gentleman from Maryland [Mr. HOYER] was one, I believe, and, in other words, to get their impact on the bill. But the truth of the matter is I do not think that the 13 new Democrats who were not here last year, they did not have a chance to vote on it.

□ 1120

I do not think they objected. They all voted for the bill yesterday afternoon. At any rate, what we have done is, we have now passed that bill. It will now go to the Senate. The Senate will revise it, as is their prerogative, and the bill then, if it is different, will either come back to us for the amendment

process or it will go to conference, one or the other. They could send a Senate bill over here, in which case we would have a chance to revisit it, and you, the gentlewoman from Connecticut, will have an opportunity at that time to work your will on the bill, too.

Ms. DELAURO. Mr. Speaker, I would just like to echo my comments.

Mr. SOLOMON. Mr. Speaker, does the gentlewoman wish me to yield to her?

Mr. VOLKMER. Mr. Speaker, first, if the gentleman will yield further, the gentleman is missing a little bit of the point.

I will admit that when it goes into the conference, the Democrats who are on the conference committee, those few, may have an opportunity to make some changes in the bill, but, remember, it is only the bill that passed this House and the bill that passed the Senate that is going to be in the conference. It was clear to me yesterday, listening to the debate, that there were other Members who would have had amendments to that bill. If they had been permitted to offer them, they would have liked to offer those amendments. They did not get that opportunity, and they will never get that opportunity in the next 2 years. We will not revisit this bill.

Mr. SOLOMON. Mr. Speaker, if I may just reclaim my time for 1 minute, I would have to disagree with the gentleman that they will never get the opportunity. We are going to try to be as fair as we can, and if there are other issues, we are going to revisit many of these issues that we discussed yesterday on the floor.

We heard the gentleman from California [Mr. DREIER] say that his committee and the Committee on Rules are going to mark up additional bills, and certainly your representatives on the Committee on Rules and other committees are gong to have an opportunity for input, and we will revisit the issue, and we will have another day to debate whatever amendments you wanted to offer.

So I think, on the gentleman's concerns, that he is going to be presently surprised at the openness when we are going to be able to revisit many of these issues.

Mr. VOLKMER. You will have another compliance bill?

Mr. SOLOMON. We could very well, yes.

Mr. VOLKMER. Another accountability bill?

Mr. SOLOMON. Yes.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I would like to echo the sentiments of my colleague. That is many respects is what I think was hoped for in terms of change, particularly by the American public, and as far as the rules are concerned, I truly believe in the gentleman's objection, because again, he talks on this floor about open rules all the time. And yet for the first day, for this opportunity to come up and to pass this bill, I would just say that it was business as usual, so that we do not have the opportunity.

I worked personally very, very hard on the accountability legislation in the last session. My colleague, Dick Swett, did also, and I complimented my colleague, the gentleman from Connecticut, Mr. CHRIS SHAYS. I think that bill was long overdue.

But there was not an opportunity for the minority to have a debate and a discussion about it. If we are to change this body, then in fact you are now in charge. The Republicans have the majority, so that with bills getting lost, the calendar becomes your calendar in terms of scheduling. If it is your side that has to say that for the sake of reform and openness and what we have talked about in this bill, then we have to have delay. Let the process be opened up so we can have a debate about a variety of issues.

That is the point I am trying to make, that we cannot portray change when in fact we are looking at business as usual. And I think we need to be very mindful and very careful about that as we go down the next several months.

Mr. SOLOMON. Mr. Speaker, the gentlewoman sounds just like JERRY SOLOMON.

Mr. Speaker, I have got to prepare to organize the Rules Committee. It is going to be a fair and open and accountable Rules Committee this year. So I am going to have to close this special order, and I thank the body for indulging me.

A CRITICAL REVIEW OF FAIRNESS ON THE FIRST DAY

The SPEAKER pro tempore. (Mr HEFLEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized for 60 minutes as the designee of the Minority Leader.

Mr. VOLKMER. Mr. Speaker, for the general public and for all Members of the House, 435 of them, that were here—there may have been one or two absent—yesterday was a historic day. And it is kind of a humbling experience, even for myself—this was the tenth time I was sworn in— to realize that you are 1 of the 435 among all the people of the United States to be here and to be in this body and to assume the responsibilities of the office, to do everything you can to benefit not only your district and your State but the country, and do it well. Then, as a result, when you come to the Congress and after you are sworn in, you find that you are going to take up some changes in the rules, and when you review those, you find that you agree with a good many of them, and there are some that you yourself had generally agreed with, that we could reduce the size of our staffs here in the Congress—we have done that before—and we could reduce the size of our committees.

The last time we were in the Congress, we eliminated four select committees and we reduced the number of subcommittees. This is a continuation of that, and we agree that those things should be done.

But when you read the proposal that comes from the majority and from the gentleman who just preceded me in the special order, the gentleman from New York, for whom I have a great deal of respect, you find that for the first time—and it has been 18 years—for the first time you find that you have a substantive bill that is going to be brought up on the same day, and in that proposed rule change you find that it is a closed rule, that this bill, the Accountability Act or the compliance bill that makes the legislative branch of Government subject to those laws that all of our private businesses and industries and States, et cetera, are required to comply with. Then you find as to that bill, which is a very substantive bill, no amendments will be permitted to that bill.

I would like to read the language of that to everyone, because I know the people out there and, as is obvious to me, many Members of this body had not had the opportunity or at least had not taken the opportunity to review that language. This is what it says:

> It shall be in order at any time after the adoption of this resolution to consider in the House, any rule of the House to the contrary notwithstanding, the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The bill shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority leader and the minority leader or their designees. This previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

Mr. Speaker, what that language I just read meant is that when this large, very important, very substantive bill was brought up, we in the minority were given 30 minutes to talk about it. But we were not given one opportunity, not one opportunity to change one word in this bill.

How, the majority has made a big to-do about this fact that they have given openness to this body and given fairness to this body. What is so fair to the 204 Members of the minority that not a one of them can offer 1 amendment to this bill?

□ 1130

I do not believe that that is very fair at all. In fact, I say that goes back to

previous years in this House when we had what we call just strictly gag rules.

Every Member of this body, whether Republican or Democrat, comes here with ideas, because that is what government is all about. Whether it is your Declaration of Independence or the Constitution, whether it is all the laws of this land, at one time they were nothing more than an idea in someone's mind. And that idea was promoted by that person and finally was accepted through everybody, and they were put down in writing. Back when this country was founded, they took a pen and they wrote it down, and that went from there to printing presses, typewriters, and now we use the computers. But it all starts with an idea in the head.

Yet, when this bill was taken up early this morning, there was not one idea from a Democratic Member permitted to even be decided by the Members of this body.

I call on the new Speaker and my good friend the chairman of the Committee on Rules to ensure that in the subsequent days of this session and next session of this Congress that that not happen again. Because what it really means, and when he had these special orders I brought out to him, unless they are willing to bring another bill up with all the legislation that is going to be on the agenda, I do not anticipate that will occur.

That means that when this bill finally reaches the desk of the President of the United States, and it will because it is good legislation, that not one Member of the Democratic Party, not one Member of this minority, has had an idea incorporated in here that they would have liked to have seen included in this legislation. We will not have that opportunity.

Another thing that was not done that I think is very important in all the rules changes that were made, and most of them, except for one, as far as I am concerned, most of them were very beneficial to this body, but that does not mean that you cannot do a little better. And we could have done better.

You know, folks, one of the biggest problems in this body, and I have seen it and watched it and observed it since I have been here, is the influence of special interests over this body. If you went around in the halls and in the areas of this Capitol and the office buildings, even yesterday you would have seen the lobbyists around. I am sure that many Members had their dinner purchased yesterday. I am sure that within this nice winter day that we have here, that there are lobbyists proposing to take Members to nice trips and vacations, to nice warm climates, play some rounds of golf, pay the hotel bill and all that Member has to do is make a little talk.

There is nothing in this rules change that prohibits that whatsoever. Many of us feel that if we are to really clean up the House of Representatives, that we need to prohibit the influence of those special interests on this body. That legislation like lobbying reform, that at that time the majority party, the Democratic Party, last year passed overwhelmingly and sent to the Senate, where it was filibustered by the Senator from Kansas and others, where it was killed, we need that legislation. Yet that legislation, those rules changes, that would have prohibited these Members from taking these meals, from taking these trips, from taking the vacations, is not in here at all.

There is nothing in our rules today, nothing in the law. While we have people out in my district and all over this land freezing because they are too cold, because they cannot pay their heating bills, there is nothing in our rules that says that we cannot have Members going off to Jamaica, to the Virgin Islands, to the warm climates of Florida, Arizona, all paid by lobbyists at their expense, air fair, vacation. You want to go fishing out in the deep sea, we will pay for that. There is nothing in here that is going to prohibit that.

We need that. Yet yesterday, when the minority in their committal resolution offered to have that incorporated in our rules that would have prohibited that, the majority refused and voted overwhelmingly against that.

So I wonder how many of those, instead of being here with you and I today, are now being prepared to spend this nice weekend in a nice warm climate somewhere with some lobbyists, because they sure did not want that legislation yesterday to become part of the rules, because if it became part of the rules, they could not, would not be able to do it. I wonder how many in this next week, when we are not going to be working here, folks. You are not going to see anybody else on this floor. There is not going to be any more work this week, there will not be anything done next week. How many of them that voted against including lobby reform, gifts by special interests, vacations, and golf trips and what have you, how many of them are off on those trips in this next 10 days?

I am very disappointed that the majority has not—has not—included lobbying reform, has not included prohibiting those trips, those gifts, et cetera, in this legislation, and in fact strongly opposed it yesterday, spoke against it, and actually voted against it.

I think that I as a member, and as the general public, we should let the majority know in this body that you no longer feel that the lobbyists should have control of this body, that the lobbyists should be prohibited from giving gifts and vacations, et cetera, to Members of the House of Representatives.

□ 1140

The last thing in this rule that I would like to address is a matter that I opposed, and other Members opposed. That is that the provision—I would like to read it, because it was obvious to me yesterday during the debate on this limitation on tax increases that they had not read the proposed rule change.

As I listened to the Members from this side of the aisle, the majority, espousing the three-fifths requirement repeatedly, over and over, they said that "We are not going to have tax increases anymore, because this rule says that you have to have a three-fifths vote required for tax increases, especially income tax increases." I say they have not read it, because it does not say that.

I would like to read it: "No bill or joint resolution, amendment, or conference report carrying a Federal income tax"—and here is the key word, folks, and every one of them left it out, every one of them that spoke. I say you take that CONGRESSIONAL RECORD of yesterday when it comes out and you can read it. Not a one of them mentions it, the word "rate." It is only the income tax rate increase shall be considered, unless by not less than three-fifths of the Members voting.

What does that mean? The rates on income tax only take up about two pages of the total Revenue Code of well over 1500 pages. That means you can change all the rest of the Revenue Code for income tax on a majority vote, not a three-fifths. You can deny everyone an exemption. What that means is if you have a husband, wife, and four children that are dependent, all of a sudden your taxable income just went up by about $15,000. That is a majority vote, that is not three-fifths.

As far as the average wage earner buying a house out there, it has a mortgage on it, now he takes a deduction on his income tax for that interest that he pays. Well, they can remove that if they wish to do so. They can remove your deduction for the taxes you pay, for the State taxes and property taxes you pay on that house by a majority vote, not three-fifths. I will guarantee you, your taxes are going to go up.

What it means basically, this means, if you read it, it is a tax rate. What tax rate are we talking about? The top tax rate. That is 39 percent. Who does that apply to? That only applies to people making over $200,000. Those are the ones they are protecting. Those are the three-fifths that they have to vote on.

If you want to put it on the top people you have to do three-fifths, but if you want to put it on the little guy, if you want to put it on the middle income, you do not have to do that. You can do it by majority vote. Of, if you would rather, according to their rules, if you would rather change our whole

tax system and go to the value added tax, the VAT, and really put it to the lower- and middle-income people, because that is what a VAT does, it really does, that is a majority vote. That is not three-fifths.

So when they say that we are going to require a three-fifths vote for tax increases, that is not right, folks. It is not even right for income tax. It is only the rate. That is what exactly it says. It says "Federal income tax rate increase." It does not say "a Federal income tax increase," it says "a Federal income tax rate increase."

So this Congress will not take a three-fifths vote. I question the constitutionality of it, as others did during the debate, but folks, that is the top rate. It is only the wealthy. If you want to increase their taxes, you have got to do a three-fifths, but if you want to increase the tax on the lower or middle income, you can do it by a majority.

That is what the Republican Party says. That is the new rule. That is the way they say they are going to protect those people.

Who are those people? You ought to look at their Federal election returns that they filed and see who gives them the money. You ought to take a look at the people who do the lobbying up here in Washington, DC, and take the Members for the trips. They are those people that have that high tax rate, so we are kind of giving them a guarantee with this rule that we are not going to touch them, and in return, maybe you just take some Members for a trip now and then, so everybody—the Member, he gets a trip, he gets some meals, he gets some freebies, and the lobbyist is not going to have his taxes increased. He is going to save a bunch of money.

That is basically a part of this rule that was done yesterday. What really amazed me during that whole debate, during that whole 20 minutes from this side when they discussed it, not once, not one Member, not even the Member from Pennsylvania, who was handling that section of the rule change, ever mentioned that it was only for income tax rate increase that we were requiring a three-fifths.

They kept saying it was on income tax raises, that you could not raise the income tax except for three-fifths. That is not right. That is not correct. They can raise the taxes on middle and low income with a majority vote. It just means that you do not raise on higher income, except by three-fifths.

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. VOLKMER) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. GEPHARDT, for 5 minutes, today.
Ms. KAPTUR, 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. VOLKMER) and to include extraneous matter:)

Mr. CAMP.
Mr. EMERSON in six instances.
Mr. KLECZKA.
Mr. TRAFICANT.
Mr. RICHARDSON.

ADJOURNMENT

Mr. VOLKMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes a.m.) under its previous order, the House adjourned until Monday, January 9, 1995, at 2 p.m.

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. CLINGER:

H.R. 422. A bill to amend subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities; to the Committee on Commerce.

H.R. 423. A bill to amend subtitle C of the Solid Waste Disposal Act to establish safety zones around Federal prisons in which certain facilities may not be permitted; to the Committee on Commerce.

H.R. 424. A bill to amend the Social Security Act to require the Secretary of Health and Human Services to equalize the labor and nonlabor portions of the standardized amounts used to determine the amount of payment made to rural and urban hospitals under part A of the Medicare Program for the operating costs of inpatient hospital services, to amend the Public Health Service Act to improve the capacity of rural hospitals to provide health services, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 425. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and certain other acts to provide for an increase in the number of health professionals serving in rural areas; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COMBEST:

H.R. 426. A bill to establish a National Committee on Telemedicine; to the Committee on Commerce.

H.R. 427 A bill to amend title 23, United States Code, to repeal provisions establishing a national maximum speed limit; to the Committee on Transportation and Infrastructure.

By Mrs. MINK of Hawaii:

H.R. 428. A bill to provide for an extension of H-1 immigration status for certain nonimmigrant nurses; to the Committee on the Judiciary.

H.R. 429. A bill to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh and along the Waihee Stream for inclusion in the Oahu National Wildlife Refuge Complex; to the Committee on Resources.

By Mr. TAUZIN:

H.R. 430. A bill to establish the National Dividend Plan by reforming the budget process, and by amending the Internal Revenue Code of 1986 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. FRANKS of New Jersey):

H.R. 431. A bill to require States to consider adopting mandatory, comprehensive, statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 432. A bill to amend chapter 601 of title 49, United States Code, to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison NJ, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.J. Res. 48. Joint resolution entitled the "Citizen's Tax Protection Amendment," proposing an amendment to the Constitution of the United States to prohibit retroactive taxation; to the Committee on the Judiciary.

By Mr. MEEHAN (for himself, Mr. FRANK of Massachusetts, Mrs. SCHROEDER, and Mr. SCHUMER):

H. Con. Res. 13. Concurrent resolution condemning the violence committeed in Brookline, MA, on December 30, 1994; to the Committee on the Judiciary.

By Mr. CLINGER:

H. Res. 29. Resolution declaring the sense of the House with respect to the National Performance Review's recommendation to dismantle the railroad retirement system; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COMBEST (for himself, Mrs. KENNELLY, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mr. RAHALL, Mr. SCHUMER, Mrs. MEEK of Florida, Mr. BOUCHER, Mr. GOODLATTE, Mr. TOWNS, Mr. POMEROY, Mr. STUMP, Mr. WYDEN, Mr. PORTER, Mr. BUNNING, and Mr. PICKETT):

H. Res. 30. Resolution expressing the sense of the House of Representatives that obstetrician-gynecologists should be designated as primary care providers for women in Federal laws relating to the provision of health care; to the Committee on Commerce.

EXTENSIONS OF REMARKS

PROTECT THE FLAG

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, today, I am introducing a constitutional amendment to prohibit desecration of the U.S. flag. Many will no doubt recall the furor when the Supreme Court in 1989 overturned the Texas conviction of Gregory Johnson and declared the Texas flag-burning statute unconstitutional. The Congress responded weakly, declining to pass a constitutional amendment and opting instead for a new Federal statute which prohibited desecration of the American flag. To no one's surprise, this statute was also declared unconstitutional by the U.S. Supreme Court. As a result, burning and trampling upon our Nation's most revered symbol is now constitutionally protected conduct.

The Court based its decision on first amendment freedom of expression. I believe strongly in the first amendment and in its protections, but there are recognized exceptions to the first amendment. Not every act of expressive conduct is protected. Libel and slander, obscenity, copyright and trademark laws, classified information, and perjury are but a few acts of expression which fall beyond the first amendment. So, too, should flag-burning fall beyond the first amendment. To paraphrase Chief Justice Rehnquist, flag burning is a grunt which is designed not so much to communicate but to antagonize.

Throughout history, the U.S. flag has been revered as the embodiment of the liberty and freedom which have become the hallmark of our Nation. This casual treatment of our Nation's most revered symbol is an affront not only to the flag, but to the ideals which stand behind it. It is an affront to the people who have served our great country in all capacities, but especially to those who have fought and died for America.

Flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. I hope that the mere fact that 5½ years have passed since the Johnson decision will not lessen enthusiasm for protecting Old Glory. I strongly urge my colleagues to join me in passing a constitutional amendment which would give the States and the Federal Government the authority to prohibit desecration of the American flag.

TRIBUTE TO DR. RUSSELL KIRK

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. CAMP. Mr. Speaker, I rise on this historic day to honor a man whose life was devoted to educating and promoting excellence in others. For over 40 years, Dr. Russell Kirk of Mecosta, MI, one of the leading conservative thinkers, was a beacon of light in a confused and muddled world. The sadness of his passing is tempered only by his tremendous contributions to academics and philosophy. His writings and lectures enlightened, educated, and entertained the many people who read his essays or attended his speeches. His ideas and the influence they generated will be felt for generations.

Dr. Kirk received his Bachelor's degree from Michigan State University and his Master's degree from Duke University. He had a distinguished career as a scholar, philosopher, and educator during which 12 universities conferred upon him honorary doctorates. Dedicated to the truth and a firm believer in its power and boundaries, Russell sought to promote verity through his many writings as well as debate and discussion.

Dr. Kirk was a great scholar and a strong advocate of education. He authored over 30 books and hundreds of political essays which helped define the conservative movement. As founder and editor of the "University Bookman," Dr. Kirk provided a forum for ideas and debate and served to educate readers while constantly seeking the truth.

Dr. Kirk's books and essays received high critical acclaim throughout the world and have sold over 1 million copies. Personally lecturing at nearly 500 colleges and universities, he sought to challenge students in order to open their minds to new ideas. His landmark publication, "The Conservative Mind," published in 1953, stands as a benchmark for conservative ideas and sparked the conservative movement which continues to influence leaders today.

During his career, Dr. Kirk received various honors such as the Presidential Citizens Medal, which was conferred upon him by President Ronald Reagan in 1989, as well as the Ann Radcliffe Award of the Count Dracula Society for his Gothic Fiction. He was also honored as the only American to earn the highest arts degree of the senior Scottish University and served as the President of the Wilbur Foundation, the Educational Reviewer, Inc., and as editor of the Library of Conservative Thought for Transaction Books. In addition, he was a Guggenheim fellow and a distinguished scholar of the Heritage Foundation.

Russell was a strong, quiet man who was committed to his family and friends. He and his wife, Annette, worked side by side as editors of the "University Bookman" while raising four daughters who continue in his excellent tradition. His dedication to education and commitment to family are the cornerstones of our Nation.

Over the years, Dr. Kirk enjoyed success professionally as an academic and as a published scholar in pursuit of knowledge and wisdom and privately as a husband and father. He served his fellow academics well and many of them have moved on but continue the pursuit of truth, justice, order, and freedom. His family continues to grow and pursue his love of education and debate.

It is work such as Dr. Kirk's that inspires us all to achieve the best we can, and to promote these qualities in others. Mr. Speaker, I know you will join my colleagues and I in honoring the work of Dr. Russell Kirk and the legacy of ideas and discussion he has left for us all.

ALTERNATIVE MINIMUM TAX LEGISLATION

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, I would like to bring to your attention legislation that I am introducing today to correct a little-known provision in the Tax Code that has caused a great deal of hardship and frustration to certain farmers in this country. To make matters worse, this tax provision occurred at a time during the late 1970's and 1980's when farmers where experiencing hard times economically due to the farm crisis of that period. Today, I am introducing legislation proposing that the effective date of section 13208(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA] be changed from 1981 to 1978.

Varying domestic and international economic conditions in the late 1970's and early 1980's contributed to the worst farm crisis this country has seen since the Great Depression. Many farmers, through no fault of their own, were forced into insolvency. During this time, there was speculation that the family farm would soon become extinct, and that the face of American agriculture would be forever changed.

Farmers who became insolvent were often forced to sell their farms under foreclosure. All of the proceeds of the sale went to the creditors; sometimes, despite the sale of the farm, they remained in debt. Yet the sale of the farm was treated as a preference item and, therefore, triggered the Alternative Minimum Tax [AMT].

As we know, Congress enacted the individual AMT in 1978 to take effect January 1, 1979. The AMT applied to all capital gains regardless of whether the sale was voluntary or involuntary. What this meant for insolvent

farmers was that these folks were suddenly hit with a large tax bill that they owed—a bill which they could not pay—on what may be termed as "ghost income."

Congress recognized this gross inequity in the Tax Code and the provision was amended in the 1985 COBRA law. Farmers who sold or exchanged their farms to their creditors in order to cancel their debt were allowed to reduce the amount of their tax preference. However, for some reason, the law afforded relief only to land transfers made after December 31, 1981.

This effective date left a 3-year open window, from 1979 through 1981 during which the AMT was in full force. The farmer who suffered the misfortune of bankruptcy in December of 1981 was in a very different and difficult position than the farmer who held on for just 1 additional month. The latter individuals are covered by COBRA's relief; the former individuals suffer the burden of an unfair tax.

According to an estimate from the Joint Committee on Taxation, enactment of this date change would cost less than $5 million. This is a proposal which would be enacted in the interest of fairness.

INTRODUCTION OF TAOS BOTTLENECK LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise today to introduced legislation to return nearly 765 acres of the Wheeler Peak Wilderness to management by the Taos Pueblo as part of the Blue Lake Wilderness.

The nearly 765 acre bottleneck track is one of the most sacred sites for the Taos Pueblo people: it has had religious significance for these people for thousands of years. In fact, the area we call the bottleneck is known as the Path of Life Lands to the Pueblo people because it contains their most sacred religious lands. Additionally, the Taos Pueblo was recognized by the United Nations as a World Heritage Site in 1992 in recognition of its status as one of the last remaining pre-Columbian civilizations in North America.

Legislation signed by President Richard Nixon in 1970 returned to the Taos Pueblo all lands that had been seized by the Federal Government with the exception of the bottleneck tract. Inclusion of the bottleneck lands would have decreased the acreage of the adjacent Wheeler Peak Wilderness below the legal limit required for wilderness designation so the land was not returned to the Pueblo.

The Wheeler Peak Wilderness has subsequently been expanded several times and the transfer of the 764.33 acres of the bottleneck tract would not affect the wilderness designation of the Wheeler Peak Wilderness. My legislation would end this saga and bring to an end the responsibilities of the Federal Government to return lands to the Taos Pueblo.

The land transfer to the Pueblo effected by this bill will enable the Pueblo to guard against the public intrusions that are presently occurring on surrounding Indian lands and sacred sites. These intrusions have occurred during sacred religious activities and are wholly inappropriate for such an area. Unfortunately, the Pueblo is powerless to prevent such intrusions without the return of the land to their management and jurisdiction.

Under the terms of the bill, the bottleneck lands would be used for traditional purposes only, such as religious ceremonies, hunting, fishing, and as a source of water, forage for domestic livestock, wood, timber and other natural resources.

Enactment of this legislation will not result in the transfer of the land out of wilderness status. The Pueblo will manage the land as wilderness under strict requirements allowing only tribal access to the area for the specific activities, consistent with the Wilderness Act, which I have just described.

In the past, this legislation has been supported by the entire, bipartisan New Mexico congressional delegation and by a broad coalition of environmental organizations including the Wilderness Society, the Audubon Society, and the Sierra Club at the local, State, and national levels.

This legislation has been passed by the full House in previous Congresses, yet never enacted into law. Throughout this period, the Taos Pueblo has continued to suffer the indignity of public intrusions on their sacred land. It is time to put this long, sad story behind us by enacting this legislation. It is time to return the bottleneck to the Taos Pueblo people.

I look forward to working with my colleagues on both sides of the aisle and in both Chambers to ensure that this saga is brought to an end and this bill is enacted into law in the 104th Congress.

The full text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TRANSFER.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) COMPLETION OF TRANSFER.—The Congress finds and declares that the lands to be held in trust and to become part of the Pueblo de Taos Reservation under this section complete the transfer effected by section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

SCHOLARSHIPS NEED TAX EXEMPT STATUS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, teachers in every State compete annually for the prized Christa McAuliffe Fellowship. This prize, named after the teacher who gave her life in the explosion of the space shuttle *Challenger*, was created by Congress in 1986. The fellowship is given to outstanding teachers across the country to improve their knowledge and teaching skills and to use innovative methods in their classrooms to teach their children.

When the Congress created the Christa McAuliffe Fellowship, it had the good sense to exempt these moneys from taxation: The fellowship is not truly personal income and it should not be treated as such. Moreover, if the fellowship is treated as personal income, it could well push the recipient into a higher tax bracket than he or she would normally fall.

For some reason, we allowed the tax exclusion of the Christa McAuliffe Fellowship to expire in 1990. Thus, if a teacher receives a fellowship and devotes those funds to school projects, he or she must pay the taxes out-of-pocket. One recipient told me she did not know of the tax implications at the time she applied for the fellowship. Had she been aware of the personal costs she would incur, she would have seriously reconsidered applying for the fellowship in the first place.

Today, I am introducing legislation to restore prior law and once again exclude the Christa McAuliffe Fellowship from the recipient's income. Taxing these fellowships doesn't help teachers, it doesn't help students, and it doesn't help education as a whole.

MS. SANDY JASKULSKI, 1994 ST. FRANCIS CITIZEN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. KLECZKA. Mr. Speaker, I rise today in recognition of Ms. Sandy Jaskulski, who has been named the 1994 city of St. Francis "Citizen of the Year".

Ms. Jaskulski was chosen for this honor in recognition of her commitment to family, church, and community. She has been a member of the St. Francis Association of Commerce for the past 14 years and serves on its board of directors. She is a current member of the council of independent managers. She has been an active member of the Cudahy VFW auxiliary for 20 years. In addition, she has been an active volunteer on behalf of the Metro Charitable Foundation, the American Cancer Society, and various activities at the Sacred Heart of Jesus Parish.

I ask my colleagues to join me in recognizing Ms. Jaskulski's remarkable contribution to the citizens of the city of St. Francis and in offering to her our sincerest congratulations.

FOOD STAMP PROGRAM SHOULD MEET NUTRITIONAL NEEDS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, today I am introducing legislation that would allow people who use food stamps to balance their diets and purchase vitamin and mineral nutritional supplements.

While it is possible to get adequate levels of most nutrients through careful selection of foods, the fact is that most people don't. The facts speak for themselves. A Government survey of 21,000 people showed that not a single person obtained 100 percent of the recommended dietary allowance [RDA] for each of the 10 nutrients. The National Cancer Institute recommends that people eat at least five servings of fruits and vegetables a day, but less than 10 percent of the U.S. population actually consumes five servings of these protective foods daily.

Last year, with overwhelming public support, the Congress passed the Dietary Supplement Health and Education Act of 1994. This legislative action was necessary to protect consumers' right of access to safe dietary supplements. Because of the growing scientific evidence of important health benefits from supplements, both established and potential, I believe food stamp recipients should be allowed the same access as other Americans to supplements containing essential vitamins and minerals.

Of course, the Food Stamp Program is our Nation's first line of defense against hunger. Each month, approximately 27 million low-income Americans rely on the Food Stamp Program to meet their basic nutritional needs. The purchase of vitamin and mineral supplements would complement the healthy and nutritious foods currently bought by food stamp recipients.

Vitamins and minerals are essential nutrients needed for good health and many vital functions. They can be found in conventional foods, either naturally or through fortification and enrichment, and in the form of supplements. Many millions of Americans use vitamin and mineral supplements every day. However, people who rely on food stamps to purchase their daily sustenance are not allowed to use their food stamps for supplements.

My legislation is simple and would permit vitamin and mineral supplements to be purchased with food stamp coupons. I view this legislation as a positive step forward in providing low-income Americans greater flexibility in meeting their nutritional needs through the use of wholesome and healthful vitamin and mineral supplements. I urge all of my colleagues to take a close look at this legislation and consider the positive health benefits that vitamin and mineral supplements can add to a healthy diet.

NOTCH LEGISLATION IS IN ORDER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce legislation of the utmost importance to over 6 million of our Nation's senior citizens. My bill, the Notch Baby Act of 1995, would create a new alternative transitional computation method for those born between 1917 and 1921, making a phase-in uniform over a 5-year period. The Notch Baby Act of 1995 would put to rest the notch issue once and for all.

As you may know, the Commission on the Social Security Notch Issue recently released its report on this issue. The Commission concluded that "no remedial legislation is in order." I strongly disagree.

In its report, the Commission offers an example of two workers who retired at the same age with the average career earnings. One was born on December 31, 1916, and the other on January 2, 1917. If both retired in 1982 at age 65, the difference in benefits was $110 a month.

I urge my colleagues in the House to take a close look at the Notch Baby Act of 1995. This legislation is an affordable remedy for the notch injustice that many in Congress have tried to ignore, hoping the problem would just go away. It won't.

Seniors deserve an end to the barrage of mailings and fundraising attempts made on behalf of the Social Security notch. Seniors deserve an end to the repeated congressional delays and stalls. Seniors deserve an end to the uncertainty. Seniors deserve action by the 104th Congress. Notch remedial legislation is in order.

GUARANTEE THE HYDE AMENDMENT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

Mr. EMERSON. Mr. Speaker, in the 103d Congress, the Freedom of Choice Act loomed on the horizon, threatening to write off the lives of millions of unborn children through unlimited abortion on demand. In November, the voters spoke. Across the Nation they showed that they feel that this Nation is on the wrong track. So today, I rise to introduce legislation which will reaffirm the most basic of human rights—the right to life.

One bill I am introducing will amend the Constitution to recognize the right to life and give that right express constitutional protection. The second bill I am introducing on this topic will essentially codify the Hyde amendment.

Since 1981, the House—through the Hyde amendment—has steadfastly stood by its stated belief that abortion should not be federally funded. The sole exception to the Hyde amendment is a circumstance in which the life of the mother would be endangered by the pregnancy or the birth. The House should continue this policy because the vast majority of Americans do not support abortion on demand.

I stand firmly committed to protecting the rights of the unborn. There is a certain dignity in human life which we must respect, for it is the foundation of each and every basic value we hold dear. The Federal Government should not fund a practice which directly contradicts our respect for life.

FOOD STAMP PROGRAM SHOULD MEET NUTRITIONAL NEEDS

HON. BILL EMERSON

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Thursday, January 5, 1995

MR. EMERSON. Mr. Speaker, today I am introducing legislation that would allow people who receive food stamps to purchase their diets and purchase vitamin and mineral nutritional supplements.

While it is possible to get adequate levels of most nutrients through careful selection of foods, the fact is that most people don't. The facts speak for themselves. A Government survey of 21,000 people showed that not a single person consumed the percent of the recommended dietary allowance (RDA) for each of the 10 nutrients. The National Cancer Institute recommends that people eat at least five servings of fruits and vegetables a day, but less than 10 percent of the U.S. population actually consumes five servings of these protective foods daily.

Last year, with overwhelmingly bipartisan support, the Congress passed the Dietary Supplement Health and Education Act of 1994. This legislation taken was necessary to preserve consumers' right of access to safe dietary supplements. Because of the growing scientific evidence of important health benefits from supplements, such consumers should be allowed to buy food stamp recipients should be allowed the same access as other Americans to supplements containing essential vitamins and minerals.

Of course, the Food Stamp Program is our nation's last line of defense against hunger. Each month approximately 27 million people receive Americans rely on the Food Stamp Program because their basic nutritional needs. The guarantee of vitamin and mineral supplements would complement the healthy and nutritious meals currently bought by food stamp recipients.

Vitamins and minerals are essential nutrients needed for good health and ability vital functions. They can be found in conventional foods, under natural or through fortification and enrichment, and in the form of supplements.

Food stamp recipients are not in the hungry or malnourished. Many millions of Americans live with access to an adequate supply of food. Many people who rely on food stamps to get their daily sustenance are not able to purchase those foods which are most nutritious to give their families a good balanced diet.

My legislation would allow food stamp recipients to purchase vitamins and minerals. I believe that would be a positive step toward improving the nutritional health of Americans. Please join me in supporting this legislation which would improve the health of children and families.

EXTENSIONS OF REMARKS 127-159

Sincerely yours,

Bill Emerson

Congressman, 8th District, Missouri

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

MR. EMERSON. Mr. Speaker, I rise today to introduce legislation of the utmost importance to over a million of our Nation's senior citizens. My bill, the Medicare Early Act of 1995, would create a new categorical eligibility administration for those born between 1917 and 1921, making a qualifying change over a 5-year period. The Medicare Early Act of 1995 would put in place the tools needed and fair.

As you may know, the Committee on the Social Security Action Issue recently held on its record on the issue. The Committee on claim noted that the medical expenditure is in order.

In its report, the Committee with offers on examples of two workers who retired at the same age with the average income earnings. One was born on December 31, 1917, and the other on January 2, 1918. Both retired in 1982 at age 65. The difference in benefits was $112 a month.

Unless my colleagues in the House to take a close look at the Medicare Early Act of 1995. This legislation is an affordable remedy for the nation's injustice that many in Congress have to ignore. Ignoring the problem would just go away. It won't.

Elements deserve an part to the hungry of millions and increasing attention made on behalf of the Social Security notes. Section deserve an end to the unemployed—a vital and state. Section deserve an end to the uncertainty. Section deserve reducing the burden Congress. Nutritional supplement is in order.

GUAR AGENCIES THE HOUSE AMENDMENT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 5, 1995

MR. EMERSON. Mr. Speaker, in the 103d Congress, the Freedom of Choice Act passed on the floor, thereby giving to women on the issue of abortion or cause of abortion through up-limited coverage in exchange, in voluntary, the private sector. Across the Nation, my fellow most may realize that this Nation is on the wrong path. So today, I rise to introduce legislation which will restore the most basic of human rights—the right to life.

One hill I am introducing will amend the Constitution to recognize the right to life and give that right, human, constitutional protection. The amount be a constitutional amendment. The bill also would restore the Hyde amendment.

Since 1973, the House—through its stance amendment—has consistently stood by its stated belief that abortions should not be generally funded. The Hyde amendment is a compromise in which the life of the mother would be endangered by the pregnancy or the fetus. The House should continue the policy because the vast majority of Americans do not support abortion on demand.

I also firmly commitment to protecting the rights of the unborn. There is a certain dignity in human life which will must respect for it is the foundation of each and every basic value we cherish. The Federal Government should not turn a blind eye which minority communities are begins in life.