SENATE—*Monday, January 23, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

In a moment of silence, let us remember Senator KENNEDY and the whole Kennedy family in the loss of the remarkable, resilient, Rose Kennedy.

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Eternal God, omnipotent (all powerful), omniscient (all-wise), and omnipresent (everywhere at once), we come to Thee on behalf of the Senators and their legislative staffs. Decisions are often difficult to make, even when they involve only ourselves or our families; but decisions made here impact States, counties, cities, and millions of people.

Gracious, all-knowing Lord, grant to these decisionmakers, aware of their limitations and fallibility, wisdom from above as they struggle to fulfill the mandates which they believe were expressed by the people in the last election. Grant the Senators grace to commit their works unto Thee, that their thoughts may be established in the light of truth.

We pray in His name who is the Light of the World. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. Mr. President, this morning the time for the two leaders is reserved.

SCHEDULE

Mr. LOTT. Mr. President, there will be a period for the transaction of routine morning business until 10:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each with the exception of the following Senators: Senators GRASSLEY and PRYOR for 15 minutes equally divided; Senator CONRAD for up to 30 minutes.

At 10:30, the Senate will resume the consideration of S. 1, the unfunded mandates bill. Under the previous consent agreement, there will be no rollcall votes prior to 4 p.m. today. Also, I wish to remind the Senators that under the agreement Senators who have amendments on the list that was agreed to have until 3 p.m. Tuesday to offer their amendments.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR and Mr. GRASSLEY pertaining to the introduction of S. 258 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAMS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from North Dakota [Mr. CONRAD] is recognized to speak for up to 30 minutes.

Mr. CONRAD. I thank the Chair.

FEDERAL FARM PROGRAMS

Mr. CONRAD. Mr. President, I rise today to issue a warning to those in Congress who are suggesting we eliminate or deeply slash the Federal farm programs.

These programs have given American consumers the lowest price and highest quality food in the world. These programs have helped make America's farmers preeminent among the world's food producers. They have helped agriculture produce a $17 billion surplus in trade, one of the largest of any American industry. These programs are the foundation of a $950 billion industry employing over 23 million Americans that delivers food and fiber to American families.

To those who would kill our farm programs, I say this amounts to unilateral disarmament in the battle for world agricultural markets. It is an unwise dismantling of our successful national food policy. Our agriculture programs are the foundation on which much of our ability to meet international competition is based. They are also the foundation for our national food policy, which has helped us become the most richly abundant nation in the world. No one would have suggested we do away with our missile defenses during the cold war. Yet some now suggest we do away with the farm programs that work for millions of Americans in the food industry and for all American consumers.

Let me just explain very clearly why U.S. farm policy is right for America. First, our agriculture policy is vital for preserving our international competitiveness. Second, agriculture is a fundamentally unique type of business. Third, Federal farm programs are crucial for American consumers.

Despite these compelling arguments, some people assume farm programs are an appropriate place to slash and even eliminate America's commitment to our most basic industry. Why do they assume this? Mr. President, I believe it is complacency. We have been so well fed and blessed with food security for so long that we have forgotten why we created the system.

I am here to remind America that the farm programs are part of an extraordinarily successful strategy to bring ample, affordable food to consumers and help us compete in a tough international fight for markets. Yet there remains a gap between our Federal agricultural policy and an appreciation for the food on our tables.

Complacency has allowed critics to create myths about agriculture. Myth 1 is that farm programs are not necessary in the world economy. Myth 2 is that agriculture is like every other type of business. Myth 3 is that consumers will benefit from the elimination of farm programs.

I am here today to dispel those myths. I say to those who are pointing their finger at agriculture, they should think twice. They are suggesting a reversal of the policy that has made our Nation the world leader in agriculture. They are seeking to dismantle the policy that has provided American consumers with the highest quality, lowest priced food in the world. They are jeopardizing an American industry that is the envy of every other country in the world. They must explain why we should fix a system that is not broken.

Mr. President, myth 1 about agriculture is that we do not need farm programs to compete in the world market. What many critics do not understand is that today there is an intense worldwide battle for agriculture market dominance. Our primary competitor is Europe. They have a plan. They have a strategy to win the world agricultural trade battle. They provide high levels of support to their producers to encourage surplus production. They dump those surpluses on the

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

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world market, undercutting our producers and grabbing international market share. They are on the march. They are on the move. Make no mistake.

Meanwhile, we sleep. We are blissfully unaware that our markets are being stolen from us day by day. One day we may awaken to learn that Europe has done to us in agriculture what Japan has done to us in automobiles and electronics. The Europeans understand that there is a war being waged for markets, and they believe ultimately there will be a cease-fire. They believe there will be a cease-fire in place, and they want to occupy the high ground. The high ground is dominating world market share. And, oh, how well their strategy is working. In a few short years, Europe has transformed itself from the largest net importer of wheat to the No. 2 exporter.

This chart shows precisely what has happened from 1960 to 1992. The red line shows European exports of wheat. The blue line shows imports. As one can see, Europe that was once the largest importer has now moved to the No. 2 exporter in the world. They have a plan. They have a strategy.

Let me just tell you what we are up against. The Europeans support their producers at rates 2 to 20 times the level of support we give our farmers. For example, the Europeans spend $119 per metric ton to support their wheat producers; 2½ times the U.S. level. This chart shows the difference. This is just government levels of support. Europe, $119 per ton, the United States, $46 per ton; over 2½ times our level of support. It does not stop with wheat.

The same is true for beef producers. Again, they support their producers at 2½ times the level we support our producers. Again, not surprisingly, Europe is No. 2 in beef exports.

This chart shows European support versus U.S. support for beef. This is in dollars per metric ton. Europe is $2,274 per metric ton. The United States is $878 per metric ton. Europe is supporting their producers at 2½ times the level that we are supporting our producers.

If that is not bad enough, Mr. President, let us look at oilseed. They give their oilseed producers 23 times the level of support we give our oilseed producers. While world oilseed demand and acreage have increased over 40 percent in the past 15 years, U.S. oilseed plantings have increased a minute 0.3 percent. European plantings have skyrocketed 330 percent.

Mr. President, this chart shows European support in oilseeds versus U.S. support—a dramatic difference. It is $329 a metric ton in Europe, $15 a ton in the United States. And we wonder why Europe is capturing market after market.

Mr. President, I hasten to point out that these examples demonstrate how much the European governments are supporting their producers. It does not count European consumer subsidies to their producers, which would make the levels of producer subsidy much higher.

Mr. President, this is not a level playing field. This means that American farmers must not only compete against French and German farmers. American farmers must compete against the French Government and the German Government. This means that Europeans take income from American farmers. This means that Europeans take jobs from Americans working in processing, transportation, and the input industry.

We can see how well this European strategy is working in trade negotiations, as well. While Europe supports their farmers at high levels, we consistently slash agriculture spending in this country. My colleagues should remember the early stages of the Uruguay round of GATT. The European GATT negotiators sat back, watched us cut our own programs and then toughened their negotiating position. We could have won more for our farmers and our agribusiness industry if we had not unilaterally cut our farm programs.

Instead of a level playing field, Europe held out for equal percentage reductions from these unequal levels of support. That assures they will remain on top.

Mr. President, again, I emphasize to those who are listening, the Europeans have a plan and a strategy to dominate world agricultural markets. Their plan, their strategy is to continue high levels of support—much higher levels than ours—on the assumption that at some point in this world trade battle, there will be a cease-fire. They believe there will be a cease-fire in place. They want to occupy the high ground. So in area after area, we see the European strategy playing out. Oh, how well it is working. We let them take advantage of us. We cannot allow that to happen again.

The Europeans support their producers at high rates for simple yet compelling reasons. They've been hungry. They know what it is like to go through war and not have a stable food supply. They have made conscious decisions to avoid that ever happening again. They also know that every field of wheat and every field of sunflowers creates jobs and processing, transportation and input industries. I admire them for their foresight and commitment.

Against these odds, agriculture in America is still one of the few sectors of the economy that contributes positively to our balance of trade. While the rest of the economy is heading for a $180 billion trade deficit, agriculture is producing a $17 billion trade surplus. The farm programs are the foundation on which our farmers are able to compete against these overwhelming odds. Remember, if American farmers do not grow it here, American workers do not transport, process and market it here.

I repeat, we are in a worldwide battle for market dominance. The Europeans hope the United States will give up and give in. They hope we will roll over. They hope we will flinch.

Mr. President, I am here to deliver a message. We must not back down. We must not unilaterally disarm. We must not retreat. We must fight if we are to preserve jobs and economic activity in this country.

The current battle in this global market is crucial for millions of American jobs. That is precisely what is at stake—American jobs. The question is this: Will we stay in this fight? We cannot win the battle with our hands tied behind our backs. If we give in, we lose. This is not a question of subsidies. It is a question of whether we are going to stand behind our farmers in this global market battle. It is a question of whether we are going to stand for American jobs.

Today, we are at a crossroads. We are beginning debate on the 1995 farm bill, a bill that will set American agriculture and food policy into the 21st century. At the same time, debate on another round of GATT will begin in the next few years. The choice is ours. We engage, or we retreat.

Mr. President, myth two about agriculture is that it is like every other type of business. That is simply not the case. Unlike any other sector, farmers produce a basic human need: food. To sustain that abundant food supply, we maintain a reserve of basic commodities to fulfill our food and feed needs in times of shortfall. The reserve is a national food security system, an insurance policy for consumers against shortfalls in crop production. Inherently, reserves depress prices and reduce farmers' incomes.

For many decades, the people of this Nation have believed that maintaining a stable reserve of critical commodities is in our national interests. For decades, we have believed that we should maintain producers' incomes at levels sufficient to sustain a stable supply. That is why we have farm programs.

Not only do farmers produce a basic human need and maintain large inventories, but farmers must also deal with a highly volatile factor—the weather.

In other parts of the world, droughts have killed hundreds of thousands of people. Thankfully, our Nation has always been spared famine. We have had a rational food policy. Americans need not think long to recall the last time weather had a disastrous impact on U.S. agricultural production—the last time we made a claim on our national food insurance policy. The 1993 flood reduced corn production by one-third. Luckily for the American consumer, we had stocks of grain on hand, a land

reserve to increase plantings, and favorable weather in 1994 to replenish our supply.

How much would consumers have spent on higher food costs without a farm program? The answer is billions of dollars. On top of the billions of dollars consumers saved in 1993, food stocks in hand during the 1988–1989 drought saved consumers some $40 billion in higher food costs. That is how a national food policy should work, and that is how our national policy does work.

Moreover, the research that agriculture supports has given consumers a second insurance policy. Insects and disease have always presented formidable and destructive problems to agriculture. For example, 1993 wheat production in some counties in North Dakota was cut 50 percent by disease. Farmers burned literally millions of acres of wheat destroyed by that disease. Researchers are now hard at work to prevent the spread and find a cure.

We can remember what happened in other times, in other countries that did not have such a vigorous effort, such an insurance policy.

The potato famine of the mid-19th century in Ireland provides a dramatic example of the importance of disease research. One single fungus destroyed Ireland's potato crop, forcing many into starvation. Fortunately for U.S. consumers today, food production research in the U.S. targets disease early, limits the spread, and prevents that type of human devastation.

Mr. President, myth three about farm programs is that their elimination will benefit consumers. The purveyors of myth three ignore clear evidence to the contrary.

First, American citizens enjoy a safe, high-quality, abundant, and stable food supply. Second, we spend less of our disposable income on food than any other consumers in the world.

I have brought this chart to show what we pay in this country versus what other consumers in other countries pay. I think it is very revealing. This shows the percentage of income that goes for food. In Italy, 26 percent of their country's income goes for food—26 percent. In Australia, 23 percent; in Japan, 19 percent; Germany, 19 percent; France, 16 percent; the United Kingdom, 12 percent; Canada, 11 percent; and in the United States, 8 percent of our income goes for food, the lowest cost food in the world. And there are those who suggest we eliminate the underlying programs that make this possible. Mr. President, that makes no sense.

We have been in a time when we spend less of our income for food than do the consumers of any nation, but at the same time we have achieved that result, we see food prices continuing to fall. According to the USDA, consumer spending has dropped from 10 percent of income in 1970 to 8 percent today. So not only have we achieved the lowest cost food in the world, but we have also kept food costs going down. In 1970, 10 percent of the average American's income went for food. In 1991, it was down to 8 percent.

And of that declining percentage, only 22 cents of each dollar goes to the American farmer. Further, the cost of marketing food has been the principal factor affecting consumer costs.

Let us just look for a moment at the price of bread. This chart shows what has happened with U.S. wheat prices versus what happened to bread prices. Wheat prices have been relatively stable. Bread prices have continued to rise. In other words, there is virtually no relation between the consumer cost and the price the farmer receives. Clearly, the increase is not going into the farmer's pocket. To further illustrate, from 1983 to 1993, 85 percent of the rise in consumer food costs went to the marketing bill, not to farmers.

Returning to our examples of the 1993 flood and the 1988–89 droughts, while production dropped sharply, consumer prices remained stable. Again, this is how the farm programs are supposed to work and it is how they do work—protecting consumers against the dramatic fluctuations in supply that can occur because of weather-related and disease-related disasters.

What would happen if farm programs were eliminated? Very likely, reserves of grains would be reduced, prices would fluctuate, and consumers' cost of food would increase. Does that sound like something that is good for the American consumer? Absolutely not.

Mr. President, we are now engaged in a debate about how to reduce the budget deficit. I support a balanced budget. I have not only voted for deficit reduction measures, I have offered my own plans, as a member of the Senate Budget Committee, every year I have been in the U.S. Senate.

But let us look at what you get if you eliminate agriculture spending. You do not get much. Agriculture represents less than 1 percent of the entire Federal budget.

This chart shows Federal outlays from 1996 to 2002, the period about which we are talking about balancing the Federal budget. Here is interest on the debt, nearly $2 trillion over that period; defense, over $2 trillion; Social Security is nearly $3 trillion; domestic discretionary spending, just over $2 trillion; Medicare, almost $2 trillion. Where is agriculture? Where is agriculture, Mr. President? It is this little, tiny slice right here. You almost cannot see it.

That is because, of the $13 trillion that we are projected to spend over the next 7 years, $87 billion is for agriculture—$87 billion out of $13 trillion, far less than 1 percent of Federal spending.

Mr. President, I repeatedly encounter press reports of someone suggesting we cut agriculture and that cutting agriculture will somehow solve our deficit problems. It simply will not.

Not only is it a small pot of money, it is a dwindling pot. Agriculture spending has suffered dramatic cuts in recent years. In constant dollars, farm spending dropped a full two-thirds since 1986. Still, some continue to point their finger at agriculture as the cause of our deficits. Nothing could be further from the truth.

Mr. President, this chart shows in constant dollars agriculture program spending: In 1986, expressed in 1994 dollars, $35 billion; in 1994, down to less than $12 billion, a dramatic reduction. In fact, if other parts of the budget had suffered the same reductions that agriculture has experienced, there would be no deficit problem. We would be in surplus.

Mr. President, many critics of farm programs suggest that because some forms of agriculture production in the United States survive without Government programs, all commodities should be able to operate in that manner. Most often mentioned are livestock and fruits and vegetables.

Let us just take livestock off the table right away. Anyone who suggests the livestock industry operates without the benefit of feed prices stabilized by our farm program is sorely misinformed.

Fruits and vegetables are another case. Fruits and vegetables are perishable. While a reserve would be highly impractical, the prices of many such commodities are stabilized through marketing orders administered by USDA. So, in fact, we do have price stabilization programs for the vast majority of agricultural commodities. That is why consumers enjoy stable supplies, high quality, and modest food prices.

Mr. President, I believe I have demonstrated how important farm programs are to consumers. Now let us take a hard look at how the elimination of farm programs would affect producers.

Who are these producers? They are good citizens. They are hardworking people. They get up early. They work late. They support their communities. They pay taxes. And, Mr. President, far from the media-generated image of wealthy folks, the average net farm income in North Dakota is $20,000 a year. I know that is hard to believe when one sees portrayed over the media these images of wealthy farmers who are farming the mailbox.

Mr. President, that is not the way it is. I come from North Dakota. I go across the State of North Dakota, through cities and towns, visiting farmsteads. I get a chance to see what the condition is in rural America.

The hard reality is that the average farmer in my State is earning $20,000 a

year. They have strong families. Farming is a family business. They raise good children; children that grow up with a strong work ethic, a good education, and good values.

But those children rarely come back to farm because they do not see a future in it. They do not see a good opportunity. They do not see a secure and profitable profession. They see a struggle. They see a struggle to raise a good crop, a struggle to withstand low prices, a struggle to persevere through hail, drought, or flood.

They watch their parents struggle and they ask why.

Mr. President, I think we find farm families staying on the land not because it makes sense financially, because the rate of return for agriculture is as low as any industry one can find. I believe they stay with it because it is a way of life.

What will the cuts that some people are suggesting do to this way of life? In North Dakota, the effect would be dramatic. According to USDA statistics, in 1993, farm program payments represented 82 percent of net farm income—82 percent of net farm income represented by Federal farm program payments. Nationally, startling statistics from the U.S. Department of Agriculture provide a clear picture of what is happening on the farm. Let me quote:

> * * * recently, entry has fallen fastest for farms operated by those under 35.

They go on to say:

> * * * the most noticeable change in the 1992 census (of Agriculture) was among 35-to-44 year-old farmers. Farm exits for this age group increased * * *

What does this tell us? It tells us that farming is not an economically attractive business. It is high risk, not high income.

Again, according to USDA:

> Approximately 90 percent of all farm operator households received some income from off-farm sources.

If farming were such a profitable business, far fewer households would have to search for alternative sources of income to meet their needs.

Finally, the difference between the Consumer Price Index and the prices received for farm commodities clearly portrays the pressure that farmers face.

Mr. President, this chart shows the farmers' financial squeeze. The Consumer Price Index rises much faster than farm prices. This chart shows from 1982 to 1993 the relationship between the Consumer Price Index, the prices that farmers pay for things, and farm prices, the prices that farmers get. This chart tells us a very clear story:

From 1982 to 1993, the red line shows farm prices. It has been relatively stable. The blue line shows what has happened to the Consumer Price Index. It has risen each and every year on a steady course. So the gap between what farmers pay and the prices they receive has steadily grown.

Farmers are being squeezed by low farm prices and rising costs. Further, agricultural program cuts will damage rural America in profound and irreversible ways. At a time when we need sustained economic growth in both rural and urban areas, the needs of rural America cannot be ignored. It would be flawed economic policy.

In conclusion, let me restate why we need to maintain our agriculture policy. First, agriculture programs are the foundation for our international competitiveness. Without them, we unilaterally disarm in the world trade battle. That would harm American farmers, eliminate American jobs and threaten America's economic security.

Second, agriculture programs are insurance policies for consumers. Without farm programs, consumers lose security over a basic human need: Food.

Finally, agriculture is a fundamentally different form of business. To work properly, it must maintain a reserve, but that reserve depresses prices for farmers and benefits consumers. Because of agriculture's differences, farm programs are essential.

We as a nation have maintained an agriculture policy for decades to protect producers and consumers. This is not blind generosity. This is not aimless policymaking. This is not luck. Those who seek to destroy the farm program must demonstrate why their way is right for America. The burden of proof is on them. I think the facts prove they are dead wrong.

Our agriculture policy works. We have proof that it works. We must not destroy a program that is proven to deliver an abundance of low-cost, high-quality food. We must not destroy a program that has made America the world leader in agriculture. We must not destroy a program that has worked. We must not unilaterally disarm.

I thank the Chair, 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. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

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.

Mr. DOLE. Mr. President, is leader's time reserved?

The PRESIDING OFFICER. It has been reserved.

TRIBUTE TO JOHN WHITE

Mr. DOLE. Mr. President, the official State motto of Texas is just one word. And that word is "Friendship."

That word was also the motto of John White, one of the great sons of Texas, who passed away on Friday.

John was a Democrat through and through. But John knew that partisanship is not as important as friendship. He knew that partisanship is not as important as decency. And he knew that partisanship is not as important as patriotism.

Friendship. Decency. Patriotism. These were the hallmarks of John White's career in public service. It was a career that saw him serve for over a quarter of a century as Texas Agriculture Commissioner, as Deputy Secretary of the U.S. Department of Agriculture, and as Chairman of the Democrat National Committee.

But John's influence extended far beyond the jobs he held. Former Congressman Jake Pickle said,

> John was a small-town man who grew into national prominence because he had a lot of just plain common sense.

Almost from the day he arrived in Washington, Presidents, Senators, Congressmen, and countless others called upon John for counsel and for common sense.

And no matter how busy he was, John always answered the call.

Mr. President, I know that all Members of the Senate who had the privilege to know John, join with me in extending our sympathies to his wife, Nellie, and to his entire family.

TRIBUTE TO ROSE KENNEDY

Mr. DOLE. Mr. President, along with all Members of the Senate—and all Americans—I join today in mourning the passing of a true American treasure, Rose Fitzgerald Kennedy.

Services for Mrs. Kennedy will be held tomorrow in Boston, and our thoughts and prayers are with Senator KENNEDY and his entire family.

Rose Kennedy's remarkable life was full of hills and valleys. And through moments of triumph and tragedy, Rose Kennedy exhibited a seemingly endless supply of grace, grit, and courage.

There were two enduring principles at the center of Rose Kennedy's life. The first was love of family—and what a remarkable family it is. Over the past half-century, the Kennedy name has become synonymous with public service.

Indeed, during Rose Kennedy's life, she would see three of hers sons serve in the U.S. Senate—one of whom, of course, became President of the United States.

One daughter currently serves as Ambassador to Ireland; another is regarded as one of the great humanitarians of our time.

Two grandsons currently serve in the U.S. Congress; and just last week a granddaughter was sworn-in as Lieutenant Governor of Maryland, and a grandson became a member of the Maryland House of Delegates.

The other principle at the center of Rose Kennedy's life was love of God. And it was that love that enabled her to survive through the deaths of four of her children.

Many words will be written and spoken in the coming days about Rose Kennedy, but none will be more eloquent than those of our colleague, Senator EDWARD KENNEDY, who said, "She was the most beautiful rose of all."

ROSE KENNEDY

Mr. KEMPTHORNE. Mr. President, I want to join my voice with so many other voices in expressing sorrow at the loss of Rose Kennedy, a woman who epitomized, I think, strength and class and grace; and say to Senator KENNEDY and all the members of the Kennedy family that our thoughts and our prayers are with them as we celebrate the life of that remarkable woman.

THE PASSING OF GREATNESS

Mr. BYRD. Mr. President, as one of millions upon millions of Americans mourning today the passing of a great woman, I want to extend to our colleague Senator EDWARD KENNEDY from Massachusetts, and to his extended family, my wife Erma's and my condolences on the death yesterday of his mother, Mrs. Joseph P. Kennedy—Rose Fitzgerald Kennedy, as we knew her best.

Some Americans have expressed a regret that our representative democracy precludes the granting of titles of noble recognition as is common among our British cousins.

To be certain, if titles were granted in America to those most worthy, Rose Fitzgerald Kennedy would long, long ago have been known affectionately as "Lady Kennedy."

Indeed, given her innate intelligence, political acumen, and enviable sense of self, had Rose Kennedy been born perhaps 50 years later than she was, she might well have been the first United States Senator in her family.

Instead, being born 104 years ago, from her childhood and youth, Rose Kennedy imbibed the air of the politics of Boston, of Massachusetts, and of America, and learned to play magnificently the role of wife to her husband and mother to her sons and daughters as she brought her incomparable strengths and graces to bear on their successes.

Rose Kennedy's life spanned more than half the history of the Republic of the United States. For much of that history, Rose Kennedy was a frontline participant in the great events of our era, and in more than a peripheral fashion.

Where else in American history can be recorded that one woman was the wife of an Ambassador to the Court of St. James, the mother of an American President, the mother of three United States Senators, mother of the Attorney General of the United States.

And, perhaps, above all else, Rose Fitzgerald Kennedy will live on in the hearts and memories of untold millions of Americans who witnessed her fortitude and faith in the face of pitiless tragedy in the loss of three of her sons in the service of our country—her son Joe, Jr., in World War II, and her sons John and Robert to the mindless hatred of the previously nameless assassins on whom infamy will forever rest through the sins against our country and history itself that they committed in murdering these two outstanding men.

Mr. President, I hope that the members of the Kennedy family will experience some degree of comfort in the condolences that we offer them today, and, more importantly, that the Kennedy family will find increased strength in consolation in recalling the strength and character that Rose Kennedy embodied and in realizing the affection and reverence in which she was held by the American people and by people around the world.

Let Fate do her worst, there are relics of joy,
Bright dreams of the past, which she cannot destroy;
Which come, in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled!
Like the vase in which roses have once been distilled,—
You may break, you may shatter the vase, if you will,
But the scent of the roses will hang round it still.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to compliment the Senator from West Virginia for a beautiful tribute to a remarkable woman. I know that will be of great, soothing comfort to the family.

I think on behalf of many people, I say how much we appreciate the tribute.

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I, too, would like to associate myself with the remarks of the Senator from West Virginia. It is hard to believe that Rose Kennedy in her 104 years comes close to encompassing almost half the time period that this country has been in existence—a little short of that, but not very much.

It has been my pleasure to know her from some years ago. I have not see her in recent years, but we were visitors with the Kennedy family on a number of occasions years ago when she was there. We got to know her as a very gracious lady.

I think Senator BYRD has very properly given the accolades that he has, that she has so well deserved. And I associate myself with his remarks at this time.

Mr. BYRD. Mr. President, I thank the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Rhode Island.

ROSE FITZGERALD KENNEDY

Mr. PELL. Mr. President, I wish to extend my wife's and my deepest sympathy to our colleague, the senior Senator from Massachusetts [Mr. KENNEDY], on the death of his mother, Rose Fitzgerald Kennedy. I extend condolences also to two of her grandsons, my Rhode Island colleague Representatives PATRICK KENNEDY and Representative JOSEPH KENNEDY of Massachusetts.

No other woman in American history can match the distinction of Rose Kennedy in nurturing progeny for distinguished service to the Nation. Three sons who became U.S. Senators, one of them a President, and now in the next generation two grandsons in the House of Representatives, a granddaughter who is a Lieutenant Governor, and another grandson in a State legislature.

History will look back in wonder and admiration at such a family and especially at the woman who instilled it with so much vitality and high sense of purpose.

Rose Kennedy was privileged to savor the highest of life's triumphs but she also had to bear the burdens of tragedy of almost unbearable weight. Where lesser mortals would have been crushed by such adversity, Rose Kennedy remarkably kept on course, guided, as it were by some strong inner compass.

We know now that the compass was steadied by her own great faith and religious commitment, and that these were the sure cornerstones on which she built her extraordinary family.

Rose Kennedy left a legacy like no other to the Nation, and the Nation will always be grateful.

Mr. President, there is only one other woman in history that comes anywhere near Rose Kennedy, in my memory or in my view. That is the mother of Napoleon, Madam Le Mere. She ruled the known world at the time, most of Europe and the countries there. And she, herself, gave her imprimatur to all kings and queens and rulers around Europe.

I send all my sympathy to Senator KENNEDY.

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

The PRESIDING OFFICER. The legislative clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCERN OVER MEXICAN DEBT

Mr. PRESSLER. Mr. President, I would like to rise to say a few words about the Mexican debt situation and about our relationship with Mexico. I have been very troubled that our leadership has agreed to support this loan guarantee package with Mexico without further analysis.

There are two things that give me great trouble, and as a member of the Finance Committee I will be asking some very hard questions. First of all, why can we not get this package collateralized? Why can it not be attached either to the Mexican oil resources or to some other collateral, because I am afraid the American people may not get their money back.

Many who are advocating this are going around saying it will not cost us anything. But I have been in this body since 1978, and the House since 1975, and I have heard this again and again, and the U.S. taxpayers frequently end up paying the bill.

The second thing that troubles me a great deal is the Chile example. Economists tell me that the example of what happened in Chile in the early 1980's is almost perfectly analogous to what is happening in Mexico. For example, in Chile in the early 1980's they had a similar economic crisis where their money had been devalued and Chile was unable to get any assistance from the United States at that time because General Pinochet, the dictator, was not approved by the United States and the United States had cut off all aid and even economic relations with Chile so Chile had nowhere to turn.

Under General Pinochet's leadership Chile made economic reforms. They tightened their belt, they went through the steps necessary to restore their economic health internally, and today Chile is one of the most prosperous and booming countries in the world. Indeed, Chile is emerging like one of the supereconomies that we have seen emerge in Asia. Chile is the first such supereconomy of South America. And Chile now seeks to join in a trade agreement with the United States. Its businesses are competing around the world.

If we roll history back and imagine that in the early 1980's Chile had been a democracy and we had been giving aid to Chile, we would have given Chile a series of loan guarantees and aid and Chile would not have made the necessary economic reforms. And Chile would probably still be a struggling Third World country today.

So I say the same is true with Mexico at this time, 1995. Mexico has not taken many of the strong measures necessary. I had great hopes for the last Salinas government. It seemed, as it got toward the end of that time, Mexico, and the PRC, in wanting to win the election, took softer and softer economic policies, devaluing, trying to create artificial wealth, printing money, and doing all the things they are not supposed to do in terms of sound economic decisions.

Now should the American taxpayers be asked to pay for that? Once again we are in one of these circumstances where a lot of aid would be going to some of our large bond funds and banks in the United States. Mutual bond fund types who bought a lot of the Mexican paper would be bailed out. We would be bailing out a lot of our own mutual bond funds, banks and others.

We are also bailing out the Mexican politicians who did not make the right decisions and the hard decisions, who did not tell their people the truth in their speeches as they went about Mexico. But the worst part of the whole thing is, aside from bailing out private groups who maybe do not deserve it, the worst of all is that we may well be delaying real reform in Mexico. Would it not be better to let 6 months or 1 year pass and observe that Mexico is taking some of those tough economic measures? Why do we have to act on this so quickly?

I think Mexico should be required to make internal economic reforms and also to collateralize the loan guarantee. The Mexicans refuse to sell their publicly owned oil fields and oil industry, which was nationalized at one point. It is a socialistic endeavor and a very unhealthy one in terms of what it produces for Mexico. Here we are, a free-enterprise country, giving a noncollateralized guarantee to Mexico while not requiring them to sell their oil industry. The economists tell me if they were willing to privatize their oil industry, they could have far in excess of the billions of dollars they are seeking from the United States.

So in closing I would like to say, let us call this what it is. It is a bailout. There are many arguments that are made—the specter of refugees coming across the border, et cetera, et cetera. But we are going to have the same problem again in 2 or 3 years unless Mexico makes the economic reforms that are necessary. Let us look at the Chile example, the example of a country that made the reforms, did not get any aid from anybody, and is one of the healthiest countries in the world today.

In terms of foreign aid, I have observed over the years the countries that have developed the most economically in the world have been those that have not received economic aid from the United States—with one or two exceptions. All the tigers of the Far East did not receive aid packages from the United States. They did it themselves. Many of the countries that we have consistently given foreign aid to have faltered, have not made internal decisions, have expected a handout, and have remained very, very poor. So we have not done these poor people a favor. As Chile, when they needed help and they were looking for international grants and aid—nobody gave it to them. They have become the most prosperous country in South America as a result of it.

So I think there is something to be learned here. I know it may sound harsh. Maybe it sounds cold and calculating. But if we really want to help people, sometimes we should require they make reforms before we give them aid, or we should try to give them trade rather than aid. Also, I point out the huge budgetary deficit we have in our own country and the number of people we have in need of some kind of small business assistance here within the United States.

So, I have made it known to the leadership I was disappointed that both sides, both the President and Republican and Democratic leadership, endorsed this plan without further consulting and assessing the feelings of other Members of the Congress. As a member of the Finance Committee, I do not feel obligated to support this until I see much more collateralization, until I see much more performance on the part of the Mexicans in terms of getting their house in order, and until I see the American taxpayers reassured.

Recently I have been in on some debates about privatizing public broadcasting in this country, and I have been criticized for things I have never said. I find that privatizing sounds bad to some people inside the beltway. The fact of the matter is, there are ways that public television can make a great deal of money through programming rights, through working with regional communications companies, and through working with other communications companies. In terms of marketing the product that they have, they can make a lot of money and they can save the taxpayers money. But in the whole debate the taxpayer is almost forgotten.

So it is with the Mexican debt issue. Let us think about the taxpayers of this country as we consider the Mexican debt situation.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that?

Mr. PRESSLER. Yes.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayer.

Many politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress, which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Friday, January 20, 1994, the Federal debt stood—down to the penny—at exactly $4,796,537,934,595.60, or $18,207.74 per person.

Mr. President, it is important that all of us monitor, closely and constantly the incredible cost of merely paying the interest on this debt. Last year, the interest on the Federal debt totaled $190 billion.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

A TRIBUTE TO SEATTLE'S BRAVE FIREFIGHTERS

Mrs. MURRAY. Mr. President, 2 weeks ago, four Seattle firefighters died in the line of duty: Lt. Walter Kilgore, Lt. Gregory Shoemaker, and firefighters Randall Terlicker and James Brown. They are heroes in the truest sense of the word. Jon Gillis, president of the Seattle Firefighters Union, said these four men gave their lives for the noblest of causes, for the safety and protection of others. I join him in that sentiment.

In the midst of this tragedy, the community came together to pay homage to these fallen firefighters. But the pain of this loss extended beyond Seattle: More than 10,000 firefighters, police officers, paramedics, and citizens from across North America and from as far away as Australia, came to Seattle to honor these firefighters.

Too often, we fail to say thank you to these brave men and women who serve us as firefighters, police officers, and members of the Armed Forces. The professions they have chosen are full of risk. Seattle Mayor Norm Rice recently reminded us these guardians of our society play a special role, and, tragically, sometimes pay the ultimate price for their service. They are extraordinary individuals and make a real difference in our lives and in our communities. They are quiet heroes who deserve our respect, our admiration, and our gratitude.

Their families also share the hardships and pain that come along with these jobs. I know because one of my brothers is a firefighter in Tacoma, WA, and I can tell you the danger inherent in his job is felt by his immediate and extended family. I would like to take this opportunity to personally thank the men and women, and their families, who dedicate their lives to protecting our communities.

I am deeply saddened by the death of these four firefighters, and want to pay tribute to the sacrifice these extraordinary individuals have made. Lt. Walter Kilgore, Lt. Gregory Shoemaker, and firefighters Randall Terlicker and James Brown truly represent what is best about America.

ON THE LIFE OF MARIYAMA DOROTHY COLE

Mr. DODD. Mr. President, it is my great pleasure to take this opportunity to remark on the life of Mariyama Dorothy Cole, who passed away this month.

Mariyama, a resident of Windsor, was an inspiration and joy to her family and friends. She was Marie to all who knew her. Marie was a girl of unique and distinctive beauty, but it was her inner strength and serenity that were most remarkable.

To understand what made Marie a person so deserving of recognition one must know the awesome changes Marie helped inspire and the incredible perserverance she demonstrated on a daily basis.

Today, because of Marie, children in the State of Connecticut who have complex health care needs of disabilities are better able to live at home with their families. Mariyama and her family challenged existing policies that were contrary to family unification. She was instrumental in the passage of several pieces of legislation that will foster better services for families and children. She was the first child with special needs to attend totally inclusive classes in her hometown high school.

Throughout her 18 years of life, Marie gave more love and educated more people than most individuals do in two lifetimes. Mariyama's determination was mighty; her courage and fortitude fierce; her presence impossible to ignore. She asked for nothing and yet taught her family and friends how to give and share with others the love that overflowed from her.

Marie has left an indelible mark on my State. Thousands of children have already benefitted from Marie's life, and many more will benefit from her legacy.

MEDICAL EMERGENCY FOR SENATOR PATRICK LEAHY

Mr. DASCHLE. Mr. President, I would like to inform my colleagues that Senator LEAHY was not present for votes Thursday evening due to a family medical emergency. On behalf of the Senate, I extend our prayers to his entire family and our hopes that he will be able to resume his official duties very soon.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PELL. Mr. President, this year marks the 30 year anniversary of the establishment of the National Foundation on the Arts and the Humanities. In 1965 Senator Jacob Javits and I sponsored this legislation to foster the development of excellence in American art and culture. After a long and distinguished history of nurturing the arts in our Nation, the National Endowment for the Arts has in recent years become the subject of some controversy concerning the funding of certain works which many of our citizens consider offensive. In light of this, I would like to explain why I believe that the National Endowment for the Arts has been a tremendous boon to our Nation and should continue as a viable entity for the support of American culture.

Our Nation's Arts Endowment provides critical assistance for cultural works and presentations in music, theater, literature, dance, design arts, and folk arts around the country. This year, in my own State of Rhode Island, the Endowment provided funds to renovate painting and sculpture facilities in the Museum of Art at the Rhode Island School of Design, supported an after-school arts education program for minority neighborhood youth in the fourth and fifth grades, and funded the Trinity Repertory Theater, one of the Nation's premier theaters. In other areas, the NEA funded a Music in our Schools program in Providence and aided a folk arts apprenticeship program. Without this funding, Mr. President, many of these programs would simply not exist. In this context, I ask unanimous consent that these editorials from the Providence Journal and others from around the country in support of the National Endowment be printed in the RECORD.

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

[From the Providence Journal, Jan. 15, 1995]

WE NEED THE NEA

The Newt Congress has cast a cold eye on the National Endowment for the Arts, the federal agency that provides grants to arts organizations and individual artists.

As federal budget items go, the NEA is no behemoth. Its allotment this year is $167.4 million, nearly $3 million less than the endowment had to work with a year ago, and an annual outlay of roughly 65 cents for every man, woman and child in America. (When was the last time you could get into even a neighborhood puppet show at that price?) Compared with governments in most Western European nations, ours expends a pittance on art. And the NEA budget is dwarfed by the $9 billion Americans give privately to the arts each year.

Yet despite its modest draw on federal revenues, the NEA has for some time been a favorite target of some conservatives, who like to focus on the few projects they consider obscene, and an offense to family values, while ignoring the much greater sums that help keep small orchestras, ballet troupes and less controversial artists going.

In Rhode Island, $829,700 in NEA money went to 15 artists and arts groups in the fiscal year that ended last September. The bulk went to the Rhode Island Council on the Arts, which distributes support to a variety of projects. Other stipends went to four individual artists (in visual arts, dance, literature and translation), and to such groups as the Rhode Island Philharmonic, Trinity Repertory Theater, RISD, Brown and the Langston Hughes Center for the Arts.

Massachusetts, during the same cycle, garnered 153 grants worth $4.9 million.

A legitimate philosophical question lies beneath the often vituperative attacks on the NEA. That is, should the federal government play any role at all—however small—in supporting the arts? In an era of deficits and taxpayer discontent, the question has new urgency. Certainly no program should be shielded from a rigorous appraisal of cost-effectiveness; and all agencies must share in overdue federal fiscal discipline.

In the 1960s, when the NEA was conceived, the rationale seemed simple. Most popular forms of entertainment (movies; TV; recordings) paid for themselves. But what about the artistic and cultural experiences that many people had less contact with?

Who would make opera accessible to more than just the wealthy; assure that painters received training and a chance to paint; and help keep classical musicians playing? The government saw a role for itself in nourishing work that might not instantly withstand the judgment of the marketplace but might enrich culture over time.

Minus certain Cold War distortions, the rationale for subsidizing the arts was little different from that for supporting academic and scientific research. Not every American should have to agree with the worth of each individual project; it was the idea that the general category was a good to an advanced society.

But why not simply turn all of this over to the private sector—nonprofit institutions supported by business and individuals? First, such institutions are simply not equipped now to shoulder what for them would be such a heavy transfer of obligation. Many arts organizations would be left foundering during the interim. Additionally, federal arts dollars function as seed money, attracting extra financing from local governments and the private sector. The federal imprimatur lends legitimacy, and helps to guide private involvement. As a result, it is easier for artists and arts groups to raise the money they need than if they had to appeal solely to the private sector.

But finally, a federal arts program has important symbolic value. Merely by existing, it makes a statement about what we as a nation vlaue—in this case, something beyond getting and spending. If values truly are the fundamental crisis in this country, as conservatives suggest, eliminating the NEA would send exactly the wrong message. Congress should spare it.

[From The New York Times, Jan. 13, 1995]

DON'T AX FEDERAL SUPPORT FOR ART

The National Endowment for the Arts, now in its 30th year, has been a brilliant though sometimes controversial success. At a modest cost to the taxpayers, $167 million this year, it has helped channel private donations to an impressive variety of nonprofit arts institutions across the country. Institutions report that each dollar granted by the Endowment generates an average of $11 in matching private funds. As a result, many more Americans have been able to experience original art firsthand, and talented artists have been encouraged to pursue their work.

This is just what the Endowment was created to do. But now, for a variety of reasons, some conservative Republicans want to use their new Congressional majorities to cut off funds for the Endowment and shut it down. They should not be allowed to succeed.

The Endowment has some devoted conservative Republican defenders, for example Senators Orrin Hatch and Alan Simpson. But other conservatives remain ideologically opposed to public subsidies for the arts. Yet subsidies by governments and wealthy patrons are an ancient and necessary tradition. Even artists whose greatness has been acknowledged by posterity have had to struggle to support themselves during their lifetimes, particularly if their originality consisted in challenging received tastes. Enlightened societies all over the world recognize that there is a clear public interest in supporting such talents and to sustaining the traditions represented by museums, libraries, symphonies and dance, opera and theatrical companies and making them available to wider audiences.

This is a wise and historically validated role for governments. The real risk of government subsidies lies not in overgenerous use of the taxpayers' money but in the the potential for political interference or censorship. The Endowment's designers wisely guarded against this danger by leaving initial grant-making decisions to panels of people knowledgeable about the arts. The awards are then subject to two higher levels of expert review. Most grants are awarded not to individual artists or productions but to institutions with a good track record. But a good track record in the arts includes a willingness to take the occasional risks on a promising new or controversial talent.

It is these risks that have gotten the Endowment in trouble with demagogic politicians like Jesse Helms who will seize on provocative aspects of particular exhibits or performances put on by institutions receiving some Endowment support to caricature the whole of the Endowment's work. The most recent controversy, for example, centered on a bloodied paper towel flung by a performance artist, Ron Athey, at the Walker Arts Center in Minneapolis. The Endowment had awarded some $100,000 to the Walker to help support its entire season. The Walker in turn awarded about $150 of this money to Mr. Athey.

Not all great art is controversial and not all controversial art is great. But themes like eroticism, homosexuality and the provocative use of religious imagery that so upset the Endowment's critics have been entwined with great art for centuries. In recent years, the Endowment has tried to play it safe on these issues to appease its Congressional critics. But excessive caution shortchanges an important part of the Endowment's mission.

The zealous and small-minded are always willing to attack art and artists. But there is no reason to elevate their attacks to general Government policy. To do so would be a distortion of the mandate of the November election. To be blunt about it, prominent New York Republicans with ties to the city's extraordinary cultural institutions have an obligation to see that their more rambunctious members of Congress do not destroy the National Endowment for the Arts.

[From the Chicago Sun-Times, Jan. 13, 1995]

MAINTAIN SUBSIDIES TO SUPPORT THE ARTS

American voters say they want a leaner, more effective government. And like most federal programs, the National Endowment for the Arts could survive with less. But it would be a mistake to eliminate the NEA and its $167 million budget.

Attacking the NEA has become good symbolism for political conservatives. They believe the federal government has no business subsidizing the arts and they object to the choices the NEA makes in choosing which artists to subsidize.

We disagree on both counts. In our view, government can play a legitimate role in subsidizing the arts, and political disagreement over which artists to subsidize is both inevitable and worth it.

By any definition, the arts are important to the nation's quality of life. There is no evidence that self-interested consumers, corporations and foundations can adequately meet funding needs.

Since the NEA was founded in 1965, grants have been awarded to traditional as well as avant-garde artists. These grants often serve as vital seed money for artists, projects and arts organizations. For every $1 individual artists and groups get from the NEA another $11 in private donations is raised.

The arts also have positive economic impact. Museums, art galleries and theaters attract tourists and conventions. On an annual basis, the arts generate $37 billion in revenues, employ 1.3 million people and pay $3.4 billion in various taxes.

Eliminating federal subsidies also would cripple state and local arts programs which get 35 percent of their funds from the NEA. The Illinois Arts Council for example, will get $896,000 or 11.7 percent of its $7.6 million budget, from the NEA.

The world would not come to an end if the NEA were eliminated. But all that would be satisfied are the political aims of today's congressional leadership. In the real world, the federal government is running an annual budget deficit of $203 billion. Cutting $167 million for the arts would do much more harm than good.

[From the Wall Street Journal, Jan. 13, 1995]

SHUNNING THE YAHOO POINT OF VIEW

(By Raymond Sokolov)

As the new Congress starts to debate whether to zero out the pitifully small ($176 million) budget of the National Endowment for the Arts, everyone should take a look at the section of "Gulliver's Travels" where Gulliver visits the Houyhnhnms and the Yahoos. The Houyhnhnms are equine intellectuals, the Yahoos hairy, uncouth louts in human form. In our day, while the cultivated Houyhnhnms whinny and prance in futile protest, we are well on the road to becoming a nation of Yahoos.

Christina Jeffrey's appointment as historian of the House of Representatives was a warning. Speaker Gingrich was rewarding her because in 1993 she had supported his attempt to keep his course at Georgia's Kennesaw State College alive while other faculty there were protesting it as improperly contaminated with politics. But Ms. Jeffrey, an associate professor of political science, was not just a complaisant right-winger at a

Podunk college. She was already on record in 1986 denouncing a federal history program about genocide because it did not include the Nazi point of view on the Holocaust. When this statement resurfaced a few days ago, Speaker Gingrich said he hadn't connected Ms. Jeffrey with its author because she had used her maiden name back then (before he met her). So, to stem the tidal wave of furious public outrage, he up and canned the lady.

This flaplet raises several interesting questions, but the most interesting is, What kind of intellectual milieu could bring Speaker Gingrich and Ms. Jeffrey into contact as historians?

Wishing to believe in the good faith of all parties, I accept that the speaker did not know about the Nazi memo, that he agrees with the angry protesters, and that the intellectual milieu in Georgia where this odd couple found common cause is exactly the kind of unenlightened backwater in which the Holocaust can be blithely dismissed by a professional historian as a subject primarily of interest for religious discussion (as Ms. Jeffrey argued to the federal government).

Anyone who thinks that way is an unreconstructed anti-Semite, of course, but, worse still, such a person has managed to remain completely untouched by the overwhelming facts of history as they have been documented, discussed and accepted by historians and others in the overwhelming majority of mainstream America and the rest of the world. It is one thing to hate Jews. Any moral dwarf can do that. But it takes an especially ignorant and fact-resistant sort of historian to believe that there is a viable Nazi point of view on the subject.

But let's stop for a moment and try to take Ms. Jeffrey seriously. What would the Nazi point of view on the Holocaust be? Why obviously it would be a positive point of view. Unlike most of us who think the sadistic incineration of six million people because they had at least one Jewish grandparent was among the great crimes of history, the Nazis believed it was a great and necessary achievement. The Nazi point of view must have been that annihilating Jews was a social good for Nazi Germany and the world. And, on reflection, I agree with Ms. Jeffrey that any good course on the dynamics of genocide would have to include this point of view, expressed as vividly as possible with documents and photographs. This is actually the approach that the Holocaust Museum on the Mall in Washington takes, and it is an extremely effective method of discrediting the Nazi point of view.

The trouble with Ms. Jeffrey's point of view about the Nazi point of view is that she thinks the Nazi point of view has real merit worth airing in a classroom. Ms. Jeffrey has obviously not considered the unusual facts of the Nazi record, or she wasn't interested in them. She is therefore a historian outside history. She is a Yahoo.

Does that sound like the harrumph of a member of the cultural elite? I certainly hope so, because I think that the Jeffrey affair obliges people committed to the preservation of our heritage to defend the idea of cultural elitism against the Yahoos. If we who speak for culture retreat from the fray now, we really are an effete corps of impudent snobs, in Spiro Agnew's immortal phrase.

What we should be saying, as the fight for the National Endowment budgets and their survival begins, is that the arts are everybody's province, that their health is a matter of highest national interest.

Speaker Gingrich, no doubt trying to look like a non-Yahoo in an effort to assume presidential stature, recently expressed his admiration for the Metropolitan Museum of Art in New York and for Atlanta Opera. He should go further, if he wants to shake off the hairy mantle of Georgia Yahoo. He should put his (our) money where his mouth is.

Newt, get down and support the arts. Don't zero out the NEA budget. Increase it manyfold under wise and stringent supervision, to put our cultural heritage in museums, libraries and concert halls on a solid footing for the future. Help America join the rest of the world in making sure that the treasures of the past—and the arts education system that makes that possible—will prosper. Otherwise, we will all be provincial Yahoos with no point of view worth having.

[From the Atlanta Constitution, Jan. 10, 1995]

MAKING A CASE FOR THE ARTS

Chairwoman Jane Alexander of the National Endowment for the Arts believes House Speaker Newt Gingrich is crusading to abolish her agency—a sandbox for the cultural elite, he calls it—because he doesn't understand how it works.

And so, much in the same manner as first lady Hillary Clinton, Alexander has invited the Georgia Republican to a get-acquainted meeting to answer his questions and, she hopes, to dispel his misgivings.

The opportunity to enlighten is narrowing. The tentative date for hearings on reauthorizing the endowment is Jan. 20, and the 104th Congress is loaded with newcomers eager to cut government spending who look to Gingrich for guidance.

First, Alexander ought to disabuse Gingrich and his following of the misconception that a significant blow can be struck for deficit reduction with the demise of the endowment. As vital as its support is to needy arts groups, its budget—$167 million or about one ten-thousandth of all federal spending in fiscal '94—is minuscule by comparison with the billions in cuts required to restore fiscal sanity in Washington.

Second, Alexander needs to counter the fiction that the endowment is a plaything of the affluent and the avant-garde. True, some cultural colossi, like New York's Metropolitan Opera, receive funding from the endowment and have enough wealthy patrons that they might be weaned without great sacrifice. True, too, a few experimental artworks funded by the endowment have turned out to be highly offensive, but the chances of recurrences should be minimized thanks to new accountability procedures instituted by Alexander.

The point for Alexander to stress is that if the endowment were terminated, the real victims would be medium-size and smaller arts organizations scattered throughout the country, too little appreciated except in their own back yards. In Gingrich's bailiwick, that would include Marietta's splendid Theatre on the Square and by extension a host of Atlanta assets—the Symphony, the Opera, the Ballet, the Center for Puppetry Arts, the High Museum, the Alliance Theatre and so on.

What these institutions have managed to do ought to be celebrated by the GOP cost-cutters as a triumph of public-private partnerships—leveraging each dollar of endowment funding into $11 from private and other public sources. They are able to attract that support mainly because recognition by the endowment is widely viewed as a national seal of artistic merit.

There are other good reasons to save the endowment—its youth education mission, its anti-crime programs, even the beneficial economic spinoffs from the arts attractions it supports. But the clincher ought to focus on this generation's legacy to posterity.

John Boehner of Ohio, chairman of the House GOP conference, opposes the endowment because he calls it "living high off the hog and passing on the bills to our kids and grandkids." But what kind of country will our kids and grandkids inherit if the quality of our serious music, art and drama is diminished and concert halls, theaters and galleries go dark for want of the endowment's precious seed money?

No one disputes that the endowment must maximize its efficiency. But above all, the NEA deserves to survive.

[From the Washington Edition—Los Angeles Times, Jan. 11, 1995]

GOP HAS A SONG FOR NEA: TAPS—SOME CONGRESSIONAL REPUBLICANS SEEK TO ABOLISH FEDERAL ARTS ENDOWMENT

What kind of art should our hard-earned tax dollars go to support, traditional American folk art or sexually explicit avant-garde art? "Neither," the new Republican majority in the House seems poised to answer. That's a shame.

Two years ago, the arts-funding question was shaped by the scandal of Andres Serrano's "Piss Christ," Robert Mapplethorpe's homoerotic photographs and Karen Finley's nude performance art, all of which had enjoyed some degree of support from the National Endowment for the Arts. But even though the Supreme Court struck down a "decency clause" that the NEA imposed under pressure, the entire controversy subsided as the federal agency, under the leadership of Jane Alexander, simply exercised better discretion in selecting artworks to endow.

This year, however, the philosophical ground has shifted. The House Republican leadership wants to abolish the NEA on principle. Its claim, a familiar conservative one, is that, in the words of House Majority Leader Dick Armey (R-Tex.), "there is no constitutional authority for this agency to exist." This year, as a result, federal funding for all art is in equal jeopardy, including funding for such mainstream, old-fashioned arts festivals as "Masters of the Folk Violin" and "Masters of the Steel String Guitar," both sponsored by the National Council for Traditional Arts.

Plain-folks art does not cost as much money as fancy-folks art. Putting together an evening of "Sacred Harp Singing," another NCTA effort, or the annual "Cowboy Poetry Gathering" does not cost as much as mounting a great classical ballet. But it doesn't come free, either, and the NEA has spent much of its modest appropriation as seed money: small matching grants and other sensible efforts to help groups like the NCTA, Chicago's Old Town School of Folk Music and Los Angeles' Craft and Folk Art Museum find their way to private support.

The argument that there is no constitutional authority for an educational agency such as the NEA rests on the truth that the Constitution makes no provision for public education of any kind. If from that fact we must infer that there can be no funding for an arts endowment, then there can also be none for a National Endowment for the Humanities, a National Science Foundation or any other federal initiative in higher education.

Armey and the Republican majority can argue against funding the NEA even if the

constitutional authority for the agency exists. But if and when they do so, we hope they will not pretend that only a wealthy elite has been served by the NEA, for the opposite is the case. Through the NEA, the spirits of millions of ordinary Americans have been lifted through the traditional craft, song and story of their native land. Those Americans will be spiritually poorer, and the American tradition weaker, if the budget line of the NEA is spitefully reduced to zero.

[From the Boston Globe, Dec. 17, 1994]

AMERICA'S ART AND SOUL

Conservatives looking for Government fat to trim say they can't wait to take a cleaver to the National Endowment for the Arts—That naughty, left-wing frill in the federal budget. They should look and think before they chop, because the NEA is hardly a luxury. It's American bedrock, as solid as the summer concerts on the town green, or dance programs at the local high school, or the puppet shows at the community center.

While the NEA has hit the headlines for controversies, most notably the funding for photographer Robert Mapplethorpe, the endowment's primary business is supporting family-oriented entertainment, about which it has received little publicity since it was founded in 1965.

In Boston the NEA money goes to such places as the Handel and Haydn Society, the Berklee College of Music, the Huntington Theater Company, the Boston Ballet, the Chinese Culture Institute, the Boston Center for the Arts and Boston Dance Umbrella, to name a few. The list reflects a national portrait of community involvement and grassroots culture that is as vitial to a country's strength as the defense budget or a jobs program.

The NEA's budget is $167 million—approximately 65 cents for every American. This investment provides 5,000 grants, which put up seed money to be matched by local funding. It also stimulates the economy, for the arts put 3.2 million people to work and provide $3.4 billion in federal income taxes. According to the NEA one study showed that the arts generated $37 billion to local businesses around the country.

A wise investment, not only for the psyche but also for the bottom line. Members of Congress eager to wield the axe should consider the real work and economics of the NEA rather than the aberrations that have made news. Since 1965 it has provided 11,000 individual artists with fellowships—42 Pulitzer Prize winners, 47 MacArthur grant recipients and 28 National Book Awards authors. The grants came to people as they were struggling to create their art. A country that fails to encourage this loses its genius and its soul.

Mr. PELL. Mr. President, I fully understand that many Americans are troubled when they hear of works distasteful to them that are funded in part with their tax dollars. Nevertheless, while the Endowment has awarded well over 100,000 grants, fewer than 40 have resulted in any controversy whatsoever—a success rate of 99.96 percent. Over the last year Chairman Jane Alexander has instituted a series of most valuable changes in the agency's procedures. The agency will no longer accept applications from organizations, other than the State arts councils, which subgrant Endowment funds out to other projects. In addition, the Endowment will now require that progress reports be submitted before the release of the final third of a grant award. Permission from the agency will be necessary before a grantee can modify its activities from those approved by the Endowment. These changes give the chairman greater oversight over Endowment grants and I believe they will go a long way toward addressing the concerns of many of our citizens.

Chairman Jane Alexander has increased the Endowment's focus on rural communities and the inner cities. The Underserved Communities Program grants $8.7 million specifically to broaden public access to the arts. Even the very limited funds appropriated for the Endowment help keep ticket prices reasonable, thus enabling lower income citizens, young people, the elderly, and the disabled to gain access to our common culture.

Nothing could be further from the truth than the suggestion that support for the arts provided by the National Endowment constitutes a subsidy for the wealthy. One of the primary missions of the Arts Endowment has been to encourage the spread of American culture beyond those individuals, communities, and regions affluent enough to afford it on their own. Uncharacteristically among Federal programs, Endowment dollars multiply and foster national support for the arts. Yearly Endowment grants draw matching grants of approximately $1.4 billion from private, State, and local patrons. Thus, before the National Endowment for the Arts came into existence, there were only 22 professional theaters in the entire country and 1 million people attended each year. Today, our Nation boasts 420 and 55 million attend. There were 58 orchestras before the agency, today, there are over a 1,000. Fifteen million more Americans attend symphony performances each year.

I think it is rather unfair to our citizens for some individuals to assert that only wealthy Americans are interested in the development of the arts. I firmly believe and the evidence supports the fact that Americans from every walk of life, from every economic level, strongly desire and seek access to cultural events in their communities for themselves and for their children. The National Endowment for the Arts is a testament to the continuing development of our unique culture, to our enduring faith in our own creativity and to our world leadership in artistic achievement.

From an economic point of view, the dollars sent by the Arts Endowment to communities around the Nation have been an extraordinarily successful investment. For every dollar the Endowment invests, there is created a tenfold return in jobs, services, and contracts. The arts fostered by the National Endowment encourage national and international tourism, attract and retain businesses in our communities, stimulate real estate development, increase production of exportable copyrighted materials and contribute to the tax base. Governors and mayors from around the country can attest to the manner in which Endowment-supported projects have breathed new life into the downtown areas of their towns and cities. New businesses and tourists congregate in those areas which have a developed cultural life. San Antonio, TX; Cleveland, OH; Greenville, MS; Oklahoma City, OK; and Birmingham, AL are among the cities whose studies have shown the enormous economic contribution of the arts.

Mr. President, every parent knows that the arts are crucial in our school curricula because they teach young people creativity, increase self-discipline, and are a critical means of passing on an understanding of American culture and civilization to the next generation. Study of even a single artistic discipline is of immense value to a child, who may go on to become an avid amateur or patron. Last year, the Arts in Education Program distributed millions of dollars in partnership grants to the States to pay for artist residencies in schools and art teacher training.

I am most gratified that Chairman KASSEBAUM and Chairman JEFFORDS will be holding hearings over the next few weeks on authorization of the Endowments. I urge my colleagues on both sides of the aisle to share with those of us on the committee their concerns and ideas so that we can work together to shape the Endowment's future role in our society as effectively as possible. This tiny investment in our Nation's culture makes a statement to ourselves and to the world that we view the development of American culture and its availability to our citizens as of significant importance. We must not become the only Western industrialized nation to declare that our Government cares nothing for the development of our culture. National support for the arts fosters the creation of community—locally and on the national level. Regardless of our differences of wealth, race, religion, and political belief, our cultural development binds us together, develops our character as Americans, and establishes our common heritage. As President John F. Kennedy once said:

> Art and the encouragement of art is political in the most profound sense, not as a weapon in the struggle, but as an instrument of understanding the futility of the struggle between those who share man's faith. Aeschylus and Plato are remembered today long after the triumphs of imperial Athens are gone. I am certain that after the dust of centuries has passed over our cities, we too will be remembered not for victories or defeats in battle or politics, but for our contributions to the human spirit.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) 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.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I look forward to the beginning of this week and beginning debate on S. 1, our efforts to curb these unfunded Federal mandates.

I have comments I would like to make which give an overview of the bill itself, what an unfunded mandate is, a couple of examples, why we are now on our sixth day of debate, what has transpired to this point, and what is the likelihood as we proceed.

Mr. President, because the Senator from Oregon has a time constraint, I would like to yield so the Senator from Oregon could make his comments on S. 1 and following that then I would like to give the overview of this legislation.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President. I am speaking today as a supporter and original cosponsor of the Unfunded Mandate Reform Act of 1995. I feel very strongly that this legislation before us strikes a balance between the Federal Government's responsibilities: First, to acknowledge the burden that unfunded mandates have on State and local governments, and, second, to ensure the rights of all persons contained in the U.S. Constitution are protected.

The Federal Government has imposed over 170 unfunded laws on State and local governments which have resulted in thousands of unfunded Federal regulations. The Federal Government has not viewed itself as dependent on State and local governments in the past two decades.

I want to underscore that point, Mr. President, because we have been talking about dollar obligations that are involved in these unfunded mandates. But much of that is because of the thousands of regulations that follow these mandates. In fact, it has been estimated that perhaps as much as $500 billion is expended each year to administer at the Federal, State, and local levels mandates initiated and adopted by the Federal Government.

The major policies of the Federal Government have reflected a Washington D.C.-based arrogance; "we"—"we" the Federal legislators and "we" the bureaucrats—know best how to solve the problems of the country. In many respects, the Federal Government has overstepped its bounds in its relationship with State and local governments, and the intergovernmental system has ceased to function. This problem became very clear over the recent debate over health care. Washington believed it could prescribe a solution with a single piece of legislation. This approach was not the answer to health care problems and it is not the answer to any issue that requires intergovernmental cooperation.

I have received numerous letters from national organizations praising this legislation for making the decisionmaking process for future Federal proposals and regulations more open, accountable, and informed. The number of letters and the diversity of groups which have written in support of this legislation speak to its importance to our Nation.

More importantly, this national support is joined by hundreds of letters of endorsement from local governments throughout the State of Oregon. In the past few years, officials from local governments have written to me about the problems that unfunded mandates pose for Oregon communities. While the letters ask for support of mandate relief, they also note the need for Congress to make more informed decisions related to mandates for State and local governments. The Unfunded Mandate Reform Act of 1995 addresses both of those issues.

My support for this legislation does not mean I will turn my back on my responsibility to uphold the Constitution to ensure all persons are treated equally in this country or protected from health and safety risks, and, of course, civil rights. We must not forget what good the Congress has done for people throughout history, including passing civil rights laws, voting rights laws, and ensuring the rights of the disabled through the Americans With Disabilities Act. Some—and I would say probably most—may view these bills as unfunded mandates, technically. I view them as the Federal Government playing its proper role in ensuring persons that their rights, their constitutional rights and their civil rights, as guaranteed under the Constitution prevail.

We must also remember that the same Federal Government which has mandated certain actions in the past, is also ready to help citizens who have suffered enormous loses in the recent flooding in the State of California and earthquakes in California. It was not so long ago that my State was hit with an earthquake which caused severe damage—and that same Federal Government provided relief and assistance to literally thousands of people in need. The Federal Government does have an important role to play in this country, and we should not dismiss it lightly.

Mr. President, while the Unfunded Mandate Reform Act looks into the future at new unfunded mandates, it does not look back at the current regulatory burdens that are imposed on State and local governments in addressing the needs of their citizens. We must look back as well as forward, and that is why I introduced S. 88, the Local Empowerment and Flexibility Act of 1995, on the first day of this Congress. The need to provide flexibility to local and State governments is enormous, and that is why I submit S. 88 as an amendment to the unfunded mandates bill before us.

AMENDMENT NO. 181

(Purpose: To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 181.

Mr. HATFIELD. Mr. 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. HATFIELD. Mr. President, the Local Empowerment and Flexibility Act is designed to create a new spirit of cooperation among Federal, State, and local governments. It is important to remember that the solution to the problems in our intergovernmental system is a recognition that all of our bodies of government—Federal, State, local, and school districts—are interdependent. Each part of our system brings special talents, special skills, and special needs to the service of the people of the United States. It is time to transform the Federal-State-local relationship. This transformation must build on the strengths of all of the different governments in our country and

must be based on trust, cooperation, and flexibility.

The Local Empowerment and Flexibility Act will lead to strategic and realistic decentralization and deconcentration of power throughout the Government. The idea behind this legislation has four key aspects.

First, different governments of this Nation have different strengths. The Federal Government does two things well: Effectively establishing broad goals that tie us together as a Nation; and achieving certain economies of scale which cannot be attained at the local level. The Federal Government often forgets that local governments bring a great deal of resources to the table. Perhaps the greatest strength is that States and local governments are innovators. Local and State governments have demonstrated again and again that they find the most creative ways to tackle problems in solutions that fit the local context. This legislation recognizes the fundamental interdependence of governments and builds on the strengths of all governments that deliver services.

I might note that many of our national laws that we feel today perhaps even originated at the national level did not do so. They were tried. They were experimented with. They were created by local governments at the State level, particularly Social Security, unemployment compensation, industrial accident compensation, and civil rights. Many of these things were tried at the local level as part of the creative nature of our federalism, our whole idea of federalism.

Second, the Local Empowerment and Flexibility Act will not only permit variation in how local governments meet national goals, but will encourage solutions that best fit the local context. Federal laws and regulations have tended to treat every area of the country the same. Universal requirements force Congress to legislate to the lowest common denominator, and consequently, few governments perform to their full capability.

We are penalizing the progressive States like my own State in order to find that common denominator. We all strive to meet the average instead of to excel. Politically, socially, structurally, local and State governments are very different from one another. Why should the Federal Government declare that citizens in Oregon have the same needs as people in Florida, Kansas, or Maine? Adding flexibility to the Federal-State relationship will encourage local governments to find solutions that fit the local context. In addition, providing flexibility will eliminate regulations that force local governments to solve problems that they do not have.

Third, this legislation will create a new system of accountability. Currently, the Federal Government holds State and local governments accountable through regulation, procedures, and paperwork. The existing accountability structure is very good at determining where Federal money is spent, but it tells us very little about whether we are actually achieving results. Hundreds of hours and dollars are invested in complying with these regulations, and the investment in bureaucratic processes does nothing to improve the quality of services that we deliver to citizens. Moreover, our current structure of accountability has made us very responsive to each other. That is, we are responsive bureaucrat to bureaucrat at all levels of our government, rather than to the people who we serve. We need to reorient our system of government and to view taxpayers as investors and our citizens as customers.

Fourth, we must help retool all new governments for this new relationship. We need to reequip our Nation's governments to function in a new, cooperative environment. The Federal bureaucracies need to recreate the ability to listen to local governments. In the 1980's, we witnessed the destruction of the intergovernmental affairs offices at most Federal agencies. They were supposed to be the focal point of cooperation, of listening. The Federal Government must actively solicit and use the ideas and experience of State and local governments.

I believe these two bills, Senate bills No. 1 and No. 88, strive to accomplish many of the same goals, including better informing the legislative process in Congress, stressing the need for flexibility for State and local governments to better meet the needs of the people they serve in an efficient and effective manner, and making it a goal that the Federal Government actively seek out and consult with State and local governments through the legislative process.

Mr. President, I commend those who have worked so diligently in bringing this legislation before us, especially the author, Senator KEMPTHORNE of Idaho. It is important that the balance contained in this legislation I alluded to earlier be kept intact. It is equally important that we pass this legislation.

As it is not my intention to bog down this important bill, I want to indicate that at a particular moment in time I will withdraw my amendment. I will, however, pursue action on Senate bill No. 88 at the earliest opportunity. I am very hopeful that I can get the ear and the attention of the Governmental Affairs Committee. I will personally visit with Senator ROTH, the chairman of that committee, and the ranking member, in order to get some assurance that this proposal, which has had its experience proven by the experience in my State of Oregon.

I thank the Chair and yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to commend the Senator from Oregon [Mr. HATFIELD], for the common sense and wisdom of what he just stated. I know in our case, in Idaho, we know that Atlanta, ID, of a few hundred people is quite different from Atlanta, GA, of a million people. We have to have flexibility. The requirements have to fit. I have met with Senator HATFIELD in his office and discussed the proposal and I was taken by the common sense of it, and by the enthusiasm by which he is proceeding with this. Again, I thank the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we now have before us Senate bill No. 1, our efforts to curb unfunded Federal mandates.

This begins now the sixth day of debate on this bill. During the course of the debate, we had concerns that were expressed because committee reports were not available. That has been rectified. So all Members of the Senate now have committee reports in their possession, which they have had the opportunity to read. It is, through the process, necessary for us to deal with any committee amendments that were added in through either the Governmental Affairs Committee or the Budget Committee. We have taken those. Whereas, in some instances, committee amendments will be agreed to, en bloc, with this particular bill, it was necessary because of concerns expressed by Members of the Senate that we take them one at a time. We have now dealt with all of those committee amendments, so that we now have the actual language of the bill before us and we can begin discussing the amendments that Members of the Senate would like to suggest be made part of this bill. There are something like 60 amendments that we have been notified may be brought forward.

We talk about an unfunded mandate, but what does that really mean? Well, the definition is that it is an enforced, nonvoluntary duty imposed by the Federal Government on State and local governments, tribal governments, or the private sector. Enforced, nonvoluntary.

In doing that, the Federal Government has not followed the practice of providing the funds to carry out those responsibilities of those new Federal programs. The reality is that it precludes State and local officials from being able to set their own priorities. Again, as a former mayor, I know when we would begin a new year and talk about our priorities, we knew full well that those priorities that we thought were important at the local level would

be impacted by what the Federal Government then sent down as an unfunded Federal mandate saying, "You will do this." You do not have a choice and you will provide the funds to do it. Oftentimes, cities and counties, for example, have no recourse but to use local property taxes to pay for these unfunded Federal programs.

It is estimated that anywhere between 10 and 15 percent of a local community's budget right off the top goes to pay for the Federal programs. At the State level, I have heard numbers as high as 25 and 35 percent right off the top that must go to pay for these Federal mandates. What are the costs of these mandates? Well, I think the American public has now come to realize that while we have practiced the imposition of these unfunded mandates, Congress has not been required to ask before making a decision, "How much do these cost?" They are multimillion and multibillion dollars in size and, yet, our practice has been that someone might ask as we are voting during that 15-minute period, "Does there happen to be a mandate in here and does anybody have an idea as to how much it might be?" because it was not required.

I find it amazing because I cannot think of businesses or many other entities that can make multimillion-dollar decisions and not know the impact or dollar amount before they make those decisions. So, really, these take on the nature of a hidden Federal tax paid for by local property taxes. In Moscow, ID, it was pointed out that during 1994, local property taxes and user fees went up 73.5 percent because of unfunded Federal mandates; a 73-percent increase. In Boise, ID, at a water treatment facility it was determined by the Federal Government that the standards needed to be adjusted. In order to do that, it required that that treatment facility had to be reconstructed at a cost of $15.5 million. Now, that cost of the reconstruction was not done because of any health risk, because of any increase in customer load, and was not done for any greater efficiency for the delivery of water; it was done because a Federal standard was adjusted. And so the ratepayers had a 30-percent rate increase.

From Kooskia, ID, which is a community of just a few hundred people, I received this letter the other day from Inge Stickney, who is the mayor of Kooskia, ID. She started off by saying:

On C-SPAN today, I listened to you as did a lot of my neighbors. Many phone calls later, all of us agreed that you served us and the State of Idaho very well today.

The unfunded mandates are not only an impossible burden for all of us to carry, most of them are senseless.

Nobody wants to cut down the last tree, we all want clean air and good, clear water. Reality is that more and more people are going to require that much more of those precious resources. No amount of preservation will save this planet for humankind until we face the facts, all of which you well know.

I am mayor of Kooskia, a small logging town in Idaho county. It is of the greatest concern to me to where we are headed in the 21st century. Our small town has spent thousands of dollars on water tests which do not reflect our geological area. With our revenue declining, we struggle to be in compliance with State and Federal laws, some of which make no sense and cost too much.

As a private small trailer court owner, I am facing the loss of a business which was supposed to see us through our older years. I am 68 years young now. I cannot afford water testing costs in excess of thousands of dollars yearly. We have 15 trailer spaces and three one-bedroom apartments. We charge $50 per trailer space and $125 for the apartments. Most of our renters have been there for many years. They are old people who live on a monthly income averaging below $500 per month. We do not make enough money off this small court to pay for the expensive tests. We have an excellent well with beautifully clean water, never had trouble with the well water. The EDQ people told me to raise the rent. Well, for our renters, even $5 more a month is a problem. The EDQ people told me to sell * * *, well, where will those people go?

Because we have another income, we have chosen to maintain status quo for now. We are willing to do everything we can to comply with all laws, as long as we can afford it.

I think this drives the point home, Mr. President. In Kooskia, ID, a small business operator who happens to be the mayor of Kooskia, with a trailer community of 15 trailers, and some people in Government are saying, "Well, if you can't afford it, then you should sell." Well, if Inge sells, the next owner is going to have to raise the cost of the rental on those trailer spaces and then, really, these people that live there and have lived there for years, many of whom are retired loggers and farmers, will not have much choice. It will push it beyond their income. It may push it to the point that they then need to have Government help in order to continue their livelihood.

But, that shows you the extent of the decisions that we make here at the Federal level. Therefore, I think it is incumbent upon us to have as much information as is meaningful before we cast these votes. So that is what S. 1 is all about.

To give you just an overview of the process, the first thing that happens is that the committee considering this proposed legislation will notify the Senate Budget Committee of its intent to consider the legislation so that the Congressional Budget Office can begin the process of assembling the statistical data to develop cost estimates.

Next, at the request of the chairman or ranking member of any House or Senate committee, the Congressional Budget Office shall study this legislation for its cost impact. In doing that study, CBO will consult with State and local elected officials—the very people that are going to be impacted—firsthand so that we have their input at that stage of the process.

Also, Federal agencies are to provide the Congressional Budget Office with the information and assistance it needs to fulfill its cost-estimating responsibilities. I expect that most committees would take advantage of this provision because they will be charged with cost information that they will need to ultimately write the bill. That is why S. 1 enhances this whole process.

Next, the committees will have hearings, and all interests, both public and private, will have an opportunity to express their views. Both public and private interests will make known if they have concerns about this proposed legislation that the committee is considering.

At any time during the process, committees have a choice. They can either seek to comply with the provisions of S. 1, meaning that they will get the cost estimates and funding for public sector mandates; or they can decide that they wish to have a waiver of this process. And if a majority of this body agrees with that, then the waiver is granted.

Committees will then markup the bill. And for the first time, committees will know that the Congressional Budget Office has looked at cost mandates to both the public and private sectors and that State and local officials were consulted in that process. Armed with this information, committees can decide, again, either to seek the waiver of the point of order, or it can decide to provide direct spending for each fiscal year or to provide an increase in receipts or to identify a subsequent and specific appropriations bill that will fund the mandate.

I want to emphasize a key point here. S. 1 says that authorizing committees should be responsible for funding the mandates that they establish. We keep the responsibility for the funding of these mandates on the authorizing committees, which is where the mandates originate.

Suppose the appropriators—we have the authorizers and then, of course, the appropriators—that provide the actual money do not fund the mandates? S. 1 takes that issue into account. In the authorizing bill, committees need to do two additional tasks: Designate the agency responsible for establishing procedures for imposing less costly responsibilities on State and local governments to meet the objectives of the mandate to the extent that appropriations may pay for the mandate; or designate a responsible Federal agency and establish the criteria and procedures to declare the mandate ineffective on October 1 of the fiscal year.

Once committees have approved legislation that includes Federal mandates, they must submit the legislation to the Congressional Budget Office and identify mandates contained in the bill.

Once committees have approved legislation that includes Federal mandates, they must submit accompanying committee reports that identify and describe the Federal mandates in the bill.

The committee report must also state the degree to which a Federal mandate affects both the public and private sectors, the extent to which Federal payment of public sector costs would affect a competitive balance between State and local governments and the private sector, and whether there are any adverse impacts to the private sector as a result of the funding modification or termination of public sector mandates.

Next, if the bill contains any intergovernmental mandates, the committee report must include a statement of the amount, if any, of an increase or decrease in the amount of authorization of appropriations to pay for the mandate, whether the committee intends for the mandate to be partly or entirely funded, and sources of funding to pay for the mandate.

Again, if it is a mandate on the public sector that exceeds $50 million annually, then the Federal Government should provide the funds for that.

Committees must also include a cost estimate from the CBO director in committee reports.

The Congressional Budget Office must estimate the direct costs of all intergovernmental mandates that exceed $50 million in any of the 4 fiscal years following the first year funds are provided; the amount, if any, of increase in authorization or appropriations under existing Federal financial programs that will be used to pay for the mandates that are contained in the bill; and the amount of private sector mandates in excess of $200 million a year.

If the committee fulfills all of these requirements, then this point of order does not lie against the bill.

I will also make the point, Mr. President, that the point of order is not self-initiating. A Member of the Senate must proceed in making the point of order.

Mr. President, a very important point, and that is, this bill is not retroactive. It does not affect existing mandates that are currently in place and on the books.

While I say that, Mr. President, I would like to make this point. When we say this bill is not retroactive, I think the debate has been retroactive. I have found so often while we have debated this bill, the different occasions when you may have Members on this side of the aisle or Members on that side of the aisle who will stand up and say, "But don't you remember back in 1974 when your side did this?" "Oh, yes, but don't you remember back in 1979 when your side did this?" "Yes, but that is because you had done this to us previous to that."

Mr. President, I think that the debate should not be retroactive. This piece of legislation is bipartisan. We have 63 Senators that have put their name on this bill saying this is a bill they are proud of and they want to go forward. It was developed by the chairman and ranking member of the Governmental Affairs Committee, the chairman and ranking member of the Budget Committee, my office, and many, many people from both sides of the aisle.

Mr. President, I will close by just issuing this invitation to all Senators that have amendments that have been filed at the desk, or notified us of amendments, that, to the extent and as early as possible, you make copies of those amendments available to us so that we could determine those amendments that we find acceptable, that make improvements to this bill, so that we could move on through this list of 60-plus amendments and get to the point that we can have the final discussion and final vote on S. 1, our efforts to curb unfunded Federal mandates.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I had noticed three amendments to this legislation and had sent them to the desk early Friday morning. So they have been properly filed and called relative to a unanimous-consent request.

I inquire of the Senator from Idaho and the Senator from Ohio—I would very much like to proceed, as well. I think the points made by a number of Senators are well taken. I am very interested in proceeding to debate the amendments that I have offered and vote on those amendments.

Let me ask if it is appropriate to call up one of the amendments and we could set it aside. I know there is at least one other Senator who wishes to speak on at least one of my amendments. If other Senators are interested in speaking on the amendment I would call up first, then we could call for a vote on that amendment and have it after 4 o'clock.

Mr. GLENN. Parliamentary inquiry. As I understand our situation, amendments can be called up today, we can debate them during the day, but it is just that no votes will occur until after 4 o'clock.

The PRESIDING OFFICER. The Senator is correct, but there is an amendment by Senator HATFIELD.

Mr. GLENN. Mr. President, has that order been set aside?

The PRESIDING OFFICER. Not at this point.

Mr. GLENN. Would we need to formally set that aside?

The PRESIDING OFFICER. Unanimous consent would have to be requested.

Mr. GLENN. So that we can get on with the business of the Senate on this, I ask unanimous consent that the Hatfield amendment be temporarily set aside so we can continue with debate on other amendments.

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

AMENDMENT NO. 180

(Purpose: To provide for the treatment of Federal requirements for the utilization of metric systems of measurement)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) for himself, Mrs. KASSEBAUM, and Mr. REID, proposes an amendment numbered 180.

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

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

The amendment is as follows:

On page 38 after line 25, insert the following:

SEC. 205. TERMINATION OF REQUIREMENTS FOR METRIC SYSTEM OF MEASUREMENT

(a) IN GENERAL.—Subject to subsections (b) and (c) and notwithstanding any other provision of law, no department, agency, or other entity of the Federal Government may require that any State, local, or tribal government utilize a metric system of measurement.

(b) EXCEPTION.—A department, agency, or other entity of the Federal Government may require the utilization of a metric system of measurement by a State, local, or tribal government in a particular activity, project, or transaction that is pending on the date of the enactment of this Act if the head of such department, agency, or other entity determines that the termination of such requirement with respect to such activity, project, or transaction will result in a substantial additional cost to the Federal Government in such activity, project, or transaction.

(c) SUNSET.—Subsection (a) shall cease to be effective on October 1, 1997.

On page 41, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be unfunded Federal mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

Mr. DORGAN. Mr. President, let me describe this amendment. But before I do, let me also explain that I intend to speak and, hopefully, offer two amendments today. I have three amendments that I have noticed, one of which I will hold until tomorrow. The two amendments I hope we can consider today—and I would like to receive a vote on both—are this amendment, which is the issue of mandating the metric system requirements on State, local, and tribal governments. I will discuss this amendment in a moment.

The other amendment relates to the ultimate mandate which may occur this week: That is, the Federal Reserve will meet again and mandate increased interest rates in our country. And my amendment with respect to the Federal Reserve is very simple. It simply says that when the Federal Reserve Board meets, as always in secret, and mandates an increase in interest rates that will affect virtually all Americans, that within 30 days of taking that action they shall submit to the Congress and submit to the President a report assessing how much that mandate has cost the Federal Government in interest payments on the debt, and has cost State and local governments and the rest of the private sector. So that will be the second amendment I will offer.

Again, I have no intention of delaying these things. I would very much like to offer them and debate them. There are a number of Senators who want to speak on the Federal Reserve Board amendment. My intention will be to move forward these two amendments, and vote on them.

Let me, if I can, describe the metric system amendment that I have called up.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. DORGAN. I yield.

Mr. KEMPTHORNE. Based on your comments—and I appreciate them—this is how we need to proceed. Would the Senator be willing to enter into a time agreement?

Mr. DORGAN. Mr. President, I would enter into a time agreement on both amendments, but before I do that, give me a little time to check with the other folks who want to speak. I would not expect either amendment to take a great length of time. Let me, if I might, speak on the amendment I have called up first. Senator KASSEBAUM and Senator REID may wish to speak and I do not know who else wants to speak on the metric system amendment. I do not expect to consume a great deal of time. At the conclusion of both amendments I will ask for a recorded vote on each.

Let me describe the amendment with respect to the metric conversion. This country, some many years ago, decided that it wanted to proceed to enforce the utilization of the metric system of measurement in our country. I do not have any strong feelings one way or the other about the metric system of measurement. I do have some feelings about the Federal Government's enforcement of it in a manner that really defies common sense.

We can, it seems to me, get to the point where the Federal Government says we shall move toward the metric system of measurement and we will enforce that by requiring the Federal Government to be the leader. What we do at the Federal level is tell the Department of Transportation we would like the Department to go out in the country and tell all the States to take down all their green highway signs that say how many miles it is to the next rest stop or how many miles it is to the next off ramp on the highway. We replace those signs with signs that tell the American people how many kilometers it is to the next rest stop or to the next exit or ramp.

I have been in Congress for 14 years and I have yet to have a constituent write to me and ask if we could not please make some adjustment in the road signs. I have not had a constituent tell me it bothers them they cannot get into their car and access information about kilometers to the next rest stop or fuel stop. Not one constituent has ever indicated to me that that is a major problem.

But the Federal Government says that there is a problem and here is the solution. The solution is we spend money to take down the English signs and put up metric signs.

This controversy brings me to the floor today. I will give another example of one little project. We are trying to build some houses, the money for which has already been appropriated to house health service workers on the Turtle Mountain Indian Reservation, workers that are desperately needed to staff a health service center that is being built to address very serious health problems on this Indian reservation.

The problem is that they do not have housing available and we need to build some housing units. So, money was appropriated to do that. The plans, then, to build the houses proceeded. But then we discover that these houses, I believe it is some 20-housing units, to house health service workers, have to be built in the metric system on the Turtle Mountain Indian Reservation.

Why? Because a Federal agency says they must. It is an enforced mandate. What is the consequence of that? The consequence is that it will cost more and it will take longer. The consequence is that if we have contractors up there that do not have workers skilled in using metric measurements, we have to get contractors from somewhere else. If we have suppliers that cannot supply in metric units, we buy from somewhere else.

This does not make any sense. Does it make sense for General Motors to use the metric system when it is engaged in commerce in other countries, selling products where the metric system is standard? Of course it does, and they do. The market system tells them what to do and when to do it. But there is no market system I know of that says the Federal Government ought to enforce a metric system when building a few houses on an Indian reservation in a manner allowing us in the end to say this cost more and took longer because we want to satisfy a requirement that someone had some time ago to say we want to enforce the Metric Conversion Act.

Senator KASSEBAUM, Senator REID and I are proposing a 2-year moratorium on any Federal department or agencies requiring State, local, and tribal government to use the metric system of measurement.

I am not suggesting we go back and revisit everything that has been done, but I am saying that in the next 2 years we should ask the commission that will study all Federal mandates to also evaluate the consequences and the costs of requiring the metric system of measurement on State, local, and tribal governments and who will bear those costs.

My amendment would impose a moratorium on metric mandates to State, local, and tribal governments for a 2-year period. During that period the Commission that is called for to study mandates in this legislation will study and evaluate and report to Congress the cost of metric mandates.

There are some who will argue that "we have been through this debate and the metric system makes good sense." I will not contest that. The point I am making today is not that there are not some areas in this country where we already have moved to the metric system and where we will continue to convert to the metric system in the future. My point is when we are short of money and when we are discussing unfunded mandates, I would like us at the same time to at least put the brakes on this conversion—a conversion manifested by virtually every Federal agency with a metric enforcement officer.

From my perspective, requiring the few little houses up on the Turtle Mountain Indian Reservation to use the metric system is a good example why some good ideas do not make much sense and have an impractical impact on some small projects out in the country.

My hope is that the Senator from Idaho and others reviewing this amendment will decide that a 2-year moratorium will make some sense. Again, I am not repealing the Metric Conversion Act nor am I suspending all metric conversion activities in the Federal Government. I am simply asking for a 2-year moratorium to have the very Commission we are describing in this bill study it and report back to us.

This is a classic mandate, one which I think we should address. As I have said before, Senator KASSEBAUM and Senator REID will be over to support this legislation, as well. I will be happy, after I consult with their offices, to reach a time agreement so we can get a time certain on this.

I will be happy to yield the floor at this point.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, if the Senator will yield for a question, is there any estimate as to how much costs have been sent to the States to comply with the metric law as passed and as now being administered?

Mr. DORGAN. I say to the Senator from Ohio, I have no estimate of that. That is part of the problem and part of what has caused this legislation to come to the floor today. We have very little information about who does what and on whom our various costs are imposed. That is why I simply want to just suspend metric mandates for 2 years.

I should say to the Senator from Ohio, there is an exception here. If you have an agency or other entity of the Federal Government with a project that is well down the road, and the termination of the metric requirement they now have with respect to that project would result in substantial additional costs, the project would be able to continue. I do not intend to interrupt that at all. I do not know what metric mandates are costing State and local governments. That is precisely why I think it would be useful to have this Commission study it for 2 years.

Mr. GLENN. Mr. President, I will look at this later today, and we will listen attentively as others speak on this subject pro and con, but let me give you my impression of the metric bill that was passed some years ago.

I supported it then, for a very good reason; I thought and still think that we have to become more metric literate in this country and more competitive in this particular area in our worldwide commerce. So it takes on a new relevance to me when we are moving with GATT and all the increased international trade that expands every year that we have more of our businesses, particularly small business, for example, that become metric literate so they can compete in the international marketplace.

My distinguished colleague mentions some of the manufacturing that goes on. I think where you have the big international manufacturers of Ford and GM and Chrysler, and others, they already have moved into metric because it is required in the international marketplace, and to do business, they have to have metric.

So they have moved in that area. One reason I supported this legislation earlier—and, in fact, was interested enough in it I made a nomination to the metric board—one of our newspaper editors in Ohio, Paul Block out of Toledo, the Toledo Blade, was very interested in this metric conversion. He was a scientist in his own right, a chemist, and was concerned that we be competitive in the international marketplace and that we move to metric as most of the rest of the world has; that we are not completely alone in our adherence to the old English measuring system, and so on. We are certainly in the minority of the major manufacturing areas of the world in not basing our manufacturing on a metric system.

We have seen our major industries convert, but I have been encouraged that we seek more metric literacy so that our students and our people growing up understand it better and understand how a kilogram relates to a pound and all the other measures and the number of screw threads per inch or per centimeter that is important in manufacturing. So I have supported this.

I would be interested if there are any figures, or if other speakers today on this particular amendment can provide any figures as to cost estimates of how much costs have been increased to the States by this particular piece of legislation.

It was my impression, and I would have to go back and check the law on this, that the road signs that were referred to by my colleague were only required to have metric on them if replaced. It was not a requirement that the States take down every road sign and go out and have metric on every single road sign. I thought that it was as those road signs had to be replaced, which was over a period of time, that then metric had to be included on them. I may be wrong on that. We have to go back and check the requirements on it.

I would be particularly interested in any cost estimates as to how much this has cost the States to comply with this mandate.

Let me say something else. I visit schools in Ohio on a reasonably regular basis. I have been encouraged to go into some of these classrooms and find out now for the first time they are requiring students to get into the metric system and really understand it, not just as some passing thing where you can look up in a book how to convert, but actually use it and understand it.

That bodes very well for the future because as these students come out and move into business themselves, they are far more literate in this area and much more able to conduct business in the area of international commerce than they otherwise would be.

So I would be interested in any estimates of costs that have been incurred or estimates thereof that we could use in this debate today.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I observe that the appetite for agencies to enforce is a never-ending appetite. I would not expect the Senator from Ohio has a great deal of faith in the bureaucracy looking at enforcing mandates and then deciding, "Well, let's do this in a commonsense way; let's do this only when the highway sign wears out so we have one highway sign that says 'Next exit 30 kilometers' and then 2 miles later, another highway sign that says 'Next exit 18 miles.'"

What happened there? One sign had worn out and the other sign had not. So you have a highway that has kilometers and miles.

The fact is, the Department of Transportation and the enforcement officers intent on enforcing this have a scheme in mind of tearing down the highway signs that exist and putting up metric signs accross the country. The problem is, that costs an enormous amount of money. It costs the American taxpayers a substantial amount of money they ought not have to spend.

All of the things the Senator from Ohio said I largely agree with. It is in this country's best interest, where it is engaged in international trade, to trade in units where those with whom we are trading are using those common units. In many cases, that is the metric system. In trade-sensitive industries, they have long since converted to metric. But you get a perverse result, it seems to me, when we have an enforcement mechanism in the Federal Government to require State, local, and tribal governments to convert to metric.

That is my only point. I really believe that every good idea is taken to the end of its pendulum swing by someone whose belief it is to be an enforcement officer. I would like us to find out what is the answer to the question the Senator from Ohio raised. What is the ultimate cost to the taxpayer? And then maybe we can evaluate the cost-benefit with respect to a mandate.

So that is the purpose of my amendment. Again, I have no quarrel with the notion that in order to trade internationally we ought to deal in those units. Last week, we discovered with last month's trade figures that this year we well have the worst trade deficit in the history of civilization. Not just this country, but the worst trade deficit anyone in the world has ever known. So it may just be that with that kind of trade strategy and those kinds of trade deficits, we will someday, of course, be directed to do certain things by others who now have enough American dollars in their pockets to order mandates in this country that they choose. But my hope is that we will straighten out this trade mess and redefine what global responsibilities are long before we get to that point.

I thank the Senator from Ohio for his comments and think that we do not disagree on the merits of using the metric system where it is important and where it is useful for the interests of this country or, conversely, the merits of using the English system of measurement where that is important and where that is useful to the interests of this country.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, in response, I do not know who the Senator referred to as those who are scheming, as he put it, to go beyond what was originally intended with this law. If there are those in the agencies who are doing exactly that, then we have to disabuse them of that and bring them up short in a very short period of time.

I am interested in what the law actually provided, period. What we required the States to do, what we required schools to do, universities, whatever. We gave some latitude to the metric board, the commission that was formed to administer this. But as far as other people being able to scheme to force the States to take highway signs down or to force action like that, quite apart from what was provided in the law, then I think we ought to be very careful of that. We all could give chapter and verse of examples where the people over in the agencies writing the rules and regulations pursuant to well-intentioned legislation passed here in the Congress go too far and they have to be brought up short.

There are two ways we do that in our regular, normal scheme of things in Government. One, all the regulations are to be submitted to the Office of Management and Budget and the Office of Information and Regulatory Affairs, and they are to pass on what rules and regulations are legitimate and permit them to go forward and make sure at that point, at OMB and OIRA, the requirements of law are being carried out and nothing more.

So we do not propose to let the people over in the executive branch of Government in a particular agency administer the laws up here to their own liking. And if that is being done, then I will join my distinguished colleague today or any time in the future in seeing that we bring them up short on that and make sure they do not go beyond the realm of what was in the law itself as written here and what the legislative history shows is the intent of the law. If they are going beyond that and requiring things that the law as written and signed into law by the President did not provide, then we should stop them immediately.

So I would join him in that effort here. But I have not seen any evidence yet that that really is a major problem. I have not heard any real major complaint from the States in that regard.

I yield the floor.

Mr. DORGAN. Mr. President, if I might make one additional comment, there are some areas where the mandate will require someone to pay more and take more time because there is a conversion and some areas where it will not. Let me give you an example with respect to the highway signs.

The taxpayer is the one who pays for the replacement of the highway signs. Whether it is the taxpayer paying Federal taxes or State taxes probably has less importance to the taxpayer because they still have to pay the taxes.

In August 1993, DOT announced in a notice in the Federal Register that ISTEA now permitted Federal aid to reimburse States for costs that will be incurred when they install the metric highway signs.

What they said is we are now prepared to give you funds for converting those signs. They are not talking old signs or new signs. They are saying here are the funds available, and of course what they will do is find devices to say there are no funds, there is no cost to this mandate. But this is a mandate. Go do this.

My point is I do not want the American taxpayers to have to be paying out of any pocket for any mandates that are not mandates considered by this Congress. And that is the reason I bring this to attention in this piece of legislation. The fact is they are paying for an activity the American taxpayer should not have to bear at this point. We do not have to take down perfectly good highway signs and put up new signs with kilometers. That is an enormous waste of money, in my judgment.

I just have, I guess, enough experience to know that the bureaucratic system, left to its own devices, will try to find the end of this pendulum swing, and I think it will end up costing the taxpayers money. That is why I would like to put on the enforcement brakes for 2 years and have this commission study it. Now, if the study determines that this is not imposing any significant costs on anyone, is not very troublesome, then that is fine. That is an answer, I guess, that we would have then that we do not now.

If they find, on the other hand, that this can impose a substantial amount of additional costs with very little additional gain, I say let us step in here on the part of the American taxpayer and give them a little help. At least let us get the facts before someone runs ahead with the mandate.

That is the point I am making in the amendment.

I yield the floor.

Mr. KEMPTHORNE. 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. SIMPSON. 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. SIMPSON. Mr. President, I ask unanimous consent I might speak in morning business for not to exceed 10 minutes.

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

UNFUNDED MANDATES

Mr. SIMPSON. Mr. President, if urgent work comes up on behalf of the managers, I will step aside. But I just want to make some brief comments about a fascinating activity observed here by me on the Senate floor for these past several days.

I noted this with some whimsy, because I recall that after the November election returns there was a great deal of speculation as to how the minority party would act, now, in its wake. What would the President now try to do to, say, out-Republican the Republicans? Would the Democrats hop on board the Republican train or would they lie down on the tracks?

Interesting questions, all of them. Questions were also asked about how the Republicans would deal with having the majority. Would the House Republicans provide for a more open process, more consideration of minority views, or would they resort to the same ramrod tactics that the Democrats employed with some apparent relish, at least as I have observed it for 16 of the past 40 years?

Somehow lost to the media amid all of this questioning is a fundamental difference between Republicans and Democrats as to how, really, willing the two parties are to be on record, to have their votes scrutinized, and to be held up to the folks back home. Anyone who has watched the proceedings here in the Senate or the House the last several years has witnessed the strain and the energy that the Democratic Party has had to employ to avoid being put on record on any number of sensitive issues. Let me just cite a few examples I could not help but think of.

When we had the pullout from Somalia, and that was considered, the House Rules Committee attempted to protect the Democrats by adopting a "King of the Hill" rule. You remember that one—the rule that enables you to vote for one pullout date and then immediately following another one, a different one that supersedes it. We have another name for those. The Democrats seem to truly, truly enjoy those "CYA" amendments, one after another, so you can send the press release home, still having not done anything, but cover yourself nicely.

Then you remember the balanced budget amendment. Do you remember that one? We had enough cosponsors to pass that one last time around. But every manner of contortion was used to enable the Democratic sponsors of the balanced budget amendment to find some reason to vote against the balanced budget amendment which they had cosponsored—a little bit of hypocrisy; just a touch.

I think we recall the vexations facing the House Rules Committee last year when they were confronted with health care legislation of the type which the

Republicans favored more than did the President. They had to keep it from getting to the House floor because they knew it would pass.

You name the issue—whether it is the death penalty, gun control, term limits, balanced budget—the list is endless. And the struggle in this Chamber for years has been between Republicans trying to force votes on these issues and the Democrats attempting to prevent them, with all sorts of rationale, all thinly veiled, and all of that veil remarkably pierced on November 8.

So the Democrats would shriek "gridlock" when we would introduce one of these amendments for Senate consideration. But it was nothing of the sort. Those bills favored by the majority—virtually every one of them—did eventually pass but not before Senators had put themselves on record on a number of issues. Finally, all the chickens came home to roost in November. Finally voters across the country realized that the man or woman they had sent to Washington really did not believe in the death penalty after all, did not really believe in lower taxes, did not really believe in spending cuts, did not really support the balanced budget amendment, and they sent them all packing.

Why do I review this litany of activity? Because it is highly relevant to the situation we find ourselves in and found ourselves in this past week. I found in speaking to my Republican colleagues on the House and Senate side that the question has come up as to how open and inclusive our legislative process should be. Invariably, the answer has been, "Of course. Of course, we can keep it as open as is humanly possible because unlike the previous Democratic overlords of years past, we have precious little to fear from the Democrats forcing votes on various issues. What can they possibly make us vote on that we are less willing to confront than are the Democrats? Where, precisely, are we out of step with the body politic, while they are in step, especially with our constituents?"

Put that way, it becomes clear that the Republican majority have precious little to fear from the various stonewalling tactics from the other side. So I personally, having watched the Democratic minority at work here, am not in the least troubled by this remarkable strategy. It has deprived me of some light rest, but not of any certainty that we in the majority will prevail. In fact, I wonder with which political consultants they are working? Has someone advised the Democrats that there is a political benefit to be gained from trying to block the unfunded mandates legislation, congressional accountability legislation, and the balanced budget amendment, or any one of a host of measures so eagerly awaited by the American public? If my Democratic friends wish to be shown to be on the wrong side of those issues, while at the same time pretending to support them, by all means I would hope they would be my guest because I will enjoy watching it.

I feel many of those measures are going to pass anyway because of the overwhelming support they enjoy from the American public and the majority in both Chambers. Many are going to pass.

I must say it astonishes me—and somewhat amuses me and bemuses me greatly—that somehow the opposing party has found someone who is willing and who is telling them to be seen as a party of trying to delay this train, to continue to support endless Federal mandates on States, counties, localities—and that means local taxpayers. We all know the saying: Lead, follow, or get out of the way. The Democrats seem to want to add a fourth option—lie down on the tracks.

I actually read in the paper the other day that the Democrats were considering making a court challenge to the rule recently passed in the House requiring a supermajority to raise taxes. Now there is a political masterstroke. Sue the Representatives and the American public in order to be able to raise their taxes. How stunningly brilliant that is.

So let me just close by thanking my colleagues on the other side of the aisle for tactics employed this week and last on the unfunded mandates legislation for a piece of legislation that has been requested by most thoughtful people who administer local government. I think it makes me even more certain that the Republicans will enjoy a majority for many years to come.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I have to rise to comment on the statements just made by my distinguished colleague from Wyoming.

I think we need to review what has happened here. This revisionist view that was just expressed of what happened last year, and what so far has occurred this year, is a little strange to me having lived through last year and what has happened this year.

You know, we voted it out of committee. I was chairman of the Governmental Affairs Committee last year. We voted out in August the unfunded mandates legislation. Senator Mitchell wanted to bring it to the floor. We tried to bring it to the floor. There was so much delay, I think we had 20 some cloture votes filed against the Republicans last fall. It was a scorched-earth policy and they were taking great pride—some, not all—on the other side. Some absorbed what was going on to their credit. But on the other side there was a scorched-earth policy of, "Don't let anything get through." And we found objection and all sorts of procedural matters being brought up just to delay, to delay. To say now that after November 8 there is some great mandate that says that we move forward on all these things that we considered last year and wanted to bring up and could not because of the Republican filibusters on the floor of the U.S. Senate, and now to blame us for not getting these things through, is about as clearly a revisionist view of what happened last fall as anything could be.

The statement was made that the Democrats enjoy this kind of delay, and we are putting through what was referred to as CYA amendments. And I think we all know on the floor what that means. Those are not my words. Those are the words of the Senator from Wyoming.

No one enjoys delaying anything on our side that I know of around here because most of the people on our side of the aisle are in favor of the unfunded mandates legislation. We just want to see it go through in a form that it can be administered and be good.

It was said that we put out our press releases on this thing, and talked about how we ignored completely the fact; that the reason we did not have congressional coverage legislation last year and unfunded mandates last year was somehow the fault of Democrats. Nothing could be further from the truth. We had them on the calendar ready to be brought up. That is fact. That is not a revisionist view of what happened last year.

Now somehow my colleague from Wyoming indicates that the Republicans are trying to force this and the Democrats are opposing it as though the Democrats were not for it last year, and we were being opposed by the Republicans last year.

He talks about Democratic gridlock of the past. He says that November 8 brought all of this home, that all the chickens came home to roost. Why bring up this litany? Well, he said the situation of the past week where the Democrats were somehow—and I think I wrote down the words correctly—were trying to continue their policy of being "overlords" of years past. Those are harsh words. And the "stonewalling"—that is another word—"stonewalling" of the Democrats, and that the majority would eventually prevail; and that the Democrats seem to think with their gurus that there is some political benefit to blocking unfunded mandates.

Mr. President, those remarks are about as ridiculous as I can think of

here after we tried last year to get congressional coverage and get unfunded mandates through and were blocked repeatedly because of procedural steps taken on the Republican side to block us even from consideration. We did not have time to consider unfunded mandates. We brought them out of committee in August.

There were statements about we were trying to delay their train. No. That is not true. Let me just recount for the record so we get the facts straight. S. 993 was introduced last year in the Senate. That is what we were trying to get through. After the November 8 election it was felt that the House was probably going to come up with a stiffer, tougher bill than S. 993, although all parties, including the big seven of State, county and, local officials—the big seven different groups, as they are called—were in favor of S. 993 last year, and we had some 67 cosponsors. We could have passed it, just like that, if we had not had the delay occasioned by the Republican's scorched-earth, do-not-let-anything-go-through policy of last fall. We could have gotten it through last fall.

But what happened then after the election this year? I will tell you what happened after the election this year. They said the House is going to come up with a tougher bill and we had better move our bill here to make it a little bit tougher so that perhaps the Senate bill can prevail, something the whole Congress can get behind and get passed because we need to deal with unfunded mandates. So I did not fight that. Our staffs all worked together and came up with some new proposals here, and there are some tougher mandates here. Maybe we have gone a little far in some of the consideration of our people that were one or more of the 67 cosponsors of last year. But we came up there with a new bill, S. 1.

(Mr. THOMAS assumed the chair.)

Mr. GLENN. Senator DOLE, the majority leader, went before the Governors Association and said he thought this was important enough that he would make it S. 1, the prime bill before the Senate, to be brought up as the first bill this year. I agreed with that. I have been an advocate of correcting this unfunded mandates problem for a long time. We worked on this for the better part of 2 years with my distinguished colleague from Idaho, Senator KEMPTHORNE, the floor manager on the other side. I did not quarrel with that. But now we are being blamed somehow for not going ahead with this. That is just not right.

But what happened this year? Let us follow this thing through. Because of the priority accorded this legislation, it was referred to committee on the following timetable: Voted off the Senate floor to committee; sent to committee. It was introduced on the floor one day, and sent immediately to committee with a hearing to occur the following day, with the agreement that the markup on the bill would occur the next day—one, two, three; introduction, committee hearing, committee markup. Just like that, and bring it back to the floor in short order.

Now what happened? We got it over and had the markup, and a lot of people had some legitimate concerns about some of the things that had been put into the bill when it became S. 1 this year—using the basis of S. 993, but going beyond that. There were concerns about this. So I requested that the committee markup not be done, as I recall, on a Friday. We asked that this be put off over the weekend so people could find out what the changes were; so we would know what we were voting on. This was not going to be a rubber stamp. There was no mandate that came out of the November election that said we now have to approve everything the Republicans now suggest because they are in the majority. We wanted to know what the changes were and let everyone else know what the changes were. That was the purpose of asking that this be put off over the weekend.

So it was put off over the weekend. We had the markup on Monday. Then what happened? We went to the committee and we had a number of substantive changes—these were not frivolous or delaying items at all. They were amendments that we had prepared. I had some and Senator LEVIN, in particular, who did a real analysis of this legislation, had substantive amendments about how specific parts of this bill would be applied. He wanted to clarify some of those things. Do you know what happened in committee? In committee, we were not even permitted to bring up our amendments. We requested to bring up amendments and were told, "No, leadership wants this back up on the floor right away and any amendments will be dealt with on the floor." We thought this was not the way to go. We objected and we had some rollcall votes on different substantive things. These were not delay items, they were substantive items to be brought up in committee.

On a straight party-line vote, it was said, no; we cannot consider those things. Those will be considered on the floor. We were voted down on a party line basis. We got rolled on every single one of them. Then it was stated, "We are going to send this to the floor without a committee report." The importance of a committee report—if anybody has ever read through one of these bills with the technical language, the whereases and therefores, and everything that makes it conform to the whole United States Code, to the average layman, it is virtually unintelligible, and to a lot of Senators, too.

So what do we have? Normally, as a requirement, we have a committee report, and it is carefully written. It explains in layman's language, going through each section of the proposed legislation, exactly what it means, giving the pros and cons on it so every Member and staff member working on a particular piece of legislation, when it comes to the floor, will be able at that point to have an understanding of what the legislation provides.

By and large, we rely on those committee reports. That is the importance of them. We objected to sending the legislation to the floor from the Governmental Affairs Committee without the committee report being filed. In fact, we thought it was important enough that after some discussion of it, and we were still being denied that right, it was brought up where we finally insisted on a record rollcall vote on it, and, once again, we got rolled—still with the provision that we could bring up anything we wanted on the floor. So over our objection, it was voted out.

I understand that our committee chairman, Senator ROTH, was under considerable pressure from leadership to bring this to the floor that day, no matter what. I appreciate his position on that. Let me just say this. I have been around the Senate now for over 20 years, and I was chairman of the committee 8 years. Never in the 8 years I was chairman did I ever have our majority leader say: I want you to roll this through committee no matter what, and bring it out to the floor without a report on any piece of legislation.

Occasionally, we sent legislation from the Governmental Affairs Committee to the floor without a report, but only with the agreement of the minority, and then usually only on bills that were comparatively innocuous and not major pieces of legislation, as this is.

This is landmark legislation. This changes the way we have operated for 60 years and starts moving things back in a different direction, to a different Federal responsibility, a different relationship, Federal, State, and local. That is the reason I call this landmark legislation. It makes the first steps—it is the first major piece of legislation that makes steps in that direction.

What happened? We got to the floor, the bill is called up, and all at once there is a move to try to curtail amendments, keep them to a minimum, saying "We have to get this through; we have to beat the House," as though this was a legislative drag race, and more important than the substance of this legislation.

I predicted in committee before this was voted out—first, I will give a little bit of background. Usually, in committee, you try to take care of all of the substantive amendments anybody has and they are focused on that piece of legislation. Usually, you do not have a lot of extraneous amendments come up

in committee because people are focused on that piece of legislation. We were not permitted to do that this time around. Then when a bill comes to the floor, if it has had all that kind of due consideration in committee, what happens on the floor? Then you are on good grounds to say we have dealt with the substantive matters as we see it in committee, and we brought this out as a pretty good, clean bill.

If somebody really has something that deals with substance, let us consider it. But other than that, we are going to try to defeat other amendments that can be put on in the State, extraneous amendments that can be put in, because the Senate has no germaneness rules, unless we are under cloture or for certain applications on certain appropriations bills. But we are going to say that—we will try to say, OK; whichever side of the aisle puts on extraneous amendments, we have dealt substantively with this in committee, and so we are going to oppose all those, no matter how meritorious they might be on their own freestanding bill, if it was put in as such. We are going to oppose it in legislation on the floor.

I predicted in committee that if we brought this bill out without the substantive amendments being taken care of in committee, this bill—I think my words in committee were that this bill was going to draw amendments like flies to honey. And it sure has. We got to the floor—and I think it is important that everybody understand this so the remarks of the Senator from Wyoming of a few minutes ago are understood. His revisionist view of what happens does not square with the facts.

We got to the floor and what happened? Senator BYRD objected to the fact that we had not had the committee report. I indicated the importance of that a few moments ago for legislation like this, which is landmark legislation. Senator BYRD very properly objected. He said that this was important legislation, he wanted to see the committee report. When could we have that committee report available?

That is what the debate was about, for about 2 days here. The debate was not about the substance of whether unfunded mandates problems should be corrected or not corrected. The debate was about the procedure that was used in bringing this to the floor and whether we should have a report so all Members would have the benefit of the thinking of committee members and would be permitted to put minority views in that committee report.

Now, in committee they said that they would put the committee report in the CONGRESSIONAL RECORD. We said, "What about the minority views that usually goes along with it?" They said, "You could also put those in the CONGRESSIONAL RECORD if you wanted." That is a very, very poor substitute for our normal procedures here. That is exactly what Senator BYRD disagreed with and what we fussed about back and forth on the floor here for 2 days.

At the end of that time was when the majority leader decided that he felt that there was delay on this and he filed a cloture motion. What did that do? What did that do? Just as I predicted in committee, it flushed out more amendments than anybody thought. Why? Because if your amendment is going to be considered and cloture is going to be voted, your amendment has to be filed at the desk before cloture is invoked.

And do you know what happened? We had 117 amendments—117 amendments—put forward to try to beat that cloture deadline, largely because of the procedure that had been used up to that time. Now that really threw things in a cocked hat.

I did not know where we were going at that time, because I knew that the Republicans—and both sides knew this—did not have the votes for cloture; did not have the votes for cloture. Did this mean, then, without having the votes for cloture with 117 amendments, was this going to kill our consideration of unfunded mandates? I did not know whether it would or not.

It was in that context that I mentioned to my distinguished colleague from Idaho, who has been on this for a long, long time—and he and I have dealt very straightforwardly with each other on this—I mentioned to him, if things really got bogged down—and it was bogged down over the lack of a committee report and the fact we did have all the new provisions in S. 1 that had not been in S. 993—that this was going to delay things and it looked like we might not get it through the Congress at all—and I think it is important we are getting legislation through the Congress; I reiterate that I support this legislation, fought for it as chairman of the committee, brought it out of the committee last fall as S. 993—I suggested to my colleague from Idaho that if push came to shove and it looked like we were not going to get cloture and it was going to be a long stalemate on this and maybe even have to pull the whole thing down eventually, we might want to consider dropping back to S. 993 so we get something through. I think it is important we do that.

And while the big seven that I referred to a little while ago certainly does want S. 1 more than they wanted S. 993 last fall—they were happy with that; now that they have gotten more, the chance of getting more, they are very much enamored of S. 1. I understand that—any drop back in that position to S. 993 would have been something that they would abhor.

I mention this only in the context of where we were in the legislative process at that time, with the possibility that there was going to be an inability of the Republicans to invoke cloture, which requires 60 votes, and they only had 53 for sure and what they could peel off on our side. But that meant they had to get another seven votes off the Democratic side and they could not do that, at least not in the early round on this. If it meant this was going to be delayed too much, then we were going to have to consider what we would do. Would we pull down S. 1, as I saw a possibility of at that time, and go back to passing something which everyone thought was adequate last fall, although they liked the additional provisions of S. 1 now? That was the context of where I talked to my distinguished colleague from Idaho about that possibility.

The cloture vote was held. Cloture was not invoked. And so here we are, with all of the delay of the past week, with nothing having really substantively happened on this legislation.

Meanwhile, while all this was going on, we did have a group meeting, both sides trying to define what amendments were important, which ones were not, who really wanted to put their amendments in or who had put in frivolous amendments of the 117 that we had submitted at the time before the cloture vote. Fortunately, that group finally made some progress on this. And so, after the Republican side did not invoke cloture, we fell back to what was reality, I guess, and said, "OK, we will now try to get a unanimous-consent agreement that only about 60 of those ones that people said yes, they really wanted to put them in, only about 60 of these would be eligible to be placed in consideration as amendments on this legislation."

Meanwhile, we had gone through on the floor, during another 2 days or 2½ days, we had worked our way through a number of amendments. But the way those had been structured, they had been submitted as second-degree amendments by the parliamentary situation we were in at that time, so before we went to this unanimous-consent agreement, Senator DOLE moved to strike through a series of five amendments that he proposed. We went through the stripping of everything we had done there. And that was probably the best thing to do. I do not quarrel with that.

So now we start over with this finite list of amendments that can be considered, and those are all to be submitted by 3 o'clock tomorrow afternoon.

Now, today, we can get on with these amendments. We can debate amendments today, but no votes will occur before 4 o'clock today.

Why do I go into all this detail? It is beginning to get a little aggravating. I do not normally get up and gripe back and forth. I usually stay out of these back-biting things, where these inflammatory words are used here. And I think my record on the Senate floor

would show that I only rarely get up and try to respond when some of these things are said. I leave it to other people who sort of enjoy getting locked into that kind of verbal combat, I guess, for whatever partisan purposes it may provide on either side of the aisle.

But for my distinguished colleague to come in this morning and talk about us opposing this legislation when we tried to get it out last fall and were blocked by the Republicans; tried very hard to get it out. I was still trying down to the last 2 days of the session last year to get it out on a unanimous-consent request and could not do it. We had objections on both sides. The final objection did fall on the Democratic side, let us be fair about this.

But the reason we got down to even considering it on a UC basis was because there had been this scorched-earth, do-not-let-anything-through policy on the other side that had prevented consideration of a lot of bills, of which this and the congressional coverage bill were two.

To come on the floor and say that we are creating gridlock on the Democratic side and say that we are using tactics we used when we were "overlords of years past" and to talk about the Democrats stonewalling this legislation is about the biggest revisionist view of history that I can think of.

That there are political beliefs being pushed for unfunded mandates by our political gurus, our advisers, somehow advising us in this area that we are trying to delay—"trying to delay this train" was another quote—that just is not true.

The reason I have taken this time to lay out what happened on this bill is because I think it is important that everyone know exactly what has happened. This is not a filibuster of S. 1 this year. The filibuster, if there has been anything to be construed as a filibuster on the floor of the Senate this year, is objections to the ramrod procedures that were used to roll the minority in committee and not even permit a regular committee report to be sent to the floor with this legislation. Now, that was flat wrong. I have never seen that done. I have been here 20 years. I have never seen that done before on any committee I have been on where at the specific request of the minority, even a record rollcall vote that the minority requested, to try to say a report will accompany this legislation, did I ever, ever, hear the majority say, "No, it has to go. We cannot have a committee report. We will just put something in the CONGRESSIONAL RECORD. If we want minority views they can be put in the RECORD. This is such a fast track we have to bypass everything. We are in a legislative race with the House of Representatives so we do not get behind the people in the House somehow.

If this was some little innocuous bill that made no difference whether it passed or not or of very little importance, I would not think it is worthy of even standing up to correct the statements made on the floor a little while ago that I am responding to.

This is not that kind of legislation. The days when I was growing up, days of the Great Depression, were tough days. Okies headed west. People headed for soup kitchens and so on. There was unemployment of over 20 percent for 4 years, 25 percent for 1 year. They were tough days.

Families had taken care of families up until that time, a Norman Rockwell type of existence. In the days of the depression, people could not do that anymore. People were hungry. There were soup kitchens. People were moving out of whole sections of the country because communities and States could no longer take care of their own and do it in an adequate fashion. Either could not or would not. What has happened? The New Deal came in. FHA was put in. There were a lot of programs. I will not try to detail all of those.

Starting with that premise—that States and local communities were unable to take care of their own—was the premise of the New Deal, and it moved into a whole new area of Federal activity.

Now, have some of the programs over the last 60 years built up and gone too far? I would be the first to say that certainly we should correct those. There is a move now to go back to let the States take over a lot of these things that the Federal Government has been doing. I think that is OK in some areas but not completely. I would not agree with all of it. We need to do this carefully to make sure that the social safety net that has been put together over the last 60 years and that people have come to depend on, we can say rightly or wrongly, depending on Democrat or Republican view, if that social safety net is just thrown out and we let some States take up these services and some States not, that will deal very unfairly with millions of Americans.

Now, I am all for unfunded mandates legislation. I support it. I supported S. 993 last year and am a cosponsor of S. 1 this year. Do we need to consider it carefully? Yes, we absolutely do, to make sure that we do not do some damage while we are trying to do good and prevent these unjustified mandates. Many of them are being just heaped upon the States, heaped upon the States, at the same time, over the past 5 or 6 years, that we have been cutting down on some of the programs—community development block grants, things like that. We have been cutting down on programs that have sent much money back to help the States.

So we have to do this very carefully. And to think that somehow the minority is going to roll over and play dead and say, "Yes, whatever you want to do we will do it," without consideration of important pieces of legislation, important amendments to correct some of these matters.

Let me just very briefly—and I know I am taking a long time and people are waiting—but let me just say this. Senator BYRD wants to have an amendment, which was listed the other day, which would say, basically, that as part of this bill where we say to an agency if the emergency is not there but there is less money available, the agency, then, can bring this up or can somehow judge how the money will be spent and so on.

In other words, the question he raises is a good one. I am in support of S. 1. I repeat that again. What he raises is a question: Are we passing our legislative authority over to unnamed bureaucrats over there; and what guarantee do we have that they will not go too far with them. That is just one.

I have a series of some of the things that were left out with regard to color and age discrimination. That was one. Another as to when the point of order would lie. Are we going to permit it on every single amendment? Are we going to have a point of order lie to begin with or at the end of the amending process before final passage of whatever the legislation is?

There is some uncertainty as to who would determine applicability where we have a judgment is something a mandate or not. Is that justified by the way the bill provides now with the presiding officer—for example, meaning the Parliamentarian—who would determine what a mandate is, or should that be by the Governmental Affairs Committee? We have an amendment on that. That is substantive.

We have some that would clarify the differentiation between what would apply in a public sector—that is, governments—as opposed to what would apply in the private sector at the same time. We have another one that would clarify that where a bill is reauthorized from a past provision of law, a bill comes up at the end of its time to be reauthorized—as the bill is now, it is not clear enough; it says that this could not be challenged if it is over $50 million. We clarify that the $50 million would only apply if a reauthorization went $50 million beyond its previous requirements, which makes it compatible with the rest of the bill.

Senator LEVIN has some amendments. He wants to propose that this is important legislation, maybe we ought to sunset it so we are forced to reconsider the implementation at the end of a certain time period. He would have another one that, if a committee determines that there is a significant competitive disadvantage to the private sector—for instance, where there are competing electric generating plants between the government and private sectors—should we clarify whether we

are beginning to have to move in and subsidize a requirement on the public sector and not do the same thing on the private sector, which would give a major advantage in some areas of light generation, sewer provision, water, whatever, where there are competitive interests between public and private businesses. I think that should be corrected also.

We have a number of others here. I will not go through the rest of them. I want to show that these are substantive.

Now, some put in over on the Republican side deal with judicial review, when there is any question about a particular provision of the bill, if a person could file suit in Federal court right off the bat. Can we figure any way to possibly bring the Government to a halt faster than that? By allowing everybody that disagreed with a particular item to say, "We will file suit." What is substantive is the point I am making. I do not want to argue the merits. It is substantive. That would be proposed by Senator BROWN, I believe.

Motor-voter has been brought up again as a cost to the States. We will have to go through motor-voter. Is that substantive? It certainly is.

Impact analysis for independent agencies by Senator DOMENICI would ensure analysis for impacts included for certain independent regulatory agencies as FCC, FERC, FTC, and the Interstate Commerce Commission.

One on our list at this point that Senator GRAMM may bring up is an amendment requiring three-fifths of the Senate, making it much more difficult to waive a point of order and get on with consideration of a certain bill.

CBO estimates on conference reports would be required by another amendment.

Senator GRASSLEY has one that is on our list, at this point at least, and I do not know whether he intends to push it, which would extend application of the act to past and current mandates. I do not know, if we went back on all previous Federal mandates without some limitation, I do not know how many trillion dollars that might involve. That is an amendment and it certainly is substantive.

I will not go on with these. There are a number of others like this. The point I want to make by listing just some of these is that these are very substantive amendments. They are things that are important to iron out so that this landmark legislation, when it is enacted—I hope it will be enacted—is done with all the best thinking of the Senate and the House of Representatives so it can be as workable as possible, can be used for, really, changing the direction of the relationship between the Federal, State, and local governments.

Now, Mr. President, there are some others that I could list here also, but I will not go through them. That is the reason I wanted to go through this and explain exactly what happened and how we got to where we are. And the fact of the argument so far, the debate back and forth, has been about 90 percent on consideration of procedure and whether we are adequately protecting everyone who might want to make substantive changes to this piece of legislation, changes that might be very valuable and be good and that all the big seven and everybody can agree with are good.

And so being prevented from doing that in committee and the attempt made here to push very rapidly once we got to the floor, that has been the heart of the debate so far. That has been the disagreement so far.

So when I hear words that the Democrats are the ones delaying—it is Democratic gridlock; it is just Democrats trying to be "overlords of years past," we are trying to stonewall—nothing could be further from the truth. I do not care how many statements are made on the floor to that effect.

The statements that were made previously which triggered my response here just were flat not true. I know from my personal experience in caucuses on this side, what happened in committee last year, and having been in committee this year where this big, unnecessary push was made to push this stuff through too fast. We need to consider this. It is very, very important legislation. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you, Mr. President.

Mr. President, I have listened to what my friend from Ohio has said. I listened to what my friend from Wyoming had said. I just go back to what I am trying to say, and that is, just as one of the critical elements of the Senate bill before us, S. 1, is the fact that it is not retroactive. I hope that we will refrain from being retroactive on the history of what may or may not have happened with this bill, that bill, what this side did, what that side did.

One of the benefits of S. 1 is the fact that there are 63 Senators who sponsor this bill. I am proud to be a primary sponsor, but I would not be here if I had not had the tremendous assistance of the Senator from Ohio, and I would not be here if we did not have, during the recess, the great assistance of Senator ROTH, Senator DOMENICI, and Senator EXON. Just in naming those individuals, I think we all realize it is bipartisan. So here is an opportunity for this new Congress to take up this vehicle which has been developed in a bipartisan fashion. It is what our partners in the State and local and tribal governments have said they want. It is what the private sector says they want.

So I ask all—and I am speaking to my side also—let us start looking forward and not backward so that we can move this. I am committed to the passage of S. 1, and I appreciate what the Senator from Ohio said as to why he was discussing S. 993. But I think we all agree that is not an option at this point.

This is the legislation for this Congress to consider, to pass, and we will take what time is necessary through the amendment process to perfect this so that a majority of Senators will know that this is exactly what should come out of this body.

UNANIMOUS-CONSENT REQUEST

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there be 30 minutes for debate on the pending amendment, to be equally divided in the usual form; and that no amendments be in order prior to the disposition of the pending amendment; and that following the conclusion, or yielding back of time, the Senate proceed to vote on or in relation to the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho retains the floor.

Mr. KEMPTHORNE. Was a question put to me?

Mr. REID. I was just attempting to seek recognition.

Mr. KEMPTHORNE. Mr. President, I should point out that apparently there has been an agreement that there will be no votes until 4 p.m. tomorrow, so that any votes that we establish will have to be after 4 o'clock tomorrow.

Mr. GLENN. The 4 o'clock limitation was 4 o'clock today, was it not?

The PRESIDING OFFICER. Under the previous order, the 4 o'clock applies to tomorrow.

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

Mr. REID. Will the Senator withhold?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. GLENN. I withhold.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I wonder if I could go ahead with my statement and they can work out the problem.

Mr. GLENN. That will be agreeable to the Senator from Ohio and the Senator from Idaho with the provision the Senator's remarks not be in the middle of our conversation about when the votes are going to occur.

Mr. REID. My remarks are on the amendment that is pending.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I am in support of the legislation now before this body. I listened closely to what the Senator from Ohio and the Senator

from Idaho said, and I agree. This is bipartisan legislation. I not only appreciate what the Senator from Idaho said, but the manner in which he said it: That this legislation is sponsored by a majority of the U.S. Senate and, as a result of that, the legislation should pass.

But one reason it will pass is that there is ample opportunity for amendment, and that is what is now going on. There are amendments pending. The amendment that is now before this body asks that the Mandate Commission analyze the costs associated with mandating States convert to the use of metric measurements. It does not prohibit the metric system or our efforts to convert to the metric system. It simply recognizes that these efforts cost money and this cost is often borne by State and local governments. This amendment requires the Mandate Commission examine these costs and report on their amounts.

The reasons I support this legislation are myriad. But one main reason why I support this legislation is that I have worked for a number of years, going back to 1992, with Senator NICKLES, from Oklahoma, on legislation that would require that when bills come before this body, there would have to be a cost estimate as to how much this legislation would cost.

In addition to that, Mr. President, Senator NICKLES and I would have required that before regulations were promulgated by a Federal agency, they would have to affix the cost to that regulation. That seemed reasonable. Senator NICKLES and I worked on this for a number of years. In fact, it passed this body last year and was killed during the conference aspects of the legislation. The previous year, it almost passed.

The legislation that Senator NICKLES and I sponsored would have required the General Accounting Office to do the things I mentioned: Report on costs to consumers and business, impact on national employment, ability of U.S. industries to compete internationally, cost to State and local governments, cost to the Federal Government, and impact on gross domestic product.

So the unfunded mandate issue has been approached in a number of different ways. The way that Senator NICKLES and I approached the legislation was a way of handling the congressional mandate issue. This legislation, S. 1, is a more direct method, which I support.

However, I believe that the amendment process is going to make this a better piece of legislation.

The amendment that is now before this body dealing with the metric system is highly pertinent to this legislation. When Federal regulators say to State and local governments, "You utilize the metric system," they are saying a lot, because without question, Mr. President, that is an unfunded mandate.

What costs must the State of Wyoming bear as a result of changing all the road signs? It is a cost. The State of Nevada has the same problem, and every other State. Federal regulators may impose this requirement for the most well-intentioned reasons, but it can cost States a significant amount of money to comply. We must recognize the significance of requiring adherence to this new form of measurement and recognize that there are increased costs associated with this transition.

Are the costs necessary? That is what we are saying. These costs ought not be shifted to State and local governments, and that is where the cost is now being shifted.

While the amendment does not address this, maybe they really ought not to be borne by private contractors also who do business with the Federal Government. And they also will have to bear this burden.

The amendment now before this body that is pending would remedy this cost shifting by establishing a 2-year moratorium on any Federal entity requiring State or local governments to use the metric system of measurement. It would allow agencies to continue pending projects if suspension of the requirement would result in a significant increase in costs.

This amendment, like the underlying legislation, is really about unforeseen costs. It is about the unforeseen costs associated with the implementation of legislation that, if passed, would really be burdensome. And there may be some meritorious reason for the underlying mandate—unfunded, I might add, requiring the metric system conversion—there may be some meritorious reasons for that, but should we not know the costs before we decide the merits of that issue? Under this legislation that is now before this body, there is a mandate commission which will study these types of costs and we will better understand them in the future. Under the amendment now before this body, the Commission will be required to study the costs associated with the Federal Government's mandating the use of metric measurements.

Metric conversion is costing my State money. If the Federal Government provides highway funds to Nevada, it can require that all work be performed in conformity with metric requirements. I think that is a waste of money. It require metric measurements regardless of the costs borne to carry out this mandate.

We are building a new courthouse in Reno, NV. I think it would have been a shame, as will be the requirement in the courthouse we are going to build in Las Vegas, that they submit their bids using metric measurements. The Las Vegas courthouse will require that. The Reno courthouse that is now under construction did not require the contractors to submit bids using metric measurements.

Mr. President, not only would this cost additional money for Nevada and the city of Las Vegas and the city of Reno, but it would also cost money to the local contractors. Indeed, this type of mandating needlessly drives up costs of construction and frustration of the people seeking these contracts. For these contractors that are unable to convert, too bad; their bids are deemed unacceptable because they do not employ a measuring system which they were never taught or never knew would be required in the first place.

The State of Nevada and its cities are already suffering from the imposition of costly unfunded mandates. And one reason I support this legislation is because I hear from so many Nevadans about these costs. Look, for example, to a small entity like Carson City, NV. According to Price Waterhouse, the cost of Federal mandates for the fiscal year 1993 is over $4 million; for north Las Vegas, NV, about $1.5 million for 1993. These costs have consequences because State and local governments are required to pay for them. Other programs, local in nature, are basically laid aside because the money has to be spent on the mandate. There is a limited amount of money to go around, and therefore there are a limited number of projects they can undertake—worthwhile projects.

Requiring metric conversion is just an added unfunded mandate. In north Las Vegas, the money that was spent in 1993 for unfunded mandates could be used to hire additional police to operate a safety key program for children. That is one of the things they want but have not the money to do; to improve and enhance maintenance of the waste water treatment system in north Las Vegas; provide additional parks or renovation of parks, maybe even hire some people to make sure the parks are being operated correctly and are safe.

We could go on and on with the list of things that have not been done as a result of the unfunded mandate money that had to be spent. Why should we add the metric system conversion as another unfunded mandate? Because that is what it is. If it is important enough to do the unfunded mandate after the studies we require in the amendment, then we will go ahead and do it. We can balance whether or not we need additional police, more public works inspectors, improvement in our parks, all these things, or we could waive those. But if left unchanged, these costs simply will be used for things that the local governments feel are unnecessary.

So, Mr. President, I congratulate and applaud my friend from North Dakota for his wisdom in being the author of this amendment. As soon as it was

mentioned to me, I knew it was something I wanted to get involved in because it is the right thing to do. This is what unfunded mandates are all about. We have identified an unfunded mandate. Why not examine the costs of this mandate?

AMENDMENT NO. 180, AS MODIFIED

Mr. DORGAN. Mr. President, I appreciate very much the support of my friend from Nevada, Senator REID. Again, to restate it in one sentence, I am not opposed to the metric system. I am opposed to the Federal Government imposing mandates across this country on the metric system in a way that does not make any common sense. I guarantee you, without some intervention from this Congress in the past, we would already have had road signs replaced all across this country that tell people how many kilometers it is to the next rest stop because that is where the bureaucracy goes with a mandate.

My only point is that I do not think we ought to spend taxpayers' money pushing a mandate that makes no sense. If the private sector wants to use the metric system to compete in the European countries or wherever, fine. That is what they are doing; that is what the market system would direct them to do. I do not want us to spend precious taxpayers' money doing things that do not make common sense, and that is the concern I have about the current mandate conversion act.

Now, Mr. President, I visited with the Senator from Idaho, and I think the Senator from Ohio also understands—I visited with him as well—I am willing to modify the amendment in a manner that I think is acceptable to the Senator from Idaho and the Senator from Ohio. I would like, if appropriate at this time, to say that my modification is at the desk and ask the desk to report the modification of my amendment.

The PRESIDING OFFICER. The Senator has a right to modify it. If there is no objection, the clerk will read the modification.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 180, as modified.

Mr. DORGAN. I ask unanimous consent the modification be considered as read.

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

The amendment, as modified, is as follows:

On page 41, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be Federal mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

Mr. DORGAN. Mr. President, I will simply observe that what I have done with this modification is removed the moratorium portion of the amendment but retained the portion of the amendment that will require the Commission on Unfunded Mandates to give us the information in the 2-year study of these costs so the next time we come with this kind of amendment, we have the data necessary to support it.

I do not expect to cease and desist in my efforts to prevent the Federal Government from leading in a direction that I think is unwise. I admit, and I think others admit, we do not know what this costs. That is the point of it. Retaining that portion of the amendment will require the study be done to give us the information so that we do know what it will cost, and in 2 years I hope we can come back and squash the requirement that exists for the Government to want to do things that are unreasonable.

I might also say, in the middle of all this, we will intend once again to prohibit DOT from doing anything that spends the taxpayers' money to convert road signs in the meanwhile. So with that, I ask that the two managers of the bill support this modification.

Mr. GLENN. Mr. President, I compliment my friend for moving in this direction. I think this makes a lot of sense. Since there are a lot of questions about this, to do a study of it I think is fine.

I would like to clarify in the legislative history here on the floor, though, as to whether it is the Senator's intent that the study being done will include the estimated costs? After all, that is what this bill deals with and unless the costs were going to be above $50 million it would not be a threshold item for this particular item.

Mr. DORGAN. That is my intention.

Mr. GLENN. In the remainder of the legislation, outside the part that was stricken, I do not see any specific reference to costs. It said it will consider requirements for a metric system of measurement to be Federal mandates. I would like the legislative history to show that would include in this study that will come back to us an estimate, if at all possible, of the costs to the Federal, State, local, and tribal governments.

Mr. DORGAN. Mr. President, it is written in a manner designed to overcome any problems that would have been imposed by the threshold of the bill. This would require the Commission to study it irrespective of the threshold.

Mr. GLENN. But I ask my colleague, is it his understanding this would include an estimate of the cost of executing this Federal mandate?

Mr. DORGAN. That is the purpose of it. That is correct.

Mr. GLENN. That is fine. I am willing to accept it.

Mr. KEMPTHORNE. Mr. President, I want to commend the Senator from North Dakota because, again, as I listened to the points he has raised, this is exactly why we need to have a bill like S. 1. I listened to my friend from Nevada, and I will have to paraphrase, but very close to this: Senator REID said that there may be merit to this unfunded Federal mandate, but should we not know the cost before we implement it? And he is absolutely right.

That is why with S. 1, once it is enacted, we are going to have that process so Congress will know the cost, any adverse impact to the competitive balance between the public and private sector, before we cast our votes.

Again, I appreciate what they have said. I think they are helping us to lay out the fact that there is a need and the fact, too, that S. 1 fills that need.

So I am happy to accept the amendment as modified from the Senator from North Dakota, and thank him for his amendment.

Mrs. KASSEBAUM. Mr. President, I rise today in support of Senator DORGAN's amendment, which seeks to address burdensome metric mandates. As my colleague from North Dakota has stated, metric requirements impose serious burdens on State, local, and tribal governments and offer a perfect example of the careless practice that the underlying legislation seeks to address.

I became involved in the metric debate during the last Congress, when I introduced legislation that would have prohibited Federal agencies from requiring State and local governments to convert highway signs to metric units. At that time, the Federal Highway Administration was considering plans which would have, in effect, forced financially strapped State and local governments to cancel or postpone highway and infrastructure improvements in favor of metric sign conversion.

Literally thousands of Kansans contacted me to protest this unnecessary and costly change and to ask why we in Washington write laws and then pass the costs along to State and local governments. Fortunately, their opposition and our efforts in Congress were successful in convincing the Federal Highway Administration to abandon its plans for metric sign conversion.

While I was pleased with that decision, I remain concerned about the prospect of similar metric mandates and believe that we must act to ensure that their effect on State, local, and tribal governments is fully understood. This amendment would accomplish that goal, and I urge my colleagues to adopt it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 180), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I would also like to note Senator KASSEBAUM, I know, has an interest in this issue. So we would like to certainly note that. And, too, in S. 1, there will be a process, the ACIR, which will look at existing mandates such as this mandate. So again we have laid out a process that I think will be effective.

I yield the floor.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 178

(Purpose: To require the Board of Governors of the Federal Reserve System to submit a report to the Congress and to the President each time the Board of Governors of the Federal Reserve System or the Federal Open Market Committee takes any action changing the discount rate, the Federal funds rate, or market interest rates)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. HARKIN, and Mr. REID, proposes an amendment numbered 178.

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

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

The amendment is as follows:

At the end of the bill, add the following:

TITLE V—INTEREST RATE REPORTING REQUIREMENT

SEC. 501. REPORT BY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) REPORT REQUIRED.—Not later than 30 days after the Board or the Committee takes any action to change the discount rate or the Federal funds rate, the Board shall submit a report to the Congress and to the President which shall include a detailed analysis of the projected costs of that action, and the projected costs of any associated changes in market interest rates, during the 5-year period following that action.

(b) CONTENTS.—The report required by subsection (a) shall include an analysis of the costs imposed by such action on—

(1) Federal, State, and local government borrowing, including costs associated with debt service payments; and

(2) private sector borrowing, including costs imposed on—

(A) consumers;

(B) small businesses;

(C) homeowners; and

(D) commercial lenders.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Board" means the Board of Governors of the Federal Reserve System; and

(2) the term "Committee" means the Federal Open Market Committee established under section 12A of the Federal Reserve Act.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might, I would like to describe very briefly this amendment. I know Senator REID would like to speak on behalf of the amendment, as well, and I think there are a couple of other Senators, also. I would like to, following that, get a recorded vote ordered on this amendment. This is an amendment I shall not modify and I very much intend to get a recorded vote on.

This amendment deals with the Federal Reserve Board. The mere mention of the Federal Reserve Board puts students to sleep, at least in high school and in college. Start to study issues of the Federal Reserve Board and monetary policy and you very soon have a class that is fast asleep. Yet, the Federal Reserve Board and its conduct of monetary policy in this country has a substantial impact on virtually every American. The Federal Reserve Board controls America's money supply.

Why am I talking about it in the context of a bill on mandates? Very simply, because the Federal Reserve Board will meet in a closed room, shut the door, and make a decision about America's money supply and mandate—it has at least in the last six instances—an increased interest rate be paid by the American people.

That is kind of the mother of all mandates, if you think about it. Every American will have their lives changed as a result of a decision made by folks who portray themselves as a bunch of chaste economic monks who get in this room and make decisions about money. What they are is a bunch of economists and bankers who find themselves a room down in the Federal Reserve Board. They convene in the room, incongruously named the Open Market Committee, in a room that is closed. So I would like to call it the Closed Market Committee. Let us no longer call it the Open Market Committee. These folks go into the Open Market Committee in a closed room, lock the door, and make decisions about America's money supply. And at least in the last six instances over the last year, they have decided to increase interest rates. That is, as I said, the mother of all mandates.

You do not enjoy the opportunity of saying, "I am sorry, I disagree; I am not going to pay increased interest rates." Everybody pays them. The Federal Government pays them. I will bet there are not many Members of the Senate who know how much the Federal Reserve Board's six interest rate increases will have increased the Federal deficit in the coming 5 years. Any guesses? Somewhere about $125 billion.

About 1½ years ago, we wrestled in this Chamber with this issue of deficit reduction. We had massive debates. The American people were involved. Some were upset and incensed and sending letters and calling. Others were supportive. We were trying to reduce the Federal deficit in a democratic way: Increasing taxes, decreasing spending. All of it very controversial, and all of it subject to great emotional debate in the open. But the Federal Reserve Board goes into a room, shuts the door, and in a secret process decides we are going to mandate six interest rate increases, and they have imposed an additional cost on serving the public debt of close to $125 billion.

In other words, they took back with no public debate one-fifth of all that we did—one-fourth to one-fifth of all that we did—in this deficit reduction debate that we had in Congress.

They did not ask us if they could do that, they just did it. But that is not the half of it. It is not just the $125 billion increase in serving the debt, debt service costs, that we will have experienced in the next 5 years. It is the private sector. Everybody who has a home with an adjustable rate mortgage is now paying more.

I had a fellow come up to me this weekend and tell me he is paying $125 more for his house payment than he did a year ago. Why? Magic? Voodoo? No. The Federal Reserve Board, that is why. They made decisions that affect the lives of virtually every American. I mentioned what the public sector cost is, just for the Federal Government, of the decisions by the Fed, the mandate in interest rate increases: a $125 billion increase in 5 years. What about the private sector? Mortgages they pay, all kinds of other consequences? Mr. President, $218 billion in increased costs over 5 years for the private sector.

So the plain fact is the Federal Reserve Board imposes, by its mandate on interest rates, enormous costs on the American people. My amendment is very, very simple. No one—not the slowest thinker—can allege not to understand this. My amendment says when the Federal Reserve Board meets and increases interest rates—incidentally, they are meeting in the next week or so and some suggest they will probably increase interest rates again—they have a responsibility within 30 days to send to the Congress and to the President their evaluation of how much additional cost they have imposed on, yes, the public sector, the Federal Government, State and local governments, and also the private sector.

I asked Alan Greenspan in hearings some while ago: Do you, before you make these decisions, assess how much you are going to impose on others in terms of costs? If they do, it is not available to us. So I do not know. But I submit that they ought to. If someone will be making decisions in this country that will increase the Federal deficit by $125 billion in 5 years, or lay

on additional costs in the private sector of $218 billion over 5 years, they ought to be telling us that.

The Senator from Idaho, when he talks about mandates, or the Senator from Ohio—you can describe dozens of mandates—I defy anybody, and I am going to listen for the next week, I defy anybody under any circumstance to describe for me any mandate that comes even close to this mandate, comes even close to imposing $218 billion in added costs on the private sector. You will not find one. This is the big mandate. This is the big one. This is the one that imposes enormous costs, and it is done in secret; done really without very much debate. It is interesting. Very few people want to talk about interest rates in the Federal Reserve Board. Alan Greenspan, Chairman of the Fed, came up here the other day, and, he said, "I think that the Consumer Price Index really boosts inflation one-to-one and a half-percent beyond where it really is." I guess he said one-half of 1 percent to 1 percent. He said it overstates what inflation is.

We have had four successive years of decreased inflation. This year it is 2.7 percent. If Alan Greenspan thinks maybe that is a percent and a half over where it ought to be, that means the real inflation is 1.2 percent. Then I would ask him, if that is the case, what on Earth are you doing increasing interest rates six times putting your foot on the brakes to shut down the American economy and throw this country into a recession if inflation is at 1.2 percent? What on Earth are you doing? On whose behalf are you doing it?

We have different constituencies in this country. The Federal Reserve Board serves it. I might say its constituency represents the large money center bank interests. In fact, the open market committee that goes into the room and makes decisions there are people who are voting on those decisions who are each regional Fed bank presidents that are appointed by no one that I am aware of except their private boards of directors which are controlled by bankers in their region. They are not confirmed by anyone. So they are making public policy decisions in a manner designed—I assume in a manner designed—to serve their interests. Do you think they will come to town and say, "The heck with my board of directors, I could care less about those folks, and I am going to serve somebody else's interests?" I have great trouble with the whole concept of the way the Fed has been structured, and the way it has been behaving.

But my amendment in this circumstance is very clear and very simple. When the Federal Reserve Board takes action to increase interest rates, that is the big mandate in this country. Let us have them within 30 days send a report to the Congress and a report to the President saying here are the costs from our assessment, here are the added costs that we have imposed on governments and on the private sector.

I intend to seek a record vote on this. I would hope very much that it might be accepted. To those who are concerned about mandates, I say let us not be concerned about the little ones, not the nuisance mandates so much. Let us be concerned about the biggest one. Let us be concerned about the center pole in the mandates, the center pole Federal Reserve Board mandating mandates aside from the wisdom of the fact that what they are doing is completely out of sync with what they should be doing. When they do it any time in the future, it seems to me they have an obligation to report to us who will bear the cost of these mandates.

Mr. President, I yield the floor. I note my colleague, Senator REID from Nevada, is also going to speak on this issue.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I would like to extend my congratulations to the Senator from North Dakota of course for offering his amendment of which I am a sponsor, but more importantly for speaking out about the Federal Reserve.

For years I have sponsored legislation that would call for an audit of the Federal Reserve system. I have offered that amendment every year. Every year the legislation gets nowhere.

I think it would be interesting to know about the Federal Reserve. I think we should audit the Federal Reserve. It is taxpayers' money that is being used there. But we do not do that.

Senator DORGAN spoke out on the secrecy of the Federal Reserve system. He has spoken out on the Federal Reserve more than anyone that I know in either body. But even though there is no entity in the world that controls our lives more than the Federal Reserve System, his speeches go unnoticed. And I am sorry to say that. People just do not care it seems about the Federal Reserve. Maybe it is because it is a subject that is not very interesting. It is not pornography. It is not murder. It is not an issue that deals with the Wild West water, grazing. It does not deal with issues that we talk about here a lot. But we do not talk enough about the Federal Reserve and the impact it has on our lives.

So I acknowledge the work that my friend from North Dakota has done on this issue. I am sorry that his very lucid statement have received very little attention.

I was thinking as the Senator from North Dakota was outlining the secrecy of the Federal Reserve System that maybe what we should do—the Central Intelligence Agency has received a lot of criticism lately for not doing a real good job; one reason maybe is that they are not secret enough in some of the things they do—maybe we should combine them with the Federal Reserve Board. What the Federal Reserve Board does nobody knows. Nobody knows what they are doing. It seems that everyone has some idea what the CIA is doing. Maybe we could combine the two. It might not be a bad idea.

Mr. President, the Federal Reserve has raised interest rates six times since February 1994. If someone likes this legislation generally speaking—that is, we are going to try to stop unfunded mandates—then they should love this amendment. If the principle of unfunded mandates being stopped sounds good to Senators, then they should jump with joy and run over here and cosponsor this legislation because this really overshadows all other unfunded mandates because these go on all the time. Not only do they affect government because of the moneys that governments borrow, but they also affect the private sector significantly.

There is not a person that is listening to this debate who is not impacted as a result of higher interest rates. It does not matter if they are homeless or making a multimillion-dollar transaction on Wall Street as we speak. Higher interest rates affect everybody in this country. What we are saying is that the Federal Reserve Board should provide a report to Congress and to the President about anticipated costs of changes in interest rates on the public and private sectors so we are aware each time the Fed raises interest rates of how much more we pay. We should have a little foundation as to what really we pay.

This amendment requires the Fed to prepare a report. This report will detail the costs imposed by interest rate changes within 30 days after the Fed decision to change those rates. The report will include an analysis of the aggregate costs that interest rate changes would impose on Federal, State, and local governments. It will provide a cost analysis of interest rate changes on the private sector borrowing. This will allow us to see the increases in borrowing costs for consumers, small business, homeowners and conventional lenders.

I am glad that there has been a rollcall vote called on this matter. I think it is important to people who are in favor of doing away with unfunded mandates—because they support the largest unfunded mandate we have in America today.

Mr. HARKIN. Mr. President, I rise in strong support of the Dorgan amendment regarding the Federal Reserve. Actions by the Federal Reserve, most notably the six interest rate increases in the last year, have a huge effect on

our economy. In impact, it is an independent powerful fourth branch of Government, a branch of Government that has effectively been able to deflect reasonable examination. The impact of the Federal Reserve's actions needs to be better understood by the public and by the Congress. This amendment is a very rational and well thought out step in that direction.

Many would argue that one of the most significant changes in Government policy was the passage of the 1993 Reconciliation Act which among other things reduced the deficit by $500 billion over 5 years, about one-third of the way we needed to go to get to balance. Dozens of articles appeared on front pages of newspapers as that controversial hard fought measure went through the legislative process. The $500 billion sum, was in fact, an amount suggested by Alan Greenspan, the Chairman of the Federal Reserve. Each component was scrutinized by some degree. Many parts of the measure involving less than 5 percent of the whole were bitterly fought over.

In 1994, the Federal Reserve took what might be the second most significant Government action of the last 2 years. Six times, they increased the interest costs on everybody from the Federal Government and local governments, to families with mortgages and credit cards, to almost every business in the Nation.

While many fought bitterly against the tax increases that were included in 1993 Reconciliation Act, there was barely a word from most about the huge tax increase that resulted from the Fed's rate increases. While the first measure cost a typical family under $20 a year in higher taxes, the second cost many modest income families with an adjustable mortgage over a $1,000 in a year, 50 times the impact.

This wave of interest rate increases has been estimated to cost the Federal Government $107 billion over 5 years. And, the cost to the private sector is probably a lot higher. That is a huge impact with minimal public discussion on a governmental decision so significantly affecting both the Federal Government, local governments, and the private sector.

This amendment would help us to understand the impact of the Fed's actions and that would be a significant improvement.

The six increases in interest rates were largely justified by the Fed on the basis of their fear of rising inflation. In 1994, the CPI increased by a meager 2.7 percent, exactly last year's rate of inflation. When more volatile food and fuel costs were taken out, the rate increased by 2.6 percent, the lowest level of inflation since 1965. And, Alan Greenspan, the Fed's Chairman said he believed that the CPI was actually overstating inflation by .5 to 1.5 percent. If he were right about the CPI, and I have my doubts, Greenspan has pushed a huge burden on our economy when he believes that inflation has been under 2 percent a year over the past 2 years.

Where is this inflation that the Fed has been expecting?

Now, there are indications put out by the Fed's rumor mill that they will raise interest rates for a seventh time by another half percent or more on February 1.

The Fed says it takes a long time for the pain of their interest rate increases to work their way through the economy and cause the economy to slow down; that is, to cause enough people to be fired and for enough unemployed people to stay that way. It may take from 6 to 18 months.

I would like to ask: Is it logical to rush forward with a seventh increase in interest rates when we have not seen the impact of the earlier increases? If the Fed Chairman believes inflation has been running at less than 2 percent, I would think he would want to wait.

I would think the Fed would not want the slope of interest rates to rise too quickly. Because the higher we climb, the harder it will be for the economy to have the soft landing that we all want.

Some say that the Fed has an economic model that assumes that whenever unemployment drops to a certain point, it will put pressure on employers to provide some wage increases. And those wage increases will cause inflation. So, under this model, every time employment levels are good and people are working, the Fed fights to get that favorable situation reversed.

The Fed seems to work to create a guaranteed minimum level of unemployment and to minimize any general increase in wages.

I believe the Fed is, to some extent, fighting the last war.

Some have suggested that the tremendous growth in discount stores and the growing willingness of consumers to use private labels creates a real difficulty of manufacturers and retailers to raise prices. Some people see a new culture developing in many manufacturing areas which place considerable pressure on suppliers to avoid cost increases and to develop new lower cost methods of producing goods. To some extent, gains in computer design are providing methods to accomplish that goal.

And, as our country is more and more integrated in a world economy, the ability to raise the price of many U.S. goods and the ability to seek wage increases not related to greater productivity are declining.

Coming back to the analysis required by this amendment, clearly, this is important information that the public and policymakers should have about our economy and the effect of Federal Reserve actions.

Lastly, I wanted to comment on why this amendment should be on this bill. The Fed's interest rate increases are a mandate, a mandate on every city, county, and State in the Nation that issues bonds. It is a mandate on every business in the Nation that has loans based on the prime rate. It is a mandate on every family with a variable rate mortgage and many other kinds of loans. As Senator DORGAN said, the Fed's interest rate hikes are the mother of all mandates.

I commend Senator DORGAN for all of his work in this important area and urge adoption of his amendment.

Mr. SHELBY. Mr. President, I feel compelled to rise in opposition to the Senator from North Dakota's amendment—an amendment, which in my view is misplaced, unwise, and dangerously myopic.

The independent role of the Federal Reserve in setting monetary policy remains critical to the long-term stability of this country.

Cries for more public input in monetary policy decisionmaking misapprehend the necessary role of a central bank in our market system and jeopardize a carefully crafted balance between independence and public accountability.

Public accountability, in contrast to public input, already exists under the current structure of the Federal Resource.

The Fed and its activities are already highly scrutinized by both Houses of Congress pursuant to the Humphrey-Hawkins Act—and I dare say that Chairman Greenspan spends about as much time on the Hill testifying before one committee or another than he does at the Federal Reserve engaging in monetary policy decisionmaking.

This amendment is not about public accountability, Mr. President. Rather, this amendment is about a trade-off between long-term stability and short-term gain.

This amendment represents a rough attempt to influence monetary policy for short-term political purposes.

And yet even if it were successful in its purpose—to try and keep interest rates artificially low—it would still be ineffective, Mr. President, because long-term interests rates are not determined by U.S. monetary policy alone.

The Fed does not make decisions in a vacuum. Long-term bond and currency values reflect international confidence in the conduct of our monetary policy, not simply the Fed's pegged Federal funds rate. And a loose monetary policy, set through a politically influenced decisionmaking process would send a strong message to the rest of the world.

It would basically be telling our international neighbors that we are more concerned with macroeconomic gain than price stability and strong, long-term economic growth.

Mr. President, soft money means a soft economy. Adopt the view endorsed by this amendment and we won't have to worry about bolstering the Mexican economy through billion-dollar subsidies—we can make the peso look good by encouraging a lack of confidence in United States monetary policy and the dollar.

This amendment is not only unwise and myopic, it is misplaced.

It would force the Fed to report to Congress and the White House what costs are imposed on the market every time it raises interest rates. How do you define what comprises costs on the public and private sector? Do you net costs and benefits?

Would the proponents of this amendment agree the way many of them did during the health care debate that the short-term costs are outweighed by the long-term benefits? It would appear so.

Even if you could quantify such costs—which I nonetheless believe would be a specious exercise at best—this amendment is an unnecessary regulatory nightmare.

Congress already has the ability to ask the Fed about the costs of raising interest rates and it has, both through committee oversight and by individual Member queries to the Fed.

So what is the purpose of this amendment? To bog the Fed down in more reporting requirements and politicize its decisionmaking process by triggering the reporting requirements only when the Fed decides to increase interest rates.

Mr. President, the amendment also misapprehends its populist appeal.

It seems to me that on November 8 the American people were pretty clear about a couple of things—one of which is that they can rarely trust Congress to conduct the responsibilities it already has, like making fiscal policy.

I'm quite sure that such a healthy skepticism for this body's abilities would certainly extend to any ideas of Congress extending its reach further into Fed monetary policymaking.

I bet the American people would be much more interested in seeing the Congress report on the costs to the public and private sectors every time it votes to raise taxes.

I like low interest rates, too, Mr. President, but I'm not willing to sacrifice the long-term health of our economy to obtain them.

Mr. President, this amendment has nothing to do with unfunded Federal mandates, but instead is strictly about challenging the role of the Fed in setting monetary policy by making it more politically accountable to Congress.

Costs imposed by rising interest rates are not unfunded Federal mandates. As I've stated before, the Fed can only do so much to affect interest rates, the market will influence the rise or fall in interest rates no matter what the Fed does.

If anything, this amendment is about imposing new mandates by requiring the Fed to comply with new and extensive reporting requirements.

Mr. President, this bill is not the appropriate piece of legislation for this amendment and I would urge my colleagues to support the Senator from Idaho's motion to table the Dorgan amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. What is the present parliamentary situation? Is there an amendment to be voted on?

The PRESIDING OFFICER. The amendment by the Senator from North Dakota is pending.

Mr. HOLLINGS. Are we going to stay on that until 4 o'clock when we vote? Is that the ruling of the Chair?

Mr. President, while I do have the floor, could I put up an amendment or how can that be arranged? Will there be no more amendments?

The PRESIDING OFFICER. The Senator may ask consent to set aside the pending amendment.

Mr. HOLLINGS. I ask unanimous consent that we temporarily set aside the pending amendment so that I can introduce one.

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

Mr. HOLLINGS. I thank the distinguished Chair. I thank the distinguished managers of the bill.

Mr. President, I want to talk about the biggest unfunded mandate of all, which is not just interest costs on the Federal debt, but the entire Federal budget. We just heard—and I want to join the leadership of the distinguished Senator from North Dakota and the distinguished Senator from Nevada in their concern relative to interest costs. I will momentarily put into the RECORD a table that will show my colleagues exactly where we are.

Prior to that, let me speak to some of the problems facing our Nation. We are really in crisis, Mr. President, with respect to our fiscal situation and also in crisis in our cultural situation.

We all know the litany: There are some 40 million Americans in poverty. Some 10 million are homeless, sleeping in the streets; another 12 million children are hungry. The cities are a cesspool of crime and violence; the land is drug infested; the schools have turned into shooting galleries. Even more alarming, we now find that of those between the age of 17 and 24, 73 percent cannot find a job out of poverty. In sum, we are dividing into a two-tiered society, the haves and the have-nots.

The middle class that everybody seems to want to address is disappearing. Rather than offering up a State of the Union, rather than coming up with contracts premised on the dismantlement of Government, what we need is a plan to start the Government back up again, for it is only the Federal Government that can solve these problems. With all 50 States joining hands and pulling together, we can work our way out of this dilemma.

Mr. President, our security is like resting upon a three-legged stool. We have the first leg, the values we have as a country, and those are very strong. We readily sacrificed lives to feed the hungry in Somalia; we sacrificed lives again trying to promote democracy in Haiti; and we are now willing to send earthquake relief aid to Japan. We, as an American country—not as a middle class or lower class or underclass or rich class—willingly sacrifice and give assistance where it is needed.

Similarly, the second leg of our security rests on the leg of military power, and the strength of that is unquestioned. Finally, the third leg is that of our economic security, and that leg is fractured, in disrepair, and about to break because of the very litany that we have all enunciated on the floor.

We act as if it is the best of times, and all we need to do is give to the various interest groups their wants. For those in California, we will now finally have a program on immigration after we just passed a multibillion-dollar bill on that subject. It makes a difference. But we have never even given the additional border patrols and everything else a chance to work, including the new offices that were set up. The thrust of such pollster-driven policies would be to say, "We have not done anything," and "Let us start doing something there," because California is important in the Presidential race.

Of course meanwhile, both sides are trying their dead-level best to flatter the middle class with gifts such as tax cuts. Mr. President, we do not have anything to give. The tenor and tempo of the moment should rather be that of John F. Kennedy back some 30 years ago when he said, "My program is not a set of promises of what I intend to give the American people, but rather a set of challenges of what I intend to ask of the American people."

Rather than facing challenges and bringing reality, we are off on a toot, chasing around in a veritable contest, a foot race, if you please, trying to dismantle the Government and saying that the Government is the enemy. The truth of the matter is that the Government is a friend. We have valid programs working which need to be expanded upon—women, infants, and children feeding, 50 percent receive funding and 50 percent go wanting. But for every dollar I spend on women, infants, and children feeding, I save $3. For if I do not spend that money on nutritional supplements, I have, by account, an increase in low birthweight infants. The average stay in an incubator for the low birthweight infants is 30 days, at $1,000 a day, or $30,000.

Getting to the needs of the hour, we need to embellish the WIC Program and the Head Start Program. We can furnish the studies that show for every $1 that we invest in Head Start—not to the cities or to the States or to get it back to the people or to dismantle it and all the other gobbledygook they are giving us—Head Start saves $4.50 for every $1 we spend. We ought to extend that to the other 40 percent of Americans that are not participating.

With respect to funding for the disadvantaged, half of those eligible are not receiving benefits, but for every $1 we spend there, $6.25 is saved. Biomedical research, which is a distressing thing to me, we have cut back under President Clinton's administration on top of the cuts that we have had under Reagan-Bush. But for every $1 we spend in biomedical research out at NIH, we save $13.50.

Indeed, the Federal Government has a lot of good roles to perform. Welfare reform—you are getting another unfunded mandate, Mr. Governor, I can tell you now. Some will get welfare and some will not. Those recipients in the "have-not" States with the bigger burden will start moving to those "have" States. In fact, that is what brought about the Federal program.

I can tell you, once they get to welfare reform and try to set up those jobs to make people work, no money is going to be saved. It is going to cost more. Welfare reform is going to cost more. Name the odds and I will take all bets.

Similarly with health reform. Yes, we can slow down the growth of rising health costs, but the savings that we achieve through reductions in all of the entitlements will leave us far short of our goal. My point is while we may save some, we will not save enough. So, it is important that we come and start looking, if you please, at what we really need in this land of ours. And I will get into that on another occasion, because I want to address the problem of this unfunded mandate, the Federal budget.

Mr. President, we need a Marshall plan for America. If we are going to have a capital gains tax cut, we need to have it for inner-city investment to industry, not just for the rich just to write off. In addition, we need to promote savings. We need targeted IRA's and incentives to promote investment in research and development investment here in the United States. With respect to technology, we need the advanced technology program, which is subject to peer review by the National Academy of Engineering and devoid of any political pork.

Regrettably, you see some shouting in the contract that these are pork barrel programs. We have to get into competition with a competitive trade and industrial policy. We can go down the list of the needs, but we do not have any money.

Looking at what is available, I find myself much like the famous character in "Alice In Wonderland," where to stay where I am, I have to run as fast I can; to get ahead, I have to run even faster.

Let me turn momentarily to the interest costs on the public debt. I can tell you, before Chairman Greenspan raised interest rates, the CBO estimated $311 billion for the 1995 gross interest costs on the public debt. Now, comes January, it has jumped some 28 billion bucks to $339 billion and is projected to rise to $408 billion by 2002.

So what I have tried to do in this particular exercise is to bring into focus the magnitude of our current fiscal situation. I have been in a drill now all this month with my staff and the best of minds. I have summarized it on one sheet of paper. And I will ask my staff to distribute this sheet to our friends on the floor and any others who are interested. Yes, statistics are boring, but it is a reality.

We start, Mr. President, with reality check No. 1, that it will require approximately $1.2 trillion in spending cuts to execute item No. 1 of the Contract With America; namely, to balance that budget.

Now, balancing the budget is not a new thing. I have tried dutifully as a Member—and Senator DOMENICI and I are the only remaining Members since the initiation over 20 years now of the Budget Committee—and as a former chairman, I have conscientiously tried freezes. I have tried Gramm-Rudman-Hollings—which, incidentally, my colleagues, Mr. GRAMM and Mr. Rudman, joined in abolishing in 1990 when we went from fixed to floating targets. We had the discipline. We needed to maintain that discipline, but in October of 1990, I guess it was—we will find out the exact date—at around 20 minutes to 1:00 in the morning, I will never forget making the point of order; the point of order was appealed and Gramm-Rudman-Hollings, for all intents and purposes, was abolished.

Do not say, "It did not work." That is what I hear is said in these meetings and seminars, that Gramm-Rudman-Hollings did not work. The fact of the matter is that it was not the law that failed, but rather a bipartisan failure on the part of Congress to meet the targets.

The problem continues to worsen—and I emphasize, Mr. President, "worsen"—because if we had had the freezes that my distinguished friend on the other side of the aisle, the majority leader, Howard Baker of Tennessee, and I once offered, we would have a balanced budget this very minute.

After failing with freezes, I then came with taxes. Now, I have been in public service 40 years and I am not some loon who is off trying to get a headline. I do not need it. Instead, I try to make headway.

And I know that taxes are unpopular. Because of pollster politics in this land, every politician is told, whether Republican or Democrat, conservative or liberal, that Americans are all against taxes. Uniquely and ironically, we are in such a position that the only way we can stop increasing daily interest taxes by $1 billion is to raise taxes. Now think about that statement. I said to stop increasing daily interest taxes of $1 billion. Or save a few Sundays, we pushing gross interest up to $339 billion. That interest cost to me is the worst tax of all, because it cannot be avoided. That is the first thing that comes off the top. So, we have spending on automatic pilot and tax increases on automatic pilot. That is why I say our country is in crisis.

The truth of the matter is that we have not paid for the Congress in years. We have not paid for the FBI in years. We have not paid for the DEA in years. We have not paid for the Departments of Commerce, the Interior, Agriculture, and other Departments in years. Why? Because if we look to see domestic discretionary—not defense—domestic discretionary spending right this minute is $253 billion. Defense spending is $270 billion; international affairs is $21 billion for a grand total in discretionary spending of $544 billion.

Get that figure in your mind and turn to the size of the deficit. The true deficit figure for 1995 is $283 billion and not the $176 billion that the press continues to report. They do not want to speak the truth in budgeting. I offered the amendment along with my late friend, Senator Heinz, to prevent us from using the Social Security trust fund to mask the size of the deficit. They do not adhere to it. OMB and CBO give two figures, one using the trust funds, one not using them.

As an aside, I might mention that Social Security is paying its way. It is not in the red. In fact, by the end of the century we will owe Social Security $1 trillion. One trillion dollars we have borrowed. We are using these little IOU slips in the trust fund drawer to mask the true size of the deficit.

Now we will jump back to the $253 billion we spend on domestic discretionary programs. The courts, the Congress, the President, the FBI, the judges—all of these Departments of Government add up to $253 billion. Similarly, at the present time we have a deficit of $283 billion. Thus, we could eliminate all of Government and we would still be facing a deficit.

When we come around with the Contract with America and say we will balance the budget with spending cuts, eliminate the Government, so to speak, we will still have a deficit. This is the unpardonable crisis we have worked our way into. I have continued to search for ideas. I appeared with the best of experts, Mr. Charles Walker, former Undersecretary of the Treasury,

Dr. Cnossen of the Netherlands, who helped write the Japanese value-added tax, the United Kingdom's value-added tax.

I have been to countries like Argentina that are operating on a balanced budget. I have been to Chile where they are operating on a balanced budget, and I am lecturing them? I am embarrassed. I have the biggest foreign debt. I have gross interest, the biggest domestic account that we can possibly think of, and we act like all we are here to do is make the headlines with contracts, identify with the family, identify with the middle class, identify with California on immigration, and get past, if you please, the election.

I have tried to work on those entitlements. I wish Senators could have been at some of the meetings that I had with Claude Pepper. I learned that senior citizens were willing to sacrifice as long as everyone shared in shouldering the load. At a meeting with Claude and some senior citizens, I asked everyone to raise their hands if they were willing to just hold the line, freeze Social Security not cut it, but not get any increase so long as no one else got any increase. I would pick up half of Claude Pepper's audience. They would raise their hands and some would stand. After that, the distinguished Congressman from Florida and chairman of that particular committee quit inviting me to the meetings.

I have stood the fire on COLA freezes. Someone on the other side might try and say, "Oh, you did not vote that way in September 1985, when they wheeled in Pete Wilson for the Republican freeze of Social Security." That's true, I did not because it did not apply to every other particular program.

In addition, I have tried to reduce other entitlements. Along with the Senator from Kansas, now majority leader, I attempted to reduce the waste and inefficiencies in the Food Stamp Program, but the promised savings never materialized. Instead, we saw more and more children qualify for the program. I can tell Members here and now what causes latchkey children. It is that the average family's income has steadily declined. So both parents have to get out and they both have to hustle. That is the case in my family and perhaps in your families and everybody's family. That is the fact of life.

Some of them have to get out in order to support their children. The child is left at home.

And there it is. If you think you are going to save on aid for dependent children, look at what the distinguished majority leader said in the morning paper that I read: Babies having babies we deplore, but we are not cutting the children off. I agree with him. It is a child problem, it is not a political problem with the next election to identify: "I got hold of those riding around in Cadillacs and buying T-bone steaks with their food stamps". I have heard that ad nauseam for years and have written a book on hunger. We will talk on that at length on a different occasion.

My point in this whole particular amendment is that we are really in a crisis condition relative to spending on automatic pilot, and the need of the hour is not a delay for a constitutional amendment.

The time for the discipline has passed, so to speak. What we need to do is do it. We all are like a bunch of players that have run up into the grandstand hollering, "We want a touchdown; we want a touchdown; we want a touchdown." Darn it, get down on the field and score a touchdown. We are the players.

I remember when Ronald Reagan came to town. He said he was going to balance the budget in 1 year. When he got here, after he had gotten elected on that pledge, he said, "Oops, this thing is way worse. It's going to take me 2 years."

We went back, thinking he was serious, in the Budget Committee and said, "All right, we'll make it 3 years so it will be realistic and we can get it done."

That was 1981, and by 1985, we had not done anything. In fact, we had this growth, growth, growth. We were supposed to grow out of our problems and give the people back their money so they can spend it better than Washington. We have been through that.

But the fact of the matter is, by 1985 in Gramm-Rudman-Hollings, we had to make a 5-year plan. Now they are jumping it to 7 years. If you agree to that, I can tell you the next Congress is going to come for 10 years. Up, up, and away, just so long as you do not face the music.

I am saying now is the hour to face that music. We cannot do all we want done. But we can make a good start of providing a Marshall plan to rebuild the economy of this land so that we can go back to providing jobs for Americans.

The reality is that you cannot save enough on entitlements. What about defense? There are those who want to increase it inordinately. There are those who want to decrease it inordinately. I think the best judgment at this hour is to hold the line on defense and let the Defense Department really stabilize under the Bottom-Up Review.

With respect to domestic discretionary spending reductions, they have to come from freezes and cuts. But once you go over the list, you find out that there are not enough savings to balance the budget.

Mr. President, I ask unanimous consent this cover sheet, with the list of the cuts, be printed in the RECORD.

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

Non-Defense discretionary spending cuts	1996	1997
Space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	1.0
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Department funding and end miscellaneous activities	0.1	0.2
End Public Law 480 titles I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the bureau of mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate Untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for Energy Technology Development	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for non-profits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice State-local assistance grants	0.1	0.2
Reduce export-import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close Veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate small business development centers	0.056	0.074
Eliminate minority assistance score, small business institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate Int'l Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the United Nations	0.873	0.873
Eliminate participation in U.N, peacekeeping	0.533	0.533
Eliminate Byrne Grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.028	0.140
Reduce Coast Guard 10 percent	0.208	0.260
Eliminate manufacturing extension program	0.03	0.06
Eliminate Coastal zone management	0.03	0.06
Eliminate National Marine sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate State weather modification grant	0.002	0.003
Cut weather service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003
Eliminate minority business development agency	0.022	0.044
Eliminate public telecommunications facilities program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate national information infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Reduce chapter 1 20 percent	0.173	1.16
Reduce special education 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345

Non-Defense discretionary spending cuts	1996	1997
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce Agricultural Research Service	1.579	1.735
Reduce WIC 50 percent	1.579	1.735
Eliminate TEFAP:		
Administrative	0.024	0.040
Commodities	0.025	0.025
Reduce cooperative State research service 20 percent	0.044	0.070
Reduce animal plant health inspection service 10 percent	0.036	0.044
Reduce food safety inspection service 10 percent	0.047	0.052
Total:	36.942	58.407

Mr. HOLLINGS. I thank the distinguished Chair.

I been trying to put us on a reasonable path to get our deficit down to zero. But to do that through spending reductions alone requires $1.2 billion in cuts over 7 years and $37 billion in the first year.

Thirty-seven billion dollars in domestic discretionary looks attainable until you try it on. That is why I have listed them, doing my dead-level best to get up to the $37 billion. I have listed the space station, eliminate it; the community development block grants; the lower-income home energy assistance; the arts funding, the funding for campus-based aid; the funding for impact aid; the funding to control drugs; SBA loans should be eliminated; the Federal aid to mass transit; eliminate the Economic Development Administration; reduce the Federal rent subsidies; reduce overhead for university research; repeal Davis-Bacon—I am going down a list of all these things they have been thinking about.

I am going down a list of all these things they have been speaking about.

Reduce the State Department funding and end miscellaneous activities, end P.L. 480 title I and title III sales, eliminate the overseas broadcasting, the Bureau of Mines, eliminate expansion of the rural housing assistance, eliminate U.S. Trade and Tourism and Travel Administration, the advanced technology program, the airport grants in aid, the Federal highway demonstration programs, eliminate Amtrak subsidies, eliminate the RDA loan guarantees, the Appalachian Regional Commission, the untargeted funds for math and science, cut Federal salaries by 4 percent, charge Federal employees commercial rates for parking, reduce agriculture research extension activities, cancel the advanced solid rocket motor, eliminate Legal Services Corporation, reduce the Federal travel by 30 percent, reduce the energy funding for energy technology development, reduce the Superfund cleanup costs, reduce the REA subsidies, eliminate the postal subsidies for nonprofits, reduce the NIH funding, eliminate the Federal Crop Insurance Program, reduce the Justice-State local assistance grants, reduce the export-import direct loans, eliminate library programs, modify the service contract, eliminate the HUD special purpose grants, reduce housing programs, eliminate community investment programs, reduce strategic petroleum program, eliminate the senior community service program, reduce the U.S. Department of Agriculture spending for export marketing, reduce maternal and child health grants, close the veterans hospitals, reduce the number of political employees, reduce the management costs for the VA health care, reduce the PMA subsidy, reduce below-cost timber sales, reduce the legislative branch 15 percent, eliminate the small business development centers, eliminate the minority assistance on SCORE, technical assistance programs for women's business assistance, international trade assistance and import zones—all that is minority assistance gone, just like they did the caucus over across the hall there—eliminate new State Department construction projects, eliminate the International Boundaries and Water Commission, eliminate the Asia Foundation, eliminate the International Fisheries Commission, eliminate the Arms Control Disarmament Agency, eliminate the National Endowment for Democracy, eliminate Fulbright and other international exchanges, eliminate the North-South Center, eliminate the United States contribution to the World Health Organization, Organization of American States, and the other international organizations, including the United Nations, eliminate participation in U.N. peacekeeping, eliminate the Byrne grants, eliminate community policing programs, a moratorium on new Federal prison construction, reduce the Coast Guard 10 percent, eliminate manufacturing extension program, eliminate coastal zone management, the national marine sanctuaries, the climate and global change research, the national sea grant program, eliminate the State well and modification program, cut the Weather Service operations 10 percent, eliminate the regional climate centers, eliminate the Minority Business Development Agency, eliminate the public telecommunications facilities program grant, eliminate children's educational television, eliminate the national information infrastructure grant, cut Pell grants 20 percent, eliminate education research, cut Head Start 50 percent, eliminate the meals and services for the elderly, eliminate title II social service block grant, eliminate community services block grant, eliminate rehabilitation services, eliminate vocational education, reduce chapter 1 20 percent, reduce special education 20 percent, eliminate bilingual education, eliminate JTPA, eliminate child welfare services, eliminate CDC breast cancer program, eliminate the CDC AIDS control program, eliminate the Ryan White AIDS program, eliminate maternal and child health, eliminate family planning program, eliminate the CDC immunization program, eliminate the tuberculosis program, eliminate Agriculture Research Service, reduce WIC 50 percent, eliminate TEFP administrative commodities, reduce cooperative State research 20 percent, eliminate animal/plant health inspection services 10 percent, reduce food safety inspection service 10 percent, and you have in outlays for the year 1996, $36.942 billion.

Incidentally, Mr. President, it would be good at this time to include in the RECORD a letter the distinguished Senator from New Hampshire dated January 11, 1995, to his colleagues saying, "As part of this process * * * to head up an effort to find dramatic spending reductions in entitlements," and list of reductions in entitlements be included in the RECORD.

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

U.S. SENATE,
Washington, DC, January 11, 1995.

DEAR COLLEAGUE: As you know, we are aggressively proceeding to address the development of next year's budget under the leadership of Senator Dole and Senator Domenici. As part of this process, I have been asked to head up an effort to find dramatic spending reductions in entitlements. I would appreciate your help in this effort.

We are going to attempt to identify entitlement savings in the range of hundreds of billions of dollars over the next five years. To accomplish this, we are using the following documents:

(1) Last year's Republican budget which entailed nearly $215 billion in entitlement savings (Appendix A);

(2) An allocation formula of additional savings based on the approximate percent that various spending categories represent of total entitlement spending (Appendix B) and;

(3) A working draft of potential areas for savings (Appendix C).

Social Security is not to be included in any of this activity.

Using the enclosed documents and any other materials or ideas that you may have, I would appreciate it if you or your staff would get back to us no later than January 17th as to any specific suggestions or proposals that you would like to make.

Thank you for your attention to this issue.

Sincerely,

JUDD GREGG.

CHAPTER 1: PROPOSALS TO REFORM THE CIVIL SERVICE RETIREMENT SYSTEM

I. OPTIONS TO REDUCE REPLACEMENT RATES FROM THE START OF RETIREMENT FOR CSRS AND FERS

A. Modify the salary used to set pensions:

Cost Savings: $510 million over 5 years. (CBO projections from 1995–1999).

II. OPTIONS TO RETAIN INITIAL REPLACEMENT RATES BUT REDUCE BENEFITS DURING RETIREMENT THROUGH COLA RESTRICTIONS FOR CSRS AND FERS

A. Limit COLAS to one-half percentage point below inflation for CSRS:

Cost savings: $2.45 billion over 5 years. (CBO projections from 1995–1999).

B. Defer COLAS until age 62 for all nondisabled employees who retire before that age for those under CSRS:

Cost savings: $1.210 billion over five years. (CBO projections from 1995–1999: No savings in 1995).

III. OPTIONS TO INCREASE THE CSRS AND FERS RETIREMENT AGE

A. Raise the retirement age from 55 to 65 prospectively for all new hires after 1993:

Cost savings: Because of the prospective implementation, there would be no immediate savings.

B. Raise the age of civilian retirement to 62:

Cost savings: $14 billion over 5 years (1994–1998).

IV. OPTIONS TO RAISE DEFINED BENEFIT CONTRIBUTIONS IN CSRS AND FERS

A. Increase employee contributions to Retirement Fund in CSRS from 7 percent to 9 percent over two years:

Cost Savings: $4.180 billion over 5 years. (CBO Projection from 1995–1999).

V. OPTIONS REGARDING CSRS AND FERS SURVIVOR BENEFITS

A. Conform the maximum entitlement age for CSRS/FERS child-survivor benefits to that of Social Security:

Cost savings: $50 million over 4 years. (1994–1997).

B. Base survivor annuity on the retiree's reduced annuity:

Cost savings: $350 million over 4 years. (1994–1997).

VI. OPTIONS TO DECREASE THE EMPLOYER MATCHING RATE FOR VOLUNTARY THRIFT SAVINGS PLAN (TSP) CONTRIBUTIONS

Option 1: Eliminate the 50-cents-per-dollar match for the fifth percent of salary available under the current thrift savings plan for all new hires:

Cost savings: $144 million over 5 years.

Option 2: Eliminate the 50-cents-per-dollar match for new employees:

Cost savings: No saving over 5 years.

Option 3: Limit the Federal match to a federal matching rate of 50 percent against the first five percent of pay:

Cost savings: $2.34 billion over 5 years. (CBO projections from 1995–1999).

Option 4: Reduce the Federal matching contributions from one dollar to 50 cents for contributions above the first one-percent of pay contributed by employees:

Cost savings: Does not indicate separate cost savings.

CHAPTER 2: PROPOSALS TO REFORM THE MILITARY RETIREMENT SYSTEM

I. OPTIONS TO REDUCE REPLACEMENT RATES FROM THE START OF RETIREMENT

A. Modify the salary used to set pensions:

Cost savings: $110 million over 5 years. (CBO Projections from 1995–1999).

II. OPTIONS TO RETAIN INITIAL REPLACEMENT RATES BUT REDUCE BENEFITS DURING RETIREMENT THROUGH COLA RESTRICTIONS

B. Defer COLAs:

Option 1: For those who enlist after 1993, defer the COLA on their retirement benefits until age 62:

Cost savings: None over 5 years. (1994–1999).

Option 2: Defer COLAs for all future military retirees until age 62:

Cost savings: $4.45 billion over 5 years. (CBO projections from 1995–1999: No savings in 1995).

B. Limit COLAs:

1. Limit COLAs to one percentage point below inflation for all the future military retirees.

Cost savings: $2.77 billion over 5 years. (CBO projections from 1995–1999).

CHAPTER 3: PROPOSALS TO REFORM MEDICARE

Part 1: Proposals To Reform Medicare Part A, Hospital Insurance (HI)

I. PROSPECTIVE PAYMENT SYSTEM (PPS)

A. Eliminate Medicare payments to hospitals for enrollees' bad debts:

Cost savings: $1.75 billion over 5 years. (CBO Projection for 1995–1999).

B. Eliminate Medicare's additional payments to sole community hospitals (SCHs).

Cost savings: $1.33 billion over 5 years. (CBO projection for 1995–1999).

II. PPS—UPDATE FACTOR PROPOSALS

Cost savings: $17.76 billion over four years. (HHS projection for 1997–2000).

A. Update Medicare payments to hospitals for inpatient care on a calendar-year basis:

Cost savings: $4.6 billion over 4 years. (HHS projection for 1994–1997).

B. Freeze Medicare's part A payment rates and limits for 1 year:

Cost savings: $8.45 billion over 5 years. (CBO projection for 1995–1999).

C. Extend OBRA–93 skilled nursing facilities (SNFs) savings:

Cost savings: $920 million over 5 years. (HHS projection for 1996–2000).

III. CAPITAL PAYMENTS

A. Mandated reduction in capital reimbursement payments to hospitals:

Cost savings: $4 billion over 5 years. (HHS projection based on $800 million savings annually).

B. Reduce capital payments by the following three changes:

Cost savings: $6.2 billion over 5 years. (HHS projection for 1996–2000).

IV. INDIRECT MEDICAL EDUCATION

A. Reduce Medicare's payments for the indirect costs of patient care that are related to hospitals' teaching programs:

Option 1: Lower teaching adjustments to 6 percent:

Cost savings: $4.79 billion over 5 years. (CBO projection for 1995–1999).

Option 2: Lower teaching adjustments to 3 percent:

Cost savings: $13.55 billion over 5 years. (CBO projection for 1995–1999).

Option 3: Lower teaching adjustments to level supported by HCFA's empirical data, or 5.65 percent:

Cost savings: $5.225 billion over 5 years. (HHS projection based on annual savings of $1.045 billion).

Option 4: Lower teaching adjustments to 3.2 percent:

Cost savings: $8.71 billion over 5 years. (GAO projection 1992–1996).

B. Replace indirect medical education adjustments with a transfer support system:

Cost savings: $18.45 billion over 5 years. (HHS projection for 1996–2000).

Part 2: Proposals to Reform Medicare Part B, Supplemental Medical Insurance

I. FEE SCHEDULES—PHYSICIANS SERVICES

A. Relative value units:

1. Payments to medical staffs would be limited.

Cost savings: $2.45 billion over 3 years (HHS projection for 1998–2000; no savings in 1995–97).

B. Geographic adjustment:

There are no current options that affect the geographic adjustment.

C. Conversion factor:

1. Reduction in conversion factor for 1994.

Cost savings: $2.85 billion over 6 years. (HHS projection for 1995–2000).

D. Update factor:

1. Beginning in fiscal year 1996, use the change in real gross domestic product (GDP) to adjust the volume and intensity factors of the MVPS calculation.

Cost savings: $5.775 billion over 4 years. (HHS projection for 1997–2000).

2. Set cumulative growth targets for MVPS.

Cost savings: $5.475 billion over 4 years (HHS projection from 1997–2000) Note: includes $75 million cost in 1997.

V. MEANS-TESTING

A. Phase in an increase of the deductible from $696 to $2000 for hospital stays under Medicare Part A for individuals with AGIs above $70,000 (couples above $90,000):

Cost savings: $1.6 billion over 5 years. (1995–1999).

VI. DISPROPORTIONATE SHARE HOSPITAL ADJUSTMENTS

A. Eliminate the disproportionate share adjustment for hospitals in Medicare's prospective payment system:

Option 1: Eliminate the DSH payment immediately.

Cost savings: $20.3 billion over 5 years. (CBO projection for 1995–1999).

Option 1: Phase out the DSH payments over 5 years.

Cost savings: $12.55 billion over 5 years. (CBO projection for 1995–1999).

B. Reduce DSH payments:

Cost savings: $17.25 billion over 5 years. (HHS projects an additional 1.5 percentage points would be added for primary care services. Projection for 1996–2000).

VII. ADMINISTRATIVE SAVINGS OPTIONS

A. Do not reimburse Medicare providers for substandard medical care:

Cost savings: $550 million over 5 years. (HHS projection based on annual estimated savings of $110 million).

II. CLINICAL LAB SERVICES-FEE SCHEDULES

A. Include laboratory services in outpatient or office visits in the charges:

Cost savings: $6 billion over 5 years. (HHS projection).

B. Change the way Medicare pays for clinical laboratory test:

Cost savings: $2.13 billion over 5 years. (HHS projection).

C. Permanently extend the 2 percent annual update of Medicare reimbursement rates for clinical lab services:

Cost savings: $740 million over 4 years. (OMB projection for 1994–1997).

III. OUTPATIENT TREATMENT/SERVICES

A. Treat hospital admissions as outpatient services when there is no overnight stay:

Cost savings: $1.05 billion over 5 years. (HHS projection based on annual savings $210 million).

B. Bring outpatient-services payments in line with ambulatory service center (ASC) approved insurance:

Cost savings: $645 million over 5 years. (HHS projection).

C. Continue Medicare's transition to prospective rates for facility costs in hospital outpatient departments:

Cost savings: $340 million over 5 years.

D. Require Medicare payments to equal the blended amount less any amount the hospital may charge as coinsurance:

Cost savings: $9.75 billion over 7 years. (HHS projection for 1994–2000).

E. Reasonable cost reimbursements:

1. Increase the 5.8 percent reduction of payments for hospital outpatient services to 10 percent reduction.

Cost savings: $2.6 billion over 4 years from 1993 estimate. (OMB estimate as reported in Medicare: FY94 Budget (Updated December 13, 1993)).

IV. CO-INSURANCE FOR PART B

A. Increase the part B coinsurance rate to 25 percent on all services that are currently subject to a coinsurance rate of 20 percent:

Cost savings: $16.25 billion over 5 years. (CBO projection for 1995–1999).

B. Clinical lab services:

1. Collect 20 percent coinsurance on clinical lab services under Medicare.

Cost savings: $6.18 billion over 5 years. (CBO projection for 1995–1999).

V. DEDUCTIBLE

A. Increase Medicare's deductible from $100 to $150 and index for inflation:

Cost savings: $9.29 billion over 5 years. (CBO projection over 1995–1999).

VI. PREMIUMS

A. Increase the part B premium to 30 percent of program costs:

Cost savings: $17.37 billion over 5 years. (CBO projection for 1995–1999). (Note: Savings is actually over 4 years because no change in 1995).

VII. MEANS-TESTING

A. Phase out the premium subsidy for higher income beneficiaries:

Option 1: Gradually reduce the Medicare part B premium subsidy for high-income enrollees with AGIs beginning at $70,000 for individuals ($90,000 for couples). The subsidy would be phased out completely at AGI of $95,000 for individuals ($115,000 for couples).

Cost savings: $7.34 billion over 5 years.

Option 2: Phase out part B subsidy through gradual reduction in subsidy for enrollees earning more than $50,000 ($65,000 for couples):

Cost savings: $16.3 billion over 5 years.

Option 3: Raise the part B premium to cover 75 percent of costs for individuals with incomes exceeding $90,000 ($115,000 for couples):

Cost savings: Not Available.

Option 4: Raise the premium for physicians' services under Medicare to cover 75 percent of costs for individuals with incomes exceeding $75,000 ($100,000 for couples):

Cost savings: $8 billion over 5 years. (CBO projection for 1996–2000).

Option 5: Raise the part B premium to cover 50 percent of costs for individuals with incomes exceeding $60,000 and for couples with incomes exceeding $80,000:

Cost savings: $6.02 billion over 5 years.

Option 6: Income-related premiums would cover 100 percent of costs for individuals with incomes exceeding $125,000 and for couples with incomes over $150,000:

Cost savings: $5.375 billion over 5 years. (CBO projection for 1995–1999).

Option 7: Raise the premium for physicians' services under Medicare to cover an additional one-third of program costs for individuals with incomes exceeding $100,000 ($125,000 for couples):

Cost savings: Not Available.

VIII. MISCELLANEOUS

A. Charge a fee for supplementary medical insurance (part B) claims that are not billed electronically:

Cost savings: $550 million over 4 years. (CBO projection 1994–1998).

B. Competitive bids:

1. Require the Secretary of HHS to establish competitive acquisition areas for the awarding of contracts to furnish selected items or services, effective January 1, 1995.

Cost savings: $980 million over 6 years. (HHS projection for 1995–2000).

2. Require the Secretary to reduce lab fee schedule payment amounts if competitive acquisition did not result in a 10 percent reduction in payments that would otherwise have been made.

Cost savings: $1.55 billion over 6 years. (HHS projection for 1995–2000).

IX. EXTEND CURRENT LAW

A. Permanently extend OBRA-90 5.8 percent reduction of Medicare reimbursement for hospital outpatient department (OPD) reasonable costs beyond 1995:

Cost savings: $950 million over 4 years. (OMB projection for 1994–1997).

Part 3: Proposals Affecting Part A and Part B

I. MEDICARE SECONDARY PAYMENT (MSP)

A. Extend MSP provisions for beneficiaries whose Medicare eligibility is based on end stage renal disease (ESRD) from the current law limit of 18 months to the duration of treatment of the disease:

Cost savings: $3.018 billion over 5 years.

II. HOME HEALTH SERVICES

A. Home health co insurance:

Option 1: Establish 20 percent coinsurance for home health services under Medicare from beneficiaries with Adjusted Gross Income (AGI) above 150 percent of the Federal poverty level. (The 150 percent poverty level in 1992 was $10,094 for individuals age 65 or over and $12,730 for two-person families with a head age 65 or older):

Cost savings: $13.675 billion over 5 years.

Option 2: Establish 10 percent coinsurance on home health services under Medicare from beneficiaries with AGI above 150 percent of the Federal poverty level. (The 150 percent poverty level in 1992 was $10.094 for individuals age 65 or over and $12,730 for two-person families with a head age 65 or older):

Cost savings: $7 billion over 5 years. (1994–1998).

Option 3: Establish a 10 percent copayment from those receiving home health services:

Cost savings: $11 billion over 5 years.

Option 4: Establish a 10 percent copayment for all home health services, except for those received within 30 days of discharge from a hospital for inpatient care:

Cost savings: $8.02 billion over 6 years. (HHS projection for 1995–2000).

Option 5: Collect 20 percent coinsurance on all home health and skilled nursing facility (SNF) services under Medicare:

Cost savings: $20.45 billion over 5 years. (CBO projection for 1995–1999).

B. Other home health proposals:

1. Extend OBRA-93 home health saving.

Cost savings: $2.1 billion over 4 years. (HHS projection for 1997–2000).

2. Establish home health median limit.

Cost savings: $600 million over 4 years. (HHS projection for 1997–2000).

III. GRADUATE MEDICAL EDUCATION

A. Reduce Medicare's direct payments for Medical education:

Option 1: Base Medicare direct medical education payments on a national per resident amount derived from the national average of salaries paid to residents in 1987, updated annually by the Consumer Price Index (CPI) for urban areas:

Cost savings: $1.07 billion over 5 years. (CBO projection for 1995–1999).

Option 2: Base Medicare direct medical education payments on a national per resident amount derived solely from the average of salaries paid to residents:

Cost savings: $1.4 billion over 4 years. (OMB projection for 1994–1997).

Option 3: Reduce teaching and overhead payments for non-rural, non-primary care residents in their initial residency period and eliminate these payments beyond the initial residency, but continue to pay salaries and fringe benefits:

Cost savings: $1.225 billion over 5 years. (1994–1995).

IV. ELIGIBILITY AGE

A. Raise the Medicare entitlement age to 67:

Cost savings: Savings would begin in the year 2000 and build as the increase is phased in over 26 years. The potential savings would be approx. $60 billion per year immediately after the entitlement age reaches 67 in 2027. This amount is between $4.7 and $14.6 billion per year, depending on the measure used.

V. MEANS TESTING

A. Establish an income-tested deductible for the sum of payments under part A and part B of Medicare:

Cost savings: $55 billion annual savings. The authority of this option (CATO) estimate that it would reduce the growth of outlays from medical care by at least one percentage point.

VI. HEALTH MAINTENANCE ORGANIZATIONS (HMOS)

A. Standardize payments to HMOs:

Cost savings: $1.285 billion over 6 years. (OMB projection for 1995–2000).

VII. EXTEND PROVISIONS OF CURRENT LAW

A. Medicare secondary payment (MSP):

Cost savings: $2.680 billion over 2 years (HHS projection for 1999–2000; no savings in 1995–1998 because the current system covers up to 1998).

B. Permanently extend the data program to identify Medicare secondary payment (MSP):

Cost savings: $465 million over 2 years. (HHS projection; no savings before 1999 because current system is in effect through 1998).

VIII. ADMINISTRATIVE SAVINGS OPTIONS

A. MSP Overpayments:

Cost savings: Savings from this proposal depend on administrative action, including the allocation of sufficient discretionary funding to the HCFA to collect the estimated overpayments. While the maximum savings would be $961.6 million in the first year, it is unlikely that all of this sum would be collectable.

B. Increase Medicare oversight funding for the contractors that do claims processing:

Cost savings (savings in mandatory spending, but costs in discretionary spending):

Heritage Foundations—$5.4 billion over 5 years.

GAO—stated that CBO does not make estimates of this type of savings but does not disagree with GAO.

CHAPTER 4: PROPOSALS TO REFORM MEDICAID

1. Institutionalized care.

A. Nursing facility care (NFC):

1. Mandate state regulation of growth in the number of nursing home beds.

Cost savings: $625 million over 5 years. (CBO projection for 1995–1999).

B. Institutions for the mentally retarded:

1. Reduce to legally authorized levels of Medicaid payments to institutions for the mentally retarded.

Cost savings: $3.415 billion over 5 years. (HHS projection based on annual savings of $683 million).

MISCELLANEOUS

A. Managed care:

1. Require states to phases in managed care programs for Medicaid patients.

Cost savings: $10 billion over 5 years. (1995–1999).

B. Merge Women Infants and Children (WIC) with Medicaid:

Cost savings: $4.4 billion over 4 years. (1992–1996).

C. Impose higher premiums on Medicaid recipients with incomes over 100 percent of poverty:

Cost savings: $600 million over 4 years. (1992–1996).

D. Eliminate Medicaid transition benefits for AFDC recipients:

Cost savings: $750 million over 4 years (1992–1996).

E. Eliminate Federal matching in the Medicaid Program for the State Medicare buy-in:

Cost savings: $3.6 billion over 6 years. (1992–1996).

CHAPTER 5: PROPOSALS TO REFORM FEDERAL HEALTH CARE PROGRAMS

I. FEDERAL EMPLOYEES HEALTH BENEFITS

A. End the pay-as-you-go policy for Federal employees health benefits program and prefund Federal retirees' health insurance (pay-as-you-earn policy):

Cost savings: $11.6 billion over 5 years. Estimates of savings could vary greatly, depending on CBO's estimate of the timing of a Postal rate increase to finance this proposal. The recorded deficit would not change by adopting this proposal because the increased agency payments would simply represent transactions between accounts within the budget. But the option's coverage of government enterprises, primarily the Postal Service, would reduce the Federal budget deficit in the near term. The option would increase agencies' current costs, but the agencies could offset these increases by absorbing the costs through program reductions, or by increasing the postage and utility rates and thus decrease the budget deficit. Almost all of the savings would come from the Postal Service because it is highly labor intensive. Rate increases could not be effective before late 1996 or early 1997.

II. HEALTH CARE BLOCK GRANTS

A. Reduce funding by 50 percent for the maternal child health (MCH) block grant and the preventive health services block grant:

Cost savings: $1.7 billion over 5 years. (1992–1996).

CHAPTER 9: PROPOSALS TO REFORM MEANS-TESTED PROGRAMS

Part 1: Proposals To Reform Supplemental Security Income (SSI)

I. PROGRAMMATIC REFORM

A. Reduce the $20 exclusion from income in SSI:

Cost savings: $1 billion over 5 years.

B. Replace cash benefits with medical vouchers for SSI benefits to disabled children:

Cost savings: Not Available.

C. Review status of SSI child disability recipients upon eighteenth birthday:

Cost savings: Not Available.

II. ADMINISTRATIVE PROPOSALS THAT REQUIRE NO CHANGE IN LAW

A. Overpayments and debts:

1. Report the admission of SSI recipients to nursing homes in a timely fashion in order to stop overpayment of benefits.

Cost savings: $110 million over 5 years.

2. Use income tax offsets to recover SSI overpayments.

Cost savings: $82.5 million over 5 years.

3. Improve recovery SSI overpayments by offsetting reductions in Social Security payments.

Cost savings through legislation: $120 million over 5 years.

Cost savings without legislation: $46.5 million over 5 years.

Part 2: Proposals To Reform Welfare

I. NON-CITIZENS/ALIENS

A. Restrict eligibility for recipients of welfare assistance:

Option 1: Rescind the PRUCOL standard for AFDC, SSI, and nonemergency Medicaid and replace with a uniform standard for programs with a restricted list of eligible recipients.

Cost savings: Not Available.

Option 2: Deny all aliens, except refugees and elderly permanent residents, from eligibility for 61 programs, not including emergency Medicaid:

Cost savings: Not Available.

Option 3: Deny all aliens, with limited exception, from eligibility for 58 programs, not including emergency Medicaid:

Cost savings: Not Available.

II. FAMILIES AND CHILDREN

A. Cap the AFDC-emergency program:

Cost savings: $1.6 billion over 5 years.

B. Reduce benefits to AFDC families who also receive public housing benefits:

Cost savings: $3 billion over 5 years.

C. Eliminate the $50 child support payment to AFDC families:

Cost savings: $630 million over 5 years.

D. Decrease Head Start funding by 50 percent:

Cost savings: Not Available.

E. Limit Federal participation in States' costs for administering the Foster Care Program:

Option 1: This option would limit annual increases in payments to each state for administrative costs to 10 percent a year:

Cost savings: $150 million over five years (CBO Cost projections).

Option 2: This option would limit annual increases in payments to each state in the four following ways:

Cost savings: $1.793 billion over 5 years.

F. Require States to develop criteria and implement procedures for assuring that foster care agencies refer appropriate cases to State child support agencies:

Cost savings: $55 million over 5 years.

Part 3: Proposals To Reform the Food Stamp and Child Nutrition Programs

I. ADMINISTRATIVE PROPOSALS

A. Merge AFDC, food stamps, public housing assistance, the earned income tax credit (EITC), and other welfare programs into a cash assistance program requiring recipients without children to work for assistance:

Cost savings: $10 billion over 5 years.

II. CHANGES IN FEDERAL REIMBURSEMENT PROCEDURES

A. Change Federal administrative-cost reimbursements in welfare programs:

1. Reduce the reimbursement rate for administrative costs in AFDC, Medicaid, and Food Stamps to 45 percent.

Cost savings: $5.7 billion over 5 years.

2. Consolidate the administrative costs of AFDC, Medicaid, and Food Stamps into a single system, requiring states to pay at least half of all administrative costs and placing a cap on total reimbursable expenditures.

Cost savings: $6.3 billion over 5 years.

3. Require states to reimburse the Federal government for all food stamps overpayment errors caused by state administrators.

Cost savings: $5.6 billion over 5 years.

4. Deny Federal matching of administrative costs for expenses related to states appealing quality control sanctions in the Food Stamp, AFDC, and Medicaid programs.

Cost savings: Not Available.

III. PROGRAMMATIC REFORM

A. Eliminate food stamps, public housing, and other welfare benefits for all able-bodied adults:

Cost savings: $6 billion over 5 years.

B. Require all employable food stamp recipients to engage in workfare or job search:

Cost savings: $600 million over 5 years.

C. Food Stamp Benefits:

1. Eliminate small food stamp benefits.

Cost savings: $300 million over 5 years.

2. Limit child nutrition program subsidies.

Option 1: Increase targeting of school lunch and child and adult care food program on low-income persons by eliminating subsidies for children from families with relatively high incomes:

Cost savings: $3.07 million over 5 years.

Option 2: Restrict child nutrition and school lunch subsidies to families below 185 percent of the poverty threshold:

Cost savings: $5.7 billion over 5 years.

Option 3: End all child nutrition program subsidies for children with family income above poverty:

Cost savings: $1 billion over 5 years.

D. Count certain non-cash benefits in determining housing and food stamp assistance:

Cost savings: $6.15 billion over 5 years.

Part 4: Proposals To Reform the Unemployment Compensation Program

I. UNEMPLOYMENT COMPENSATION (UC)

A. Deny UC benefits to military personnel who leave voluntarily:

Cost savings: $1.4 billion savings over 5 years (1994–1998).

B. End unemployment compensation benefits for individuals with taxable income execeeding $120,000 a year:

Cost savings: $361 million over 5 years (1994–1998).

C. Substantially reduce unemployment benefits by delaying benefits for 1 month and reducing the benefit by 5 percent per week for 20 weeks:

Cost savings: $5.0 billion savings over 5 years (1994–1998).

D. Require a two-week waiting period before unemployment compensation benefits begin:

Cost savings: $4.6 billion savings over 5 years (1993–1997).

II. TRADE ADJUSTMENT ASSISTANCE

A. Eliminate trade adjustment assistance, including training and cash benefits:

Cost savings: $990 million over 5 years (1995–1999).

B. Eliminate trade adjustment assistance cash benefits:

Cost savings: $660 million over 5 years (1995–1999).

C. Congressional proposals:

1. Reemployment Act of 1994.

Cost savings: Not available.

2. Job Training Consolidation Act of 1994 (Sen. Kassebaum).

Cost savings: Not available.

III. PRIVATIZATION OF UNEMPLOYMENT BENEFITS

Cost savings: Not available.

Part 5: Proposals to Reform Veterans' Programs

I. GENERAL BENEFIT PAYMENTS

A. Eliminate subsidy for administrative costs of life insurance programs:

Cost savings: $113 million over 4 years.

B. Restore GI Bill Education Program funding ratio to 9:1:

Cost savings: $339 million over 4 years.

II. FACILITIES

A. Close or convert inefficient or underused VA facilities:

Cost savings: $1.2 billion over 5 years.

III. HEALTH CARE

A. Adopt a prospective payment system for veterans health care (Similar to the Medicare system):

Cost savings: $2.25 billion over 5 years.

IV. DISABILITY PAYMENTS

A. End VA disability compensation for non-service-related injuries and illnesses:

Cost savings: $950 million over 5 years.

B. Eliminate disability payments to veterans with diseases presumed not to be related to military service:

Cost savings: $616 million over five years.

CHAPTER 10: PROPOSALS TO REFORM THE PENSION BENEFIT GUARANTY CORPORATION

I. ELIMINATE THE VARIABLE RATE PREMIUM CAP BY 1997 AND RAISING THE VARIABLE RATE PREMIUM FROM $9 TO $18 FOR * * *

* * * * *

3. Extend authority to recover costs from health insurers of veterans for non-service-related conditions.

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C. Restrict eligibility for disability compensation benefits:

Option 1: End payments to veterans with low-rated disabilities.

Cost savings: $3.25 billion over 5 years.

Option 2: Phase-out payments to veterans with non-service related or low-rated disabilities.

Cost savings: $2.6 billion in 2000.

V. LOANS

A. Loan fees:

1. Raise the loan fee for housing loans guaranteed by the VA.

Cost savings: $1.4 billion over five years.

B. Require down payment and fee for multiple use of loan guaranty:

Cost savings: $68 million over four years.

C. Permanently extend resale loss provision:

Cost savings: $80 million over four years.

VI. EXTEND PROVISIONS OF CURRENT LAW

A. Eliminate all "sunset" dates on certain provisions for veterans:

1. Permanently extend income verification through IRS.

Cost savings: $25 million in 1999.

2. Permanently extend pension limit to veterans receiving Medicaid care.

Cost savings: $190 million in 1999.

CHAPTER 11: PROPOSALS TO REFORM FARM PROGRAMS

I. CONSERVATION

A. End the Conservation Reserve Program:

Cost savings: $9.3 billion over 5 years.

(While the program costs about $1.8 billion per year it is estimated that the program saves about $1 billion in Federal expenditures in other farm programs. The $9.3 billion estimate probably does not account for this. Thus, the actual savings could be only $800 million per year, or $4 billion over 5 years.)

II. FARM SUBSIDIES

A. Crop subsidies

1. Phase out agricultural crop subsidies over 5 years at a rate of 20 percent each year.

Cost savings: $6.5 billion over 4 years.

2. Lower target prices subsidized crops.

Option 1: Reduce prices by 3 percent annually starting in 1995.

Cost savings: $11.2 billion over 5 years.

Option 2: Reduce prices by 1.5 percent in 1995 and 1996, and 3 percent for 4 years thereafter.

Cost savings: $4.5 billion over 5 years.

3. End Federal subsidies for rice and cotton.

Cost savings: $6.8 billion over 5 years.

4. Eliminate the 0/85 (formerly 0/92) and 50/85 (formerly 50/92) programs for participants in USDA commodity programs, which pay farmers to leave land idle.

Cost savings: $1.34 billion over 5 years.

5. Reduce the CCC outlays by lowering the number of acres eligible for deficiency payments from 85 percent to 75 percent of base acreage.

Cost savings: $3.94 billion over 5 years.

6. Increase assessments on "non-program" federally-subsidized crops starting in 1996.

Cost savings: $900 million over 4 years.

7. Require specific "Endings-Stock-To-Use" ratios for setting acreage reduction programs for feed grains.

Cost savings: $600 million over 5 years.

B. Livestock subsidies:

1. Dairy subsidies and supports.

a. End all Federal dairy subsidies.

Cost savings: $1 billion over 4 years.

b. Reduce costs for the dairy price support program by increasing the assessment on producers.

Cost savings: $1.2 billion over 5 years.

c. Reform milk marketing orders to reduce milk price support outlays.

Cost savings: $1.05 billion over 5 years.

2. Eliminate Federal support for honey.

Cost savings: $32 million over 4 years (assuming restrictive appropriations language does not continue in the future).

C. Means testing of subsidies:

1. Restrict eligibility for benefits from price support programs and reduce the payment limitation.

Cost savings: $2.73 billion over 5 years:

Limit farm price support payments to $50,000/person: $670 million over 5 years.

Limit farm price support payments to $40,000/person: $1.28 billion over 5 years.

Disqualify people whose Adjusted Gross Income exceeds $100,000: $300 million over 5 years.

Disqualify people whose gross revenue from commodity sales exceeds $500,000: $670 million over 5 years.

2. End Federal farm subsidies for individuals with annual net taxable income of more than $120,000 and corporations with annual net taxable income of more than $5 million.

Cost savings: $1.04 billion over 5 years.

3. Target CCC farm subsidy payments to farmers with off-farm incomes below $100,000.

Cost savings: $470 million over 5 years (1994–1997).

D. Cash repayments of USDA commodity loans:

1. Require cash repayment of USDA commodity loans and allow program administrators to set local repayment rates closer to prevailing market prices so the Federal Government no longer covers additional, unnecessary costs.

Cost savings: $320 million in 5 years.

III. AGRICULTURAL EXPORT PROGRAMS

A. Export subsidies:

1. Eliminate the Export Enhancement Program.

Cost savings: $4.16 billion over 5 years.

2. End EEP for individuals with annual net taxable income of more than $120,000 and corporations with annual net taxable income of more than $5 million.

Cost savings: $6 billion over 5 years.

B. USDA's Export Credit Programs; reduce loan guarantees made and eliminate loans to high-risk borrowers:

Cost savings: $1.14 billion over 5 years.

C. The Market Promotion Program:

1. Eliminate the Market Promotion Program.

Cost savings: $500 million over 5 years.

2. Permanently extend MPP at the lower OBRA-93 level.

Cost savings: $2.6 million over 5 years.

3. End Federal MPP subsidies for individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million.

Cost savings: $500,000 over 5 years.

IV. DISASTER ASSISTANCE AND CROP INSURANCE

A. Replace the Federal Crop Insurance Program with standing authority for disaster assistance:

Cost savings: $1.6 billion over 5 years.

B. Require the FCIC to set premiums and pay indemnities based on an area's performance rather than that of an individual farmer:

Cost savings: $551 million over 5 years.

CHAPTER 12: PROPOSALS TO REFORM MISCELLANEOUS ENTITLEMENT PROGRAMS

GENERAL SCIENCE, SPACE, AND TECHNOLOGY

A. Charge market prices for electricity sold by power marketing administrations:

Cost savings: $4.8 billion over 5 years.

II. NATIONAL RESOURCES AND ENVIRONMENT

A. Improve pricing for commercial and recreational uses of public land:

1. Reform Federal water policy.

Option 1: Allow farmers who grow agricultural commodities that are in surplus to receive only one of the Federal subsidies: either crop price support payments or Federally subsidized water.

Option 2: Require that farms of more than 960 acres be charged the full cost of Federal irrigation water. Although current law contains this requirement, it is often circumvented because of the vague definition of the term "farm."

Cost savings: $110 million over 5 years.

2. Raise recreation fees at Federal facilities.

Cost savings: $720 million over 5 years.

B. Change the revenue-sharing formula from a gross-receipt to a net-receipt basis for commercial activities on Federal land:

Cost savings: $880 million over 5 years.

C. Index nuclear waste disposal fees for inflation:

Cost savings: $255 million over 5 years.

D. Charge royalties for hardrock mining on Federal lands:

Cost savings: $280 million over 5 years.

III. COMMERCE AND HOUSING CREDIT

A. Increase FCC user fees to cover all costs currently financed through the general fund:

Cost savings: $575 million over 5 years.

B. Charge a user fee on commodity futures and options contract transactions:

Cost savings: $310 million over 5 years.

C. Grant the Government an option to buy shares of depository institutions that convert from mutual to stock form:

Cost savings: $310 millon over 5 years.

IV. TRANSPORTATION

A. Establish charges for airport takeoff and landing slots:

Cost savings: $1.5 billion over 5 years.

B. Establish user fees for ATC services:

Cost savings: $7 billion over 5 years.

C. Impose user fees on the Inland waterway system:

Cost savings: $3.14 billion over 5 years.

V. EDUCATION

A. Reduce subsidies to students for Stafford loans:

1. Require students to pay in-school interest.

Cost savings: $9.56 billion over 5 years.

2. Raise the Loan Origination Fee.

Cost savings: $1.53 billion over 5 years.

B. Reduce Stafford loan spending by including home equity in the determination of financial need:

Cost savings: $400 million over 5 years.

VII. ALLOWANCES

A. Charge a penalty for early redemptions of saving bonds:

Cost savings: $240 million over 5 years.

Mr. HOLLINGS. Now, Mr. President, if you want your knees to buckle, read that. DICK ARMEY is right. If you want your knees to buckle, read that one, or

listen to the discretionary cuts. I would not favor half of these. I probably would not favor 70 percent of these cuts. I have not gone down and said what I would cut.

I am trying, as I would, when I was chairman of the Budget Committee, to pose to the colleagues here the art of the possible. Here is what is necessary. Here is what has to be done. And then, assuming it is done, the key point here is those are 1996 outlay amounts. That amounts in 1997 to only $58.407 billion in cuts. If you look at 1997, you have to have $74 billion in spending cuts, so you are still $16 billion shy next year when you work on the budget. The same will be true the year after that, and the year after that, and the year after that.

You see, this is what my colleagues have to understand. If they do not put the budget on a glidepath to zero now, you will always be playing catch-up. The next thing you know, you'll be moving the targets.

Now, let us not talk fancifully. I will never forget, Mr. President, when the distinguished Senator from New Mexico—we all act like government started up when GINGRICH came to town. We have been in government for quite a while, and several items in the contract, of course, we not only have favored, we cosponsored 10 years ago. The line-item veto. I used the line-item veto as a Governor 35 years ago. So it is not an invention in a contract. Last year, the distinguished Senator from New Jersey, Senator BRADLEY, and I tried again. We got 53 votes. The idea is separately enroll individual items so the President can veto legislation like we do at the State level.

Many of these so-called new ideas have been tried before. Back in 1986, the distinguished chairman and ranking member of the Budget Committee got nettled in the debate because colleagues on both sides of the aisle were chastising him saying, "Why don't you put in the cuts? Why don't you put in the cuts?" So in a fit of, let us call it, sobriety, the Domenici–Chiles modified amendment was introduced expressing the sense of the Senate that some 44 programs be terminated. And I will ask that the list be included in the RECORD. You hear the same song in the Contract With America. We are going to do away with the ICC. We are going to do away with weatherization assistance. We are going to do away with the community services block grants and the travel and tourism administration.

Mr. President, I ask unanimous consent that those programs be reprinted at this particular point in the RECORD.

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

REAGAN BUDGET CUTS—1986

Work incentive program (WIN).
General revenue sharing.
Conrail.
Trade adjustment assistance to firms.
Appalachian Regional Commission.
Economic Development Administration.
Urban development action grants.
U.S. Travel and Tourism Administration.
Export-Import Bank direct loans.
Community services block grant.
Rental housing development action grant (HODAG).
Section 312 rehabilitation loan fund.
Postal Subsidy.
FEMA supplemental emergency food and shelter.
Advanced communications technology satellite.
OPIC insurance programs.
Amtrak.
Interstate Commerce Commission (terminations and transfers).
Washington Metro construction grants.
Maritime cargo preference expansion.
EPA sewage treatment grants.
Impact aid (type "b" students).
Library programs.
Small higher education programs.
State student incentive grants.
College housing loans (new loans).
Public Health Service (health profession subsidies).
Legal Services Corporation.
Certain soil conservation programs.
Federal crop insurance program.
Rural housing loans/grants.
Small Business Administration (eliminations and transfers).
Rental rehabilitation grants.
Section 8 moderate rehabilitation.
Section 202 elderly and handicapped housing.
Section 108 loan guarantee program.
Rural development program.
Rural Electrification Administration subsidies.
Weatherization assistance program.
LANDSAT (eliminate future subsidies for contractors).
Sea grant and coastal zone management grant programs.
Juvenile justice grants.
Justice State-local assistance grants.
Public debt reimbursements to Federal Reserve Banks.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from South Carolina.

Mr. HOLLINGS. So the Senator from New Mexico, under the best of the best dismantlers of Government, President Ronald Reagan, made the motion that we terminate these programs. In other words, what he did was take the Reagan spending cuts.

Everyone has said, "Oh, if they only took the cuts." They have claimed that Congress went ahead with increases in defense and other programs, but never enacted the cuts like we were supposed to do. We tried with a sense-of-the-Senate. Do you know how many votes they got? Mr. President, 14 votes out of the 100.

So we have a track record. We have tried it before, 10 years ago. We will try it again. But we have to face the facts as the facts face us. We could not get it done then and I am sincerely concerned that we will not get it done now. But that is no reason not to try. I am not trying to mislead the colleagues. I am willing to consider every spending cut offered by my colleagues. But my colleagues must realize that every dollar in savings we fail to achieve through spending reductions, we must make up through taxes.

With a 5-percent VAT, we can get the job done. We had eight votes for this particular initiative in the Budget Committee. The distinguished Senator on the other side of the aisle from Minnesota, Senator Boschwitz, and the distinguished Senator from Missouri, Senator Danforth, joined with the Senator from South Carolina and we were conscientious about our charge. And none of us wanted to vote for taxes. If you want to run for reelection on this particular platform, do not come to South Carolina. I tried it, and barely survived. I was known as "High Tax HOLLINGS" for putting out such proposals.

Nowhere did the press say I was trying to cut interest taxes. Nowhere did the press say I was trying to cut spending. You cannot get that explanation on a 20-second sound bite. So they take advantage of the printed RECORD and they distort what you are trying to do.

If we exclude the trust funds, cut spending by $406 billion, and enact a 5-percent VAT, we can finally eliminate the deficit by 1999. Even then, though, we will still have annual gross interest costs of $368 billion—that is more than a billion a day—on interest costs on the debt. So interest taxes are still on automatic pilot. It is not until the year 2002, when you have dropped from $368 billion to $354 billion, that you have finally have gross interest costs on a downward path. But it has to be done.

I have one sheet of paper here that outlines the scope of the problem. Here it is. This does not include the billions necessary for middle-class tax cuts. Both sides have been misguided in pandering to the middle class. Brother, this is no time for middle-class tax cut or any other tax cut. The problem is a shortage of revenues. The only way to stop spending on automatic pilot, the only way to stop raising interest taxes is to make the spending cuts you can and to raise taxes. I have outlined one way of doing it.

I am going to introduce this amendment but I want to remind my colleagues what we have created is a matter of record. It is what the distinguished Presiding Officer has come into town to confront.

We were here and we went through this charade. We dignified it with a commission. This Senator went through with it with President Richard Milhous Nixon. He said get rid of the Government and send it back in block grants.

Then came President Reagan and he had appointed a Presidential Advisory Committee on Federalism and the Coordinating Task Force on Federalism. This Senator, at the appointment of the distinguished President, served with other Senators.

I ask unanimous consent that we have printed in the RECORD this list of commission members.

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

PRESIDENTIAL ADVISORY COMMITTEE ON FEDERALISM

GOVERNORS

Gov. George Busbee (D-Georgia).
Gov. Scott M. Matheson (D-Utah).
Gov. Lamar Alexander (R-Tennessee).
Gov. James R. Thompson (R-Illinois).
Gov. Pierre S. DuPont IV (R-Delaware).
Gov. Richard A. Snelling (R-Vermont).

STATE LEGISLATORS

Representative T. W. (Tom) Stivers (R-Idaho).
Senator Ross O. Doyen (R-Kansas).
Senator Ann Lindeman (R-Arizona).
Speajer Benjamin L. Cardin (D-Maryland).
Speaker John J. Hainkel, Jr. (D-Louisiana).
Assemblyman Dean Rhoads (R-Nevada).

MAYORS

Mayor Edward I. Koch (D-New York City).
Mayor William H. Hudnut III (R-Indianapolis).
Mayor Margaret Hance (R-Phoenix).
Mayor Ferd Harrison (R-Scotland Neck, N.C.).
Mayor Tom Moody (R-Columbus, Ohio).

COUNTY OFFICIALS

J. Richard Conder (D-Richmond County, N.C.).
Roy Orr (D-Dallas County, Tex.).
William Murphy (R-Rensselaer County, N.Y.).
Sandra Smoley (R-Sacramento County, Calif.).
Bruce Neslande (Nonpartisan-Orange County, Calif.).
Donald L. Smith (R-Anchorage Municipality, Alaska).

MEMBERS OF THE U.S. SENATE.

Senator William V. Roth, Jr. (R-Delaware).
Senator David Durenberger (R-Minnesota).
Senator Pete V. Domenici (R-New Mexico).
Senator David L. Boren (D-Oklahoma).
Senator Ernest F. Hollings (D-South Carolina).
Senator Paul Laxalt (R-Nevada).

MEMBERS OF THE HOUSE OF REPRESENTATIVES

Representative Richard T. Schulze (R-Pennsylvania).
Representative Richard Bolling (D-Missouri).
Representative L. H. Fountain (D-North Carolina).
Representative Clarence Brown (R-Ohio).
Representative Frank Horton (R-New York).
Representative Jack Brooks (D-Texas).

PRIVATE CITIZENS

F. Clifton White.
Dr. Robert B. Hawkins.
C. D. Ward.
Former Senator Clifford Hanson.
Former Gov. Otis Bowen.

THE COORDINATING TASK FORCE ON FEDERALISM

Senator Paul Laxalt, Chairman.
Secretary Terrel Bell.
Secretary Samuel Pierce
Secretary Donald Regan.
Secretary Richard Schweiker.
Secretary James Watt.
Director David Stockman.
Edwin Meese III.
James A. Baker III.
Richard S. Williamson.
Martin Anderson.
Robert Carleson.

Mr. HOLLINGS. We went into the Cabinet room and sat around the table. You could see the beginning of unfunded mandates for the cities, the counties, and the States. They said get rid of the Government, get rid of it, send it back to the cities, the counties, the States. But what they did was eliminate the money in October 1986. The first bill that the distinguished Senator from Tennessee, Senator Howard Baker, introduced was a revenue sharing bill. I had already introduced mine on February 1, 1967. We had both come from State governments and we were complaining then about unfunded mandates.

So this has gone on from 1971 to 1995, some 24 years. I came to Washington and identified with the problem. We did get revenue sharing. But then, we unfunded the edicts of the Congress in October 1986, when we did away with revenue sharing.

Coming right to the point, I want to refer to the former director of the Office of Management and Budget, David Stockman. In the spring of 1992 he had an article that appeared in a magazine called the New Perspective entitled "America Is Not Overspending." That ought to throw everybody into shock.

The distinguished Congressman from Georgia along with our friend, Congressman KASICH are putting government on trial. But I do not mean to tuck tail and run, as Lyndon says. I mean to try the case.

Where we can get a line-item veto, where we can get a balanced budget amendment, where we can get progress on reducing the deficit, they will have my vote. If we do not adulterate the legislation, like the unfunded mandates bill. I did not realize many of the changes made in S. 1 until the distinguished Senator from West Virginia came here and brought them to my attention.

I publicly stated that I favored the legislation to address the problem of unfunded mandates. Such a bill was brought to the floor last year.

Unfortunately, in their zeal to demonstrate how they can really run government up here, the Republicans have been overreaching. I want to help them. But I do not want to end up with a problem worse than the one we started with. If we do not move in at this particular hour in history, how will we ever get on top of this spending hemorrhage?

Let me get back to David Stockman. I quote:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction Republicans have willfully denied this giant mistake of fiscal governance and their own culpability in it ever since. Instead, they have incessantly poisoned the political debate with the mindless stream of antitax venom while pretending that economic growth and spending cuts alone could cure the deficit. It ought to be obvious by now that we cannot grow our way out.

Mr. President, very quietly, let me read that first sentence because it is almost heretic. "The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability." That is exactly what we have going on now. History repeats itself. As Ronald Wilson Reagan says, "Here we go again."

As Governor of South Carolina, my first order of business was to raise some taxes, balance the budget, and get for the first time in our history a triple-A credit rating. Moody's has raised us back to us a triple-A credit rating. We had lost it for the past couple of years. Standard and Poor's still has yet to do so. But the need to get that triple-A credit rating reveals a funny juxtaposition of politicians running for office. I cannot run for Governor of South Carolina unless I promise to pay the bill; I cannot run for Senator of South Carolina unless I promise not to pay the bill.

As a House Member of the South Carolina House of Representatives in 1950 I was trying to catch up with North Carolina. They had passed their sales tax for education in 1936. Following suit, I authored the sales tax. I heard arguments about its regressivity. But if we had not passed that 3-percent sales tax—which now is at 5 percent—we would never have had the schools. In addition to balancing the State budget, we would never have had the educational system to attract investment, to attract blue chip corporations, to attract Japanese and German industries.

I was here in Washington the last time we had a balanced Federal budget. We called back over to Marvin Watson and said, "Ask the President if we can cut another $5 billion." The entire budget—Medicare, defense, domestic discretionary, everything else, interest on the national debt—was $178 billion. Watson called back and said, "President Johnson said cut it another $5 billion." We cut it and gave President Richard Milhous Nixon a balanced budget.

I am hearing all this stuff about a revolution 40 years in the making. They are getting away with a lot of flourish and rhetoric and headlines. But I have listened now since the beginning of the session, and somehow, some way we have to develop some bipartisanship. We are never going to do that unless we can get some truth in budgeting.

If they do not want to raise taxes and want to balance the budget only through spending cuts, then they are whistling Dixie. You have to do both. You have to freeze everything to begin

with, obey the caps, and then follow with additional spending cuts. And even with the spending cuts and the 5-percent VAT, you do not really get into the black until 1999.

Mr. President it is a very, very difficult thing that the contract has taken up. That is why this Senator is not trying to out-headline the Republicans on the other side of the aisle. I prefer headway to headlines. I will continue to work with my friends on the other side of the aisle. I worked last year with Republicans on the telecommunications superhighway. We have had hearings galore on the subject and we had a bipartisan bill 18 to 2 out of the committee.

The overwhelming majority of Republicans, with an overwhelming majority of Democrats, in a bipartisan information superhighway bill that had been worked out with various groups who all wanted these services to be extended to the poor and to the public education systems. That was ready to be passed. But the distinguished majority leader—and it is of record—the Senator from Kansas held it up. I do not say that lightly. I can show it to you in the RECORD. We were ready to go bipartisan then, and I am ready to go bipartisan now. Let us not come with just the headline and no headway. As Tennessee Ernie Ford sang, "Sixteen tons and what do you get, another day older and deeper in debt."

Mr. President in closing I ask unanimous consent that a table entitled "Senator Hollings on Truth in Budgeting" which I have been referring to throughout my speech be printed in the RECORD at this point.

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

SENATOR HOLLINGS ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts necessary.

Reality No. 2: Not enough savings in entitlements. Yes, welfare reform but job program will cost; savings questionable. Yes, health reform can and should save some, but slowing 10 percent growth to 5 percent—not enough savings. No, none on Social Security; off-budget again.

Reality No. 3: Hold the line budget on Defense—no savings.

Reality No. 4: Savings must come from freezes, cuts in domestic discretionary—not enough to stop hemorrhage in interest costs.

Reality No. 5: Taxes necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on the debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note.—Doesn't include billions necessary for middle-class tax cut.

AMENDMENT NO. 182

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 182.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET

It is the Sense of the Senate—

(A) that the Congress should move to eliminate the biggest unfunded mandate—interest on the national debt, which drives the increasing federal burden on state and local governments, and

(B) that prior to adopting in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced budget—

(1) the Congress set forth specific outlay and revenue changes to achieve a balanced federal budget by the year 2002; and

(2) enforce through the Congressional budget process the requirement to achieve a balanced federal budget in the year 2002.

Mr. HOLLINGS. Mr. President, they always say, "He who seeks equity must do equity." If we are asking the other side to lay it out, then I think it is our duty over here to lay it out, too. That is what I have attempted to do.

So, Mr. President, I see my distinguished colleague wants to come back and be recognized. So 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. DODD. 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. DODD. Mr. President, first of all, I want to commend my colleague from South Carolina for this amendment. I know there will be those who will argue that this amendment is an inappropriate amendment on this particular bill because we are dealing with unfunded mandates. But I suggest, Mr. President, that the amendment offered by the distinguished Senator from South Carolina is consistent fully with the matter before us—unfunded mandates. In the likely event that we adopt a constitutional amendment requiring a balanced budget, particularly one that includes a requirement that three-fifths of the Congress approve new tax increases, we will be imposing a huge mandate on States and localities. It may not be a de jure mandate, but it will be a de facto mandate.

What Senator HOLLINGS is suggesting with this amendment is a radical notion, I suppose, in the minds of some. It is an outrageous idea that we should have some idea of how this constitutional mandate requiring a balanced budget in 7 years is going to be achieved. I know there are those who think it is unfair to be asking such questions, but they are questions we are asked as Members of the U.S. Senate by our constituents all the time.

Many of our constituents are telling us, too, that they support a constitutional amendment to balance the budget. We all know the polling numbers on this issue. Eighty percent of the American public supports a balanced budget amendment as long as it remains a slogan or a simple statement of principle. They are all for the concept of the balanced budget. But what happens when people are presented with various spending cut options?

If you say, "Do you want a constitutional amendment to balance the budget?" They say, "Absolutely, we want that." But if you then say, "You understand, of course, that may include some cuts in Social Security." They say, "Well, now, wait a minute, you did not tell me that." You say, "How about Medicare?" They say, "Wait, you are getting a little far afield here. I said I want the budget in balance. That is what I want. I did not say I wanted Social Security or Medicare cut." You say, "How about education?" They say, "That is not what I meant either. Just balance that budget." Then you start talking about how you get there from here, and you start to get what you always get. It is like the old saying that "Everyone wants to go to Heaven, but no one wants to die." So we all want a balanced budget but we are all very nervous about how you get there.

Let me back up a bit, because I listened to my colleague from South Carolina talk about his history on this issue, and he has a distinguished one, going back to the very days the Budget Act was adopted. He is one of only two people who served on the original committee and chaired the Committee on the Budget.

Mr. President, I am familiar with the Senator's record because I worked with

him on a number of important budget issues going back to my first days here in the early 1980's. I was the second Democrat after the Senator from South Carolina to cosponsor the Gramm-Rudman-Hollings legislation. Really, it was the Gramm-Rudman-Hollings-Dodd bill. I thought that the Senator from Texas and the Senator from New Hampshire and the Senator from South Carolina had a good idea, to try statutorily to get our arms around the budget of the United States. I will not take a back seat to anybody in our efforts in try to achieve that goal.

In 1982, I offered a requirement that any new increase in spending must be paid for fully—a pay-as-you-go budget. I offered this amendment from the very last chair in the far corner of this floor when I was the most junior Member of this body. I got 22 votes. I was in the minority in those days, not unlike today. Had we done it then, we are told we could have actually had the Federal budget in balance by 1986 or 1987. With all the talk about the need for constitutional amendments, there are those of us who have been through these battles, trying all sorts of ways to inject discipline into the process.

I hope, as we examine the constitutional amendment, we would answer our constituents' questions. They want to know how we are going to do this. That's what this amendment requires. It simply says if you're going to talk the talk of balanced budget, you've got to walk the walk of how you get there. I hope it will be adopted so that we will be able to lay out to the taxpayers in our communities exactly how we are going to keep the promises that a balanced budget amendment would require.

The GOP spending cut plan is like Forrest Gump's box of chocolates—you don't know what you're going to get when you dip your hand in.

All the Senator from South Carolina is suggesting is that we have a description of the chocolates before we put them in our mouths. Otherwise, we're talking about a huge potential stomach ache.

That is all this amendment asks. It does not say, "Do not cut in these areas." It just says, "Tell us. If this is what you are going to do, at least somebody outline it."

I might point out, there are some significant proposals outlining how we might do some of this. I would like to lay one of these out, if I may.

Mr. President, this is a chart based on the Republican budget staff proposal reported in the Washington Times earlier this month. This is the so-called Republican path to a balanced budget amendment in the year 2002.

The deficit estimates are lower then CBO and Treasury projections, but they are still useful.

As you can see, the proposal estimates that it will cost more than $1 trillion to balance the budget over 7 years. The GOP tax cut proposal, according to the Republican staff analysis will cost $346 billion more.

The Treasury Department estimates that the tax increases will be somewhat higher. I am not going to use these numbers, though, Mr. President. I will use only the staff numbers from the majority side of the Budget Committee so that no one can accuse me of using biased numbers prepared by a Democratic administration.

The GOP proposal also says that we are not going to reduce Social Security. That has been said over and over and over again by the majority. In fact, we are told that Social Security will go up $12 billion in the next 7 years.

We have been also told that there will be an increase in defense spending of $82 billion.

So if you take all of these numbers together—again, not numbers from the Democratic Policy Committee, or the Department of the Treasury, or even the Congressional Budget Office, but from the Republican Budget Committee staff—then the price tag for all of these promises is $1.53 trillion. This is the total cost that will have to be made up by the year 2002 if we are going to achieve a balanced budget in that year.

How will we pay for all of these promises? Where will they be made up? If we increase defense and Social Security spending, cut taxes, and balance the budget, what will we cut?

This second chart shows where the cuts to pay for these promises will come from. According to the Republican staff numbers, more than $970 billion will come from Medicare cuts, Medicaid cuts, and other mandatory spending. And $386 billion will come from nondefense discretionary spending.

If we make these cuts, then we should get a debt service reduction of $164 billion. So that number in green here, is the number which would depend upon these other two numbers being achieved. And that would get you to $1.53 trillion, equaling the amount I mentioned earlier. That is how we reach balance.

All this amendment says is, "Would you mind giving us some idea so we can go back to our taxpayers and constituents and tell them specifically how we are going to achieve more than $1.5 trillion in spending cuts? Where will the cuts come from? Don't go around asking us to support a conclusion without giving us some idea of how we are going to achieve those results."

Earlier the Senator from South Carolina introduced into the RECORD, Mr. President, a list that was put together by our distinguished colleague from New Hampshire, Senator GREGG outlining options for spending cuts. They include reducing student loan subsidies, means testing Medicare, cutting in half funding for Head Start—maybe one of the finest programs for children and early education ever devised—the maternal child health block grants, and preventive health services block grants, deferring military COLA's, cutting veterans benefits, and eliminating Medicaid transition benefits for AFDC recipients. The list is 50 pages long.

I am not suggesting that these items should not be touched at all, but it seems to me you are beginning to get some sort of a blueprint here of what is involved.

As the Senator from South Carolina pointed out, when you start counting whether or not you have 51 votes here for cutting out student loans—at the very time when working families are trying to make it more feasible for their kids to afford higher education—you are going to realize you cannot pass these cuts.

Nor do you have the votes for cutting Head Start. I was responsible for the reauthorization of the Head Start Program last year. There was not a dissenting vote or voice out of 100 U.S. Senators on the reauthorization of Head Start—not one. It was passed unanimously by voice vote. And yet now some are talking about cutting that program in half.

I do not know many Senators here who honestly believe you ought to be cutting Head Start in half. And if there are some, there may be 3 or 4 or 5 or 10. I do not think there are 51 here who studied the program and believe it should be cut. Head Start has not been a Democratic program, or a Republican program—it has always enjoyed broad, bipartisan support.

The distinguished Senator from Kansas [Mrs. KASSEBAUM] worked tirelessly to put together a good Head Start Program last year. Without her support, we would not have gotten it done. I am not going to speak for her here. But again, there was not some great battle out here on the floor of the U.S. Senate to reauthorize and fund Head Start.

Does anyone really believe there are 51 votes to cut veterans benefits? Are we going to defer military COLA's—at a time when we are trying to strengthen the military budget, and attract and retain the most talented people we can find. Are there 51 votes? I do not think so.

It seems to me, before you start jamming this into the Constitution we ought to think through all of these important issues. If a balanced budget amendment is adopted and we are unable to balance the budget, then we will turn the Supreme Court of the United States into a Budget Committee deciding every major budget choice. The Supreme Court will be deciding whether or not the legislative branch achieved the constitutional requirement of a balanced budget, and

then they will decide how to allocate funding levels.

I remember a few years ago people railing, and I think rightfully so, against an unelected, lifetime appointee sitting on a bench legislating—legislating. I do not know how many speeches I heard in this body objecting to the nine members of the Supreme Court legislating.

That is the business of this body, to legislate. And yet, in effect, we will be asking the Supreme Court of the United States to legislate on the budget when we do not achieve, if we do not achieve, the balance which is required by an amendment in the year 2002.

So I again suggest and emphasize here what the distinguished Senator from South Carolina is proposing makes some sense. We are likely to create a train wreck, an absolute train wreck. An absolute train wreck. Now, we have done that in the past. But the problem in the past was not as significant because it was a statutory train wreck. It did not go to the organic law of the United States. What is being talked about here is changing the organic law of the United States. Of course we know when we do that we run the risk of having a far more difficult time adjusting if we are wrong.

In the 1980's, we did things by statute. We had the Gramm-Rudman-Hollings proposal, and a number of freezes and the like. We found out they did not quite work as expected. When tested, the theories did not add up. We went back and changed the statutes and began to get on our feet.

The people who paid the greatest price, of course, for our mistakes were middle-income workers. They always do. And, they will be undoubtedly called upon to do so again when the next train wreck occurs. We always go back to the people that fight the wars and raise their taxes. They are the ones who will pay the bill if this does not work.

The difference here is organic law. When we change organic law and then discover a mistake, it is very difficult to correct. I think we should proceed cautiously and carefully and ask the types of questions that our constituents are asking of us.

Where will the cuts be made? How will you do this? Are you really going to go after Medicare? We saw what happened on the surveys conducted on the balanced budget amendment, 80 percent or so are for it. But when we talk about cutting student loans, education, Medicare, Social Security, et cetera, the support for that amendment drops dramatically. I am not suggesting these programs should never be reduced. I would not want to suggest that we should never make changes in any of these programs. I would not subscribe to that view.

I have been here long enough to know what happens when we try to make difficult budget choices. As I mentioned a while ago, I offered a pay-as-you-go proposal. I did not pick out a particular program. I said how about paying for everything? We had 22 votes for paying for things. Now when we start requesting details, people start trying to take things entirely off the table. Forget Social Security some will say. That is off entirely. Others will say take defense spending off the list of any potential cuts. Although there is an argument being raised by some that we can do with a lot less, I, for one, would raise some reservations about that. The world is changed, more complicated, requires different thinking in this area.

I do not know of anyone who really believes, at least not a majority, that we ought to take a meat axe to the defense budget. We have heard over and over again from the military leadership that it is difficult to retain good people. We do not have a draft any longer. We have to recruit, and we need the best educated, sophisticated people in the military that this country has to produce. And it does not make sense to be talking about slashing COLA's for people in the military.

Let me again point out if I can, Mr. President, what these cuts may mean. A recent study by the children's defense fund reports that the costs of balancing the budget alone—while protecting Social Security and defense spending—would result in: 7.6 million children losing federally subsidized school lunches—I do not think there are 51 votes here to do that; 6.6 million children losing health care coverage through Medicaid; dropping more than 5 million child support cases that hold absent parents accountable for supporting their children; 4.3 million children losing food stamps; and 2 million young children and pregnant women losing nutritional assistance through the WIC Program—one of the strongest supported programs in Congress. The Women, Infants, and Children Program historically has had strong bipartisan support.

This analysis does not consider the costs of financing the Contract With America tax breaks at all—more than 30 percent of which would benefit households with incomes of greater than $200,000.

So, Mr. President, I suggest we look through the eyes of a child at what this means. We should face the realities here. I do not know of anyone in the body who honestly believes that children ought to be asked to pay the price. We ought to be seeing to it that they will not be disadvantaged. We are not talking about luxury items here. We are talking about basic essentials that they need. So, again, I emphasize that a good hard analysis of what all of this means, I think, is critically important for all of us.

There is an old advertisement on television that may say it best. That advertisement for a Wall Street firm says, "We make money the old-fashioned way." Well, maybe we ought to reduce the deficit the old-fashioned way. That is, we ought to roll up our sleeves and go to work on it.

I heard a lot of talk here over the last number of weeks about reducing the deficit. This administration over the past 2½ years has achieved through the budget process real reduction in the deficit. That is not my conclusion. That is the conclusion of the Congressional Budget Office and others who have no particular ax to grind. They have concluded that we have achieved 3 consecutive years of deficit reduction, the first time since the Truman administration, to the tune of $700 billion in deficit relief. That is pretty significant.

We must continue on this path. We must look at current programs, and ask these questions. How can we do a better job? Where can we cut back? We must roll up our sleeves and do the job.

The one thing people are tired of and they expressed it strongly on November 8 is gimmickry. The blue smoke and mirrors, three-card monte, now-you-see-it, now-you-do-not, kind of approach. Dynamic scoring. Threatening to do away with the Bureau of Labor Statistics if they do not come up with the right numbers on inflation. That is not the way we achieve a balanced budget. We must not cook the books and make up the numbers. People want Members to be honest and do the real work.

I would just warn those who are strong advocates for the constitutional approaches, we have gone through more than 200 years of history. We have amended the Constitution, Mr. President, 27 times. I see the distinguished Senator from West Virginia and I will watch him carefully because if I am wrong on my numbers he will correct me with a nod; 27 amendments in 200 years, and I believe roughly 11,000 proposals to amend the Constitution of the United States in that same 206-year-period. Some 11,000 ideas. And never once have we decided to inject into the Constitution economic theories that may be terribly wrong.

We have been through a great Civil War. We have been through two world wars, and a Great Depression in this century. For a period of 15 years we have had growing deficit difficulties. The last President to submit a balanced budget was Jimmy Carter. That was the last submission by a President of a balanced budget. In 1969, Lyndon Johnson submitted the last budget with a surplus.

In 1981, the deficit was around $35 billion with a national debt of under $1 trillion. After 200 years, we had a national debt of less than $1 trillion. In the last 15 years, 12 years of the administrations of President Reagan and President Bush, we have quadrupled

the national debt, and brought us to annual deficits hovering around $200, sometimes $300 billion a year.

We all want to do what we can to balance the budget. But I would strongly urge, Mr. President, that we ought not to take 15 years of troublesome deficit spending and deny 205 years of constitutional history in the process. We should go through the statutory process, come up with whatever ideas we can. But, Mr. President, in my view, we will deeply regret monkeying around with the Constitution of the United States in trying to solve an economic problem that has been created over the last 15 years that is not insolvable. It is solvable.

By writing this into the Constitution and inviting the courts to become involved in deciding these matters we will only complicate the problem, not make it easier. We are told all the time, some 42 States require a balanced budget in their State constitutions. Mr. President I would suggest to Senators that without exception those States have come up with all sorts of ideas to avoid that responsibility.

Everyone knows about bonding. We bond things or create a capital budget on the side so we do not have to meet that obligation. Every imaginable gimmick is used to avoid making the difficult decisions. I can well imagine that future Congress' will employ some new dynamic scoring technique, or some new threat to the Bureau of Labor Statistics that, if they do not come up with an inflation number they like, they will cut off your budget. That is not healthy. That is not the way to be proceeding, not the way to be proceeding at all. It poses serious, serious problems.

So, again, I strongly urge that we endorse unanimously the proposal of the Senator from South Carolina. I think it sends a positive message to people that we are concerned about what happens. I will tell you right now that it is not at all reassuring to hear the majority leader of the House of Representatives say that we cannot tell people out there how we plan to balance the budget because their "knees will buckle." That is not a reassuring quote. I am sure my constituents are going to love to hear that one. We cannot tell you because your knees may buckle. Well, I do not mind a politician's knees buckling, but I do not think my constituents who depend upon Medicare should have to have their knees buckle or some child out there that needs a school lunch or Head Start Program should have to have their knees buckle in the process. Do they not have a right to hear from their elected representatives in advance what we intend to do to them?

Is it a radical notion that somehow our constituents ought to get at least some blueprint of how this is going to work and who is going to be asked to pay? Is it outrageous of them—are they being insolent for demanding of their elected representatives that we give them some idea of how this is going to be achieved? Should we not tell them because they might not like what they hear? That is what we are saying, in effect, we should not tell them because they might not like what they are going to hear.

This is not a base closure commission we are talking about; we are talking about making major changes to basic programs that people need to survive.

Again, if the pain is going to be shared, let us do it in an equitable fashion. But when you take off Social Security and take out defense and you talk about huge tax cuts—30 percent of which go to people making in excess of $200,000—are you being fair? I am not opposed to giving people in the upper incomes a tax break. I do not like this class-warfare language. But in the distribution of pain, you have to ask if 30 percent of the tax cuts should come from the people in that income bracket. I do not think so if it is going to be fair and equitable.

The Senator from South Carolina, I think, has proposed a reasonable amendment. I urge my colleagues to support this effort to inform the American public of the important budget decisions this body intends to make in the years ahead.

Mr. President, we are going to have wonderful opportunities, I presume, in the next few weeks, when the constitutional amendment on the balanced budget comes to the floor, to engage in some significant debate about that alone. But before we get there, I think we should lay out the details of how we plan to pay for our trillion dollar plus promises.

I strongly urge my colleagues to support the Hollings amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I know that we do have those Senators who wish to address this issue. I know that the chairman of the Senate Budget Committee also would like to address this particular amendment that we have before us. I have discussed the following unanimous-consent request that I will be making with the sponsor of the amendment.

Mr. HOLLINGS. Will the distinguished Senator yield? Can we make it 40 minutes? Instead of 30 minutes to a side, 40 minutes to a side?

UNANIMOUS-CONSENT REQUEST

Mr. KEMPTHORNE. All right.

Mr. President, I ask unanimous consent that there be 80 minutes for debate prior to a motion to table the pending amendment, to be equally divided in the usual form; that no amendments be in order prior to the motion to table the pending amendment; that following the conclusion or yielding back of time, the majority manager, or his designee, be recognized to make a motion to table the pending amendment; and that the vote on the motion to table the pending amendment occur after 4 p.m. tomorrow.

Mr. BYRD. Reserving the right to object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. HOLLINGS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Also the yeas and nays. I am sure the distinguished Senator from Idaho, if it is agreed to—and I am perfectly willing to agree to it as he stated it—will also ask for the yeas and nays on the motion to table.

Mr. KEMPTHORNE. That would be my intent.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Reserving the right to object, and I do not think that I will, Mr. President, I have an amendment that is similar. It is very much within the same framework, though without reference to date. I do not think it would take me more than 10 or 15 minutes to offer this. I wonder whether I could, as a part of this unanimous-consent agreement, have the opportunity to offer this amendment after this debate since it is exactly within the same framework. I would not take a great deal of time with it.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. And I will object because I think there are some Senators who are probably not here this afternoon who may want to discuss this amendment.

Also I note that no other amendments would be in order prior to the motion to table this amendment. I thought we would have a time in which we could offer amendments, possibly get some action on some of them and with the understanding and the request being, which was ordered, that such amendments would have to be offered——

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. By no later than 3 o'clock——

Mr. GLENN. Offered by 3 o'clock tomorrow, no votes until after 4 o'clock tomorrow.

Mr. BYRD. Yes.

Mr. KEMPTHORNE. If the Senator will yield.

Mr. BYRD. Yes.

Mr. KEMPTHORNE. This specific unanimous-consent agreement is that there are to be no other amendments offered to this pending amendment of Senator HOLLINGS.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Reserving the right to object. Knowing that we have to have our amendments offered before 3 o'clock tomorrow, would it be possible that there could be a short window to allow those of us who only wish to offer amendments in order to meet that 3 o'clock deadline to do so and thus be assured that we will not end up inadvertently being precluded from offering our amendment?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I think that would be very appropriate. Also, I will note that we have had other amendments sent to the desk this morning which we have laid aside. In the event, for example, some of those Senators who wish to speak on the pending amendment are not here, I think it would be very much in order to lay it aside so we can continue to facilitate the Senators who wish to lay their amendments down.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I first would like to thank the Senator from West Virginia. I am really intending to make the same request. I think the Senator from Washington has the same interest. I would like the opportunity, now that I think I have clarification on this unanimous-consent agreement, to at least be able to offer the amendment and have it laid aside.

The PRESIDING OFFICER. Is there objection to the Senator's original request?

Mr. BYRD. Mr. President, I object. I would like Senators to have an opportunity to further study this amendment. There may be some of us who wish to speak on this amendment. Not many Senators were going to be around this afternoon because there was an understanding we would have no votes today. This does not keep the Senator from renewing the request on tomorrow or making the motion any time he wishes after the hour of 4 o'clock.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NOS. 183 AND 184, EN BLOC

Mr. GRAHAM. Mr. President, I send to the desk two amendments and ask that they be considered as offered under the unanimous-consent agreement of last week and then to be set aside.

The PRESIDING OFFICER. There is an amendment pending.

Mr. GRAHAM. I ask unanimous consent that the pending amendment be set aside for purposes of offering the two amendments which I have just sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there objection to proposing the amendments en bloc? Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes amendments numbered 183 and 184, en bloc.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 183

On page 16, between lines 12 and 13, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government.

AMENDMENT NO. 184

(Purpose: To provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government)

On page 6, strike line 3 and all that follows through line 10, insert the following:

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the exercise of powers relating to immigration that are the responsibility or under the authority of the Federal Government and whose reduction or elimination would result in a shifting of the costs of addressing immigration expenses to the States, local governments, and tribal governments; or

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 185

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. BOND). The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 185.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

"( ) It is the sense of the Congress that the Congress shall continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, must accompany it with financial information on its impact on the budget of each of the States."

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Is there a sufficient second?

Mr. KEMPTHORNE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEMPTHORNE. Will the Senator restate what his request was?

Mr. WELLSTONE. Just asking for the yeas and nays on the amendment.

Mr. BYRD. Is the amendment pending?

Mr. WELLSTONE. Yes. I just asked for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GLENN. Mr. President, parliamentary inquiry.

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

Mr. GLENN. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I believe we set aside the Hatfield amendment this morning, and would that not have to be disposed of as the pending business before we could move on to another amendment?

The PRESIDING OFFICER. It is the understanding of the Chair that the unanimous consent agreement this morning was that the Hatfield amendment was set aside for other amendments to be offered.

Mr. GLENN. To be offered. That does not answer my question, I do not believe. Do we have to do anything to deal with the Hatfield amendment before we can bring up other amendments?

The PRESIDING OFFICER. The Hatfield amendment has been set aside and thus does not need to be disposed of.

Who seeks the floor?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Yes, there appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 186 TO AMENDMENT NO. 185

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 186 to amendment No. 185:

The amendment is as follows:

Strike all after "( ) It" and insert the following: "the sense of the Congress that the Congress should continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, should accompany it with financial information on its impact on the budget of each of the States.

Mr. WELLSTONE. Mr. President, I will be less than 2 or 3 minutes. I know the Senator from Washington would want this amendment set aside, but if I could give the background for just a couple of minutes.

I met with the legislative leadership back in Minnesota several weeks ago, and the legislature passed a resolution. I just want to read one paragraph:

Be it resolved by the Legislature of the State of Minnesota that it urges the Congress of the United States to continue its progress at reducing the annual Federal deficit, and when the Congress proposes to the States the balanced budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

Mr. President, this resolution was also signed by the Governor on January 20. And, again, this is very much in the spirit of what the Senator from Connecticut was talking about and the Senator from South Carolina. I will, of course, take the opportunity to speak about this amendment at some length but not today.

I yield the floor.

AMENDMENT NOS. 187 AND 188, EN BLOC

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order that I can send two amendments to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to send to the desk two amendments.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes en bloc amendments numbered 187 and 188.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 187

(Purpose: To exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy)

At the appropriate place in the bill, insert the following:

The provisions of this Act and the amendments made by this Act also shall not apply to any agreement between the Federal Government and a State, local, or tribal government, or the private sector for the purpose of carrying out environmental restoration or waste management activities of the Department of Defense or the Department of Energy.

AMENDMENT NO. 188

(Purpose: To require time limitations for Congressional Budget Office estimates, and for other purposes)

On page 21, insert between lines 13 and 14 the following new paragraph:

"(2) TIME LIMITATIONS FOR STATEMENTS.—(A) The Director of the Congressional Budget Office shall provide the statement as required by this section—

"(i) relating to a bill or resolution ordered reported by a committee, no later than one week after the date on which the bill or resolution is ordered reported by the committee; and

(ii) relating to an amendment or conference report, no later than one day after the date on which the amendment is ordered or the conference report is submitted.

"(B) Failure by the Director to meet the time limitations in subparagraph (A) of this paragraph shall vitiate the provisions of subsection (c)(1)(A) of this section.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, let me just comment that of the two amendments I sent to the desk, one of them assures that we would not be creating a big, new, powerful bureaucracy at the Congressional Budget Office, and the other one relates to the effect of this bill on nuclear waste cleanup efforts. I am especially concerned about some at the Hanford site in my own State. I will be speaking on these amendments later, but I did want to submit them today under the previous unanimous consent.

I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, has the Pastore rule run its course for the day?

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. Mr. President, can I introduce a measure without the Pastore rule applying?

The PRESIDING OFFICER. Will the Senator repeat his inquiry?

Mr. PELL. Does the Pastore rule still apply or can I talk on another subject?

The PRESIDING OFFICER. The Pastore rule has expired.

AMENDMENT NO. 180, AS MODIFIED

Mr. PELL. Mr. President, I would like to commend and thank the able Senator from North Dakota on modifying his metric conversion amendment. While I opposed the provisions of the amendment that would have imposed a 2-year moratorium, I am comfortable with asking the Commission on Unfunded Mandates, which would be created under this legislation, to look into the impact on States and localities of using the metric system.

As many of my colleagues know, I have been a longtime proponent of conversion to the metric system. I believe we can't afford not to convert to the metric system. Not converting has already cost this Nation a great deal.

The United States is one of three nations in the world, along with Burma and Liberia, yet to change to metrics. More importantly, the United States is the only industrialized nation in the world that is not a metric country. With a growing global economy, thanks in part to NAFTA and GATT, how can we as a nation expect to sell our products to the rest of the world when those products literally don't measure up with the rest of the world?

The United States stands to gain untold millions of dollars in exports that we are currently losing, because our nonmetric goods are almost excluded from international markets. In fact, the U.S. Department of Commerce estimates that U.S. exports could increase by as much as 20 percent by offering metric-sized goods.

Three instances of international trade problems caused by the production of non-metric goods highlight the difficulties caused by our nation's reluctance to go metric.

Saudi Arabia rejected a shipment of General Electric appliances because the power cords were 6 feet long rather than 2 meters as required by Saudi law.

A middle-eastern company was forced to rewire all the electronic equipment it imported from the United States because standard American wire sizes are different from international standards.

Countries around the world have great difficulty locating American lumber mills willing to produce cut lumber in metric sizes.

Mr. President, I agree that the Federal Government should not require States to do that which it is unwilling to do. In that regard, I have and will continue to work to see that all portions of the Federal Government comply with laws already on the books and

that it leads the way in converting to the metric system.

I am confident that the more we study the value of the metric system, the more we will find that not joining the rest of the world will only cost us more in the long run.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 182

Mr. GLENN. Mr. President, I rise to take just a very few minutes to address the Hollings amendment. It is a sense-of-the-Senate amendment. It talks about the importance of interest on the national debt as far as being an unfunded mandate. But in part B, it says that prior to adopting, in the first session of the 104th Congress, a joint resolution proposing an amendment to the Constitution requiring a balanced budget, a sense-of-the-Senate, then one, that the Congress set forth specific outlay in revenue changes to achieve the balanced Federal budget by the year 2002; two, enforce the congressional budget process, the requirement to achieve a balanced budget by the year 2002.

Let me address that briefly. I thought originally maybe that this did not have any place being addressed on the unfunded mandates legislation. This just says that we want to know in advance what the impact is going to be. In other words, it is truth in legislating, as best we can tell that truth, in advance.

I submit that is what this unfunded mandate legislation is all about. We are trying to determine what the impact is in advance, and tell States and local communities just exactly what Federal mandates are going to do to them in advance. And we require the Congressional Budget Office to actually spell out the dollar impacts on them in advance.

That is what Senator HOLLINGS is proposing with this legislation. Why should we not do this? Why should we not, to the best of our ability, say how a balanced budget amendment, if it goes into effect, will be dealt with? That is exactly what we are trying to do with this unfunded mandates legislation as it deals with the States and local communities.

Apropos to this, I think when we come to consideration of a balanced budget amendment, I read some figures over the weekend, I believe in one of the columns, that if we take the things that everyone seems to say are off limits in the House and here also—Social Security, Medicare, interest on the national debt, and defense, those four items—I do not know whether those can all be taken out and made exempt from any consideration when we get into budget cutting or not. If we cannot, if some of those come in, I say to the Social Security recipients that some of your benefits are in danger. The same thing is true with Medicare. We know we have to pay interest on the national debt. We do not want to cut defense. We feel it has been cut enough already.

So if you leave Social Security, Medicare, interest on the national debt, and national defense off budget, or off limits, what does that leave? As was pointed out in the column I read over the weekend, that then would require approximately a little over a 30-percent cut in all the other functions of Government; a 30-percent cut in all the other functions of Government. If you take Social Security, Medicare, interest on the national debt, and national defense off budget, it would be a 30-percent cut in every other program.

If we applied that across the board, this means that next time you climb on an airliner after this, maybe, you will know that 30 percent of FAA funds; 30 percent of National Transportation Safety Board funds; 30 percent of CDC, the Centers for Disease Control funds, trying to deal with the AIDS problem, an enormous problem; 30 percent of NIH funds, the National Institutes of Health dealing with cancer problems; FDA, trying to see what drugs are safe, are cut. You may say: We will not deal with any of those; we would leave those fully funded. What else gets cut? What else gets cut in that situation?

How about immigration? Do we want additional restrictions on immigration? Do we want to provide the people to firm up the borders? Would that get its 30-percent cut? How about farm subsidies? There is an attractive one. We are going to cut these 30 percent or more to make up for keeping something else from this 30-percent cut. Then there are prisons, and we could go on and on. We are dealing in this unfunded mandate legislation mainly with the impact on the States and local communities.

What do the States get right now? States, right now, under discretionary and entitlement funding, receive about $230 billion a year, about 70 of that in discretionary funding and about 160 in entitlements. This is broken down into Medicaid, for instance, and $173 billion goes into Federal and State, total, for Medicaid; 57 percent of that is Federal, and 43 percent is State; that is $230 billion total.

I use that figure for this reason. If we pass something that says that we are not going to say what we are going to cut, we are just going to do that after we, in effect, threaten ourselves and say, OK, we are going to force ourselves to buy a balanced budget amendment to make these decisions but we are not going to say in advance where the decisions are made, then I submit that the States with what they receive now, what is given to them now for all these various programs, that $230 billion is going to be a very, very attractive target for budget cutters looking for some way to balance the budget without getting into cuts on Social Security, Medicare, interest on the national debt, or defense.

What Senator HOLLINGS has proposed is a how-to piece of legislation—knowing what we are going to do, giving us an idea of what we are going to do in advance to get to a balanced budget. All of us want to get to a balanced budget. Certainly, I do. I do not think there is anybody here who does not want to get to a balanced budget. What Senator HOLLINGS says is let everybody, the States included, know in advance whether they will be the ones who will be unfairly dealt with in this other area if we pass a balanced budget amendment. Will the efforts to balance the budget then come out of the State's hide of $230 billion that we send from the Federal Treasury to the States every year?

Surely we would not take the other tack and say on Senator HOLLINGS' amendment that we would adopt in the first session a joint resolution proposing an amendment to the Constitution requiring a balanced budget, one, the Congress should not set forth specific outlay and revenue changes. Surely we would never add that should not and prohibit anyone from saying exactly how this is going to affect anyone by prohibiting the listing of what the outlay and revenue effects would be. So all he said is that in the Constitution requiring a balanced budget, the Congress set forth specific outlay and revenue changes to achieve a balanced Federal budget by 2002. It seems to me that we are just trying to predict and make forecastable what is happening between the Federal Government and the States with this unfunded mandate legislation.

All Senator HOLLINGS is asking in his proposed amendment, it seems to me, is that we do the same advanced kind of planning in trying to get where the cuts or where the revenues would come from, what the impact would be, the amounts, and trying to determine these things in advance.

So, Mr. President, I rise in support of Senator HOLLINGS' amendment.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. President, earlier I had offered two of the three amendments which I have reserved for the purposes of having them before the Senate prior to the 3 p.m. deadline tomorrow.

I, therefore, ask unanimous consent that the pending amendment be set aside for the singular purpose of allowing me to offer the third amendment for consideration at a later date.

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

AMENDMENT NO. 189

(Purpose: To change the effective date)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 189.

The amendment is as follows:

On page 33, strike lines 10 through 12 and insert the following:

This title shall take effect on the date of enactment of this Act, and shall apply to legislation considered on and after such date.

Mr. GRAHAM. Thank you, Mr. President.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. LEVIN. Mr. President, I wonder if the Senator from Iowa will yield.

Mr. HARKIN. I ask unanimous consent that I may yield to the Senator from Michigan without losing my right to the floor.

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

The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendments 172 to 177, which I sent to the desk last Thursday night, be called up at this time, stated, and then be immediately set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NO. 172 THROUGH 177

Mr. LEVIN. Mr. President, I send a group of amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes amendments numbered 172 through 177, en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 172

(Purpose: To provide that title II shall apply only after January 1, 1996)

On page 38, after line 25, insert the following:

"SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect with respect to regulations proposed on or January 1, 1996."

AMENDMENT NO. 173

On page 26, between lines 5 and 6 insert the following:

(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct cost of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment, or motion of such Member.

AMENDMENT NO. 174

(Purpose: To provide that if a committee makes certain determinations, a point of order will not lie, and for other purposes)

On page 17, insert between lines 17 and 18 the following new paragraph:

"(7) COMMITTEE DETERMINATION OF MANDATE DISADVANTAGEOUS TO PRIVATE SECTOR; WAIVER OF POINT OF ORDER.—If a committee of authorization of the Senate or the House of Representatives determines based on the statement required under paragraph (3)(C) that there would be a significant competitive disadvantage to the private sector if a Federal mandate contained in the legislation to which the statement applies were waived for State, local, and tribal governments or the costs of such mandate to the State, local, and tribal governments were paid by the Federal Government, then no point of order under subsection (c)(1)(B) will lie.

AMENDMENT NO. 175

(Purpose: To provide for Senate hearings on title I, and to sunset title I in the year 2002)

On page 33, strike out lines 9 through 12 and insert in lieu thereof the following:

SEC. 107. SENATE JOINT HEARINGS ON UNFUNDED FEDERAL MANDATES.

No later than December 31, 1998, the Senate Governmental Affairs Committee and the Senate Budget Committee shall hold joint hearings on the operations of the amendments made by this title and report to the full Senate on their findings and recommendations.

SEC. 108. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on January 1, 1996;

(2) apply only to legislation considered on or after January 1, 1996; and

(3) have no force or effect on and after January 1, 2002.

AMENDMENT NO. 176

(Purpose: To clarify the scope of the declaration that a mandate is ineffective)

On page 24, line 18, strike out "mandate to be ineffective" and insert in lieu thereof "mandate to be ineffective as applied to State, local, and tribal governments".

AMENDMENT NO. 177

(Purpose: To clarify use of the term "direct cost")

On page 14, line 19 strike "expected".

On page 22, line 12 strike "estimated".

On page 22, line 22 strike "estimated".

On page 23, line 2 strike "estimated".

On page 23, lines 4 and 5 strike "a specific dollar amount estimate of the full" and insert in lieu thereof "the".

On page 24, line 8 strike "estimated".

On page 24, line 15 strike "estimated".

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, Mr. HARKIN, is recognized.

AMENDMENT NO. 190

(Purpose: To express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution)

Mr. HARKIN. Mr. President, while I know we are not considering it today, there is much discussion going on around this town and the country about our upcoming consideration of the balanced budget amendment. I do not want to delay action on the bill before us, but I believe it is critical that we ease the fears of millions of older Americans who are worried about their security.

I have long supported a balanced budget amendment, and I expect to do so again this year. There have been a number of issues raised concerning the amendment—should there be a supermajority requirement for tax increases; should there be truth in budgeting to require that the cuts necessary to reach a balanced budget by 2002 be specified; should we make provision for times of recession when there are more demands on the Federal Government and tax receipts are down? Each of these questions is very important and should be given the attention they deserve. But, Mr. President, the one issue that is of greatest concern, and the one I think necessary to address immediately by this body, is whether Social Security should be allowed to be cut as part of the balanced budget amendment.

Should Social Security funds be included along with all the receipts and debits in calculating whether we have a balanced budget? I believe we need to set the record straight about where the Senate stands on this critical point. I hope the Senate could go on record unanimously on this so that we can allay the fears that literally millions of older Americans have.

I have received hundreds of calls, and even more letters, from older Iowans who are scared to death that their Social Security is going to be cut to balance the budget. Almost all of them subsist on little or nothing more than their monthly Social Security check. They live on fixed incomes and are struggling to meet the basics—pay their food, utilities, and medical bills. A cut in Social Security would literally mean for many not enough to eat or enough to pay heating, phone, medical bills, and transportation.

To bring this home, I would like to read excerpts from letters a few Iowans have written me. I have a letter here dated January 2, from Lime Springs, IA:

DEAR SENATOR HARKIN: Will you please vote against any more cuts in Medicare and Social Security. I am an 87-year-old widow with Social Security of $440 a month, and I am trying to stay off welfare. It is almost impossible for old people who depend on Social Security to live anymore. Please help us.

Another letter is dated January 4.

* * * I am a widow, age 78. I have been alone for 29 years and never able to accumulate an estate, bonds, CDs, et cetera. My income is $650 a month Social Security, and out of that I must pay rent, electric, food, health insurance, medical bills, doctors, prescriptions, et cetera, and I am just barely able to cover the above expenses. There is no money left over for clothes, recreation, et cetera, and I would appreciate it if you would reject any cuts in Social Security and Medicare.

Another letter is dated January 5 from Jefferson, IA. It says:

* * * We are semi-retired farmers facing higher property tax, higher crop expenses and lower prices. If we don't have money, we go without. Because my health has forced my retirement at 62 years of age, I am now receiving a "very generous" $334 a month Social Security. Now subtract $46.10 for Medicare, $56 Blue Cross supplemental, and then try to spread it thin enough to pay for heart, diabetes and arthritis medication at $3,000 per year.

We have worked hard, still paying on some farmland, knowing that if either of us need to enter a nursing home, it will be gone. Social Security is not welfare.

Well, I have a lot of letters like this and I am sure, Mr. President, you and other Senators are receiving letters like this from your constituents.

Mr. President, the amendment I am about to send to the desk I believe is eminently reasonable and should be quickly passed by this body. It is relatively short and straightforward.

I will not read the whole thing.

It is a sense-of-the-Senate resolution. It is supported by findings that over 42 million Americans receive Social Security benefits, including 3 million children, and 5 million disabled workers; that Social Security is only the pension program for 60 percent of older Americans. Almost 60 percent of the older beneficiaries depend on Social Security for at least 50 percent of their income; 25 percent of recipients depend on it for 90 percent of their income. Without it, 15 million Americans will be thrown into poverty.

Basically, it is just a sense of the Senate that any joint resolution providing for a balanced budget amendment to the U.S. Constitution passed by the Senate shall specifically exclude Social Security from the calculations used to determine if the Federal budget is in balance.

Mr. President, when you talk about the average Social Security recipient, you are talking about people of very modest means. The average monthly Social Security payment now is $679 a month. That is $8,148 a year, just above the poverty level for a household of one. As I said, for many senior citizens, Social Security represents 90 percent or more of their entire income and it is particularly true of older widows. For the majority of older widows, Social Security represents the bulk of what they have to live on. So I understand them writing me letters saying they are fearful of these cuts.

Mr. President, I should also note that I am not just hearing from the elderly. I am also hearing from middle-age workers who are concerned about the surplus in the Social Security trust funds that will be necessary to pay the benefits when they retire. They are worried because they know it may be just too tempting for politicians to dip into the growing Social Security trust fund surpluses to pay down the deficit. And they have every reason to be worried.

Today, the Social Security surplus stands at about one-half trillion dollars. That is right. The Social Security trust fund has a surplus of one-half trillion dollars,—$500 billion. By the year 2010, the Social Security surplus is projected to reach $2.1 trillion. And by 2020, the Social Security trust fund will grow to an astounding $3 trillion. That surplus, nearly two times the entire Federal budget for this year, will be very tempting to dip into to pay down the deficit.

Some will say a little out will not hurt us. But, in fact, Mr. President, in the coming years, we will need to add to that surplus, not take away from it.

The current projections are that even with a $3 trillion surplus in the year 2020, the system will go bankrupt by around the year 2030, after paying benefits to the baby boomers who will be retiring. So about 35 years from now—and we have time within that 35 years to make the necessary adjustment. So we need to make adjustments within the next 35 years to further build up the surpluses after 2020 so that those who are working now can be assured that their Social Security will be there when they retire. So we need to add to the surpluses later on, not take away from them.

Mr. President, I am certain that the amendment I am offering will be supported by an overwhelming majority of Americans. Poll after poll has indicated opposition to the cuts in Social Security benefits by the elderly and by those now working.

So, Mr. President, it is a modest amendment. It is a sense-of-the-Senate resolution. I think we ought to express ourselves on this bill. Even though it does not have anything to do, I know, with unfunded mandates, I think we have to express ourselves as soon as possible, especially now in the middle of winter when so many elderly people are concerned about Social Security cuts. And I think, if I am not mistaken, that we will be on the balanced budget amendment right after this bill is disposed of.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 190.

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

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

The amendment is as follows:

On page 50, add after line 6 the following new title:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(a) FINDINGS.—The Senate finds that—

(1) social security is a contributory insurance program supported by deductions from workers' earnings and matching contributions from their employers that are deposited into an independent trust fund;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) without social security an additional 15,000,000 Americans, mostly senior citizens, would be thrown into poverty;

(6) 138,000,000 American workers participate in the social security system and are insured in case of retirement, disability, or death;

(7) social security is a contract between workers and the Government;

(8) social security is a self-financed program that is not contributing to the current Federal budget deficit; in fact, the social security trust funds currently have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(9) this surplus is necessary to pay monthly benefits for current and future beneficiaries;

(10) recognizing that social security is a self-financed program, Congress took social security completely "off-budget" in 1990; however, unless social security is explicitly excluded from a balanced budget amendment to the United States Constitution, such an amendment would, in effect, put the program back into the Federal budget by referring to all spending and receipts in calculating whether the budget is in balance;

(11) raiding the social security trust funds to reduce the Federal budget deficit would be devastating to both current and future beneficiaries and would further undermine confidence in the system among younger workers;

(12) the American people in poll after poll have overwhelmingly rejected cutting social security benefits to reduce the Federal deficit and balance the budget; and

(13) social security beneficiaries throughout the nation are gravely concerned that their financial security is in jeopardy because of possible social security cuts and deserve to be reassured that their benefits will not be subject to cuts that would likely be required should social security not be excluded from a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal budget is in balance.

Mr. HARKIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. KEMPTHORNE. 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. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I ask the manager, did the Senator intend to proceed with additional amendments now or prefer that we wait?

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. KEMPTHORNE. Mr. President, in discussing with the Senator from Iowa, we do not have a problem laying aside the pending amendment while we get additional information, and would note that the Senator from Iowa has, I believe, a unanimous-consent request. I believe it would be appropriate to lay the pending amendment aside and proceed with the amendment of the Senator.

Mr. BINGAMAN. Mr. President, if it is in order, I ask unanimous consent that I set aside the pending amendment and any pending unanimous consent request.

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

AMENDMENT NO. 191

(Purpose: To provide that certain legislation shall always be in order)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 191.

Mr. BINGAMAN. Mr. President, I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 25, add after line 25 the following new section:

"(4) DETERMINATION BY REPORTING COMMITTEE OF APPLICABILITY TO PENDING LEGISLATION.—Notwithstanding any provision of paragraph (1)(B), it shall always be in order to consider a bill, resolution, or conference report if such report includes a determination by the reporting committee that the pending measure is needed to serve a compelling national interest that furthers the public health, safety, or welfare.

Mr. BINGAMAN. Mr. President, the amendment that I have offered today will allow a reporting committee—that is, any of the authorizing committees—to ensure that a measure that committee determines is necessary to serve a compelling national interest be given full consideration by the Senate.

Mr. President, last week I raised several issues with my colleagues from Idaho and Ohio regarding Senate bill 1. Specifically, we discussed the fact that under S. 1, it would be out of order to proceed on any legislation that imposes a cost of more than $50 million on other levels of government unless the Federal Government is willing to pay the full costs incurred by those other levels of government. I realize a point of order would have to be raised by a Senator for the legislation not to be considered. Nevertheless, if the point of order is raised, then consideration of such a bill shall not be in order as I read the unfunded mandates legislation we are considering today.

Mr. President, I believe that we go too far when we say that the Senate should not consider a measure, regardless of its importance, unless the Federal Government can cover all public costs associated with that measure. We can all think of cases of a compelling national interest with which we should proceed even if the Federal Government does not intend to cover all the costs.

Some examples are control of nuclear waste, minimum wage laws, and the control of terrorism. These are clear examples that I think most Senators will agree with. In those cases, it is appropriate to provide a mechanism through which a committee reporting a measure, armed with the Congressional Budget Office cost estimate required by this legislation, can make a determination that it should be in order for the full Senate to consider the matter, and that no point of order should prevent that consideration.

Our Federal system functions best when there is a partnership of effort by local, State, and Federal Government, and tribal government, in some cases. Many of the most successful programs that we have in this country have been pursued as a result of just such a partnership, constructed by the Federal Government. Examples are the Interstate Highway System, Federal housing assistance, and the unemployment insurance system.

If partnerships involving cost sharing by the different levels of government are to occur, then under our Constitution, the Federal Government is set up as the final arbiter of the terms of those partnerships. It makes no sense for us to abdicate that responsibility entirely. Clearly, in any activity we choose to pursue in partnership with the States, local government, or Indian Tribes, the Federal Government should do its best to cover the costs that relate to the benefits that the country as a whole is to receive. Surely, the Federal Government should do a better job than it has in many cases in being sensitive to other governmental entities about costs they may occur.

But we should not, in my opinion, make it out of order to consider any and all legislation that requires action by other levels of government unless the Federal Government agrees to pay the full cost of that action. Partnerships between the Federal, State, and local governments and Indian tribes will be needed in the future, and it may be appropriate in some cases for some of the costs of those partnerships to be borne by others than the Federal Government.

Under my amendment, the cost estimates would still be done, and no one in the Senate would enter into the debate ignorant of the full costs. Indeed, if the full Senate felt that the cost should be paid for entirely by the Federal Government, an amendment to this effect could be offered. If the funding was not provided for all the costs, an estimate of which would be required under the amendment, the full Senate could vote the measure down after actual debate. A measure that a committee determined to be needed to serve a compelling national interest, however, would be assured a debate on its merits if it reached the floor of the Senate.

Mr. President, this seems to be an imminently reasonable adjustment to the procedures outlined in S. 1. I urge the managers to support the amendment. I urge my colleagues to agree to its adoption. I may speak again in reference to this prior to final vote on the issue. I did want to put my colleagues on notice as to the import of this amendment.

I have two other amendments, Mr. President, that I have reserved the right to offer, and I intend to offer those later this afternoon or early tomorrow. I do not have those with me at this moment.

I yield the floor. 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. KEMPTHORNE. 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. KEMPTHORNE. In response, Mr. President, to the Senator from New Mexico, I think it is necessary to point out that if at any point during this process, there truly is a compelling argument, that the committee, the chairman of that committee, may come to the floor and seek a waiver of this process of S. 1, and need not go through the remaining steps of that process.

But the idea, as I understand the proposed amendment, is to say that the committee itself could exercise the jurisdiction of the full Senate, which I do not think is appropriate and is really a

real short circuit of what we are trying to do here with this process.

Earlier today we heard from the Senator from Nevada and the Senator from North Dakota on another issue, but they were saying that with this particular Federal mandate that has been put into place a year or two ago that there may be merit to this unfunded Federal mandate, but it would have been so nice to have known all the implications and the costs before this unfunded Federal mandate was implemented. What they were describing is how nice it would have been to have S. 1 in place before that particular mandate had been imposed.

So, again, I think that S. 1 provides the process and rather than allowing the committee to have that sort of jurisdiction to say that because there is a compelling interest here we need not comply is not the route that we should go. If that is the case, if there truly is a compelling reason, then they can seek that waiver immediately.

Mr. BINGAMAN. Mr. President, could I just respond to the concern that the Senator from Idaho has raised.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, by my amendment by its language I am not exempting any piece of legislation from the requirements of cost estimates or reports from the CBO. What I am saying is that once those cost estimates and reports are obtained by the appropriate committee, if that committee determines that there is compelling national interest that needs to be considered here, then it has the right to say that in its report and to have the legislation considered on its merits on the Senate floor. And it does not have to get past any procedural hurdle that this proposed legislation would impose in terms of language that says it is out of order to consider the proposed bill.

In my opinion, it is not wise for us to be writing legislation stating it is out of order to consider any and all Federal legislation where the Federal Government fails to pay the full cost of implementing the legislation. There are too many examples in our Nation's history where it has been appropriate for the Federal Government to proceed with legislation of that type and where there has been a well-designed partnership between the Federal Government, State government, and local government to accomplish a recognized national purpose.

I am trying to make it clear that where there is such a circumstance in the view of an authorizing committee, then that authorizing committee should have the right to have its legislation, its reported legislation, considered on its merits without having to overcome procedural points of order to do so.

That is the intent of my legislation. It does not exempt any reported legislation from the requirements of reports or cost estimates by the CBO. I do believe those are appropriate, and clearly the failure to have those in some cases has worked a hardship on local governments, on State governments, on Indian tribes.

I wanted to clarify what the import of my legislation is. And with that clarification, I hope that the Senator from Idaho, and all other Senators, can support it.

I yield the floor, Mr. President, and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I thank the Chair.

IN BEHALF OF A CULTURAL CUTTING EDGE

Mr. BYRD. Mr. President, we live in an era of technological miracles—inventions, phenomena, and developments whose inventors and initiators might have been burned at the stake as witches and warlocks in the so-called "Dark Ages" for even suggesting, much less producing or conducting, such things.

Automobiles, jet aircraft, space vehicles, CD records, microwave ovens, telephones, artificial hearts, organ transplants—inventions, opportunities, and creations that some of our ancestors only a century ago might have found unbelievable, if not unimaginable.

But, Mr. President, perhaps the one modern invention that has had, and will have, the greatest impact on human life is television.

Imagine, if you will, the astonishment of George Washington, Thomas Jefferson, or even Benjamin Franklin if any one of those men were able to sit down with us today in front of that vast wasteland, as Newton Minow referred to it—a television set.

Imagine being able to tune in with them on a one-on-one conversation across the Atlantic with British Prime Minister John Major or German Chancellor Helmut Kohl, to discuss Trans-Atlantic alliances or international trade issues, for example.

Or imagine the astonishment of U.S. Grant or Robert E. Lee had they been able in their time to sit before a television set and view the actual progress of the Siege of Vicksburg or the Battle of Gettysburg, as so many millions of everyday Americans viewed the progress of the Gulf War or the shooting down of "Scud" missiles incoming over Tel Aviv or Riyadh, Saudi Arabia.

Interestingly, perhaps even the Founding Fathers of the television did not foresee the scope of television or grasp the possibilities that this miracle offered in its earliest, fuzziest beginnings.

In those primeval days of television broadcasting—roughly, the late 1930's and pre-World War II 1940's—the biggest star attractions consisted primarily of telecast images of "Felix the Cat" and local station test patterns, which fascinated people even though they offered the crudest of images and practically no motion.

But following the end of the Second World War, several radio programs began "simulcasting"—that is, broadcasting both on infant television networks and on the established radio networks at the same time.

Thus, in time, millions of Americans were enabled both to see and hear "The Voice of Firestone," "The Bell Telephone Hour," and "The NBC Orchestra," conducted by Arturo Toscanini. Increasing numbers of American families were exposed to the music of Beethoven and Schubert, and to the considerable talents of the finest musical figures of the Metropolitan Opera or La Scala.

In time, NBC introduced plays by some of America's leading playwrights on "The Philco/Goodyear Playhouse," and CBS on "Studio One"—plays many of which went on to be reproduced into classic movies, and plays that introduced some of today's leading actors and actresses to millions upon millions of Americans who had been unable to witness their Broadway and off-Broadway debuts.

For children in those early days of television, "Howdy Doody," "Romper Room," "Miss Frances" on "Ding Dong School," and "Captain Kangaroo" provided often brilliant exposure to experiences and information unavailable to them anywhere else—experiences and information that conveyed values, taught serious while camouflaged knowledge, stretched tiny minds—tiny minds—and imaginations, and helped untold millions of preschool children prepare for the serious business of entering school and beginning their formal educations.

The apparent goal of television executives in those early days seemed to be to reach growing numbers of middle-class and upper-middle-class American consumers whom sponsors wanted to attract to buy their automobiles, bath soaps, refrigerators, and dish detergents—consumers with high incomes and relatively good educations, and men and women of all income and educational levels who hungered for good music, compelling drama, and intellectually challenging entertainment and diversion.

Likewise in those days, sponsors were eager to have their names and trademarks associated with "quality culture," in hopes of winning and keeping consumer loyalty and gratitude,

both valued intangibles in the supermarkets and department stores when viewers contemplated their purchases.

But as time passed, advertisers more and more craved only higher and higher audience numbers. In the search for those numbers, sensation drove out substance, and action cancelled out content.

In time, in pursuit of ratings, television producers lost their nerve.

If a single "cowboy" show caught the public's fancy, dozens of cowboy shows appeared, crowding out most other programming. If the next season a single detective show garnered high ratings, off the television range fled the cowboys, and detective shows proliferated across the dial. The same held true of variety shows, quiz shows, "sit-coms," or spy shows.

In the process, children's programs with substance vanished, to be replaced, hour after hour, with crudely composed "action" cartoons, in which scarcely believable and primitively drawn comic book "heroes" exposed children to eternities of violence, mayhem, and pointless fantasy.

Expert television analysts assert that, by the time an American child reaches his or her late teens, commercial television has exposed that child to literally thousands of murders and other acts of violence, an exposure that predictably deadens that child to real-life violence and that overtly and subliminally teaches that violence, in itself, is an effective means of solving problems and getting one's own way in this world.

Should we, then, be surprised that here in the inner-city neighborhoods of Washington, or in Baltimore or New York or other great urban centers—and even in our comfortable suburbs—children are literally murdering other children over the possession of sneakers, team jackets, or over real or imagined slights? After all, again and again without number, these child-murderers have witnessed the effective use of such solutions on commercial television, and a few weeks later, they had seen the same guy who gets shot or stabbed or pushed out the window or strangled with a copper wire on some other show in perfectly good health.

From the beginning of the adulteration of television, thoughtful people have sought alternatives to the trash and vulgarity that have increasingly contaminated the airwaves of this miraculous medium of communication.

And, to the relief of millions of thoughtful Americans, in time, "educational television" laid the foundations for today's public broadcasting stations.

As a result, as the public television network grew, children in our inner cities and in rural States like West Virginia and eastern Kentucky could be reached by television images that stretched their imaginations, taught them stories by great authors, exposed them to initial concepts in science and arithmetic, and challenged them with mainstream values such as telling the truth, respecting other children, obeying their parents, and becoming good citizens.

At the same time, the Public Broadcasting System, the Corporation for Public Broadcasting, and National Public Radio increasingly filled the voids left by the commercial networks when they turned their backs on people in our society who crave good music, who hunger for good drama, who desire to hear and see good public debates on important questions of our time, who are eager for good documentaries, and who yearn for substance and challenge in their entertainment.

Indeed, the Public Broadcasting System has evolved into a kind of cultural cutting edge—the pioneering network—that carved the frontiers and plowed the first fields that have proved the market that such operations as the Arts and Entertainment network, the Discovery, and Learning Channels, the History Channel, Bravo, and other increasingly culturally oriented systems are now exploiting.

But even in these commendable enterprises, PBS has been the pioneer to which these new cultural channels must look for guidance. As welcome as their entry into the cultural scene is, so much of their offerings were first offered or grubstaked on public television.

The lamentable truth is that, in commercial television, the bottom line is money, and until certain kinds of programming prove themselves, most commercial cable networks are unwilling to take risks on most types of programming—that is, until public television demonstrates the existence of a market for that kind of programming.

Ken Burns' "Civil War" was an enormous gamble on which no one outside public television would have been willing to take a chance, until WETA made a leap of faith and underwrote a classic that will live for decades. Millions upon millions of Americans have seen "The Civil War," and millions upon millions more will see it in coming generations. As a result, countless millions of Americans yet unborn will understand in ways previously impossible the significance and the scale of the greatest conflict in American history—a conflict that still defines us in many ways roughly 130 years later.

Currently, the hunt dogs are baying at the heels of PBS and the public broadcasting network across our country.

We are informed that PBS is too liberal, too radical, too un-American, elitist, left-wing.

Do these critics mean to say that William F. Buckley's "Firing Line" is an example of liberal programming?

William Buckley has been appearing on "Firing Line," a program produced admirably by South Carolina public broadcasting for years. Indeed, to follow William Buckley is to be disarmed by one of the most rational, intellectually charming, and persuasive conservative personalities in American history, a man who has exploited "Firing Line" brilliantly in a committed effort to force millions of Americans to rethink, or to think for the first time, the seminal principles of their own political, economic, and social positions.

Or do the critics mean to include in their criticisms of the liberal and elitist descriptions of PBS the reruns of the "Lawrence Welk Show," reproduced by Oklahoma public television, to the absolute delight of millions upon millions of Middle Aged and Older Americans who await each week the replay of some of the most beautiful music ever composed and performed in America?

Or do they mean "Wall Street Week," presided over by one of the most urbane and persuasive capitalists ever to advocate the free enterprise system anywhere and at any time?

Or do those critics include among left-wing elitists the conservative Ben Wattenberg, whose weekly panels present a wide spectrum of challenging intellects, right and left, in a balanced discussion, in understandable terms, of some of the most arcane issues of our day?

Or are we to assume that "The Collectors," "This Old House," "Cats and Dogs," concerts by the Boston Pops Orchestra, LeVar Burton's "Reading Rainbow," or reruns of such classics as "Casablanca" or Marlene Dietrich's "Blue Angel" are examples of elitist programming?

Or what of "Washington Week in Review" which we see every Friday evening here in Washington, by tuning in at 8 o'clock?

Year after year after year we watched Paul Duke, and we still watch "Washington Week in Review." It provides some of the most perceptive, thoughtful, and penetrating analysis available anywhere.

To be sure, much on public television rankles me, as I am sure it rankles people who do not share my values and philosophy of life.

But to stifle, shut down, starve, emasculate, or cripple our public broadcasting system, by denying it the seed money that guarantees its very survival in some of our most isolated rural communities, would be to kill one of the finest golden-egg-laying geese on the American cultural scene. To speak many truths is to risk making many enemies. Likewise, to speak many truths is to risk making many friends, as well. And because our public broadcasting system provides such a variety of truths, it can boast mobs of both friends and detractors.

Mr. President, I hope that we will think long and sincerely before we punish, dismantle, or destroy one of the

most valuable assets in our national cultural treasury, and risk reducing the Public Broadcasting System, the Corporation for Public Broadcasting, and National Public Radio to bad and ineffectual imitations of our commercial broadcasting networks, complete with underarm deodorant commercials and paeans to dog food and kitty litter.

I yield the floor.

[Disturbance in the visitors' gallery.]

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

The PRESIDING OFFICER. The Senator will suspend for just a moment.

The gallery must not show approval or disapproval to actions on the floor of the Senate.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent we set aside whatever the pending business is. Is there a pending amendment?

The PRESIDING OFFICER. Amendment 191, The Senator's own amendment.

Mr. BINGAMAN. I ask unanimous consent my own amendment be set aside temporarily, while I offer another amendment.

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

AMENDMENT NO. 192

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 192.

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

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

The amendment is as follows:

On page 25, add after line 25, the following new section:

"(4) APPLICATION TO REQUIREMENTS RELATING TO THE TREATMENT AND DISPOSAL OF RADIOACTIVE WASTE—

Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to a requirement for the treatment or disposal of—

(A) high-level radioactive waste, low-level radioactive waste, or spent nuclear fuel (as such terms are defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)); or

(B) byproduct material or transuranic waste (as such terms are defined in section 11 of the Atomic Energy Act of 1954, (42 U.S.C. 2014))."

Mr. BINGAMAN. Mr. President, the amendment I am offering here is an amendment to exempt measures concerning the treatment and disposal of nuclear waste from S. 1. It is my understanding that the agency primarily responsible for this issue is the Nuclear Regulatory Commission. It is one of the agencies that is not covered by title II of this legislation.

This amendment I have offered here would have the effect of ensuring that both the NRC, the Nuclear Regulatory Commission, and the Congress can continue to have authority to take necessary action in this very important policy area. Without this amendment I have offered here, we are leaving the NRC with power to act in an area where it would also be out of order for this Congress itself to consider legislating. If a bill or an amendment is offered to increase the requirements to obtain a license under the Nuclear Regulatory Commission, that bill would be subject to a point of order. The NRC could do that by regulation without there being any objection raised.

But if the Congress tried by statute to raise the requirements on a licensee under the authority of the Nuclear Regulatory Commission, that would be subject to a point of order. As the bill now stands, my amendment would correct that. I believe it is important to look at this issue in a historical context.

Research on nuclear energy started without congressional approval and in fact in great secrecy, and only a few select Members of Congress were kept informed about the Manhattan project during World War II, even though a large amount of taxpayer money was being spent to build the facilities needed at Los Alamos in my own home State, in Hanford, and at Oak Ridge.

Moving quickly to assert its control over the nuclear program, Congress passed the Atomic Energy Act of 1946, which created both the Atomic Energy Commission in the executive branch, which was charged with managing the program, and it created a Joint Committee on Atomic Energy within Congress to oversee and direct the program. Moreover, because private ownership was prohibited in the 1946 act, the Federal Government maintained absolute control over nuclear materials and facilities. Consequently, the prospect of the nuclear program being transitional to the civilian sector was very faint, and, therefore, Congress was enforced to enact legislation to develop the civilian nuclear power program in 1954 with the Atomic Energy Act of 1954.

Because that act was extremely vague in its efforts to define safety considerations and in its overall regulatory program, the AEC, the Atomic Energy Commission, was responsible for promulgating safety regulations, and they had broad discretion. In fact, the U.S. Court of Appeals for the District of Columbia noted years later that the 1954 act created—here is a quotation from one of their decisions:

The 1954 act created a regulatory scheme which is virtually unique in the degree to which broad responsibilities should pose in the administrative agency.

And it has a prescription in its charter as to how it shall proceed in achieving the statutory objectives. Mr. President, today that same very broad discretion resides in the regulatory agency.

The initial administrative regulations parallel the 1954 act, and the two were very loose. Nuclear power has proven to be extremely complex and increasingly demanding. Nuclear power plants have grown larger and more sophisticated, and they are requiring capable safety systems and backups.

Very simply stated, the more complex these nuclear power systems have become and plants have become, the more things can go wrong. As a result, nuclear regulation has had to keep pace with industry advances in order to protect the public health and safety. Recent accidents only serve to remind us of the potential of not maintaining close scrutiny of this industry. Chernobyl raised the awareness of Russia and Eastern Europe where dozens of unsafe plants exist that fall way below the Western safety standards that have been promulgated by our own Federal Government.

Under the provisions of the pending unfunded mandates legislation, many of the valuable laws that were created specifically in response to the public health and safety concerns in this area would have been improper for consideration. For instance, the Low Level Radioactive Waste Policy Act could not have been considered by Congress absent the waiver of this unfunded mandates act. The low level waste act, passed in 1980, makes the States responsible for nuclear waste disposal; that is, waste that was generated within that particular State's borders. No Federal funding is provided in this program.

Moreover, I must note that the National Governors Association requested this legislation. Indeed, the National Governors Association provided much input into it. Essentially, the Governors believed that the States were in a better position to select disposal sites within those States. Nonetheless, under S. 1, the low level waste program would come under the definition of a Federal mandate and would be subject to the requirements of title I of the bill.

Additionally, in the Nuclear Waste Policy Amendments Act of 1987, we authorized the Office of Nuclear Waste Negotiator to find a State or an Indian tribe to host a permanent repository for a monitored, retrievable storage facility for nuclear waste.

This legislation we are considering today could frustrate his efforts if he were successful in identifying a potential host for such a facility. In my home State of New Mexico we are seeing an effort to site a nuclear waste repository facility on tribal land. And I feel strongly that we in the Congress must preserve our ability to legislate and regulate in this area to protect public health and safety.

The reasons for this amendment are self-evident. Although I believe that the Senate should always keep in mind the costs incurred by the private and the public sectors by any of its actions, I believe, as reporting committees apparently do, that in some areas of the law they are simply too important to create points of order against consideration of legislation. I further believe that the treatment and disposal of nuclear waste falls within that category.

Clearly, we have a responsibility to act and exert national leadership in an area that could have a profound impact on the health and safety of the American people, and in the future we may very well be called on to do so. We need to be sure that we will be able to do so and that procedural roadblocks cannot be raised.

For this reason, I urge my colleagues to adopt this important amendment. I understand that the managers of the bill are agreeable to a time limit for additional discussion of this bill prior to its being voted on.

I am glad to yield the floor or yield to questions.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I think I understand what the Senator from New Mexico is trying to do, but I am not sure I understand exactly how this would work. I would like to clarify. Let me make a statement. Then I would ask the Senator from New Mexico to respond.

If what the unfunded mandates bill is trying to do, of course, is to say where we are putting a mandate on a State, we will consider the costs up front, we will deal with those costs and either provide for it by passing those costs and saying, States you have to do it, or we would provide the money. That is the purpose of this, so we will not build up these huge bills and put all of these costs on the States occasioned by what we do here with legislation involving the States.

It would appear to me that if we exempt the nuclear industry from this process, you would set up the possibility that, if the proposal, whatever it is, is exempted from the point of order, that you might find the Federal Government is just going back and saying, States do it, with no money or no consideration of money required up front or anything else.

I cannot believe that is what the Senator from New Mexico would intend. Maybe I am wrong. But this would mean someplace like Hanford that has all the problems out there at Hanford in Washington, with all the problems of the so-called semiexplosive silos out there that we have been concerned about for a couple of decades now, and all the other problems from that area as well as some 17 major nuclear sites in the nuclear weapons complex in 11 different States, that we can in effect say to those States, just take care of it. We put a mandate on you. You take care of it out there. Whether it is Hanford, or in my home State of Ohio, or wherever, we would just say, States, take care of it.

I do not believe that the Senator from New Mexico intends that be the situation. But I would submit, if I understand the amendment correctly, that would be a possibility under this. It would seem to me that the States are better protected by saying we stay under this point of order, if it lies, and then say we have considered the cost up front and here is how we will take care of those costs and help the States comply with Federal law, which is what we do with other environmental concerns, not just nuclear, clean air, clean water, and everything that we provide mandates for around here.

All these environmental mandates so far are the biggest thing under the unfunded mandates. What we set up is a point of order with regard to those where we either work out an arrangement where we share in the costs that we are imposing to accomplish that good end, or we say we are not going to do that up front. But we have to consider the costs up front on what our responsibilities are.

It would seem to me that in the nuclear industry in particular, and particularly the nuclear weapons program, that we are still trying to recover from all those secrecies that went into effect during the cold war that let us build up huge stocks of material that now need to be taken out and disposed of someplace. I would not think that we would want to have that out from under the Government saving in the cost of doing that. Yet, if I read the amendment correctly, that is exactly what it is. Am I wrong in my understanding?

Mr. BINGAMAN. Mr. President, let me respond to the question. I do think the Senator is wrong in his understanding.

First of all, let me make clear, my amendment does not exempt anything from the reporting requirements. The reporting requirements in the bill, where you have to estimate the costs and estimate where the costs would fall, remain in place. Those have to be obtained before any legislation comes to the floor, and none of that is changed under my amendment.

What my amendment does say, though, is that in this very important area related to treatment or disposal of nuclear waste, in that very important area, if the Federal Government determines that some action should take place, you cannot raise a point of order that says it is out of order to consider the legislation, absent full funding by the Federal Government. That is all my proposed amendment does.

The Senator was saying this would open up the possibility of the Federal Government saying to the States: Washington State, you are responsible for Hanford.

That possibility exists today. That possibility will exist in the future. Theoretically, we could do that at any point, just to the same extent we do it today. That is the way the Constitution set up our Federal system. So that possibility is always there for the Federal Government to step in and do that kind of a thing. Clearly, though, that is not consistent with the way this country has viewed responsibility, sharing the responsibility for nuclear power.

Mr. GLENN. If the Senator will yield. I am not sure I understand yet what he is proposing, or if that is his interpretation, because the point of order is supposed to make certain that the Federal Government shares in the mandate they are sending to the State. If we do away with that point of order, and as your amendment says, "notwithstanding any other provision," paragraph 1(b), "it shall always be in order to consider a bill, joint resolution, amendment, or conference report, if it relates to the requirement for the treatment or disposal of," and it goes into radioactive waste and so on. That means a point of order would not lie dealing with nuclear waste or disposal. That means the States would have to pick up the bill. That is what we are trying to prevent, as there was too much in the past with clean air, clean water, and all the requirements we have put on the States without providing any Federal funding, if I understand this correctly.

Mr. BINGAMAN. Let me try to respond using another example which I raised, I believe, a week ago to the Senator from Ohio and the Senator from Idaho both. That is a circumstance we have in my home State, where you have an Indian tribe negotiating now with various utilities to put in a nuclear waste repository, a monitored retrievable storage site. Under the legislation as drafted and as presented here to the Senate, any effort by the Congress to impose requirements on an Indian tribe with regard to the running of a site, the way that a facility such as that would be conducted, if those requirements added up to more than $50 million, it would be out of order for us to consider the legislation unless we paid for it.

In my view, it should not be out of order for us to consider that legislation. In my view, that is exactly the kind of legislation we ought to be considering.

Mr. GLENN. Mr. President, I respond to my friend that in a situation like that, where it obtains strictly to an Indian tribe that is trying to have some of this activity on their reservation, that should be brought up just like everything else, and the Senate, in considering that then would waive that requirement if it was appropriate in that case.

Mr. BINGAMAN. Mr. President, let me clarify that I think maybe the disagreement here is—I have an instinctive reaction against putting language in law that says a point of order can be raised against consideration of any bill which meets the following requirements.

It seems to me that it should not be out of order to consider legislation in an important field such as the treatment and disposal of nuclear waste. That is what the Congress was constituted to do, to consider that kind of legislation. And here we are about to pass legislation, the unfunded mandates act, which says that it is out of order for us to consider it. It strikes me that, at least in this area, where clearly there is a Federal interest, clearly there is a history of responsible Federal action —maybe not as responsible as some would like, but at least the main action that has taken place here has clearly been Federal—I believe it is appropriate for us to say to do the reports, but if you are going to legislate in this area, go ahead and bring that legislation to the floor and let the Senate dispose of it, either pass it or defeat it.

Mr. GLENN. Let me address another concern I have here and that is this: This bill is designed to deal with Federal mandates imposed on other entities—State and local, whatever—to take care of those costs up front or say why we are not going to, and require the States or local communities to address what ever it is the proposal is we are making.

It would seem to me that what you are addressing is something else. Where an Indian tribe on a reservation is initiating a plan on their own, that does not really have anything to do with what we are imposing from the Federal level, is that correct?

Mr. BINGAMAN. No. Mr. President, let me respond that under the act as it now stands, as I understand it, the act does not apply to independent regulatory agencies. They are exempted from the unfunded mandates act.

The Nuclear Regulatory Commission is such an independent regulatory agency and, therefore, the Nuclear Regulatory Commission can impose obligations on a tribe, on a local government, on a State, by regulation, and the cost of that can exceed $50 million, or whatever figure it has to exceed.

What we are doing, though, in the legislation as it now stands, is we are saying although the Nuclear Regulatory Commission is vested with authority to impose those kinds of obligations, we are denying ourselves that authority. We in the Congress are denying ourselves that authority, and that strikes me as totally illogical. It strikes me that if we are going to have that authority vested in the Federal Government, clearly Congress should retain its ability to deal with this in a responsible way.

Mr. KEMPTHORNE. Mr. President, the Senator from New Mexico stated that his amendment would in no way require anything other than the reporting requirements. They would still have to abide by the reporting requirements. The key point is that his amendment would, again, disavow that a point of order could lie against the legislation.

In this very, very important issue of nuclear storage facilities—for example, spent nuclear fuel rods—we know that we have a number of commercial sites all over the United States. We know that there are certain repositories. We know that there are certain States that may be receiving the spent *naval fuel, as is the case in Idaho. This sort of discussion, as you begin to get a flavor of it here, is exactly the sort of discussion that ought to take place on the floor of the Senate. So, again, this is another exclusion from the presumption that this legislation says we are in favor of State and local governments receiving the funds in order to carry out these Federal mandates. At any point, you can come and seek a waiver. It is a majority vote that would allow that waiver of the point of order at any point during the process.

But I really believe that if we send this sort of a signal, you will find that States are saying: If you are not going to abide by this, if we do not have any likelihood that there will be Federal funds to carry these things out, it will continue to be an unfunded Federal mandate in the area of nuclear storage. For example, I do not think you will see any States that will want to step forward and say they would like to be considered as a possible solution for the long-range storage or disposition of nuclear material. I would not blame them.

So, again, I just say let us not disavow the point of order. Let us allow not only the reporting requirements, the costs associated with that and the impact, but let us also have a discussion so that a point of order could lie and we would have this sort of discussion on the floor of the Senate instead of allowing the committee to have the jurisdiction to say we do not need to allow Congress to consider this any further.

Mr. BINGAMAN. Mr. President, I ask the Senator from Idaho this: One concern I have had here is under the language of the bill which he is proposing to the Senate, we exempt independent regulatory agencies from the purview of the bill. So we are saying that if the Nuclear Regulatory Commission wishes to impose expensive, onerous requirements on a State, town or tribal government, to ensure safety in the handling of nuclear waste, that is fine. We have no objection. No point of order can be raised. And we are certainly not suggesting one in this bill.

But Congress cannot do that. Congress cannot consider legislation to do that unless it is willing to waive a point of order. So we are essentially denying to the Congress the very powers that we are leaving in the independent regulatory agency at the Federal level.

I have great difficulty understanding the logic of denying Congress the very authority which the Constitution gives it to this area and requiring somebody who comes to the Senate floor or some committee that reports legislation to the Senate floor requiring them to overcome a procedural hurdle before they can, in fact, have their proposed legislation considered on its merits.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the arguments that were made by the Senator. But drawing the distinction with Congress, he is dealing with legislation. With a regulatory agency, you are dealing with regulations. It may be that that regulatory agency is then, through those regulations, carrying out the will of Congress as established in that legislation.

Also, I know that Senator ROTH, chairman of the Governmental Affairs Committee, will be holding hearings on regulatory relief to determine if, in fact, there are some areas in which we should be making modifications.

But I do not believe that, by saying what the Senator may be describing as a problem with the regulatory process, we, therefore, should make sure that Congress also follows that same process.

S. 1 is a process to give us accountability. Again, I believe that it will give us the information that we need up front, so that we can have these sort of meanings full discussion and not preclude that sort of discussion by agreeing to the Senator's amendment as proposed.

Mr. BINGAMAN. Mr. President, I am beginning to doubt that I am going to persuade the sponsor of the bill of the merits of my amendment.

But let me at least conclude by saying that again my amendment does not in any way take away the requirement that the information be obtained. It says the information must be obtained so that discussion can and should take place on the Senate floor. I just doubt the wisdom of us putting in a Federal statute that it is out of order for us to consider legislation dealing with the treatment and disposal of nuclear waste. It should not be out of order for us to consider that legislation. And a person who wants to consider legislation in that area should not have to come to the floor and overcome a procedural hurdle in order to have his proposed legislation considered on its merits.

Mr. President, I yield the floor, or I am glad to respond if there is further discussion of the amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I have the utmost respect for the Senator from New Mexico, and that is why I take very seriously his suggested amendment.

But I believe, in that last statement, I say to the Senator from New Mexico, maybe there is a semantics problem. Because when the Senator says that he does not feel we should have some process that makes it out of order for Congress to be discussing potential legislation dealing with the nuclear issue, I agree with the Senator.

But this process does not just automatically say it is out of order. It says, here are the steps you must follow and if you follow those steps as prescribed there is nothing that says you will be out of order. And you will be dealing with that very important issue of nuclear material or storage.

If, however, you find that one of those steps is illogical, onerous, at that point, then you can come and seek a majority vote to say we agree with you. We now waive this point of order, but the Senator's amendment takes that away. It disavows the point of order, and that is my concern.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, just to make it clear, I am focused on the semantics and I think the Senator from Idaho is right. I am focused on line 16 and 17, page 21, where it says, "It shall not be in order in the Senate to consider" and then it goes on and says any bill or joint resolution, et cetera, et cetera, et cetera. That to me is not semantics. That is more than semantics to say "it shall not be in order in the Senate to consider."

I think the whole purpose of the Congress in our Federal system is to consider legislation of this type dealing with major national issues. Treating and storage of nuclear waste is just one of those. But I consider that to be an area of concern peculiarly in the purview of the National Government.

So I do think I have a concern when we pass legislation, as we are getting ready to do here, as I understand it, that says, "It shall not be in order for the Senate to consider" various pieces of legislation.

So there is a basic disagreement. I think it is more than semantics. I think it is the language of the statute.

Mr. President, I appreciate the chance to discuss it. I have another amendment. I know there is another Senator ready to offer an amendment.

I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent the pending amendment be set aside for the purposes of offering my amendment.

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

AMENDMENT NO. 193

(Purpose: To provide that any State, local, or tribal government that already complies with a new Federal intergovernmental mandate shall be eligible to receive funds for the costs of the mandate)

Mr. KOHL. Mr. President, I send an amendment to the desk and I ask that it be considered as offered for the purposes of the deadline tomorrow.

The PRESIDING OFFICER. The clerk will report

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 193.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of title I, insert the following: Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from considerations for Federal funding for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

Mr. KOHL. Briefly, Mr. President, this amendment clarifies a possible problem in the bill that we are creating or will be creating a disincentive for States to take action. Some States may well decide to delay action on necessary and important measures in the hope that Congress passes a Federal law to do the same thing that they are considering doing and then provide some money to do it which otherwise would not be available. This amendment will ensure that States are not ineligible to receive funds if they are already meeting a Federal mandate under existing State law.

We are going to be discussing this tomorrow. I am not asking that the amendment be accepted at this time, of course, but I wanted to present it. I think it is important that we not provide clear disincentives to States to do things environmental or with regard to health care or welfare reform or in any way. Should we be giving the States a message that we want them to just sit around and not do anything if they anticipate that down the road a Federal mandate may be passed that would provided the money for them to do it? It seems to me that is not what we are trying to accomplish here with this bill.

My amendment simply indicates that States will not be ineligible to be considered for funding if, in fact, they are acting in a way that is progressive and that, if a mandate then is passed, they will be eligible to be considered for any money that they may have spent in complying with that mandate.

Mr. KEMPTHORNE addressed the Chair.

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

Mr. KEMPTHORNE. Mr. President, I had some discussion with the Senator from Wisconsin about this, and I understand the intent and I appreciate the intent of this.

It sounds to me like it may be an incentive for States to continue to be progressive and know that there may be ways of doing things in their particular State that do not apply to other States and they ought to proceed.

I would like to have the opportunity later to have a meeting with the Senator from Wisconsin and with the Senator from Ohio and see if we could not work out some language that we could all agree to.

Mr. KEMPTHORNE. Mr. President, again, I think the intent is very appropriate.

Mr. KOHL. Mr. President, I thank the Senator. As the Senator from Idaho and I both know, we have been working together and will continue, I am sure, to work together along with Senator GLENN and Senator ROTH, Senator EXON, to find language that clarifies the purpose and that satisfies all of our needs. I simply want to bring that to the floor. I appreciate your consideration and willingness to work with me on this.

Mr. KEMPTHORNE. I thank the Senator from Wisconsin. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as if in morning business for a period 5 minutes.

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

CRISIS IN IDAHO

Mr. CRAIG. Mr. President, last Friday at about this hour I stood on the floor of this Senate to describe a crisis that my State of Idaho and its citizens were at the brink of, a crisis that had resulted from a Federal judge's order to immediately halt all economic activity on nearly 14 million acres of my State.

At the time I spoke, Idaho families and communities stood on the brink of financial ruin, through, frankly, no fault of their own, but because the Federal Government had failed to perform its responsibilities in a framework that

was required by the law. Since I spoke on Friday many of my colleagues have asked me about the situation in my State.

I rise this afternoon to give Members a status report to the Senate and, frankly, to the Nation. I say to the Nation, because we will not find this story reported on the front page of any newspaper outside the State of Idaho, probably because nobody would believe the magnitude of the potential catastrophe that was at hand in my State.

This action was taken in the name of saving an important Idaho resource—the salmon, three species of salmon—on the Snake and Columbia River systems of the Pacific Northwest, an anadromous fish that spawns in the headwaters of my State of Idaho and listed as threatened or endangered under the Endangered Species Act.

But surely it was not necessary to shut down virtually all activities on six national forests with only 1 day's warning to save these species of fish. This action occurred because a Federal agency, National Marine Fisheries, had not finished its review of another Federal agency's work. The so-called consultation process was being mired down inside the bureaucracy, whether it was because of staff time or inadequate funding or simply they just had not gotten to it. The bottom line was that it had not been done and a Federal judge reacted.

I received from local officials worried about a situation of nearly 2,000 people being put out of work, a population frightened that on Monday morning, this day, they would not have the jobs to go to that they had demanded immediate action. That injunction was to go through on Friday.

Now our problem was to be, what would happen? So on Friday I got in touch with National Marine Fisheries, Rollie Schmitten at his agency and he assured me the work would be completed on January 31—that is a week from now—that it would satisfy National Marine Fisheries concerned about Forest Service activities and that it might well address the consultation process in its conclusion.

What is important to remember is that the court injunction issued over a week ago was not issued because salmon were being endangered by folks at that moment in time. They were not being placed in jeopardy at that moment in time. But a judge reacted with an injunction that could have stopped jobs in the area and would have threatened thousands of families at this moment in time. In other words, the bureaucratic gridlock could have put my State of Idaho out of business and put thousands of people's jobs on the line.

This brings to the forefront, I think, the most recent example of the balancing act we must pursue when saving a species of plant or animal. Unfortunately, I believe it is the Endangered Species Act that is out of balance, not the people of my State of Idaho, and not their actions, inside the law, inside the Federal rules and regulations of the Forest Service of course now being examined by the National Marine Fisheries.

In the coming days and weeks I will be working with Members of the Senate, and the Idaho delegation will be working to try to resolve this issue. Here is what the problem is in the short-term: National Marine Fisheries must expedite that consultation, accepting the decision of the Forest Service on some of these areas. I have asked the Clinton administration to enact emergency regulations to resolve the problems between the two departments, the National Marine Fisheries and the Forest Service. Rollie Schmitten is going to live up to his deadline of January 31. I trust they will get that done.

Now, of course, in the long term, the legislation of reauthorization of the Endangered Species Act is what is critical and what has to be done.

Well, did anybody lose their job today? The answer is no. In the last hour, the Justice Department asked for us a stay through the Forest Service, and it was granted by the judge. We have 1 week's breathing room.

But the reason I bring this, of course, is just to give you an idea of the kind of crisis, the frustration, the anger, the depression that the citizens of my State went through. Men and women calling my office crying, frightened that their very jobs would be destroyed and taken away from them because of a bureaucratic boondoggle? Absolutely. It is going on in my State of Idaho right now, it has gone on in other States, and it will continue to go on as long as this Congress closes its eyes, turns its back, and walks away from the responsibility of reauthorizing the acts of Congress, the laws of the land, and in that process, reexamining whether they work or do not work, whether they comply or are out of compliance with the intent of Congress and whether, in fact, they truly address the needs of the American people and the wants, and that is to save plants and animals who are endangered. But we in the Senate know today that that is not the way the act is working.

While for the short term, the Idaho congressional delegation has solved an immediate crisis in Idaho, the clock ticks. What happens on Friday or Saturday of this week if these deadlines are not met, if there is no reality to the human compassion that ought to be expressed by these agencies in carrying out the mandate of their laws or their regulations within the law?

I will continue to report to the Senate as the Idaho congressional delegation and I continue to act to try to resolve this immediate crisis. Mr. President, we have a responsibility in the U.S. Senate now to address the Endangered Species Act so that we can say once and for all, "Yes, we're concerned about the protection of or the development of a mitigating plan to save a given species of plant or animal that may be endangered. But while we are doing it, let us not endanger the lives or well-being of thousands of citizens across this country who, through no fault of their own, have fallen on the tracks of a Federal law that is out of control and the train that rides on those tracks now bears down upon them with the risk of destroying them."

I yield back the remainder of my time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BINGAMAN. Mr. President, under the unanimous consent agreement that we are operating under, I had reserved three amendments to be offered to this bill, and I now ask unanimous consent that we set aside the pending business so that I can offer the third of those three amendments.

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

AMENDMENT NO. 194

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 194.

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

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

The amendment is as follows:

On page 25, add after line 25, the following new section:

"(4) *Application to provisions relating to or administrated by independent regulatory agencies.*—

Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to or will be administered by any independent regulatory agency.

Mr. BINGAMAN. Mr. President, I will reserve my discussion of this amendment until an appropriate time later in the debate, and I look forward to presenting it at that time.

Thank you, Mr. President. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might be able to address the Senator

from Idaho and the Senator from Ohio, it was my desire at this point on the amendment that had previously offered by myself, by Senator HARKIN, and others, on the Federal Reserve Board issue, my understanding is Senator HARKIN has submitted a statement for the RECORD. We are concluded on this side. I would like to get the yeas and nays ordered on that amendment, if that is acceptable.

The PRESIDING OFFICER. The Chair advises that it would take unanimous consent to request the yeas and nays at this time.

Mr. DORGAN. Mr. President, I make such request. I ask unanimous consent to order the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I move to table the amendment, with the unanimous consent then that no further amendments be in order to that particular amendment and that the vote will occur tomorrow. The first vote will be at 4 p.m.

I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is in order to request them at this time.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to table will occur under the previous order.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask the Senator from Idaho and the Senator from Ohio, I have one additional amendment which the Senator from Iowa has joined me in offering. It is amendment No. 179, which is at the desk. Inasmuch as the Senator from Iowa is here and ready to speak on the amendment, it may be that we could very quickly dispose of that amendment.

I intend also to ask for a recorded vote on that amendment. That amendment deals with the Consumer Price Index and the calculation of the Consumer Price Index and a mandate required, or at least seeming public mandate required, of the Bureau of Labor Statistics of at least one prominent Member of Congress.

We are willing to discuss that, offer it, and seek a recorded vote, and follow the first recorded vote that has already been ordered, if that would satisfy the desire and interests of the two Senators who are managing the bill.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I think that would be very advantageous for us to keep moving forward on the progress of this bill. So I welcome that sort of discussion.

Mr. DORGAN. Mr. President, is that satisfactory with the Senator from Ohio?

Mr. GLENN. That is satisfactory.

AMENDMENT NO. 179

(Purpose: To express the sense of the Senate regarding calculation of the Consumer Price Index)

Mr. DORGAN. Mr. President, I ask that amendment No. 179 that I sent to the desk be reported, and I ask unanimous consent to set aside any current amendment that is pending in order to do that.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 179.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CALCULATION OF THE CONSUMER PRICE INDEX.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chairman of the Board of Governors of the Federal Reserve System has maintained that the current Consumer Price Index overstates inflation by as much as 50 percent.

(2) Other expert opinions on the Consumer Price Index range from estimates of a modest overstatement to the possibility of an understatement of the rate of inflation.

(3) Some leaders in the Congress have called for an immediate change in the way in which the Consumer Price Index is calculated.

(4) Changing the Consumer Price Index in the manner recommended by the Board of Governors of the Federal Reserve System would result in both reductions in Social Security benefits and increases in income taxes.

(5) The Bureau of Labor Statistics, which has responsibility for the Consumer Price Index, has been working to identify and correct problems with the way in which the Consumer Price Index is now calculated.

(6) Calculation of the Consumer Price Index should be based on sound economic principles and not on political pressure.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue; and

(2) any change in the calculation of the Consumer Price Index should result from thoughtful study and analysis and should be a result of a consensus reached by the experts, not pressure exerted by politicians.

Mr. DORGAN. Mr. President, my colleague, Senator HARKIN, from Iowa, who will speak on this, had to leave the floor for a moment to take a telephone call. Let me make a few comments on this amendment, which I offer on my behalf, on behalf of Senator DODD, and on behalf of Senator HARKIN.

This amendment deals with an issue that is technical but very important. The amendment deals with the Consumer Price Index. We saw about a week ago a story in Washington, DC, in the press, that the chairman of the Federal Reserve Board came to the Congress and he testified on one thing or another. In his testimony, he opined that the Consumer Price Index probably, in his judgment and in the judgment of the Federal Reserve Board, actually overstates the rate of inflation by anywhere from one-half of 1 percent to 1.5 percent.

Shortly after the Chairman of the Federal Reserve Board made that statement, some others in Congress began to climb in and say, well, if that is the case, if the Consumer Price Index overstates inflation, then let us force the Bureau of Labor Statistics to get active and do something about it. In fact, one prominent Member of Congress indicated that we will give them 30 days down at the Bureau of Labor Statistics to either change it or we will zero them out, get rid of them.

Well, Mr. President, here is the consequence of what seems like an innocent sounding recommendation. If someone—the Fed—says we think the Consumer Price Index actually overstates inflation, it does not sound like it means very much, does it. Leave aside for just a moment the question of if that in fact is what the Fed thinks, if in fact that is what they believe, what on Earth has the Federal Reserve Board been doing down there. They have increased interest rates six times because inflation rates were too high. We have low rates of inflation for 4 straight years, and if inflation is overstated by 1.5 percent of the Consumer Price Index, that means the real rate of inflation is only 1.2 percent.

By what justification could these folks down at the Federal Reserve Board be imposing on America a mandate of increased costs by higher interest rates across the board? What justification could they have for that?

Well, I will debate that another time. They have no justification. It is a wrongheaded policy that injures this country, puts the brakes on the economy, and will send this country into a recession. The Fed, unfortunately, does not know what it is doing. What it is doing is the wrong thing for our country. But that is a debate for another day, and a debate I have already had and one I will have again, I am sure.

The proposition is this. If you say that the Consumer Price Index really overstates inflation, what are the consequences of that? Well, the consequences are you are able to reduce

the spending on Social Security because you have a smaller COLA adjustment on Social Security recipients' cost-of-living adjustment. So you save money by not giving as much in a cost-of-living adjustment to those folks who live on Social Security.

In fact, the estimates are we are talking around $27 billion, I believe, on the Social Security issue. If one assumes the Federal Reserve Board's calculations, the decrease to Social Security recipients would be very substantial. And if one assumes the Federal Reserve Board's calculations, it also means that you have other consequences in the Federal budget. And the Federal budget deficit, which the Federal Reserve Board should care about, is increased by this.

So what the Senator from Connecticut, and the Senator from Iowa and I are concerned about is this discussion about this subject in the context of politics rather than science. The question of what is the Consumer Price Index and how should it be changed, if it should be changed, is a technical question, to be sure.

Most of the discussions about whether the Consumer Price Index is accurate or not come from the Bureau of Labor Statistics. In fact, most of the information for any studies that exist come from the Bureau of Labor Statistics. So someone who sees this on a comment by the Chairman of the Fed to say, "Let's change the Consumer Price Index immediately and if they don't do it, we will in 30 days zero them out," they are saying we are going to impose a mandate, a political mandate on the Bureau of Labor Statistics.

I say that is the wrong way to do things. We have developed a resolution, a sense of the Senate, that says a precipitous change in the calculation of the Consumer Price Index that would result in both an increase in income taxes—and the reason for that is that the personal exemption has to do with the Consumer Price Index. As the Consumer Price Index goes up, the personal exemption is indexed to it so that goes up. If it is shown not to go up so much, the personal exemption does not go up as much, and therefore one's taxes are increased. So you have two consequences here. One is increased income taxes and second is a lower Social Security payment by changing the calculation of the Consumer Price Index.

But our sense-of-the-Senate resolution says a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue. Any change in the calculation of the Consumer Price Index should result from thoughtful, studied analysis and should be a result of consensus reached by experts, not pressure exerted by politicians.

Our point is we have had two major political figures seize on a comment by the Chairman of the Fed to suggest we are going to impose a mandate on the bureaucracy to change the calculation of the Consumer Price Index, and our point is this. This has consequences. Words have consequences and so do actions, and actions to change the Consumer Price Index for political purposes might well reduce the Federal deficit but how is it done? By increasing taxes and by cutting Social Security benefits.

We would never have raised the subject in this context except that some leading figures say this must be done and must be done now and soon and, if not, we will zero out funding for the Bureau of Labor Statistics.

There is no evidence that what the Chairman of the Fed has said is correct. Some say the Consumer Price Index overstates inflation. Some say it is about right. And there are some who will allege that it understates inflation through a series of five or six very complicated questions that are debated aggressively among economists.

I am not here today to try to debate that or resolve that. I am only here to say that the final lesson in what the Consumer Price Index ought to be ought to be a lesson that we study from scientists and from those who know and from economists and others who do a thoughtful analysis, not from pressure brought by politicians.

That is the issue, and that is why I hope we will have a vote on this and the vote will say that the Senate concurs: we do not believe a precipitous change in the Consumer Price Index should result from political pressure. It ought to result from thoughtful analysis by those who know and who study and who give us their expert recommendations.

Mr. President, I see my colleague from Iowa is in the Chamber, and I would be happy to yield the floor.

Mr. President, might I make one other unanimous consent request while I am on my feet. The Senator from North Dakota [Mr. CONRAD] asked to be included as a cosponsor of the amendment that I offered on the Federal Reserve Board, and I would ask unanimous consent to achieve that.

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

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I congratulate and thank my colleague from North Dakota for offering this amendment, for his thoughtful insight into what some people in the Republican party over on the other side are calling a technical correction in the Consumer Price Index or CPI, our basic measure of the rate of inflation. I think that is what the leaders of the other body called it, a technical correction. Well, you know, some people said ketchup was a vegetable once, too. These technical corrections at some time have very serious consequences.

So while you can call it a technical correction, it is nothing less than two things. It is a stealth tax on the middle class, and it is a cut in Social Security benefits for the elderly, both of which I might add are just the opposite of what my friends in the Republican Party have said they want to do.

So I think this amendment would help my friends on the other side clear up the issue. It would make it clear that we do not in any way want to put pressure on the independent Bureau of Labor Statistics to somehow come up and rush through and make a finding on the basis of political pressure but that, indeed, it ought to be thought through very carefully.

The Senator from North Dakota is absolutely right that this change in the CPI has consequences, big consequences—about $21 billion in higher taxes annually by the year 2000 and $27.5 billion cut in Social Security in that same year. And that has to do with the fact that when you pay your income taxes, the personal deduction, the standard deductions that we all get, that middle-income families get are all adjusted by the CPI, and so if you ratchet down that CPI, you may say, well, it is technical, but it is a 1 percent reduction. And what that would mean is that every year the amount that you could claim for deductions in the standard deduction would be less, so you would pay more in income taxes. And, as I said, after 5 years, the Federal Reserve estimates about $21 billion in higher taxes. And that would mostly come from moderate and middle-income taxpayers.

Now, I wish to be as fair as I can, Mr. President. On the merits, there may be—and I use the words "may be"—an overestimation of inflation in the CPI statistics. This has been known for many years.

Now, the technical reasons are very complex, and the Bureau of Labor Statistics has and is accurately working on making adjustments. A couple of small adjustments are planned for next month and a key change is scheduled to take effect in 1998.

And funds for part of a 6-year effort to improve the CPI were approved in the fiscal year 1995 Labor-HHS appropriations bill which I chaired and which was supported on both sides of the aisle.

I also want to point out, Mr. President, that in 1987 Congress required the BLS, the Bureau of Labor Statistics, to set up an alternative CPI weighted for the elderly. We asked them to do that in 1987 because the elderly pay much more for health care. And that CPI for the elderly now shows a higher level of inflation for the elderly every year.

I ask unanimous consent to have printed at this point in the RECORD an

article that outlines the results of the experimental CPI authored by Nathan Amble and Ken Stewart in the May 1995 monthly Labor Review.

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

[From the Labor Review, May 1995]

EXPERIMENTAL PRICE INDEX FOR ELDERLY CONSUMERS

(By Nathan Amble and Ken Stewart)

An experimental consumer price index for older Americans rose somewhat faster than each of two published BLS Consumer Price Indexes; as might be expected, expenditures for medical care accounted almost entirely for this difference.

The Consumer Price Index (CPI) of the Bureau of Labor Statistics measures the average change in prices over time for a fixed market basket of goods and services for two population groups. The CPI for All Urban Consumer (CPI–U) represents the spending habits of about 80 percent of the population of the United States. The CPI for Urban Wage Earners and Clerical Workers (CPI–W) is a subset of the CPI–U and represents about 32 percent of the total U.S. population.

The 1987 amendments to the Older Americans Act of 1965 directed BLS to develop an experimental index for a third population of consumers: those 62 years of age and older. In its 1988 report to Congress, BLS observed that from December 1982 to December 1987, the experimental consumer price index for older Americans rose slightly faster than the CPI–U and CPI–W.[1] (See table 1.)

This article updates the analysis of the behavior of the experimental index for older Americans for the period from December 1987 through December 1993. Over this 6-year period, the experimental price index rose 28.7 percent, slightly more than the increases of 26.3 percent for the CPI–U and 25.5 percent for the CPI–W.

METHODOLOGY, DATA, AND LIMITATIONS

Although the study discussed in this article indicates a higher overall inflation rate for older Americans compared with the rates for the official CPI population groups, any conclusions drawn should be used with caution because of the various limitations inherent in the methodology.

Expenditure weights. For each CPI population group, item strata are weighted according to their importance in the spending patterns of the population. The population of older Americans used for the experimental price index was defined to be all urban noninstitutionalized consumer units that were either

1. unattached individuals who were at least 62 years of age; or

2. members of families whose reference person (as defined in the Consumer Expenditure Survey) or spouse was at least 62 years of age; or

3. members of groups of unrelated individuals living together who pool their resources to meet their living expenses and whose reference person was at least 62 years of age.

In the 1982–84 Consumer Expenditure Survey, which is used as the source of expenditure weights in the current CPI, 19 percent of the total sample of eligible urban consumer units (3,135 out of 16,500) met this definition. Because the number of consumer units used for determining weights in the experimental index was relatively small, expenditure weights used in the construction of the experimental price index have a higher sampling error than those used for the larger populations.

For each population group, the base expenditure weight of any component represents the actual expenditure on that component in the base period. The relative importance of any component is its expenditure weight (updated for changes in relative prices) and represents the proportion of that weight to total expenditures for the population. The relative importances of selected components for each of the three population groups are shown in table 2 for December 1987, the first month of the study.

Areas and outlets priced. The experimental consumer price index for older consumers is a weighted average of price changes for the same set of item strata collected from the same sample of urban areas as are used in calculating the CPI–U and CPI–W.

Retail outlets are selected for pricing in the CPI based on data reported in a separate survey representing all urban households. The experimental index also uses the same retail outlet sample. Thus, the outlets selected may not be representative of the places where older persons purchase their goods and services.[2]

Items priced. As with retail outlets, a major limitation of the experimental index is that the categories of items to be priced are selected using expenditure weights calculated from the expenditure surveys for the urban population. As a result, the specific item classes selected for each stratum may not be representative of those classes used by the older population.

Prices collected. A final source of uncertainty about the appropriateness of using the CPI–U prices for the index of the older population concerns the availability of discount prices for older Americans. For example, senior-citizen discount rates are used in the CPI–U in proportion to their use by the urban population as a whole. To the extent that senior-citizen discounts take the form of a percentage discount from the regular price, this may not be a problem. If, however, the discount is not a fixed percentage of the price, the scarcity of senior-citizen discount prices in the current CPI could lead to error in the experimental index.

Because of the preceding limitations, any conclusions drawn from the analyses presented in this article should be treated as tentative.

RELATIVE BEHAVIOR OF PRICE INDEXES

Table 3 gives the annual price changes in the all-items CPI–U, CPI–W, and experimental price index during the period 1988–93. Table 4 shows the behavior of these three indexes at the major component levels during the same period.

Over the 6-year period from December 1987 through December 1993, the reweighted experimental price index for older Americans rose 28.7 percent. This compares with increases of 26.3 percent for the CPI–U and 25.5 percent for the CPI–W.

Examining the indexes in more detail, we see that medical care prices during the period rose slightly more than twice as fast as the average for all items in each population group. Because the elderly typically spend more on medical care than does the population as a whole (see table 2), the medical care component accounted for most of the difference between the experimental index and either of CPI–U and CPI–W. In the experimental index, this component increased 59.4 percent during the period 1988–93. By contrast, inflation for the medical care component of the CPI–U was 53.3 percent and that for the CPI–W was 53.3 percent.

The price change for each major expenditure component varied by population because the expenditure weights of the items that comprised the major components varied among the three population groups the indexes served. The expenditure weight that an item had in a particular population reflected the importance of that item as a proportion of the total expenditures of that population. For example, the relatively high expenditure weights of the medical care component of the experimental index may largely be attributed to the differences in the nature of the demand for medical care services by the elderly, compared with the demand for such services by all urban consumers or by urban wage earners and clerical workers. Within the medical care component, the elderly had larger out-of-pocket costs relative to both of the other groups chiefly because those groups had employer-provided health care benefits more readily available to them. An analysis of the relative importance of the various subcomponents making up the medical care component for the elderly and for all urban consumers indicates that older Americans devote a substantially larger share of their medical care budget to physicians' services, followed by hospital room stays and commercial health insurance coverage.

Of the seven major expenditure components, the apparel category registered the smallest price change for all three population groups over the 1988–93 period.

Within the transportation component, public transportation items such as airline fare, intercity bus fare, intercity train fare, and taxi fare had higher relative importance for the elderly than for all urban consumers. These items contributed to the observed overall higher inflation rates in the transportation component of the experimental index.

Like medical care, another expenditure component that rose significantly in all three indexes during the study period was the "other goods and services" category. However, unlike medical care, this component recorded the smallest increase in the experimental price index (41.8 percent), compared with the CPI–U (47.0 percent) and the CPI–W (46.2 percent). The reason for the lesser rise could be found in differences in the composition of the three populations. For instance, the CPI–U and CPI–W, with their relatively larger concentration of younger people, had a significantly higher relative importance for college tuition, which increased faster than the average of all items in each year of the study. In addition, the populations of all urban consumers and urban wage earners and clerical workers spend proportionately more for tobacco and other smoking products, which have also typically increased faster in price than the "other goods and services" component, of which they are a subcomponent. These items have thus contributed to the faster rise in the "other goods and services" component of the CPI–U and CPI–W relative to the experimental price index for older Americans.

COST-OF-LIVING ADJUSTMENTS

Adjustments to Social Security Benefits are currently based on the percentage change in the CPI–W, measured from the average of the third quarter of one year to the third quarter of the succeeding year.

While the Senate Special Committee on Aging stipulated that the current study cover persons 62 years of age and older, this population is not likely to be the most appropriate one for defining and developing an index for use in indexing Social Security benefits.

[1] Footnotes to appear at end of article.

The reason is two-fold. First, many Social Security Beneficiaries are younger than 62 years and receive benefits because they are surviving spouses or minor children of covered workers or because they are disabled. The spending patterns of this younger group are excluded in the weights for the experimental index for older Americans. Second, a substantial number of persons 62 years of age and older—especially those 62 to 64 years—do not receive Social Security benefits at all. Although these older consumers are included in the population covered by the reweighted experimental index, they presumably should be excluded from an index designed to reflect the experience of Social Security pensioners. In short, an index designed specifically to measure price changes for Social Security beneficiaries—that is, one that excludes older persons who do not receive benefits, but includes younger persons who receive survival and disability benefits—might well show price movements that differ significantly from those of the experimental index set out in this article.

TABLE 2.—COMPARATIVE ANALYSIS OF RELATIVE IMPORTANCES OF SELECTED COMPONENTS OF CONSUMER PRICE INDEXES, DECEMBER 1987

Component	CPI–U	CPI–W	Experimental index for older Americans
All items	100.00	100.00	100.00
Food and beverages	7.61	19.45	15.49
Food at home	9.86	11.14	9.79
Food away from home	6.19	6.65	4.57
Alcoholic beverages	1.55	1.66	1.13
Housing	42.48	39.95	48.30
Owners' equivalent rent	19.26	16.84	25.47
Apparel and upkeep	6.34	6.36	4.68
Medical care	5.98	4.95	9.47
Transportation	17.45	19.41	14.43
Motor fuels	3.29	4.03	2.67
Entertainment	4.37	4.04	3.34
Other goods and services	5.93	5.84	4.31
College tuition	1.13	.84	.46
Tobacco and other smoking products	1.29	1.70	1.02

TABLE 3—PERCENT CHANGE IN ALTERNATIVE CONSUMER PRICE INDEXES, ALL ITEMS, 12 MONTHS ENDED DECEMBER, 1988–93

Year	CPI–U	CPI–W	Experimental index for older Americans
1988	4.4	4.4	4.5
1989	4.6	4.5	5.2
1990	6.1	6.1	6.6
1991	3.1	2.8	3.4
1992	2.9	2.9	3.0
1993	2.7	2.5	3.1
Cumulative change, December 1987–December 1993	26.3	25.5	28.7

TABLE 4—PERCENT CHANGE IN ALTERNATIVE CONSUMER PRICE INDEXES, BY MAJOR COMPONENTS, DECEMBER 1987–93

Component	CPI–U	CPI–W	Experimental index for older Americans
All items	26.3	25.5	28.7
Food and beverages	24.8	24.8	25.0
Housing	23.1	22.4	25.1
Apparel and upkeep	17.7	16.6	16.6
Transportation	22.8	21.9	25.0
Medical care	54.2	53.3	59.4
Entertainment	25.9	25.0	28.2
Other goods and services	47.0	46.2	41.8

CONCLUSIONS

This article examined changes in three distinct Consumer Price Indexes—the Index for All Urban Consumers (CPI–U), Index for Urban Wage Earners and Clerical Workers (CPI–W), and experimental index for Americans 62 years of age and older—for the period December 1987 through December 1993. Analysis of the relative behavior of the three indexes at the all-items level reveals that the experimental index rose slightly faster than the two published indexes.

The experimental price index, reweighted to incorporate the spending patterns of older consumers, behaves more like the CPI–U than the CPI–W. This is to be expected, because the CPI–U comprises the expenditures of all urban consumers, including those 62 years of age and over. The CPI–W, on the other hand, is limited to the spending patterns of families of wage earners and of clerical workers and, therefore, specifically excludes the experience of families whose primary source of income is from retirement pensions.

As an estimate of the inflation rate experienced by older Americans, the experimental index has several limitations. One of these is that the samples from which expenditure weights for the index were calculated are substantially smaller than those used in either the CPI–U or the CPI–W. This means that the experimental price index is subject to larger sampling errors than either of the two official indexes.

To produce a more precise CPI for older Americans, sample sizes would need to be strengthened for the Consumer Expenditure Survey to reflect the spending habits of the elderly more accurately. In addition, the point-of-purchase survey and the pricing surveys would need to be improved to reflect which retail outlets and items should be sampled for older Americans. These improvements in the sample design could yield altogether different results from those obtained in the study described in this article. Finally, it should be noted that the medical care component of the CPI has a substantially larger relative weight in the experimental index than in the CPI–U or CPI–W. As a result, this component of the experimental index tends to have a larger impact on the elderly than it does on either all urban consumers or urban wage earners and clerical workers.

FOOTNOTES

[1] Charles C. Mason, "An Analysis of the Rates of Inflation Affecting Older Americans Based on an Experimental Reweighted Consumer Price Index," report presented to Congress, June 1988. During the period from December 1982 through December 1987, the CPI–U rose 18.2 percent, the CPI–W increased 16.5 percent, and the experimental index for older Americans grew 19.5 percent. Over the 11-year period from December 1982 through December 1993, the CPI–U rose 49.4 percent, the CPI–W increased 46.2 percent, and the experimental CPI for older Americans grew 53.8 percent.

[2] The sample size of the current point-of-purchase survey is not adequate to determine whether older Americans typically shop in different types of outlets from those frequented by the general population.

Mr. HARKIN. So, while some say the CPI is overestimating inflation, we now know that for the elderly the CPI underestimates inflation. So if you are now going to arbitrarily cut back the CPI with this sort of technical correction, by 1 or 1.5 percent, without some further study and analysis and finely tuning it, not only will you have the increase in taxes that we talked about, you will have the Social Security cuts. It will hit the elderly the hardest, because they rely most heavily on Social Security for their basic needs. And on top of that their costs for prescription drugs and Medicare and their supplemental insurance and things like that continue to rise much faster than the basic rate of inflation.

I have not addressed myself directly to the issue that Senator DORGAN spoke about, but he is absolutely right. This idea of somehow threatening the Bureau of Labor Statistics to come up with the desired results within 30 days or their funding would be cut off was a threat made by the Speaker of the House. He was quoted widely in newspapers as saying he would cut off their funding if they did not come up with the results in 30 days.

I hope the Speaker will reflect upon his words and come up with a more moderate statement, because efforts to threaten professional staff with budget cuts if they do not come up with the results desired by elected officials I think is very dangerous. We need nonpolitical, objective career professionals producing statistics that Government and the private sector use to develop their policies. I think we have that now. If each party that wins an election puts in people who only give the answers they want regarding economic statistics rather than the best professionally developed figures possible, then I think we are going to be in real big trouble. Fortunately, I hope we are going to back off this so-called dynamic scoring, the justifications that were used to quadruple the public debt in the 1980's. I think they are backing off of that. I am hopeful now my friends on the other side of the aisle will back off from any attempt to improperly pressure the Bureau of Labor Statistics.

Again, I congratulate Senator DORGAN for his amendment. I am proud to be a cosponsor. We must maintain the highest professional standards for statistical services in the Bureau of Labor Statistics, which produces the CPI and other statistics on which the Federal Government and our entire economy depend. They must continue to operate without any political interference.

I urge all Senators to support the amendment of Senator DORGAN. Again, first, to send a clear signal we are not going to politically interfere; and, second, that we need to proceed very cautiously on this to get the best information possible for any future adjustments in the CPI; and, third, to state clearly that any adjustments in the CPI, of course, ought not to lead to arbitrary cuts in Social Security or taxes on the middle class.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, if I may, in the midst of this interesting debate, I would like to return the focus of the debate to S. 1 itself; to unfunded mandates, to the impact that those mandates have had on State and on local governments, and to the urgent necessity of seeing to it that this bill is passed and it becomes law.

I have gotten a great deal of correspondence from local governments and the State of Washington on the subject of unfunded mandates. But I would like to start with one the focus of which is a little bit different than many of the particular complaints about unfunded mandates.

The mayor of the city of Kennewick wrote to me and said:

Congress needs to understand the long range impacts of its actions when it passes amendments [to legislation].

I agree. But I am inclined to think that the mayor of Kennewick could have gone considerably further. And I also reflect on why it is that a mayor of a city some 2,500 miles from here should have to say this to us. Of course, the Congress of the United States should have to understand the long-range impacts of the laws that it passes. That is a responsibility we ought to take on ourselves, not one we should have to be reminded of by mayors or Governors or county commissioners. Yet it has been my experience that very frequently we attempt to avoid understanding long-range impacts in passing feel-good legislation, sometimes legislation for valid social purposes but social purposes which we are unwilling to fund.

In my case, I think I would make the statement somewhat stronger than the mayor of Kennewick does. I would revise it to say: "Congress needs to be responsible for the long-range impacts of legislation that it passes."

No group of individuals is likely to be responsible when they can do something that pleases other groups or other individuals without any consequences for the cost of pleasing those individuals or groups. When one separates the authority to make requirements, to pass mandates, to set policy, from the responsibility to pay for the consequences of those actions, one inevitably is led to irresponsibility. And it is responsibility and accountability that this legislation is all about.

In dealing with this legislation I, in common with many of my colleagues, have asked my local governments to report to me the impact of mandates which we have already imposed on them without understanding the consequences and without taking responsibility for the consequences. I should like to share a few of them with my colleagues and with the record here this afternoon.

The mayor of Colfax, WA, wrote to me that the money spent to comply with Federal mandates—and I am now quoting him—

* * * no matter how well intentioned, will inhibit the city's ability to provide a pump station to supply the community hospital, provide wellhead protection for our primary water source, and to repair a critical reservoir. These are only a few of the most important projects that may be delayed or not completed.

It does seem to me to be self-evident that the citizens of Colfax ought to be allowed to determine whether those are higher priorities than priorities imposed upon them by Members of Congress in a general fashion all across the country. And to a very significant degree that is what this debate is all about.

The board of county commissioners of San Juan County wrote to me to say:

The excessive testing and monitoring required by [environmental mandates] puts such a burden on the limited financial capabilities of small water systems that they don't have the money left to maintain their systems! The effect is greater and greater cost with no improvement in service or public safety.

This particular letter, of course, applies to the Safe Drinking Water Act, a subject on which this Senate debated in the last Congress and did, in fact, remove at least a number of unjustified, unfunded mandates.

Unfortunately, the Congress as a whole was not successful in passing amendments to the Safe Drinking Water Act, and those mandates remain to this day in full force and effect.

The mayor of Tenino says that the city has been:

forced to shift revenue desperately needed for social services and programs to pay for the costs associated with [mandates]. Although we have not raised taxes to pay for these services, this action will soon become our only recourse.

This is a small rural town, the jobs of many of whose citizens have been affected by grave restrictions on harvests in our national and in our private forests, where unemployment is high or where extra money is hard to come by.

In the city of Langley, the mayor says that compliance with the Safe Drinking Water Act alone will cost each water user an additional $54.

The mayor of South Bend, a very poor community in monetary terms, at least, of less than 2,500 people, wrote in to say that:

Last year our water department was in compliance with every phase of its operation while serving approximately 900 customers. Today, we are considered out of compliance and the costs to bring us back in with the Clean Water Act by 1996 will cost us over a million dollars. How we are going to finance this, God only knows.

The clerk of the town of Fairfield wrote to say:

The effect [of mandates] is, in one word, Disaster! * * * These mandates will do the same thing to small communities as they'll do to small businesses—they will bankrupt them. There is just no way to come up with the dollars these mandates will require. Congress has to come to the realization that the taxpayer's purse is not a bottomless pit.

The chairman of the county commissioners of Asotin County described Federal mandates by saying:

Frustration is the real issue I guess. We do not know with any degree of certainty which way to go. A small county with a limited revenue base, a population of only 18,000 people and a per capita income of nearly $17,000 has very few alternatives.

Finally, the mayor of a very small town, Washtucna, wrote in to say:

* * * any federal mandate legislation that requires a local government to comply with, but allows no funds to implement these mandates, places small communities in a financial crisis. In fact, many cases could be prohibitive to the point to force some small towns into bankruptcy and unincorporation. Many of the federally mandated regulations have little or no positive consequence to small rural farm communities and therefore are not beneficial to a community that can ill afford the added tax. If it were possible for our small community to afford an additional tax, we would prefer a new water supply tank, new water lines, sidewalks and street improvements.

I am absolutely certain that mayors of small towns and large towns, county commissioners and State governments, have written to each and every Member of this body with similar stories. They come down to one major point: We in our communities want to set our own priorities. We are not necessarily objecting to national priorities or national mandates. But if you Members of Congress and members of the executive wish to impose these mandates on us, please pay for them.

By an overwhelming majority, these men and women who constitute our State and local governments have written to us and called to us to ask us to pass this bill. My only fear with respect to this bill, with all of the admiration I have for the two Senators who are managing it, is that it is likely to be a disappointment to these local officials because, of course, it is not retroactive. We are having enough difficulty with the bill as it is. It would be impossible to pass it if it were retroactive. So it will not solve a single one of the specific problems created by mandates already in existence. Nor will this bill guarantee that there are no further unfunded mandates. It will still be possible, even if this bill becomes law, to impose an unfunded mandate of a considerable nature on our local communities if we simply waive the point of order which is appropriate to present in the case of a bill carrying with an unfunded mandate, and we will be able to grant that waiver by a mere 51-vote majority here in the U.S. Senate, a simple majority here and in the House of Representatives.

Does this mean that the bill is of little or no meaning? No, Mr. President, I do not think that is the case. I think this is an important piece of legislation because at the very least, that waiver vote will mean that Members who vote for the waiver must be conscious of the fact that they are imposing an unfunded mandate. In most cases, they will have a fiscal note attached to it that will indicate just how much that unfunded mandate is likely to cost. And they therefore will be accountable to the people of our States,

our counties, and our local communities for having imposed that unfunded mandate. They will lack the excuse that they did not know what they did. Those mandates will be imposed consciously and deliberately.

As a consequence, Mr. President, I think while unfunded mandates will not end in the Congress, people being what they are, they will probably be somewhat less frequent in the future. If this Congress succeeds in passing some of the priorities which led to this Congress having such a different face as its predecessors and removing at least some of the present unfunded mandate burdens, we will have more of our States and communities able to set their own priorities in the way which has been so important in the development of the United States of America throughout its entire history.

So I know that the sponsors would like an even stronger bill. I believe that they are to be congratulated on doing as much as they have done in connection with this bill. While I find the other debates which are going on in connection with this bill, those on consumer price indexes, on the metric system, and on the Federal Reserve Board to be most interesting, it seems to me at least in the third week of debate upon this bill, on this charter of independence, on this liberation for our States and local governments, that the time is nigh on us that we should deal squarely and directly with the subject matter of this bill, that we should pass it and settle any possible minor differences with the House of Representatives, send it to the President, and liberate our States and local governments from the immense burden of unfunded mandates, at least as far as the future is concerned.

Mr. REID. Mr. President, I ask unanimous consent that we turn to amendment No. 190, the amendment that is in the form of a sense-of-the-Senate resolution, offered by Senator HARKIN, at this time and lay the amendment now pending aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I will speak briefly on the sense-of-the-Senate resolution offered to this body. I do it because last year I offered an amendment to the balanced budget amendment that would have exempted Social Security. I did not prevail at that time.

There has been, since that time, a significant amount of debate on the balanced budget amendment. And without exception, everyone who has been asked what should happen to Social Security in relation to the balanced budget amendment has said "leave it alone"—Democrats and Republicans, the Democratic leaders, Republican leaders, and even those new leaders, like Speaker GINGRICH, have stated Social Security should not be part of the balanced budget amendment.

I felt it was appropriate that I speak on this legislation offered by the Senator from Iowa, because I have held a press conference earlier on saying that I am a supporter of the balanced budget amendment. But I am going to have everyone stick to what they have said: The balanced budget amendment should exempt Social Security. Why? We have gone to a lot of trouble to make Social Security an independent agency.

They are in the process of now appointing the board of directors, in effect, of that agency, this new Social Security agency. Its funds will no longer be part of the general funds of this country. The program should stand or fall on its own merits. This year, there will be about a $70 billion surplus in the Social Security fund. By the year 2002, the surplus will reach about $800 billion.

I had the pleasure of serving with Senators Danforth and KERRY on the entitlement commission. I know—we all know—that Social Security is something we must watch very closely to make sure it is actuarially correct and sound. I repeat that Social Security should rise and fall on its own merits. If we had to pick a contract with America, the original, the most important contract with America, has been the Social Security system.

Mr. President, I will speak more at length about this when the amendment comes up. But as a young boy, one of the first things I remember about Government is that my grandmother could not walk from here to that wall, as she was always infirm, but her only independence was she got what she referred to as her old age pension check. I was a little boy and did not realize that Social Security was a new program at that time. It gave my grandmother, who was born in England, independence and some security.

I want to make sure that my children and my children's children have the ability to enjoy the benefits of Social Security. I do not know whether this sense-of-the-Senate resolution will pass or not. We all know that sense-of-the-Senate resolutions, in the overall scheme of legislative activities, are not the most important things. But they do send a message. I think we should send a message to the American people that we are going to try to save Social Security, and this is a prelude to the amendment that will be offered by this Senator, Senators CONRAD, DORGAN, HARKIN, and FEINSTEIN, at the time the balanced budget amendment is brought up.

The Social Security program we have in America is a simple, binding contract. Individuals collect Social Security payments after paying into a trust fund with their employer over a period of years. I want to make sure, Mr. President, that the Social Security trust fund is a trust fund and not a slush fund. We should not be able to use the moneys out of Social Security to pay for highways in New Hampshire or highways in Nevada. We should not be able to use the Social Security trust fund to pay for subsidies for farmers in Iowa or in Missouri. Those moneys that we collect into this trust fund should be used only for Social Security recipients, and that is all.

When I practiced law, I had a trust fund that I set up. I had to do that; we were required by the rules of the bar association. If I had a check that came for settling a case, as an example, the money went into the trust fund and I had to be very careful what I did with those moneys. It was different than moneys that were in my general account that I could use to pay rent and salaries of my employees. I could not use that trust fund money to pay anything other than what was allowed by law. If I did anything else, I violated that trust that was established, and then I could be disbarred or even criminally prosecuted. So the Social Security trust fund, I believe, Mr. President, should be treated the same way.

Congress has an obligation to uphold its end of the contract. So this unique, binding contract upon which millions depend should be protected, and it should not be a giveaway or an entitlement, even though it is not and even though people lump it into the entitlement category.

I congratulate my friend, the junior Senator from Iowa, for offering this sense-of-the-Senate resolution. I hope that all Senators will give this very serious consideration, as I know they will. We understand that this is a prelude to the real debate that will take place, which will be substantive law, and that is to exempt Social Security from the balanced budget amendment.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for 5 minutes as in morning business.

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

APPOINTMENT OF A NEW CIA DIRECTOR

Mr. SPECTER. Mr. President, I have sought recognition this afternoon to speak briefly about the pending appointment of a new Director of the Central Intelligence Agency and how we ought to structure a new term to really strengthen that position and, in effect, professionalize the position of Director of Central Intelligence.

I have talked to a number of my colleagues about the idea of legislation which would create a 10-year term for the Director of Central Intelligence, just as the Director of the FBI has a 10-year term. That legislation for the FBI was enacted relatively recently to strengthen the hand of the Director and to give independence and strength to that position.

It is my view, based on the experience that I have had on the Intelligence Committee—and I now serve as chairman of the Senate Intelligence Committee—that there is a real need for additional strength in the position of the Director, as we have seen what has happened to the CIA with the Aldrich Ames case, and as we take a look at the role of the Central Intelligence Agency and the national security interests of the United States into the foreseeable future.

The Director of the Central Intelligence Agency, I believe, has to come to that position in the Central Intelligence Agency, in that unique culture there, and say to the establishment: Look, I am going to be here longer than anybody else who was here, and it is my responsibility to do what is necessary to correct the problems of the agency and to do what is necessary to reorder the priorities and set the agency on a course which will protect the security interests of the United States.

We had the threat assessment hearings the week before last where the Director, James Woolsey, testified about the threats to the United States and responded, to some extent, about the Aldrich Ames case. There is no doubt that the unique culture of the CIA—I prefer to call it their "unique culture," rather than the slang expression the "old boy's network"—was at work in allowing Aldrich Ames to stay in a position where he could abuse the trust of the CIA and really do great damage to the United States' national security interest, even though there were many signs which should have led to his ouster. He failed a lie detector test, he was living beyond his means, he was drunk on duty, he had classified documents, he visited foreign agencies and foreign embassies without any justifiable reason. Many of the CIA contacts were killed as a result of what he had done. Many were placed in jeopardy. And that should have been corrected long before it finally came to light.

I believe that if we had a Director who had tenure, 10 years, in effect, being able to say, "I am going to be here longer than the people I am confronting with," that kind of strength would do a great deal to enhance our national security.

We are facing some very perilous times. People ask, is there a real role for the Central Intelligence Agency? Based on the experience I have had on the Intelligence Oversight Committee, and now as chairman of that committee, I say, absolutely "yes."

We are looking at some very critical intelligence operations in assessing, for example, what is happening with North Korea with their development of nuclear weapons. I, frankly, have grave reservations about the agreement which exempts the North Koreans from inspection on the fuel rods for some 5 years, which is the best way to tell what they are doing with nuclear weapons. And as the hearing the week before last with Director Woolsey showed, the North Koreans now have the capacity to hit Alaska. The North Koreans are working with Iran on ballistic missile tests. When asked what is the potential for reaching the continental United States, nobody could give assurances that that is not an imminent problem.

When you take a look at the dismantling of nuclear weapons in the old Soviet Union, there are real problems to see to it that organized crime in Russia does not take over and place those weapons at the disposal of rogue nations. When you take a look at the role of CIA in terrorism or drugs or economy issue, where many intelligence agencies of government help the trade deficit, there is a vital role in the intelligence agency.

There has to be reform, first, of not having a repeat of the Aldrich Ames case and doing the job of the future.

I intended to introduce this legislation and to comment on it this afternoon and not to unduly interrupt the flow of this legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 195

(Purpose: To propose a substitute amendment)

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

The PRESIDING OFFICER. Without objection, the pending being amendments will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 195.

Mr. GLENN. Mr. 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. INHOFE assumed the chair.)

Mr. GLENN. Mr. President, this amendment—and I do not want to scare anybody who may be watching and listening to this and I will give my reasons for submitting this amendment—this amendment is the old S. 993 that we brought out last year. I wanted it to be on file and be available to be considered if we reach a point where that might be necessary. But I hasten to add immediately that, at least the way we are going right now, I do not think that will be necessary.

The situation we had gotten into here on the floor last week was such—and I will not go through all of what led up to it, but it was at a point where the majority leader filed cloture and did not have the votes to invoke cloture. There were some 117 amendments that had been put in from both sides of the aisle—mainly, about two to one, from the Democratic side, but from both sides of the aisle—and we found ourselves in a situation where it looked as though there might not be any move out of that parliamentary situation that we were in.

What would we do in that situation? What had happened was that S. 993 that came out last year with approval by the big seven, and we were happy to get it to the floor, but the situation that developed was we could not get it through last year.

Over the holidays, with the changed political climate, it was determined that what the House was liable to do and the movement that we would have to make toward what the House might do to enable a Senate bill to have a chance at passage meant that S. 993 should be amended or changed and somewhat toughened up. Now that was done with S. 1, using S. 993 as the basic structure from which to start.

The situation we found ourselves in, though, last week, the parliamentary situation, was that I could see the possibility that maybe nothing was going to move. S. 1 had generated some opposition for various reasons. Cloture, which was filed, could not be invoked. We had the vote on that. And there we sat in basically a stalemate.

I am committed to getting through unfunded mandate legislation. I do not want anyone to think that I am not.

But I would rather, if we got ourselves into another quagmire like that, I just want S. 993 refiled as a potential amendment—and I say potential; I am not planning to bring it up—but I want it filed so that if we reach another situation like that—and I hope we do not—that we would have that as a fallback position which would be better than getting nothing through; certainly much better, because we all viewed S. 993 last year as being fine legislation.

I understand where the Governors and the County Commissioners, mayors, and so on are coming from now in support of S. 1. It is tougher from their standpoint. But it also has some opposition.

Now, what would I foresee as a situation that might develop where we might want to drop back? Obviously, there are a number of different things that could happen on that. If we wound up with a filibuster on S. 1, which I do not anticipate we will, but if there were some provisions voted in here on the Senate floor that may be unpalatable, then we might have something like that required.

The amendment that I am putting in or will put in today and another one

after this one and probably a couple more tomorrow morning address very substantive changes in the bill, procedures in the bill that I think should be corrected. They were things we were not able to bring up in the committee because of the rush to get it to the floor, which was another situation we talked about earlier today for a little while.

But you have several other concerns that do address specifically how this bill would operate, and I think those are important things to be considered. Those are not show stoppers, as I see it. Failure to put those things in are not basically things that would require us to go back to S. 993.

But let me just bring up some of the amendments that have been put in or proposed, some from the other side, as a matter of fact, some Republican-proposed amendments, such as judicial review.

Now, I think if judicial review was lodged against this where anyone who felt that the estimate on a particular proposal was not adequate and they would have the right in that case to file a case in Federal court and in effect stop legislation in its tracks, if judicial review was put in and passed, to me would be a way of stopping almost all legislation or a very high percentage of legislation that comes before the Senate. So I think if judicial review came in, was voted in here, this would result in such concern that I think—I am the last one that is going to threaten a filibuster—but I think that would cause a great, great deal of concern.

Now, another one that is coming up that would be very controversial, and I understand is going to be called up, were amendments that were proposed dealing with motor-voter, as it is called. There is a lot of passion involved with motor-voter, as we know from the very extended debate that took place on the Senate floor when motor-voter was put in last year. That would draw serious opposition.

Another one, a supermajority point of order requiring a 60-vote point of order. In other words, 60 votes would be required to grant a waiver to proceed with a bill. Now that sounds great, because it says, well, you are getting a supermajority of the Senate. But it does something else. It puts a great deal of power in the minority if you can garner 41 votes.

I do not want to see us get into a situation where we would have, in effect, a tyranny of the minority.

We had another one that would be a very, very important amendment, if brought up and if possibly passed, one that we would have to really take very, very seriously, and that is an amendment that I understand may be proposed which would extend the application of the act to past mandates as well as current mandates. If we did that, I do not know whether we would be getting into trillion dollar estimates and funding requirements if we passed that with no sorts of other restrictions on it than those I am aware of at this time. That is another one that would be a real threat to passage of this bill.

Now, I am not saying any one of these by itself would be a complete show stopper and block to passage of the bill. The reason I put S. 993 back in is to cover a combination of possibilities. Say that some of the corrections we wanted to put in committee are voted down here, and say that some of these amendments that I understand are going to be put in—I do not believe they have been put in yet—amendments on the Republican side that deal with the things that I just mentioned such as 60-vote point of order and the motor-voter and judicial review and the retroactivity. Say that several of these things passed. I think in that situation the view of S. 1 would change rather dramatically, and I might add, probably on the Republican side as well as on the Democratic side.

I wanted to point out the possibilities just to point out the reason why I am putting S. 993 back in, as a possible substitute amendment. It would be a fallback in case we have some of the dire things I have talked about happen, and got into a situation here we could not get out of, which we thought we were in last week when I mentioned the possibility of this. I am putting it back in, but do not plan to bring it up at this time.

I think we are in a whole different situation than we were in last week because last week we were faced with a situation where cloture could not be invoked. The votes were not there. There were great concerns about S. 1. There were some 117 amendments that were filed in advance of the cloture vote, because if cloture would happen to be invoked then amendments cannot be put in. Cloture was defeated. The number of provisions we debated last week have been stripped back. We have now under the new agreement, some 60 slots, I believe, 58 or 60 slots, available for amendments that have to be filed by Tuesday afternoon at 3:00. Votes, then, will start not later than 4 o'clock tomorrow afternoon.

This is much more manageable now. People have been coming to the floor and offering their amendments. We will have votes on them. We are in a whole different situation. I am not putting S. 993 back in as any scare tactic but there are possibilities that loom out here that this would be a last-gasp stopgap measure we could put in if really necessary. I want to stress that. I know there was a considerable amount of discontent in some quarters last week when I even brought this up. I wanted to make sure it was not misunderstood now.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KEMPTHORNE. I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENTS

AMENDMENT NO. 179

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the Dorgan amendment numbered 179.

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

Mr. KEMPTHORNE. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENTS NOS. 178 AND 179

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that no amendments be in order to either the Dorgan amendment numbered 178 or 179, and that the vote occur on the motion to table amendment numbered 178 at 4 o'clock p.m. tomorrow, to be followed by a vote on or in relation to the Dorgan amendment numbered 179.

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

AMENDMENTS NOS. 191 AND 192

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that it be in order for me to make a motion to table both Bingaman amendments numbered 191 and 192, and I be able for ask for the yeas and nays, and it be done with one show of seconds.

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

Mr. KEMPTHORNE. I move to table amendments 191 and 192 and 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. KEMPTHORNE. Mr. President, I now ask unanimous consent that no amendments be in order to either Bingaman amendments prior to the vote on the motion to table and that the two Bingaman votes occur in sequence following the vote with respect to the second Dorgan amendment.

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

AMENDMENT NO. 182

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that no amendments to the Hollings amendment numbered 182 be in order prior to the vote on the motion to available that amendment.

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

AMENDMENT NO. 196 TO AMENDMENT NO. 190

(Purpose: To modify the sense-of-the-Senate provision)

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate now resume consideration of

amendment numbered 190, and I send an amendment to the desk to the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes amendment numbered 196 to amendment numbered 190.

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

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

The amendment is as follows:

Strike all after the word "that" and insert the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a "firewall" to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

AMENDMENT NO. 197

(Purpose: To have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate)

Mr. GLENN. Mr. President, I ask unanimous consent that the previous amendment be set aside, and that I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 197.

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

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

The amendment is as follows:

On page 2, strike beginning with line 16 through line 4 on page 22 and insert the following:

"(1) IN GENERAL.—

"(A) STATEMENT REQUIRED FOR REPORTED BILL.—It shall not be in order in the Senate, after third reading or at any other time when no further amendments are in order, to consider any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration.

"(B) LEGISLATION OR THRESHOLD.—(i) It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report—

"(I) after third reading or at any other time when no further amendments are in order, if the enactment of such bill or resolution as amended; or

"(II) if such bill or resolution in the form recommended by such conference report differs from the bill or resolution as passed by the Senate, and if the enactment of such bill or resolution in the form recommended in such conference report, would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless the conditions specified in clause (ii) as satisfied.

"(ii) The conditions referred to in clause (i) shall be satisfied if—

Redesignate the clauses following accordingly."

Mr. GLENN. Mr. President, this takes care of what I think is a difficulty in the bill. It would correct what I think is something we probably should have dealt with earlier on. That is this: The bill deals with points of order and when they will lie against legislation coming to the floor, to have the overall expense or the cost to the States and local communities considered in advance of considering the legislation and whether Congress will fund those costs.

As now crafted, as now structured, the bill would permit a point of order when the bill with Federal intergovernmental mandates first comes to the floor. Then there would be no more points of order that would lie against the bill but there could be points of order invoked any amendment that may or may not contain an intergovernmental mandate. If we think about how a bill normally works its way through the Senate, a number of amendments can be brought up here on the Senate floor. They may well change completely the nature of the bill by the amendments and the cost of amendments that are incurred during the amending process here on the floor.

Now, I think it would be more appropriate the bill be subject to a point of order after we know what all the amending process has done to it. To have the point of order apply to possibly every amendment all the way through creates a situation that could be used if a Senator really wanted to filibuster something. He or she could put in a dozen different amendments containing Federal intergovernmental mandates, each maybe over $50 million, that might not even apply and might not be germane or relevant to the bill being considered and would then go through all the process of point of order on everything that was brought up in each of the amendments. I could see this as a possibility of a means of really creating a lot of delay.

What we are really interested in, it seems to me, is the final bill as amended on the floor before we vote on it. And at that point, we either say yes, we go ahead with these unfunded mandates because it is important for everybody in the whole country for whatever reason and therefore we waive the point of order. Or we say no, all these total of amendments here plus what the cost of the original bill should be subject to the points of order requiring cost estimates and funding.

It seems to me that is a more appropriate way to go than having the point of order lie on all amendments.

Mr. President, my amendment would apply the points of order in two places, not at the start of consideration on the floor as S. 1 requires, but it would apply at the end of consideration of legislation on the floor—just prior to third reading—and, at a second point, when it comes back from conference, because when it comes back from conference, sometimes it might be a completely changed bill from what went to conference with the approval of the Senate.

So my amendment would apply points of order at those two places. As I said, my concern in applying the point of order requirements for CBO cost estimates and State and local funding of floor amendments, as S. 1 currently does, is that it may unnecessarily bog down the legislative process, particularly for the first year or two when this act goes into effect. It is possible someone might raise points of order, as I said, on almost every

amendment that is offered to any one bill.

I understand points of order can currently be raised under the Budget Act on amendments that affect Federal direct spending but have not been scored by CBO. However, the Budget Act scoring process has been in place for some time and the procedures in S. 1, on the other hand, are brand new. So we should not overload the Senate with these new procedural requirements on floor amendments, as I see it.

As I said, the amendment would see that the points of order lie in two places: First, just prior to final passage and then on the conference report. That way, only amendments that have been adopted would have to be scored by CBO, rather than having them score all amendments prior to their being offered, as would have to be done under S. 1. So the burden on CBO might be reduced. Only amendments adopted would be required to be scored, not amendments offered. Of course, Members bringing an amendment to the floor may wish to have a CBO cost estimate in order to know precisely what the effect of the amendment will be. My amendment will ensure conference reports will also still be scored, as is the case under S. 1.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that at 3:30 p.m. tomorrow, the Senate resume consideration of amendment No. 182, the Hollings amendment; that there be 30 minutes for debate prior to a motion to table, to be equally divided between Senators HOLLINGS and DOMENICI; that following that debate, it be in order for the majority manager, or his designee, to move to table the Hollings amendment; and that the vote occur on the motion to table immediately following the disposition of the Bingaman amendment No. 192.

Mr. GLENN. Mr. President, reserving the right to object, and I will not, where is the Bingaman amendment in the hierarchy now? Is that No. 4 that we have on our list?

Mr. KEMPTHORNE. Mr. President, that is correct. This will be No. 5.

Mr. GLENN. I will not object.

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

Mr. KEMPTHORNE. I yield the floor. I thank the Chair.

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

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

AMENDMENT NO. 198

(Purpose: To modify the exemption for matter within the jurisdiction of the Committees on Appropriations)

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may send an amendment to the desk and ask it be considered as offered as required under the unanimous consent agreement under which the Senate is currently operating.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 198.

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

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

The amendment is as follows:

On page 25, strike lines 7 through 10, and insert the following:

(3) Committee on Appropriations.—Paragraph (1)—

(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

(B) shall apply to—

(i) Any legislative provision increasing direct costs of a federal intergovernmental mandate contained in any bill or resolution reported by such Committee;

(ii) any legislative provision increasing direct costs of a federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

(iii) any legislative provision increasing direct costs of a federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

(iv) any legislative provision increasing direct costs of a federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

(C) Upon a point of order being made by any Senator against any provision listed in Paragraph (3)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

Mr. MCCAIN. Mr. President, this amendment is very basic. It would extend a provision of the Unfunded Mandate Reform Act to cover appropriations bills. As reported by the Governmental Affairs Committee, appropriations legislation was exempted from S. 1. I wish to repeat, appropriations legislation was exempted from this legislation.

This amendment would establish that any legislative provisions contained in an appropriations bill or conference report that create an unfunded mandate would also be subject to the point of order called for by this bill.

Clearly, Mr. President, this important legislation sponsored by Senator KEMPTHORNE is a proposal that warrants swift passage. Over the last year, every Member of Congress has likely heard pleas for assistance from State and local officials in their home States for relief from the steadily increasing burdens of unfunded Federal mandates, and understandably so.

As the Governmental Affairs Committee noted in a report on this issue, State and local officials from across the country sent a powerful and unified message to Washington that:

* * * unfunded Federal mandates imposed unreasonable fiscal burdens on their budgets; limited their flexibility to address more pressing local problems; forced local tax increases and service cutbacks; discouraged innovation at a local level; and hampered their ability to effectively govern.

The burdens which have been placed on the shoulders of States, cities, and counties in America have become intolerable. The CBO estimated the cumulative costs of Federal regulatory mandates on States over a 7-year period are as high as $12 billion.

A study released by the Environmental Protection Agency in 1990 estimated that the total annual costs of environmental mandates to State and local governments would rise a total of 67 percent by the year 2000.

The mayor of one of America's largest cities said that:

When you pass a mandate down to us and we have to pay for it, the police force goes down, the firefighting force goes down. Recreation departments are in disrepair * * * because our capital budget is being sopped up by * * * the need to pay for federal mandates.

I strongly sympathize with these views and those that I have heard from so many city and town officials in my State of Arizona. The cumulative weight of the involuntary spending requirements that the Congress has been foisting upon State and local governments has finally reached the breaking point, and it is important that we pass this legislation to address the problem early in the 104th Congress.

There is, however, a significant omission in the bill we have before us. S. 1 applies only to legislation emanating from authorizing committees, and exempts appropriations bills. This is a big loophole, Mr. President, and given the tendencies of many Members of Congress, I fear it is a loophole that will be taken advantage of in short order.

If we exempt appropriations bills from the point of order procedure of this unfunded mandates bill, we will be tacitly allowing a process where Members will be tempted or pressured into

using appropriations bills as vehicles to levy mandates upon State and local governments. Such an exemption would undermine the important objectives of what S. 1 is so admirably trying to achieve. This amendment to subject any legislative language in spending bills to a majority point of order regarding unfunded mandates will help ensure that doesn't happen.

The intent and impact of this amendment is simple, straightforward, and entirely reasonable, Mr. President. If a bill reported out of the Environment and Public Works Committee or the Labor Committee which creates a new mandate on State or local governments, those committees are required to authorize funding to pay for it. A point of order would lie against the bill if it were not properly funded. Surely we should establish this same procedural hurdle for appropriations bills if they contain new unfunded mandates.

I fully recognize, Mr. President, that existing Senate rules already bar appropriations bills from being used as vehicles for authorizations. If this restriction was uniformly adhered to, appropriations bills would only factor into concerns about unfunded mandates to the degree that they were adequately delivering Federal funds to State and local governments.

As all of my colleagues well know, however, this is often not the case. Appropriations bills can and have been used by the Senate for legislative purposes. This fact necessitates the amendment I am proposing here today.

It is surely not an unwarranted leap of faith, Mr. President, to anticipate that Members and staff in the Congress might be tempted to utilize appropriations bills as a vehicle for unfunded mandates in the future. Minds far sharper and more creative than my own could craft language into an appropriations bill that in effect would impose a new unfunded mandate on a State, local, or tribal government.

Indeed, Mr. President, if past experience on legislative language being inserted in appropriations bills is a guide, we should expect this to happen. I am concerned that exempting appropriations measures from S. 1 will be akin to locking the barn door while leaving a ground-floor window wide open. This exemption is a loophole that will surely prove too tempting for enterprising Members of Congress to leave untested, and we should act to close it before they do.

Furthermore, for my colleagues who may question whether this amendment is necessary, I would like to note the dilemma we already face in the case of appropriations legislation passed by the House of Representatives. According to Senate precedent, appropriations bills containing legislative language sent over from the House is deemed germane, and is not subject to a point of order.

We already experience problems with exceptions being made to the Senate rule that prohibits legislative language on an appropriations bill, so I hope we will not exacerbate this situation by creating a special new exemption for appropriations bills regarding unfunded mandates. Let us not miss this historic opportunity to stem the tide of oppressive Federal mandates by allowing them to be imposed by way of appropriations bills or conference reports.

Mr. President, if the basic rules of the Senate are followed and appropriations measures contain no new unfunded mandates, then this amendment would not affect them in any way. We should improve this important bill to curb the Congress's penchant for passing on millions of dollars of mandatory spending requirements onto States and local governments by adopting this amendment. To leave appropriations legislation exempted from the provisions of S. 1 is to leave a sizable loophole in the bill, and I urge my colleagues to support this amendment to remedy it.

I again thank my friend from Idaho who has probably had enough praise over the last week to last him for a long period of time, but he deserves every bit of it. I must say he has done a magnificent job. But I also point out to my friend from Idaho and remind him that when I asked him why were appropriations bills exempted from this bill language, his response was, "Well, we could not get the bill passed."

Then my question is, to him and to the other sponsors of this bill: Why is it, then, if we are not concerned about legislation being enacted on an appropriations bill and it not being subject to a point of order, then why should there be any objection whatsoever to this amendment? It seems to me by the very act of exempting appropriations bill from this point of order procedure we are tacitly saying we do not want to tangle with the Appropriations Committee and we do not want to make sure that there is not a loophole in this legislation by allowing legislation on appropriations bills.

I also say to the sponsors of this bill, if you do not think we have legislated on appropriations bills then I have a lot of legislation to show you. We have. It has happened time and time again where appropriations bills have been the vehicles for authorizing legislation which are stuffed into bills, many times in the dead of night, or in a conference committee, a conference between the two Houses so the rest of us who are not Members of that conference are unable to know about it.

This is a very serious issue. And I have to say after my 9th year, if I have grown a little bit cynical it is because I think I have reason to be so. We cannot allow authorization on appropriations bills. If we do not allow it then this amendment should cause no problem for anyone. The only reason you can assume why this bill exempted appropriations bills is because of the possibility in the future of authorizing legislation on appropriations bills.

I think I have made my point. There may be a desire to engage in extended debate on this issue. I do not intend to leave a loophole of this size in this unfunded mandates bill, which is a very critical bill, and then go back to the people I represent and say everything is fine. Because it is not going to be fine if we allow people to authorize on an appropriations bill and not be subject to the same point of order that there is on the authorizing legislation.

I again thank Senator KEMPTHORNE for his outstanding work on this very important and critical piece of legislation. If I could just tell him, I met with the mayors of my State a couple of months ago, I met with the county supervisors of my State, and there was one issue and one issue only they wanted to talk about and that was Senator KEMPTHORNE's legislation. So he is even famous in the State of Arizona as well as the State of Idaho.

So I thank my friend from Idaho and I yield the floor.

Mr. KEMPTHORNE. Mr. President, I just wish to thank the Senator from Arizona for his kind remarks and also to acknowledge his strong and enthusiastic support to curb these unfunded Federal mandates. He is one of the stalwarts in this effort. So I thank him.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I would like to use my leader time, if I could.

The PRESIDING OFFICER. The Senator is recognized.

MRS. ROSE FITZGERALD KENNEDY

Mr. DASCHLE. Mr. President, I join my colleagues in extending my sincere sympathy to my friend and colleague, Senator TED KENNEDY on the death of his mother.

Mrs. Rose Fitzgerald Kennedy lived a life that saw more than its share of public tragedy and private sorrow. Her courage and her profound faith in her church and her God gave her the strength to be the support of her children and an inspiration to all Americans.

Mrs. Kennedy's passing is a loss to our Nation. No one old enough to remember will ever forget the fortitude with which she bore the assassination of two beloved sons, President John F. Kennedy and Senator Robert Kennedy.

Her public strength helped the Nation endure, as her private strength has always been, in the words of her son John, "the glue that held the Kennedy family together."

The tragedies she suffered did not diminish her sense of service. Into an age where no one would have questioned a desire to retire from public life, she traveled tirelessly, promoting the work of the Joseph P. Kennedy Jr. Foundation, to aid the mentally retarded.

Her spirit and work earned her the admiration of the entire world and made Americans very proud.

So today I know that I express the sentiment of all of our colleagues in saying that our prayers are with her son, our colleague, TED, and her other children and grandchildren on this occasion.

I yield the floor.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to yield to the Senator from New Jersey, by the way, whose birthday it is today, and this is not in lieu of a birthday present I say to the Senator from New Jersey, I would ask unanimous consent that I be allowed to yield to the Senator from New Jersey for the purpose of his offering an amendment without losing my right to the floor.

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

Mr. LAUTENBERG. I thank the Senators and friends who are on the floor to wish me well on my birthday. It is one of those things, a time we would like to pass without notice, but, on the other hand, being here to recall it is something of value as well.

AMENDMENT NO. 199

(Purpose: To exclude from the application of the Act, provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency)

Mr. LAUTENBERG. Mr. President, pursuant to the unanimous-consent request, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment to meet the terms of the unanimous-consent agreement. I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 199.

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

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

The amendment is as follows:

On page 13, line 5, strike out "or".

On page 13, line 8, strike out the period and insert in lieu thereof a semicolon and "or".

On page 13, insert between lines 8 and 9 the following new paragraph:

(7) limits exposure to known human (Group A) carcinogens, as defined in the Environmental Protection Agency's Risk Assessment Guidelines of 1986.

Mr. LEVIN. Mr. President, last week we began a colloquy with the managers of the bill on some of the uncertain provisions and ambiguous provisions in the bill. I thought we could pick that colloquy up this evening. I have a number of amendments that have been offered. There are two additional amendments to be offered that have been listed for me. I think the number of the issues which have been raised, even though amendments both are filed and to be filed, could be clarified if I could discuss with the managers of the bill some of the provisions which I consider to be ambiguous. In order to do that, I thought I would again use the same hypothetical. If I could get copies of this to the two managers of the bill, this hypothetical Senate bill is the one I used last week. We went into the first ambiguity and then after about 3 hours of debate clarified it with an amendment.

This bill, hypothetical, to be offered after the effective date of this law mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005. Under this hypothetical bill the EPA is designated to determine what constitutes a mercury level dangerous to human health. The first question is when is this bill effective? That is not a theoretical question. That is a very critical question because there must be an estimate of the cost of an intergovernmental mandate the first year that it is effective. When a bill or amendment is effective becomes a critical issue and could mean the life or death of the bill or amendment because if the estimate of the mandate is more than $50 million in any year starting the first year it is effective, for 5 years, then certain things are triggered. Very significant things are triggered. Estimates, authorizations, language relative to appropriations, all must be in the bill. Agencies have to be designated to pull back from or to relieve the local governments of the mandate. That estimate and its effective date are absolutely central to this new version of the bill.

Last year we had a bill which had broad cosponsorship, including myself, where there was an estimate required but there was less hanging on it, on its specificity, on its certainty, on its length, and as to when it is first effective, when the mandate was first effective. A lot less was hanging on that because you did not have this mechanism, this new point-of-order mechanism, relative to the appropriation of funds. That is one of the things which is new this year. Unless we do it right it is going to complicate this process beyond anyone's wildest dream or nightmare. So that is the area that I want to discuss with my friends.

Last week I asked the Senator from Ohio what is the effective date of this mandate in my hypothetical bill. He basically said, well, it would have to be sometime before October 1, 2005. So I thought to clarify the situation I would give an actual or a hypothetical CBO estimated direct cost of the local government in my hypothetical so we can get some clarification and some legislative history as to what is intended by the mandate.

The chart that I have up gives the following CBO estimated direct costs for these 87,000 State, local, and tribal governments. In this hypothetical in fiscal year 1996, the estimated direct cost is $6 million. In fiscal year 1997, the estimated direct cost is $8 million; in 1998, $10 million; 1999, $15 million; 2000, $20 million; 2001, $25 million; 2002, $30 million; 2003, $50 million; 2004, $100 million; 2005, $200 million. Let us assume that is the way the estimate comes back.

How they can make this estimate is a different question. Last week the Senate decided that if it was impossible to make the estimate that we would allow them to say it is impossible. That took an awful lot of debate on this floor and had been rejected in committee on a party-line vote. But we ought to be grateful for progress. We made some progress on that narrow issue. The CBO can be honest. The way the bill was originally written they were allowed to be honest relative to the private sector, but they were not allowed to admit it was impossible to estimate the direct cost of a mandate relative to the intergovernmental sector if it was. The amendment that was adopted last week permits them to make an honest statement if it is impossible to make an estimate in either or both sectors.

OK. You make an estimate. It comes back the way this is laid out on this chart.

Now my question to the managers of the bill, and last week again the Senator from Ohio saw the dilemma that we are all in, and said well, it has to be earlier than October 1, 2005, because if that is the effective date of the mandate within the meaning of the bill there will never be any cost because it sounds like October 1 is the effective date of 2005. The way I read it sure sounds like it because under my hypothetical bill it says it mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005. That sounds like the effective date is October 1, 2005. Most of us, and I think most ordinary readers of that language would say the effective date is October 1, 2005. But if it is 2005, if that is the first effective date, there will not be any costs. Nothing would

ever be triggered because all the money would have been spent before that in order to make sure it complies by that date.

The Senator from Ohio said that would be troubling and he said there would be some years prior to that that the CBO would have to make some estimate. I do not know how. But somehow or other, it would have to make an estimate. An awful lot is hanging on this. The life or death of a bill or amendment can be hanging on this because you must have the estimate in order to get by the point of order. In order to pursue this issue and to get the thinking of the managers who are the prime sponsors of this bill, I thought I would give them this hypothetical estimated direct cost.

My question to both Senators would be, in this chart what would be the first fiscal year that this mandate would have a direct cost? What is the fiscal year to trigger that 5-year issue? If I could go through the Chair to ask the managers if they would be able to engage me in a colloquy on this issue.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, in response to that—and again, this is the first time that I have seen this scenario—one of the things that I would caution everyone, including myself, is that it can be difficult in a debate situation to take a hypothetical or a scenario and then try to answer all of the questions here.

My initial view of this is that when we look at the bill, it clearly states that we will consult with our State and local elected officials. I do not know that we can answer that question based upon what the Senator has in front of us.

Mr. LEVIN. If the Senator will yield. This is the CBO estimated cost. They have now consulted. By the way, that raises a whole other series of issues which we will get to later. This assumes that all that consultation has taken place, and this is the document that comes back to us, the estimated direct cost. This is the piece of paper which CBO hands to us.

Mr. KEMPTHORNE. Then I believe, again, based upon input from the State and local officials, that input, in addition to this document, if it is——

Mr. LEVIN. This is the document created, if I may say so, following all of the input. The CBO has done its work and has consulted with State and local officials. After consultation, it then tells us that this is their best estimate. This is what is going to determine now all the points of order. They come back to us saying we have consulted and we have talked to the 87,000 State and local governments in the last week, and this is our best estimate.

Mr. KEMPTHORNE. The CBO is to make a 5-year estimate. Based upon the input from State and local officials, I would think the committee would then ask either CBO, or based upon the input from those State and local officials: What is the effective date? Again, I do not know that we can derive that from this document.

Mr. LEVIN. If I may say so, we are introducing a tremendous ambiguity, because we are saying in the bill that the first fiscal year after the effective date, and each 4 fiscal years thereafter, we will determine a critical estimate. I am giving the managers and the sponsors of the bill what the CBO tells us. I am laying it out. I cannot be clearer than that. The CBO comes back and says these are the 10 years prior to that effective date of October 1, 2002. We just cannot simply say, well, they will determine the effective date. The sponsors of the bill would have an intent, I hope, as to what is the effective date for the purposes of this bill.

I think it is going to be absolutely essential that we get an answer to that question because there is an awful lot that is going to hinge on when the effective date is. The way I wrote the hypothetical, it said: You must reduce dangerous levels of mercury from incinerator emissions after October 1, 2005. That is the way the bill hypothetical states it. When I asked the Senator from Ohio last week when is the effective date, the Senator said—and I happen to agree with him, since much of the costs are going to be before 2005, probably all of the costs, because they want to be in compliance by the October 1, 2005, date. So over the weekend, I decided we would come up with an actual CBO estimated direct cost. Here it is.

The sponsors of the bill, it seems to me, should say what the intent of the bill is. We know there are costs in each of the 10 years. The first year that there are direct costs is 1996. That is what the CBO tells us. That is the first year. The second year is 1997. If we are to take this legislation on its face, it says the first year that it has a direct cost will be the first year it is effective. The next 4 years thereafter, if any of those 5 years are above the $50 million threshold, it triggers certain very critical things. This sounds technical and dry, and it may, indeed, be almost impossible for people studying the legislative process to know what it is that is going to happen. But surely we have an obligation to clarify, to the extent we can, what is the intent of this bill.

I have laid it out. So now I am asking the managers as to whether or not it is the intent of this bill that 1996 be the first year, since there is a direct cost, according to the CBO estimate, in that year. That is my question. Is that the first fiscal year, since there is a direct cost in that year?

Mr. KEMPTHORNE. Mr. President, in response to that, again, I do not know that we can answer that just based on this. Again, I have to go back to what S. 1 is all about. It is a process. Is the requirement to remove mercury a current mandate? That would be a question. Is the requirement to remove mercury a current mandate?

Mr. LEVIN. Current before the hypothetical laws if this is adopted?

Mr. KEMPTHORNE. Yes.

Mr. LEVIN. The point is that you are asking the CBO to make an estimate. I am telling you what their conclusion is. I am telling the Senator what the conclusion of the CBO is so we can have a discussion. It makes no difference in my hypothetical whether there is a current mandate or not. The only thing that is important is this CBO estimate. I am giving the Senator the estimate and now asking the Senator if that is their estimate.

Mr. KEMPTHORNE. Mr. President, I am trying to determine what went into coming up with this CBO list and the analysis. But, again, is the requirement to remove mercury a current mandate in your hypothetical?

Mr. LEVIN. It would make it a relevant hypothetical because CBO is mandated in the bill to come up with the direct cost. In order to have a discussion of when the first fiscal year is triggered, I am saying this is the CBO conclusion.

Assume for the moment that you do not disagree with the conclusion. Assume for the moment that there is no basis to disagree with the CBO. Assume for the moment that everybody accepts it. This is the given I want to debate. This is the conclusion of the CBO. And I add further that every single Member of the U.S. Congress says: That sure looks good to us; they have really done their work, and they have consulted with every 1 of the 87,000 local governments in the last 2 weeks. They have taken into consideration all of the factors that could be taken into consideration. Is there a current mandate or is there not? They have done everything perfectly right, and this is their conclusion.

My question is: What is the first fiscal year? I can understand if the Senator says, well, maybe the CBO is wrong. But that is a different issue. My assumption is that the CBO is correct, that they have done their homework and everybody concludes that is a very good, solid estimate. They have done their work and they have read the bill correctly. So much hangs on when is the first fiscal year that this mandate is effective, and we better understand going in that we are going to have points of order on this floor. We are going to ask that poor Parliamentarian up there to rule. Do we want the Parliamentarian to rule as to when the first fiscal year is that the mandate is effective? Do we want the Parliamentarian to rule whether there is a mandate? I guess so. But in order to have some clarity of congressional purpose here, I am simply giving the CBO

estimate, and I want you to assume, if you will, that it is correct and that we all concede that this is the correct CBO estimated direct cost. We must know when that first fiscal year starts. When does that clock start running? If we do not know it now when we are passing the legislation, we are never going to be able to figure it out later.

This is where folks will come back for guidance. What was the legislative intent? This is it. This is where we are trying to create legislative intent, to the extent it is relevant these days—and it still is relevant—this is the moment where we have to lay out what our intentions are.

The reason this is different from last year's bill, in last year's bill there had to be an estimate. That was fine. If there was not, it was subject to a point of order. That was fine.

And, by the way, last year's bill had the support of the Governors and the support of local officials. And, as far as I am concerned, that was fine, too.

But in this year's bill, we have a new point of order. And in this year's bill, an awful lot is going to hinge on that estimate, including some critical appropriations language that did not exist last year.

And I will repeat, the life and death of an amendment or a bill can be determined by the answer to this question. And it is a straightforward question.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. KEMPTHORNE. In the report of the Committee on the Budget with regard to S. 1, when you look at this, you have the CBO estimate, and that is what we are talking about here. And, Mr. President, as you can see, you have all of the information, the steps that CBO would go through in order to get this, which may look similar to what the Senator's large chart looks like.

But, again, in this hypothetical, the Senator is not allowing us to go through this process. The Senator has simply gone to the conclusion of numbers by year. But, again, I do not think you can conclude this based on that because you are not allowing us to go through what a CBO process would go through.

Mr. LEVIN. If my good friend will yield again, the only way we are going to clarify congressional intent is if we state, as I have stated, that after you go through the CBO process, after the CBO goes through all of their process, after they have consulted with 87,000 local governments, after they have considered whether there is a current mandate or not a current mandate, they have done everything right, and everyone in the Senate concludes CBO is right and this is their conclusion.

Now, if that is their conclusion, my question is, when is the first fiscal year that that mandate is effective?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, again I would be interested in this and we would have to reconstruct this whole scenario. We would have to continue with more hypothetical points. What does CBO recommend? Does CBO recommend what the effective date would be?

Mr. LEVIN. Is that the intent of the sponsors, that the CBO recommends? We do not give them any guidance? That the sponsors of the bill just throw it off to the CBO?

We are writing a bill here. What are we urging the CBO to do?

Mr. KEMPTHORNE. Mr. President, the legislation would identify the effective date, but it would be based, again, upon input from a whole variety of resources and sources. Again, with all due respect, I do not think you could simply take one chart, numbers, and say, "Now, go back and reconstruct this whole scenario and tell me what it all concludes."

Mr. LEVIN. Well, I think there is a serious ambiguity here and, to some extent, an abdication if we let this go without clarification. The abdication is that we must, as a Senate and a House, later on know what the legislation intended. It is central to the bill that the first fiscal year in which a mandate is effective is a critical date in the bill. A new point of order is created based upon it.

Last week, I asked the question whether or not the language in my hypothetical meant that the mandate was effective October 1, 2005. And I am going to read that again, because one sentence says yes, it is 2005. In the hypothetical, the Senate mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005.

Now, the average reader, the average person reading that bill, would say that is the effective date of the mandate. If it is, again, and I think my friend would agree with me, as the Senator from Ohio agreed with me last week, if the effective date of the mandate is October 1, 2005, when all emissions must comply, then it will never be triggered because all the money is going to be spent before October 1, 2005.

But I do not think we can have it both ways. We cannot say "Well, it is not the date in the statute, October 1, 2005, because all the money is going to be spent before that date, in order to have the emissions be in compliance." And that is correct. I think that is a logical response. If it is going to have any effect at all and any meaning, you cannot say that the date in the statute, October 1, 2005, is the effective date for the purpose of the point of order. You have to find the effective date prior to that.

And, according to this bill—and I am just reading the bill—the first fiscal year that there are direct costs to local and State governments is year 1. That is year 1. And you go 5 years. And if, in any of those 5 years, this mandate costs more than $50 million, certain very, very significant things happen. And if they do not happen, very serious points of order lie.

I do not think we can have if both ways. We cannot say the effective date that is in the bill is not the one that governs because it has to be before that date and, on the other hand, we are not going to give any guidance down the road as to what the first fiscal year is.

I think that we cannot have it both ways; that we are leaving a massive ambiguity in the law. It is an example of where the new bill, because it places so much importance on the mandate, goes too far.

Unlike last year's bill, which had more balance to it and which did not link the appropriations of that estimate together, this year's bill makes an estimate in the year 1995 that is going to have an impact 10 years down the road or 20 years down the road. And I believe there is a lot of uncertainty and ambiguity, and that means legislative mischief, because there is no clarity on just this one point.

This is just one point.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. KEMPTHORNE. I believe what the Senator has described—and I must give him a great deal of credit, because he has been very thorough and meticulous on this legislation. For that, I think we have already made some perfecting language that has been helpful.

But, really, he is providing us one piece of a puzzle and then he is saying, "Well, because with this one piece of the puzzle you can't tell us the whole picture, then the picture does not exist."

This scenario, for example, I think lacks the actual legislative language. It lacks information from State and local governments and the Federal agency on the impact of the legislation. It lacks the text of the CBO letter indicating the basis of the estimate, including CBO's assumption on the effective date based on the legislation when a regulation is written.

We could continue to construct this scenario and somehow try to back into it. But I would add that, through this process, it is on an individual basis. These will be devised by the authorizing committee based upon not strictly one piece of paper, but based upon much of what I just went through in the list. And again, it resides with the authorizing committee.

Mr. LEVIN. Mr. President, my understanding, if the Senator would yield, that the Congressional Budget Office is the one that makes the estimate. Is that correct? Is that the intent of the statute, that the Congressional Budget Office makes the estimate?

Mr. KEMPTHORNE. For the legislation, yes.

Mr. LEVIN. Mr. President, now, under my hypothetical the Congressional Budget Office has made an estimate. It has taken into consideration each of the items that have been mentioned in the authorizing bill. I could not agree more with the Senator from Idaho that there are many items in the authorizing bill that affect these direct costs. There could be hundreds of them. The CBO is mandated by this bill to make an estimate. I would not only hope but it is the assumption of this chart that the CBO has taken all of the authorizing bill's factors into account. After taking them all into account, which it is required to do, and after consulting with the State and local and tribal governments, it has reached this conclusion that I set forth on this chart.

I do not think it is accurate to say there is a puzzle here of which this is a part. This chart is the conclusion of the CBO after putting together the puzzle. They have taken each piece of the puzzle and put the puzzle together and that puzzle leads them to this conclusion. The CBO under my hypothetical has each piece of that puzzle together and reached the conclusion that has been set forth on this chart. It is true that there are many pieces. It is the CBO that has to consider those pieces and then give an estimate. Unless we can tell them now, in a hypothetical such as this, when is the first fiscal year in which that estimate is effective, we are closing our eyes to a major ambiguity and we are going on to the next ambiguity. We are throwing up our hands. We are not defining the first fiscal year in which a mandate is effective.

I do not think that that is a way to legislate that will give guidance to folks who will be bedeviled by the points of order unless they understand what the legislation means and what the intent is of the folks that wrote it.

Now, again, I emphasize, there was a requirement in last year's bill for the CBO to make an estimate. I support that. But last year's bill was very different from this year's bill in that it did not contain this additional requirement relative to the appropriations of funds. Much more hangs on the accuracy of this mandate in this year's bill than in last year's bill. In last year's bill there had to be an estimate, there had to be an authorization for an appropriation to meet the estimate.

What last year's bill did not have and what this year's bill does have, is a point of order which makes it improper to consider a bill that does not have additional language in it which directs that if an Appropriations Committee after the mandate is effective does not appropriate money at least equal to the estimate that then a bill must direct an agency to cut back on that mandate or eliminate it or be subject to a point of order. That is one of the places where this year's bill goes too far. The fact that there is no answer to this question on this chart is evidence of the fact that this bill goes too far in that respect.

Now, I will press forward because I know that there are folks that are trying to end this session at a reasonable hour tonight. Again, I raise these hypotheticals as somebody who has had local government experience, and frankly had the same frustration with the Federal mandates that I think just about everyone has, whether they had local experience or not. My good friend from Idaho had greater local experience than I did. I was a mere council president but I was frustrated, deeply frustrated by mandates that the Federal Government imposed.

I want to act but act in a way which is practical, which works, which will reduce the number of mandates, which will force the Senate to consider mandates, but which will avoid plunging the legislative process into this pit of ambiguity.

Next question, and I welcome any guidance from the other manager of the bill on this issue. We spoke last week. I am happy to yield to the Senator from Ohio.

Mr. GLENN. Mr. President, I will be very brief because I do not have a ready answer, as the Senator knows from our previous conversations on this.

I think the things he brings up here as to the implementation of this bill are very, very good. And I do not want to rub salt into old wounds. We have talked about it enough. These are the kind of things that normally we should have worked out in committee. That is where it is normally worked out. I do not have a ready answer for this.

Ordinarily if we are lumping a program or putting some program on to Federal, State, or local governments, we would look at what the total impact of this would be. Now, that is one way to look at it. The other way to look at it is 10 years out, nobody can make an estimate that far out. There may be some new technical development that enables us to take away mercury in a new way that is cheaper; or an intractable problem that winds up more expensive. A nuclear cleanup at the 17 different major sites all around the country in 11 different States in our nuclear weapons complex, the original estimate of cleanup as I recall in committee, we would take care of the whole thing for $8 to $12 billion. That was in 1985, I believe. Here we are in 1995 and 10 years later it has gone up to $300 billion and it may go higher than that. That is how indefinite some of these estimates are.

So, while I would like to say that a CBO estimate of costs, whatever the total cost of the project is, that would trigger the point of order. Then we come up with the uncertainty of 10 years and we may be knocking a lot of things out that should be considered.

So, here we are on the floor working out things like this and trying to make acceptable language where we should have been able to do this in committee. I will not belabor that because we have already talked about it some today. I think we should take whatever time is necessary on the floor to work these things out because they are very, very real.

Now, on the other hand, too, let me make another caveat. That is this: This bill was never intended, nor was S. 993, the predecessor, intended to take care of absolutely every possible permutation, every possible what if that we could dream up. They were meant to, in most legislation where there were estimates and we knew what the estimates were within some factor of confidence, that in those which are probably 90 percent of the bills that go through here, we would have a process set up for CBO estimates and points of order to lie.

The distinguished Senator from Michigan who has gone into this legislation in, really, a lot more detail, I think, than almost any other Senator, I think is to be commended for bringing this up. And where possible we should work things like this out. I would come back to the original intent of unfunded mandates legislation, and that was to get our best estimates and if there were problems like this we bring them to the floor.

If a point of order lay because the total cost to this was $200 million and we had to have a point of order, fine, we would do that and get on with the conclusion of the bill in the best judgment of the Senate as to what should happen.

I do not know that we will be able to answer every what-if type problem on this. Certainly not now. And I only say one more time I wish we had more time to work this out in committee. That is where details like this are normally worked out rather than here on the floor taking up the time of the Senate.

Mr. LEVIN. Mr. President, the Senator from Ohio raises another issue. I want to discuss with him this question, and that is the outyears. As I understand this legislation, the Congressional Budget Office must estimate the direct cost of the mandate in all years in which the mandates are effective, once the threshold has been exceeded of $50 million in any of the first 5 years after its effective date. I am wondering if the Senator from Ohio would agree with me on that.

Mr. GLENN. I agree with that statement. I think that is correct.

Mr. LEVIN. If we can imagine a mandate which does not have a sunset provision or is not a 10-year authorization or not a 5-year authorization, it is just

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a permanent authorization, somehow or the other the CBO has to estimate the cost forever—forever—of that mandate on local government.

I want to ask the Senator from Ohio, who has perhaps had a better view of infinity than anyone in this body, whether he can conceive of forever, and how would the Congressional Budget Office possibly estimate the direct cost of a mandate, assuming that the threshold has been met, on local government for an indefinite period of time?

Mr. GLENN. Obviously, the answer is that nobody, not the Congressional Budget Office or anyone else, can go to infinity on their estimates. Normally around here, we do it for 5 years, and we rely on those estimates. Under the Budget Act, you have a number of points of order lie there. The 5-year estimates are what would normally be made here or whatever the mandate was, the length of time.

As far as how much it is going to cost out in the indefinite future, there is no way the Budget Office or anyone else can estimate that because of inflation, changes in technology, and a whole host of things.

Mr. LEVIN. My question then of the Senator from Ohio is, since this is not an estimate of the 5-year costs, once that threshold has been reached—strike the five. I want to change my 5-year time. I do not want to get two 5-year periods in here. It would just be confusing.

There is a 5-year threshold. If, in any of the first 5 years after the mandate is effective, there is a $50 million cost to State and local governments, at that point an estimate is triggered. The estimate, though, is not just for the 5 years.

Under the bill—and I think the Senator from Ohio just concurred with me on this—under the bill, the estimate is for all of the years that the mandate is in effect, and that is on page 23, lines 6 and 7: You must identify a specific dollar estimate of the full direct cost of the mandate for each year or other period during which the mandate shall be in effect under the bill.

There is no 5-year limit, there is no 10-year limit, there is no 20-year limit, there is no 50-year limit. If the authorization bill has no limit, then somehow or another the CBO is supposed to estimate the direct cost to local government for every year during which the mandate shall be in effect under the bill.

My question of the managers is, would they consider changing or amending this bill so that there would be some finite limit on that estimate, even if the authorization bill itself is not limited? I am wondering if either of the managers might comment on that question.

Mr. KEMPTHORNE. Mr. President, I am one who would advocate that Congress should not just establish some mandate in infinity.

Mr. LEVIN. Or without a limit of years.

Mr. KEMPTHORNE. I think Congress ought to revisit these issues a little more often than simply saying now that we impose this mandate, it is here for infinity.

Mr. LEVIN. I am wondering if the Senator is going to cosponsor my 10-year sunset on this bill.

Mr. KEMPTHORNE. No, but that is an interesting point. You make the point as to why we should not sunset S. 1, because we need to keep this process in place to deal with these issues. It is an interesting point. Again, I would be willing to sit down with you and pencil out what perhaps you are suggesting and see if there is some way to craft this.

Mr. LEVIN. I agree with my friend from Idaho, by the way, that authorization bills should have limits. But there is no saying that Senators cannot offer a bill that does not have a limit on the length of the authorization. They do it all the time. And if they do, under this bill, the Congressional Budget Office is required to make an estimate. The managers may not like those bills, I may not like those bills, but everyone has a right to introduce those bills, and if they introduce those bills, presumably they have a right to get an estimate.

My question is, how can the CBO make an estimate for each year during which the mandate shall be in effect if there is no 5-year or 10-year limit in the bill on the mandate? That is the question that I have of the managers. I am wondering if the Senator from Ohio might also be willing to entertain some kind of a limit on how far out the CBO has to estimate a mandate if there is no limit in the bill on the length of time that the authorization will be in effect.

Mr. GLENN. I say to my friend from Michigan, I do not have any answer to it right now. I think what you are bringing up is a very good point. Let us say, for instance, that we are not going to repeal the Clean Air Act, we are not going to say it only applies for a certain length of time and then take it off.

As the States get into implementation of the Clean Air Act, Clean Water Act, or whatever, their costs may be completely different from what was originally estimated. If so, they come back to us again and the appropriate committee should be cognizant of that and take action to make sure that is corrected so the States are not unfairly dealt with.

I tend to think that in most cases, on most legislation we would deal with, a 5-year estimate would be OK. You can bring up something else, though. What if we got into a situation like we were in about a decade ago—a little over a decade ago, about 15 years ago—where we had an inflation rate that ran 17 percent for a while? What if we got into a situation like that and the value of $50 million changes? We might have to come back with additional legislation to change that.

Right now, you are talking about, looking at your 10-year chart on the mercury problem and taking it over a 10-year period, as that $50 million threshold now becomes in actual current dollars worth $25 million, or something like that. I do not believe that has been addressed here either. I do not want to argue against our own bill.

There are problems like that, too, we do need to address in committee or either make corrections in this legislation that is on the floor or provide something that takes care of those variables for the future also.

Mr. LEVIN. Mr. President, the Senator from Ohio raises a very important question. I may offer an amendment to basically have an inflation factor built in so that we would reestimate every few years what that $50 million or $100 million or $200 million is to the nearest $10 million.

I have reserved a number of amendments, and one of those amendments will probably be that feature of factoring in the inflation factor, if needed, so we do not 10 years out from now have the same number.

The next question has to do with the range, the issue of range.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. Sure, I am happy to yield.

Mr. KEMPTHORNE. I would be happy to sit down and see what perhaps we could design here because if in fact what the Senator is suggesting is that rather than trying to have CBO give an estimate that is many, many years down there, that there can be updated reestimates by CBO so that we are being realistic in the funds that we are providing to the State and local governments to carry out that mandate. If that is what the Senator is suggesting, then I think we are headed in the right direction.

Mr. LEVIN. That is actually a related but somewhat different idea. If I have enough space on my amendments list, I intend to offer an amendment on this matter.

The Senator from Ohio raised the same question, and this is what it is. Let us assume the estimate is that it is going to be $50 million in each of the 5 critical fiscal years, and therefore the threshold has been met. Therefore, the language must be in the bill or it is subject to a point of order. That could be 10 years away, that period that is being estimated. And let us assume that 10 years down the road there is new technology, as my friend from Ohio said. Instead of it costing $50 million to address the mercury problem in

these incinerators, there has been a whole new technology designed and now all of a sudden it is $5 million.

By the way, a lot of the previous estimates of costs to State and local governments have been overestimates. This is not new, totally new what is going on here. We have already required by law that there be estimates of costs to State and local governments, and there have been hundreds of them, approximately 800 of them, in the last 12 years. A lot of those estimates have been overestimates.

Now I wish to get back to the topic because I am going to try to draft an amendment which would address this issue.

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

Mr. LEVIN. I am happy to yield.

Mr. GLENN. I said a moment ago it raised questions about its inflation impact.

That is provided for in this legislation. The $50 million goes up with a correction for inflation each year.

Mr. LEVIN. I am wondering whether or not the $200 million figure also goes up as well?

It does. All right. That is fine if there is an inflation factor already built in. I thank the Senator from Ohio.

Now, getting back to this question, let us assume that there is an estimate that the first affected year, the first fiscal year in which the mandate is in effect, let us say it is the year 2001. That is what CBO says. We have no better information. It is a guesstimate probably at best, the way a lot of these are going to be. But that is it. And so the threshold is now triggered.

At that point we have to put the critical language in the bill that, unless the Appropriations Committee in the year 2001 puts in $50 million to fund this particular mandate, an agency 5 years from now must reduce the level of this mandate or, if no money is appropriated, must take the local and State governments off the hook totally. That language must be in the authorization bill that is passed now for 10 years from now.

OK, now the CBO scores it, and they decide it is going to cost $50 million in the year 2001. That is their estimate—$50 million. Now, the fiscal year 2001 comes. The Appropriations Committee says: Wait a minute. There has been new technology for the last couple of years on the question of mercury. That will cost one-tenth of what they thought 5 years ago it was going to cost. There is brand new technology. And they ask the CBO in the year 2001 to rescore it. CBO says absolutely this thing is not going to cost $50 million; this thing is going to cost $5 million.

Under this bill, the agency is still required to reduce the mandate. Now, that is wasteful of taxpayers' dollars. I do not think we ought to be appropriating $50 million to anybody if $5 million will do the job. We are trying here presumably to create incentives to reduce costs to Government. In everything we do, we are trying to drive down costs to Government.

This language says unless we address it in some way that the Appropriations Committee has to appropriate $50 million in that year way down the road even though the CBO in that same year down the road tells us it only costs $5 million now because of new technology.

I ask my friends whether they will work with me on language which would allow the Appropriations Committee down the road to appropriate less if they have a CBO estimate down the road which says that circumstances have changed and it will not cost as much as was thought way back then when the estimate was originally made. I am wondering if the managers would work with me on such language.

Mr. KEMPTHORNE. Mr. President, if we were to work out the language, would the Senator then support the bill and vote for it?

Mr. LEVIN. If we could work out enough of these amendments, I would like to vote for this bill. I can assure my friend from Idaho that I supported the bill last year because I wanted to do something about these mandates. But we have to do it in a way which is effective, which does not waste taxpayers' dollars, because that is the last thing my friend from Idaho wants us to do, and in a way which allows us to function effectively as a legislative body.

So my answer is if we can work out enough changes in the bill that we have discussed, I would like to be able to support this bill.

Mr. KEMPTHORNE. Mr. President, as the Senator described it, if it is a situation where we are in essence providing more funds than are necessary to carry out the mandate, then, yes, we need to have a mechanism because that is taxpayers' precious money, and we do not want to abuse that by having it somehow go to purposes for which it is not intended.

Mr. LEVIN. I thank my friend for that, and I will be submitting language to the managers along this line.

Mr. KEMPTHORNE. One other point, if I may. There is a process there which is the rescission process by the agencies. The agency that has been duly noted by the authorizing committee would deal with that issue.

Mr. LEVIN. The rescission process is a complicated process, but there is that possibility.

The next question relates to range. Is the CBO allowed to estimate a range of cost?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. No; the intent is for the CBO to give us a specific on that number on that.

Mr. LEVIN. The reason I asked that question is because the Budget Committee on page 11 says that the committee—this is near the top of page 11 of the committee report.

> The committee is concerned about and recognizes the difficulty of making outyear estimates, particularly beyond the 5-year window. The committee notes that the new enforcement procedures are based on thresholds being exceeded. However, if a range of estimates is made and that range of estimates is less than to greater than the threshold, the committee believes the enforcement procedure should apply.

Which means that at least one of the two committees thinks that apparently a range is going to be made at times and is going to be provided instead of a specific dollar.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I know it was the Governmental Affairs Committee, and there seemed to be a concurrence and certainly a statement that you would take the higher number. So, again, you are not going to be dealing with a range but you take the higher number. That is why I think in this scenario they are saying if you have a threshold and someone is suggesting numbers that are less than or greater than the threshold, it is the larger number that you deal with. That would be the number that we would take.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, that is what this one committee report says. But last year, that was not agreed to in the Governmental Affairs Committee, may I say. That was the subject of great discussion in Governmental Affairs. There never was a resolution of that issue.

But there are two issues. First, is a range allowed and, if so, what is the number? And if we are saying if a range is given by CBO that, No. 1, it is going to be allowed, then we have to figure out what the number is and the bill should be explicit on that question. My understanding is that a specific amount is required in this bill. That is the language in the bill. Yet, we got a committee report that talks about the possibility of a range. So I think we have an inconsistency between the bill and the committee report.

But if a range is going to be permitted, then it seems to me the bill must be explicit as to what will be that magic, specific amount upon which a point of order is going to either lie or not lie. I must say, I do not see any logic in saying that if the range is from $10 to $60 million, we are going to assume for purposes of the point of order it is $60 million. Why not take the midpoint of the range?

I do not think there is any logic in saying the high point will govern anymore than there is in saying the low

point will govern. It seems to me the best approach will be to say the middle will govern. But it seems to me in any event this bill is not clear on the question of whether or not a range is going to be permitted, and that it is important that we do so. Otherwise, we could have wild ranges where the CBO—in some of these cases, believe me, it is not beyond the realm of imagination that the CBO is going to say this is somewhere between $10 million and $100 million.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I will be happy to.

Mr. KEMPTHORNE. In that hypothetical where you say it is between $10 million and $60 million, that you take the midrange, the reason that I would be an advocate that you take the larger range is because S. 1 is based upon the presumption we are going to provide the funds to State and local government, and therefore in order to protect them, you would take the larger range. Otherwise, we have a real possibility that we are underfunding.

Mr. LEVIN. The other possibility, if I may ask the Senator to yield, is that we are overfunding. We do not want to be appropriating more money or requiring the appropriation of more money than is needed to do the job. They are both unacceptable, either to appropriate less money, if it is our determination to fund the mandate, or to appropriate more money than required.

Mr. KEMPTHORNE. If the Senator will yield, then we do have a rescission procedure that is in place.

Mr. LEVIN. We also have subsequent appropriations which are possible, as well. We are trying to legislate now on the basis of an estimate. There is no logic in an estimate to say we are going to go with the high point of a range anymore than there is to say the low point of a range. But the important point is that the legislation be clear, and it is not.

If I can say to my friend from Idaho, if we want to allow a range, we should say so. If a range is going to be allowed, we should say what it is our intent that the estimate will be. That is simply my point. This bill is not clear on a very critical issue, which has been the subject of great debate.

Finally, on this issue, in last year's Governmental Affairs Committee, the committee agreed that the range issue would need to be resolved on the Senate floor when S. 993 was brought up for consideration. I urge the managers to clarify the range issue.

Mr. KEMPTHORNE. If the Senator will yield? I have been advised that CBO, with regard to the Budget Act, rarely uses ranges. And also, I remind all of us, with this process you do have the waiver. If there is something that comes up that you feel, therefore, you should bring to the floor to convince a majority of Senators that there is a reason to waive this point of order and those steps involved, you may do so. There is flexibility in this legislation.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, contrary to S. 993, I think this piece of legislation on which we had a debate last year—and I recall the Senator from Michigan was going to have a debate that dealt with some of this, this legislation—I believe what we provide here is that CBO will make an estimate. If they cannot make an estimate, they say they cannot make an estimate and that is it. And we do not provide for a range here, specifically. I think that is the way it should be.

If the range is of such order that CBO cannot estimate whether it is going to be above $50 million or not, then tell us that and that is part of the information we need, that it is that uncertain. So I think to try to force them into making an estimate of ranges, I would not favor that. I think it would be better this way, in this bill, where we provide for an estimate. If they cannot make an estimate that they say is within some range of being probable, then they tell us that and say they cannot make an estimate and that is part of our fact pattern here on the floor.

Mr. LEVIN. Is it then the intent of the Senator from Ohio that if the range estimate is made by the CBO, that that would be the same as no estimate?

Mr. GLENN. I think it would be very infrequent they would run into that type of situation where it would spread over our threshold. That is the question you are talking about. We are not talking about whether on a $50 million threshold the estimate is $75 or $100 million.

Mr. LEVIN. There are two questions.

Mr. GLENN. In either case. As long as CBO can tell us in their best judgment it is going to exceed the threshold, that is what we need to know, and have some estimate of that and give a figure. I think when we get into these ranges and you say what if the range is $10 million to $1 billion, for instance—just to pick numbers—then it is they could not possibly do that and it would be of no use to us here on the floor, anyway. So I think we are on solid ground saying either pick an estimate and that is the figure we hopefully rely on, or if they do not have any confidence in that figure, tell us that and they just cannot make an estimate.

Mr. LEVIN. Mr. President, I am wondering whether the Senator from Idaho would agree we should prohibit ranges in this legislation? What the Senator from Ohio is saying is we do not provide for ranges in this legislation. It was a much-discussed issue.

I know a lot of time has been taken this evening on this issue, probably 15 or 20 minutes already. More time was taken in committee and it was unresolved on last year's bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. The bill now is silent on this thing of ranges. It says CBO will make an estimate. That means to me they will make an estimate.

Mr. LEVIN. No range.

Mr. GLENN. No range, is the way I interpreted that myself. If they cannot do that, then they just tell us that and we take that into consideration.

Mr. LEVIN. I am wondering whether the manager of the bill and chief sponsor agrees with the interpretation of the Senator from Ohio?

Mr. KEMPTHORNE. Mr. President, again we are not plowing new ground here. We are following the procedures of the Budget Act. Again, I have been advised that rarely do they come up with a range.

If you have a range that is a wide range, from CBO, then I think perhaps the authorizing committee has not provided enough information so they can zero in on what that actual figure should be.

Mr. LEVIN. I am wondering whether the Senator from Idaho agrees with the Senator from Ohio that in effect a range is not permitted or authorized under this bill? And that if they cannot give a specific amount, that they must then say it is impossible to give a specific amount?

That is what the Senator from Ohio said. I am wondering whether the Senator from Idaho agrees with that interpretation of the manager on this side?

Mr. KEMPTHORNE. Again, right now, I do not think this legislation states what a range is—it is silent on that question.

Mr. LEVIN. The Senator from Ohio said in his judgment a range is not permitted under this bill and that if they cannot give a specific amount and can only give a range, that the CBO must tell us it is impossible to give a specific amount. That is what I understood the Senator from Ohio to be saying.

I am wondering whether or not the Senator from Idaho agrees with that interpretation?

Mr. KEMPTHORNE. No, I—again, I do not know if that is encouraging some vagueness. I think the authorizing committee would say narrow that range. If CBO comes back and says this is the figure or the figures, then that is their estimate. It does not create the presumption that they have not been able to provide an estimate.

Mr. LEVIN. One last question on the range. I think the sponsor of the bill is basically saying the bill is silent. The cosponsor of the bill, the Democratic manager, is saying in his view the bill would not allow for it. And I do not think that is the right way for us to legislate. I think this is the time to clarify that issue. It is an important issue, I can assure my colleague. It has been brought up in committee at some length.

In the event, I ask my friend from Idaho, there were a range given by the CBO, and that range were $100 million to $500 million, what then would be the specific amount that would have to be authorized in the bill in order for a point of order to be avoided?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, again, I would be more than happy to defer to a Senator who is on the Budget Committee to respond to this because again this is simply following that. So while this legislation is silent, CBO continually has been providing specific numbers. So I do not know to what extent this is going to really create that unusual problem and how many times. But in that event, again that number, or the CBO's estimate, comes back to the authorizing committee where they can deal with that and determine if they want to provide more information so CBO can then narrow it.

Mr. LEVIN. I thank my friend.

This is a very different process, may I say. The CBO would never have to determine whether or not there was a mandate that applied to local government, what year it is effective, and it was never required to create with the specificity that is going to be needed here to avoid a point of order, and involving appropriations what the estimate is of the cost to 87,000 jurisdictions.

Sure, the CBO has made estimates before. I mean we know they have made estimates for the cost to the Federal Government. But in this case there are 87,000 jurisdictions. They may have to do this in a matter of hours.

OK. Let me just plow on here.

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

Mr. LEVIN. I would be happy to.

Mr. GLENN. Mr. President, the way this is set up now is we are supposed to get our estimate from the CBO. They give that estimate then to the Budget Committee. The Budget Committee then has authority, as a range as I understand it—staff can correct me, if I am wrong on this—if the Budget Committee wished to, if the Budget Committee wanted to pick a figure in their wisdom, then that would be up to them to do that and recommend it to the Senate. I think that is the way it is provided for in the bill.

Mr. LEVIN. If the Senator will yield on that, when we are in committee before we get to the floor, all we have is the CBO's estimate.

Mr. GLENN. That is correct. But if the CBO has difficulty making an estimate or giving us a figure to go on, then it would be up to the Budget Committee to decide whether to give us the exact figure or to say there can be no figure. I think that is the way the bill is structured right now.

Mr. LEVIN. Then the bill would have to be amended to provide that the Budget Committee would get involved prior to the markup of the bill in committee. Because as I understand it, it is CBO that makes the estimate and the Budget Committee does not become involved until the bill gets to the floor.

Mr. GLENN. If the Senator will yield, I think he is correct. I think the way it would work is in the committee, when you are considering the bill, the Budget Committee would not be involved at that point. You would have a CBO estimate. There would be a range on that, and I would say the figure would apply. It is when you come to the floor. Then the Budget Committee is required to put their judgment, their imprimatur, their approval on what the CBO has given to the Budget Committee.

Mr. LEVIN. Unless the amendment of the Senator from Ohio is adopted that says that the point of order is at the end of the process instead of the beginning—in other words, the way the bill is currently, it would be out of order even to bring the bill to the floor with a range. There is not a specific amount in the bill.

Let me just keep going to the next ambiguity. Let us assume that the CBO has made an estimate. Somehow or other they make an estimate that a bill in each of the five fiscal years is going to cost $40 million. That is what the CBO estimates before the markup of the bill in committee, $40 million, in each of the five fiscal years. Nothing is triggered as I understand it. Is that correct?

A Senator now wants to offer an amendment in my hypothetical that says the following: This amendment that is in front of each of the managers says that because of a health emergency no new incinerator may be built within 300 yards of a school or hospital after October 1, 2005. That is an amendment to the bill. Again, the bill has to do with the levels of mercury.

Question No. 1. Can a Senator even get an estimate under this bill? Do we have a right as individual Senators to get CBO's estimate as to what that amendment could cost? And would the managers of the bill support language which would indicate that individual Senators have a right to get estimates since our amendments can live or die depending on whether we can get an estimate? If you cannot get an estimate, your amendment is out of order. You do not even get to the point of the amount of the estimate. If you cannot get an estimate, your amendment is out of order.

So will the Senator's support language which will allow an individual Senator or Member of the House to get an estimate so that his or her amendment can be in order?

Mr. KEMPTHORNE. Mr. President, yes. I would agree to that.

Mr. LEVIN. I thank my friend. That language is being worked on as we speak.

The next question is this: That amendment, let us say, is to be offered. I am an individual Senator. I get the CBO to give me the estimate, and, by gosh, it comes back that that amendment is going to cost $20 million per year in each of the fiscal years. Here is the situation we are now in. The bill says that mercury emissions change is going to be done by a certain year. CBO has scored it at $40 million a year. It is not above the threshold, and nothing is triggered. I come along now and offer this amendment on the setback. That is going to add $20 million in each year, and if adopted in committee by the committee. Now it comes to the floor.

My question is: Is the bill coming to the floor subject to a point of order for being above the threshold? CBO has scored the mercury emissions change at $40 million. The amendment adopted in committee would add $20 million. The question is, Is it in order for the Senate to consider that bill?

Mr. GLENN. Mr. President, it would be my opinion that once you exceed that threshold, that is a cost to the State that exceeds our Federal mandate for the threshold that is set and the point of order should apply, would be my opinion. I have not gone back to the fine print. But that would be what I think would be right because it would finally be going over the threshold of the State. That is what was set as our limit.

One other comment on the Senator's hypothetical. I would think the health emergency that he mentions here, bona fide emergencies, are exempted from consideration of a point of order under this. If this was let us say a Presidentially-declared emergency, that we have learned something new about mercury and whatever, and the distance from a school or whatever, if it was a Presidentially-declared kind of an emergency, then I think it would all be exempted from any requirements.

Mr. LEVIN. I would like to get to that issue of the emergency in a moment.

I am wondering if the Senator from Idaho would agree that that $20 million committee amendment would push this above the threshold so it would not be in order to bring this bill to the floor of the Senate, if a point of order was raised, without raising that point of order.

Mr. KEMPTHORNE. Yes, I would agree with that.

Mr. LEVIN. That raises two questions. One is, this is just a committee amendment, it has not been adopted by the Senate yet.

Mr. KEMPTHORNE. Would the Senator repeat that?

Mr. LEVIN. The committee has adopted the amendment that costs $20 million, but the Senate has not. Why

would it be out of order to bring the bill to the Senate floor?

Mr. KEMPTHORNE. Yes, perhaps I can clarify. I do not believe it would be out of order to bring the bill up. A point of order could lie against the amendment.

Mr. LEVIN. Well, the amendment is $20 million, and $20 million is under the $50 million threshold.

Mr. KEMPTHORNE. But it is the mechanism that causes the threshold to be exceeded.

Mr. LEVIN. Is the answer, then, if the amendment is adopted, then the bill would be subject to a point of order, or the amendment itself would be subject to a point of order?

Mr. KEMPTHORNE. It is my understanding that the amendment itself would be subject to a point of order.

Mr. LEVIN. Would the Senator from Ohio be willing to comment on that?

Mr. GLENN. State your question again, please.

Mr. LEVIN. The bill that comes out of the committee has a $40 million annual price tag in each of the 5 key years. There is a committee amendment which would add $20 million to each of the 5 fiscal years, if that amendment were adopted by the Senate, but it has not yet been adopted. The committee amendment is now offered in the Senate. Is that amendment subject to a point of order?

Mr. GLENN. No, it would not be. What my proposed amendment I put in earlier today would say is that we would have a point of order lie at the end of all consideration of the bill before a final vote. If there is a cumulative effect of exceeding the $50 million, then that would be voted on as a point of order at the end of the process.

Mr. LEVIN. Well, there seems to be two different opinions on this issue. I think that it is important that the language of the bill be clear as to whether or not a point of order would lie against a bill coming out of the Committee, which does not violate the threshold, before a committee amendment is considered.

Second, is the amendment of the committee subject to a point of order before it is even adopted? There are two different opinions on that issue from the managers, and I think that ought to be clarified. May I say that, in any event, it would be another reason why the amendment of the Senator from Ohio putting the point of order at the end is, I think, a wise approach to this.

Mr. President, on the emergency issue—and I see that the majority leader is on the floor, and I have a hunch that means he would like to see this colloquy come to an end. I think the managers may join him in that feeling because it has been a long day for them.

I will just ask this last question and we will pick this up tomorrow. If a bill says that there is an emergency situation, for instance, on the setback issue on the school, how would a President declare an emergency? In other words, if the bill itself says that there is an emergency and the President signs the bill, does that meet the test of this emergency requirement? The language on page 13 says "that the President designates as emergency legislation." I do not know of any mechanism for that to happen. "And the Congress so designates in a statute."

My question is: If the statute states that this is emergency legislation, would not the signature of the President to it satisfy subsection 6 on page 13? That is my question. If the answer is no, would the sponsors tell me how does a President designate legislation as emergency legislation? Does that mean we could not induce the legislation, that we would have to wait for some kind of a designation from the White House?

Mr. KEMPTHORNE. Mr. President, again, following the Budget Act, Senate bill No. 1 goes under the Budget Act. The current process is that the President would send a letter to Congress stating that there is an emergency. The Congress would then include in the legislation the statement that an emergency exists.

So it is a two-pronged approach. First, a letter from the President, and then the legislation which would include the acknowledgement of an emergency.

Mr. LEVIN. Then my understanding of the answer of the distinguished manager is that in order for this subsection to be invoked, and an exception to the point of order requirement or language be applicable, the President must initiate by letter legislation and designate it as emergency legislation, and we as individual Senators, or Members of the House, could not introduce legislation with that designation and avoid the point of order in the absence of that prior letter; is that correct?

Mr. KEMPTHORNE. Mr. President, that is the current procedure with the Budget Act. But I state to the second part of that, could not Congress initiate something—again, you could seek a waiver of the point of order. That may be your justification.

Mr. LEVIN. Mr. President, there have been a number of statements on the floor which are going to help me shape amendments. I think what I would like to do—again, I see the distinguished majority leader on the floor. I would at this point thank the managers of the bill for engaging in these colloquies. I think they are absolutely critical to clarify legislation which is going to affect just about every amendment and bill that comes to the floor, and new points of order are being created. We should think these through and make sure they are clear. Some of the amendments which I think now can be offered—some of which I believe will now have the support of the managers—perhaps will clarify that.

I yield the floor.

Mr. GLENN. Mr. President, I know the distinguished majority leader wants the floor shortly. But let me comment briefly here. I think Senator LEVIN has brought up a number of very good points. They are excellent points and things we should have worked out before we go ahead with this landmark legislation. It is landmark legislation. We are reversing a trend here of some 60 years, and we better do it right and make sure it is going to work.

When we talk about this on the floor—and I will not go through all of the arguments at this hour of the evening, but I doubt very much if we are going to be able to answer all of the very good questions with amendments by 3 o'clock tomorrow afternoon. I do not see how that is possible. We may want to think about this overnight and perhaps address this tomorrow. I am not saying this is an effort to delay this. These have been honest-to-goodness questions on how this would operate. There have been 5 or 6 points made to things we do not have the answers to, and we should try to get answers for as many things as possible.

I do not think we can take every possible "what if" and make sure everything is covered perfectly, because this bill was designed to be a general guidance-type bill. On the other hand, where specifics are brought up that indicate there would be a problem, I think it is incumbent upon us to address these things when we can. I am not proposing that we extend the time tomorrow for proposals that would deal with what the Senator from Michigan has brought up this evening. But I wanted to raise this as a possibility, because I do not think we are going to be able to put this all together by 3 o'clock tomorrow morning. Maybe the staffs can get together and we can talk about this tomorrow and see how we can work it out. I do not know whether the majority leader has been listening in his office or working on other things. I think he would have to agree that there are real questions that should be worked out before we lock this up for final passage. I open that up as a possibility for tomorrow that we want to consider some time tomorrow morning or tomorrow afternoon.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Ohio. We will work hard overnight as well to try to cast language for the additional amendments to address some of these issues and do our very best to meet the timetable.

Mr. DOLE. And, of course, if the amendments are offered, we can have a

discussion after 3. I guess the question would be whether there are some amendments that did not get offered. But if it is some critical amendment, then I think, under the order, the two leaders could agree to make an exception to the 3 o'clock cutoff, which, if it is a legitimate amendment, I think that is what we should do.

AMENDMENT NO. 178

Mr. MACK. Mr. President, the Senator from North Dakota raises some worthwhile points.

The formulation of monetary policy ought to be of interest to all of us, and he is right to raise questions.

I, too, have questions about the Fed's operation of monetary policy. I've been concerned for a long time that the Fed, despite its independence, was forced to meet more policy goals than it is capable of meeting.

In fact, Chairman Greenspan has told me in a public hearing that the Humphrey Hawkins Act forces the Fed to act in such a way that he believes is not in the long-term best interest of American jobs and the economy.

For this and other reasons, I plan to hold hearings in both the Joint Economic Committee and the Banking Committee to examine amendments to Humphrey Hawkins. The Senator from North Dakota will, I'm sure, be very interested in changing Humphrey Hawkins because such changes should keep interest rates much lower than we have been used to.

We ought to save this debate for a few more weeks and not delay passing the unfunded mandates bill. I can assure the Senator from North Dakota that the issue of monetary policy will be aired fully.

The Dorgan amendment should be tabled, and I encourage my colleagues to do so.

Mr. MACK. Mr. President, State and local governments have been paying billions of dollars to comply with unfunded Federal mandates since the 1970's. As the Federal budget gets tighter it becomes more tempting to pass legislation telling State and local governments how they must spend more and more of their resources. According to the Congressional Budget Office roughly 10 to 20 bills that are reported out of committees every year contain unfunded Federal mandates of over $200 million each. This seemingly endless stream of legislation imposing greater burdens on our cities and States is what prompted me to introduce legislation in the 102d Congress similar to what is being considered today.

The time is long overdue to focus attention not only on the benefits bestowed by legislation we pass, but also on the burdens imposed by the legislation. Some of this legislation, while noble and well-intended, has had the effect of thrusting Federal policymakers into the limelight as champions of a cause, while leaving the price tag for implementation with the State and local governments. Unfunded mandates place an unbearable strain on local budgets that are already burdened by local demand and, in effect, force backdoor tax increases to cover mandated costs.

State and local resources don't automatically rise whenever the Federal Government requires new spending. As a result, State and local priorities get subordinated. For example, suppose the top priority for the city of Tallahassee is combating drugs and crime, or they need to replace wornout firefighting equipment. When the Federal Government mandates that Tallahassee spend x dollars on housing and asbestos removal, or face heavy fines for noncompliance, they effectively scuttle the city's top priority. The dollars used to build housing or remove asbestos are not available for addressing drugs and crime or fighting fires.

Some local governments have responded to the crush of mandates by raising revenue through imposing greater fee for building permits, water and sewer hookups, and subdivision approvals. Localities have also imposed development impact fees that total thousands of dollars. The National Association of Home Builders estimates that the impact fees in the State of Florida total $5,000 per home.

In a State like Florida, the issue of unfunded Federal mandates is even more serious given the tendency by the Federal Government to ignore Florida's growth when determining the State's share of Federal funds.

This legislation will help us focus on a problem that has been growing for decades. In the future we will not pass legislation without knowing what it costs and who is going to pay for it. It is simply unfair to force State and local governments to choose between complying with Federal mandates and their more immediate local needs. I urge the swift passage of this important bill.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for morning business not to exceed 10 minutes.

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

POLAND'S OUTREACH TO THE EAST

Mr. PELL. Mr. President, recently, I had the pleasure of meeting with Mr. Michal Strak, the chief of the Office of the Polish Council of Ministers. Mr. Strak brought to my attention Poland's activities with regard to Poles living in the former Soviet Union, and I would like to share some of that information with my colleagues today.

With the end of the cold war, Poland has been able to reestablish links with ethnic Poles throughout the former Soviet Union. The Polish community in the New Independent States is comprised of descendants of Poles who were exiled there during the 1930's. Poles suffered great losses during World War II, due in part to the mass deportation of Polish citizens. Many were pressed into forced labor and others died of hunger and disease. Those who survived became victims of the Soviet system, isolated from their homeland. Until recently, their descendants have had few opportunities to learn the Polish language or culture.

Poland, which itself is undergoing major reform, maintains an active outreach program to the Polish community in the former Soviet Union—particularly Kazakhstan where more than 100,000 people of Polish origin reside. Many of these activities focus on language training, with Polish nongovernmental organizations providing Polish language teachers and textbooks, and the Polish Government offering scholarships for ethnic Poles to study in Poland. The Polish Government is also seeking to encourage and support business links between the Polish community in countries such as Kazakhstan and Poland.

These activities play an important role in helping the people of the New Independent States establish ties with the West. The Government of Poland is to be commended for its efforts to assist the Polish communities in their democratization and economic reform efforts.

TRIBUTE TO GERALD F. HAMRA

Mr. PRYOR. Mr. President, I would like to take a few minutes to pay tribute to a good friend and a favorite son of my home State of Arkansas. I am referring to Gerald "Jerry" Hamra, a man known as much for his charity and his devotion to family as he is for his success in the competitive world of fast-food franchising.

Jerry Hamra grew up as the son of a clothing salesman in Steele, MO. He likes to joke about his upbringing and his Lebanese heritage by referring to himself as "the rag merchant's son." Today, as chairman of the board and CEO of Wendy's of Little Rock, Inc., Jerry owns 33 Wendy's hamburger franchises in Arkansas—not bad for a rag merchant's son.

I once asked Jerry what led him to get into the hamburger business. He told me "I didn't have any choice—I had just gone belly up in a swimming pool franchise business and I needed the work." That statement belies the savvy and business acumen that we in Arkansas have come to equate with Jerry Hamra.

Jerry first came into Little Rock in 1974 and opened his first Arkansas-

based Wendy's in 1975. It was the beginning of a remarkable success story. He has been recognized time and again by Wendy's International for his commitment to excellence. In 1990, he received the business' highest honor when he became the first franchisee to be inducted into the Wendy's Hall of Fame.

Those of us who have known him for so long also know that the success of Jerry Hamra, the businessman, is directly linked to the life of Jerry Hamra, the human being. Jerry once told me that his priorities are "God, family, and then business—and business is way down on the list." His concern for people dictates his outlook on business. He is a big believer in hard work, and his pet peeves are a wrong order and an unclean facility. But on the opposite side, his favorite way of dealing with employees is to find a way to compliment them.

Jerry is also known for his love of children—other people's as well as his own. Locally, he is what you might call the pied piper of hamburgers. He always carries coupons for free burgers in his back pocket and passes them out to children wherever he sees them. But he has also shown that generosity and compassion for children on a much larger scale. In 1987, Jerry donated and dedicated the therapeutic pool at Arkansas Children's Hospital, the only one of its kind in Arkansas. In 1992 he was named Citizen of the Year by the Arkansas chapter of the March of Dimes.

Jerry Hamra is truly known in Arkansas as much for his benevolence and his many kindnesses to other people as he is for anything he has accomplished in the business world. He once told me he was so charitable because, as he put it, "Arkansas has given me so much, I can never fully pay it back." Well, on behalf of all Arkansans, I want to tell Jerry how grateful we are that, 20 years ago, he chose Arkansas as his home. Jerry is currently battling cancer, and I want him to know that he and his fine family are very much in the thoughts of the Pryor family and of countless people across the State of Arkansas. I know my colleagues join me in wishing Jerry a speedy recovery and continued success.

UNIVERSITY OF VIRGINIA CAVALIERS SOCCER TEAM

Mr. REID. Mr. President, approximately 1 year ago, on February 23, 1994, Senator WARNER remarked for this RECORD that the University of Virginia soccer team had reached an athletic pinnacle never before achieved: three successive NCAA national championships. I joined Senator WARNER and Senator ROBB in recognizing this team's achievement with special ceremonies in the U.S. Capitol and with President Clinton and Vice President GORE at the White House.

I mention this as a prelude to the Cavaliers' most recent achievement. On December 11, the Virginia Cavaliers soccer team defeated the Indiana Hoosiers by a score of 1–0 to claim an unprecedented fourth consecutive National College Athletic Association title.

The Washington Post reported that:

> The Cavaliers (22–3–1) certainly had a lot to overcome. Top ranked Indiana University (23–3) was considered to have the best chance at knocking off fifth-ranked Virginia, which some felt wasn't as strong as previous years. Midfielder Claudio Reyna, the nation's top player the previous two seasons, had left a year early to play for the 1994 U.S. World Cup team and then professionally in Germany.
>
> Indiana, on the other hand, had eight seniors who were hungry for a title after falling short of expectations in previous years. Its midfield also was rated as the nation's best [with two All Americans]. But none of that seemed to matter once the game started.

I was fortunate to attend the NCAA championship played at Davidson University in North Carolina. I can report without equivocation that the UVA Cavaliers showed grit, determination, and heart as they successfully defended their NCAA championship. Each team member displayed courage time and again in a season marked with obstacles and during a championship game described as "more like a rugby match than a soccer game."

The significance of this team's triumph was best summed up by head coach Bruce Arena, who commented that the team "accomplished something that may never be accomplished in Division I men's athletics again. We knew that things were a little tough going in, but great teams rise to the occasion, and that's what happened here."

Coach Bruce Arena and his fine staff—assistant coach George Gelnovatch graduate assistant coach Bob Willen, trainer Sue Foreman, and managers Elizabeth Williams and Brighid O'Donnell—are to be commended for their dedication and hard work.

Special recognition and attention must, Mr. President, be focused on the team's seniors. Each senior—a winner of four national titles—will long be remembered as the finest. A.J. Wood and Nate Friends as strikers were the best combination of speed, power, and finesse in the Nation. Clint Peay overcame injuries and a changed position to remain a star. Tain Nix played steady, stellar soccer all year.

The fine young men who make up the team are true role models for our youth, and they also deserve recognition and commendation. The names of all members of this great soccer team are to be included in the CONGRESSIONAL RECORD where they will become a permanent part of our Nation's history:

Tom Baker, defender, Plymouth, MI.

Ryan Borst, midfielder/defender, Ridgefield, CT.

Diallo Bryan, forward/midfielder, Silver Spring, MD.

Sean Feary, midfielder/defender, Fairfax Station, VA.

Mike Fisher, midfielder, Doylestown, PA.

David Fitzmaurice, midfielder, Arlington, VA.

Sam Franklin, midfielder, Arlington, VA.

Nate Friends, forward, Great Falls, VA.

Scott Hodge, goalkeeper, Oakton, VA.

Adam Jacoby, goalkeeper, Clifton, VA.

Stephen Johnson, forward/defender, Lexington, KY.

Matt Laughlin, midfielder, Fairfax Station, VA.

Matt Leanard, forward, Fairfax Station, VA.

Christian Nix, midfielder, Fairfax, VA.

Clint Peay, defender, Columbia, MD.

Mark Peters, goalkeeper, Winchester, VA.

Brandon Pollard, defender, Richmond, VA.

Key Reid, midfielder, Searchlight, NV.

Yuri Sagatov, goalkeeper, Fairfax, VA.

Andriy Shapowal, midfielder, Chagrin Falls, OH.

Damian Silvera, midfielder, Huntington, NY.

Joaquin Targhetta, midfielder, Reston, VA.

Billy Walsh, midfielder, Chatham Township, NY.

A.J. Wood, forward, Rockville, MD.

REGARDING PUBLIC TELEVISION FUNDING

Mr. INOUYE. Mr. President, I am deeply concerned about the statements made by Bell Atlantic and others concerning the so-called privatization of public broadcasting. In my view, the so-called privatization of public broadcasting could bring an end to the system of public broadcasting as we know it. While this may be the goal of certain legislators, this is not what the American people want. Three recent polls have concluded that the overwhelming majority of Americans support continued funding for public broadcasting.

I have always supported efforts to make public broadcasting more efficient and less costly. In the last Congress, I introduced a bill calling for a freeze in the authorized levels of funding for public broadcasting. Placing public broadcasting in the hands of private, corporate entities, however, would simply turn public broadcasting into more of the same advertising-driven, profit-motivated commercial broadcasting that we have today. Americans

already receive too much violence and profanity on the commercial broadcast stations. What America needs is more educational programming, more children's programming, more family-oriented programming. This is what public broadcasting provides.

There is no substitute for the programming provided by public broadcasting today. Cable television is received by only 60 percent of Americans, while public broadcasting reaches 98 percent of the American public. Almost twice as many children watch public television than watch similar programs on cable.

Congress spends only $1 per American per year on public broadcasting. This is a small price to pay for the education of our Nation's children and adults.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF DISASTER ASSISTANCE TO JAPAN—MESSAGE FROM THE PRESIDENT—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

I have directed the Secretary of Defense to provide appropriate disaster assistance to the Government of Japan in response to the devastating earthquake of January 17, 1995. As required by section 404 of title 10, United States Code, I am notifying the Congress that the United States commence disaster relief operations on January 18, 1995, at 11:06 p.m., eastern standard time. To date, the U.S. military has provided 37,000 blankets. In addition, the following information is provided:

1. Disaster relief assistance is being provided in response to an earthquake affecting Kobe and Osaka, Japan.

2. Reports indicate at least 3,100 people have died, nearly 900 are missing, over 16,000 are injured, and an estimated 240,000 are homeless. The destruction of basic physical infrastructure poses a threat to the lives of the survivors.

3. Currently, U.S. military involvement has been limited to 15 U.S. Air Force C–130 Hercules sorties. Further requests for U.S. military assistance in the form of transportation, supplies, services, and equipment are unknown at this time.

4. Switzerland is providing search and rescue dog teams. Assistance by other countries is unknown.

5. Anticipated duration of disaster assistance activities is unknown.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 20, 1995.*

MESSAGES FROM THE HOUSE

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution resolving that the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–183. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC–184. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC–185. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–186. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–187. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–188. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–189. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–190. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–191. A communication from the Chairman of the National Employment Opportunity Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–192. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–193. A communication from the Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–194. A communication from the HUD Secretary's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–195. A communication from the Deputy and Acting CEO of the Resolution Trust Corporation and the Chairman of the Thrift Depositor Oversight Protection Board, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–196. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report relative to unvouchered expenditures potentially subject to audit by the Comptroller General; to the Committee on Governmental Affairs.

EC–197. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–198. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–199. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–200. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–201. A communication from the Secretary of Education, transmitting, pursuant

to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–202. A communication from the Office of the Public Printer, Government Printing Office, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–203. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–204. A communication from the Secretary of the Interior, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–205. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–206. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–207. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–208. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–209. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–210. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–211. A communication from the Director of Selective Service, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–212. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–213. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–214. A communication from the Chairman of the U.S. Commission For the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–215. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–216. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–217. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–218. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–219. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–220. A communication from the Chair of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–221. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–222. A communication from the Chairman of the Corporation For Public Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–223. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–224. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–225. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–226. A communication from the Chairman of the U.S. Nuclear Waste Technical Review Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–227. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–228. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–229. A communication from the Chairperson of the Appraisal Subcommittee, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–230. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–231. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–232. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–233. A communication from the Chairperson of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–234. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–235. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–236. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–237. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–238. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1

through September 30, 1994; to the Committee on Governmental Affairs.

EC-239. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-240. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-241. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-242. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-243. A communication from the Chairperson of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

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. PRYOR (for himself, Mr. GRASSLEY, Mr. REID, Mr. BRYAN, Mr. HATCH, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. NICKLES, Mr. EXON, Mr. COCHRAN, Mr. GLENN, Mr. COHEN, Mr. JOHNSTON, Mr. LOTT, Mr. KERRY, Mr. SMITH, Ms. MIKULSKI, Mr. SARBANES, Mr. SIMON, Mr. KYL, and Mr. DASCHLE):

S. 258. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Finance.

By Mr. INOUYE:

S. 259. A bill for the relief of the Persis Corporation; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 260. A bill to provide for the protection of books and materials from the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. 261. A bill to authorize the Secretary of Commerce to permit the use and occupancy of certain lands within the jurisdiction of the National Oceanic and Atmospheric Administration for recreational and public uses; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself, Mr. GRASSLEY, Mr. REID, Mr. BRYAN, Mr. HATCH, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. NICKLES, Mr. EXON, Mr. COCHRAN, Mr. GLENN, Mr. COHEN, Mr. JOHNSTON, Mr. LOTT, Mr. KERRY, Mr. SMITH, Ms. MIKULSKI, Mr. SARBANES, Mr. SIMON, Mr. KYL, and Mr. DASCHLE):

S. 258. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Finance.

THE TAXPAYER BILL OF RIGHTS II

Mr. PRYOR. Mr. President, I am very sorry my colleagues and chief cosponsor of the Taxpayer Bill of Rights II, Senator GRASSLEY of Iowa, has been detained. He is at the White House. I think later in the day he will speak on this subject matter.

Mr. President, over the past several years, there has been extensive debate over ways to achieve tax fairness for middle-income Americans. Proposals are most often costly, and very, very partisan. But there is one legislative package helping taxpayers, Mr. President, that transcends political boundaries and costs very little—we call it the Taxpayer Bill of Rights II.

So, as the debate once again heats up on ways to achieve tax fairness for middle-income Americans, I want to draw attention to this legislation which will help bolster taxpayer confidence in dealing with the Government by ensuring taxpayers are treated fairly by the tax collector—the Internal Revenue Service.

Mr. President, many of my colleagues in the Senate today were not here in 1988 when Congress passed, and President Reagan signed into law, the first Taxpayer Bill of Rights. That bill was the first ever comprehensive piece of legislation enumerating the rights of taxpayers. For example:

The right of the taxpayer to be informed of their rights;

The right of the taxpayer to rely on written advice of the IRS;

The right of the taxpayer to representation; and

The right of the taxpayer to recover civil damages and attorneys fees from the IRS.

I might note that this particular legislation, the Taxpayer Bill of Rights, which was signed into law in 1988, was the very first piece of legislation throughout recorded American history that gave the taxpayers of America their due rights.

Mr. President, these basic, commonsense provisions were codified by the first Taxpayer Bill of Rights. The battle waged by a strongly bipartisan coalition for their codification was hard fought and their ultimate enactment was a giant first step for the American taxpayer. But the time is overdue to more fully develop and expand these rights.

Mr. President, the Taxpayer Bill of Rights II is the next natural step which builds on the first effort in 1988.

In 1992, I first introduced the Taxpayer Bill of Rights II with a considerable bipartisan backing of 52 of my colleagues. The bill passed Congress twice that year but was ultimately vetoed because it was included as part of two large tax bills with which President Bush did not agree.

Since these two bills were vetoed, the Senate has not had the opportunity to consider the Taxpayer Bill of Rights II. However, Mr. President, I believe the time is now to enact this legislation, and I am committed to work along side my friend and colleague Senator GRASSLEY to push taxpayer rights forward and in the coming months to look for additional ways to ensure the IRS treats taxpayers with respect.

Today, Senator GRASSLEY and I come to the floor, once again, with a strong bipartisan contingent in support of this bill—20 cosponsors—12 Democrats and 8 Republicans—a bill which builds on the foundation laid by the original Taxpayer Bill of Rights and is the next natural step in requiring the IRS to achieve higher standards of accuracy, timeliness, and fair play in providing taxpayer service.

The Taxpayer Bill of Rights II achieves these new standards through 27 provisions, including:

First, expanding the authority of the taxpayer advocate to prevent hardships on taxpayers.

Second, create the right in small taxpayers to an installment agreement, and further, rights when installment agreements are denied or terminated.

Third, require the IRS to abate interest when it has made an unreasonable error or delay, and enable the courts the power to review the interest abatement determination.

Fourth, increase the rights of taxpayers to recover civil damages against the IRS when it has acted negligently or recklessly.

Fifth, strengthen the code so a taxpayer may recover out-of-pocket costs incurred in a case in which the IRS position was not substantially justified.

Sixth, and, prohibit the IRS from issuing retroactive proposed regulations unless the Congress provides otherwise.

These are some of the examples of the 27 provisions that Senator GRASSLEY and our 20 cosponsors in the Senate in a bipartisan effort will bring to this body for action later in this session.

Mr. President, the Taxpayer Bill of Rights II contains many more commonsense provisions designed to safeguard the rights of taxpayers, and I believe, will work to instill some confidence into our system of taxation.

Mr. President, joining me later in the day, as I have mentioned, is my friend

and colleague, Senator GRASSLEY. We worked very hard on these provisions in the past, and we look forward to our work in the future.

Let me name one other individual who has worked very, very hard in this field and that, of course, is Senator HARRY REID of Nevada.

Senator REID came from the House of Representatives to the Senate. Mr. President, one day I was presiding in the chair when the Democrats had control of the Senate. I noticed over to my far extreme right that Senator REID of Nevada was making his very first maiden speech in the Senate. And it was about taxpayers' rights. I, too, had been interested in this issue. I called for a page to come up, and I handed the page a note. I said, "HARRY REID, I want to work with you on this provision that you are so concerned about." Ultimately, Senator REID, Senator GRASSLEY, Senator LEVIN, and many of us worked through the course of that year in developing the Taxpayer Bill of Rights I, which was in fact signed into law.

So it has been a great pleasure and honor to have worked with these fine Members of the Senate, I must say in a very bipartisan way. As the Finance Committee continues its march of progress, let us say during the next several months, I look forward to the development now of Taxpayer Bill of Rights II and working with my colleagues on both sides of the aisle.

Mr. President, I think there are other Senators who seek recognition.

• Mr. BRYAN. Mr. President, I am pleased to once again sign on as a cosponsor to the bill introduced by Senator PRYOR, the taxpayer bill of rights II. I was a cosponsor of this important legislation in both the 102d and 103d Congress.

Over the years, many have cited abuses by the IRS during tax audits and collection. Aware of these types of problems, Congress passed the taxpayer bill of rights in 1988. While the original bill was in many ways successful, it is clear that further action is necessary.

The taxpayer bill of rights II builds on the success of the original bill, and provides taxpayers with expanded protections against improper collection techniques. This legislation expands protection for taxpayers by requiring the IRS to pay legal fees when it loses in court, increases from $100,000 to $1 million the cap on damages a taxpayer can collect from the IRS, and revokes the agency's authority to issue retroactive regulations.

The bill also establishes a better taxpayer advocate within the IRS who will have the authority to intervene and help taxpayers' cases, and increases taxpayers' ability to get a fair hearing in disputes with the IRS.

It is unfortunate that this bill is necessary; however, in such a monumental task as collecting taxes it is inevitable that there will be mistakes made. This bill will help to ensure that taxpayers are not forced to pay for the mistakes for which they had no control over.

I have heard too many times from anguished constituents in Nevada regarding their dealings with the IRS. While dealing with discrepancies with the IRS is never an enjoyable experience, once this bill becomes law taxpayers will finally have their rights protected.

In past sessions of Congress, this bill has received overwhelming bipartisan support. I am hopeful that we can again join together, pass this bill and give taxpayers the rights that they deserve.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.•

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

TAXPAYER BILL OF RIGHTS II (T2)

A.—TAXPAYER ADVOCATE

Section 101. Establishment of Position of Taxpayer Advocate within Internal Revenue Service. The Office of the Taxpayer Ombudsman was statutorily created in 1987 in the Omnibus Taxpayer Bill of Rights. The Ombudsman is presently hired by and reports directly to the IRS Commissioner.

T2 will replace the Ombudsman with the new Office of Taxpayer Advocate which will have expanded authority as provided in A.2 below. The Taxpayer Advocate will continue to be hired by and report to the IRS Commissioner.

Presently, the Office of the Taxpayer Ombudsman carries out its duties and responsibilities in the local field offices through the Problem Resolution Office (PRO). However, PROs are hired, supervised, reviewed, and promoted by the local IRS District Director, not the Ombudsman. T2 will provide that the PRO will report directly to the Office of Taxpayer Advocate.

T2 will require the Taxpayer Advocate to provide the Committee on Ways and Means of the U.S. House of Representatives and the Committee on Finance of the U.S. Senate two annual reports. The first report is on the activities of the Taxpayer Advocate during the previous fiscal year. The report must identify the initiatives the Taxpayer Advocate has taken to improve taxpayer services and IRS responsiveness, contain recommendations received from individuals who have the authority to issue a TAO, contain a summary of at least 20 of the most serious problems which taxpayers have in dealing with the IRS, describe in detail the progress made in implementing these recommendations, include recommendations for such administrative and legislative action as may be appropriate to resolve such problems, and to include other such information as the Taxpayer Advocate may deem advisable. The Commissioner is required to establish procedures that will ensure a formal IRS response to all recommendations submitted by the Taxpayer Advocate. The first report is due not later than December 31 for each fiscal year after September 30, 1995.

In the second report, the Taxpayer Advocate must furnish to the tax writing committees its annual objectives, not later than December 31 of each calendar year after 1994.

All reports should contain full and substantive analysis, in addition to statistical information.

Effective Date.—The provision is effective on the date of enactment except for the specified due dates of the above reports.

Section 102. Expansion of Authority of the Taxpayer to Issue Taxpayer Assistance Orders. Under current law, section 7811(a) authorizes the Taxpayer Ombudsman to issue a Taxpayer Assistance Order (TAO) if, in the determination of the Ombudsman, the taxpayer is suffering or about to suffer a "significant hardship" as a result of the manner in which the tax laws are being administered by the Secretary.

T2 eliminates the qualifier of "significant" hardship from section 7811 to allow PROs to assist taxpayers in avoiding hardship before it occurs since the standard of "significant" hardship presupposes that a taxpayer must be some degree of hardship before any relief can be afforded.

Currently under section 7811(b), a TAO allows a PRO to "cease any [IRS] action" with respect to a taxpayer. However, section 7811(b) does not allow the terms of a TAO to authorize affirmative steps to help a taxpayer.

T2 will authorize the terms of a TAO to "cease any action, take any action" with respect to a taxpayer, and therefore, allow a TAO to both stop IRS action and to take affirmative steps with respect to a taxpayer. For example, the Taxpayer Advocate's new scope of power will specifically include, but not be limited to, the authority to (1) abate assessments, (2) grant refund requests, and (3) stay collection activity. Further, a TAO may specify a period of time within which the TAO must be followed. The Taxpayer Advocate will have the power to grant authority to his or her designees (i.e., the Problems Resolution Officers).

Current law provides that a TAO may be modified or rescinded by the Ombudsman, a district director, a service center director, a compliance center director, a regional director of appeals, or any superior of such person.

T2 provides that a TAO may be modified or rescinded only by the Taxpayer Advocate and/or the IRS Commissioner.

Effective date.—The provision is effective on the date of enactment.

B.—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS

Section 201. Taxpayer's Right to Installment Agreement. T2 amends section 6159 to provide that, upon request, an individual taxpayer has an automatic right to an installment agreement if the taxpayer has not been delinquent in the previous 3 years and the liability is under $10,000.

Effective date.—The provision is effective for installment agreements entered after the date of enactment.

Section 202. Running of Failure to Pay Penalty Suspended During Period Section 111 Installment Agreement in Effect. Under present law, a taxpayer is subject to "failure to pay" penalties even though he of she has agreed to pay his or her tax liability with interest by entering into an installment agreement.

T2 will amend current law to prevent the IRS from imposing the "failure to pay" on installment agreements, under section 111 above, where the taxpayer requests an agreement on or before the due date of the tax return.

Effective date.—The provision is effective for installment agreements entered after the date of enactment.

Section 203. Notification of Reasons for Termination of Installment Agreements. Section 6159(b)(3) presently requires the IRS

to give the taxpayer a 30-day notice before terminating an installment agreement, if it is determined that the financial condition of the taxpayer has significantly changed. However, no notice is required if the taxpayer defaults for any other reason. In these cases, the IRS may unilaterally terminate the installment agreement with no notice to the taxpayer.

T2 will require the IRS to provide a taxpayer with a 30-day notice before terminating an installment agreement for any reason except when the collection of the tax is determined to be in jeopardy. In addition, T2 will require the notice to include the reason(s) why the IRS considers the installment agreement to be in default.

Effective date.—The provision is effective six months after the date of enactment.

Section 204. Administrative Review of Termination or Denial of Request for Installment Agreement. Under present law, a taxpayer has no right to an independent review of a termination or denial of his request for an installment agreement.

T2 will require the IRS to establish procedures for an independent administrative review of a termination of or denial of a request, for an installment agreement. T2 will also require the IRS to provide a written response to a taxpayer who requested an installment agreement. The written response must state the decision of the IRS and the basis for such decision. Finally, T2 will require the IRS to include in the instructions for filing Federal income tax returns the rules and procedures for requesting installment agreements.

Effective date.—The provision is effective January 1, 1996.

C.—INTEREST

Section 301. Expansion of Authority to Abate Interest. Section 6404(e)(1) (Assessment of interest attributable to errors and delays by the IRS) provides "the Secretary may abate" interest on "any deficiency in whole or in part to [due to] any error or delay by an officer or employee of the IRS (acting in his official capacity) in performing a ministerial act".

The ministerial act requirement too narrowly limits the possibility of relief to the taxpayer with the result that the IRS does not abate interest even if it is the IRS' fault. Further, IRS rejection of a taxpayer request to abate interest cannot be reviewed because section 6404(e)(1) provides no authorization for courts to review an IRS rejection and no appropriate standard of review. The resulting interest assessment may be especially onerous on small taxpayers who do not have cash on hand to invest in anticipation of paying future tax assessments.

T2 will provide that for qualified small taxpayers, as defined in section 7430(c)(4)(A)(iii), the Secretary must abate or refund interest when the IRS has made an unreasonable error or delay. This will allow courts to review the IRS determination on the abatement of interest issue for small taxpayers. For nonqualified "larger" taxpayers, courts will still not be allowed to review the IRS determination on the interest abatement issue, however, the new standard of review will allow the IRS more flexibility in providing relief.

Section 302. Extension of Interest-Free Period for Payment of Tax After Notice and Demand. When the IRS sends a first notice requesting payment to a taxpayer, section 6601(e) provides a 10-day interest-free period from the date of the notice. The 10-day requirement is virtually impossible to meet given delivery time to and from the taxpayer attempting to timely remit payment.

T2 will extend taxpayers' interest-free period for payment of the tax liability reflected in the first notice from 10 days to 21 days, when the total tax liability on the notice of deficiency is less than $100,000.

Effective date.—The provision applies in the case of any notice and demand given six months after the date of enactment.

D.—JOINT RETURNS

Section 401. Disclosure of Collection Activities. Present law does not allow the IRS to inform either spouse as to the efforts of the IRS to collect the tax liability from the other spouse.

T2 will permit that, if either spouse or former spouse makes a written request, the IRS is required to disclose in writing whether the IRS has attempted to collect the deficiency from his or her spouse or former spouse, the general nature of such collection activities, and the amount collected. The IRS may refuse such request in cases where disclosure of such information may result in the threat of physical danger or harassment to a taxpayer.

Effective date.—The provision is effective on the date of enactment.

Section 402. Joint Return May Be Made After Separate Returns Without Full Payment of Tax. Under section 6013(b)(2), taxpayers, who file separate returns and subsequently determine that their tax liability would have been less if they had filed a joint return, may not reduce their tax liability by filing jointly unless they are able to pay the entire amount of the joint return liability before the expiration of the 3-year period for making the election.

T2 will repeal the provision requiring full payment of the tax liability as a precondition to taxpayers switching from married filing separately to married filing jointly status.

Effective date.—The provision applies to taxable years beginning after the date of the enactment.

E.—COLLECTION ACTIVITIES

Section 501. Modifications to Lien and Levy Provisions. A Notice of tax lien provides public notice that a taxpayer owes the government money. Section 6326(b) requires the IRS to issue a Certificate of Release for such notices for erroneous liens only. This extremely narrow language prevents the IRS from issuing the Release on premature or incorrectly filed liens.

T2 will give discretion to the IRS to remove such liens without prejudice when (1) the filing of the notice was premature or not in accordance with administration procedures of the IRS; (2) the taxpayer has entered into an installment agreement for the payment of the tax liability with respect to the tax on which the lien is imposed; (3) the withdrawal of the lien will facilitate the collection of the tax liability; or (4) the withdrawal of the lien would be in the best interest of the taxpayer and the United States (with the best interests of the taxpayer to be determined by the Taxpayer Advocate).

T2 will require that, upon written request by the taxpayer in the 4 cases cited above, the IRS shall make prompt efforts to notify the credit reporting agencies specified that the notice has been withdrawn. T2 will also require the IRS to return levied-upon-property to the taxpayer in the 4 above cited cases.

T2 will raise the levy exemption amounts of $1500 for personal property and of $1100 for equipment and property for a trade, business, or profession, which were set in 1990, to the present indexed amounts of $1750 and $1250, respectively.

Effective date.—The provisions are effective on the date of enactment.

Section 502. Offers-in-Compromise. Section 7122 provides that the IRS may settle a tax debt pursuant to an offer-in-compromise. Amounts over $500 can be accepted only if the reasons for the acceptance are documented in detail and supported by an opinion of the IRS Chief Counsel. Further, section 6103(k) requires public disclosure of the names of taxpayers whose tax debts are compromised, as well as the amount owed and the amount accepted by the Government. These burdensome requirements result in the IRS not pursuing the offer-in-compromise route in settling even small tax disputes.

T2 will provide that, in cases where the unpaid tax assessment is less than $50,000, the opinion of the IRS Chief Counsel is not required. However, the IRS shall subject these offers-in-compromise to an IRS quality review. Further, T2 will amend 6103(k) to provide that in cases where the unpaid tax assessment is less than $50,000, the offer-in-compromise will not be subject to public disclosure.

Effective date.—The provision is effective on the date of enactment.

Section 503. Notification of Examination. Presently, in many cases, the IRS is approaching taxpayers, requesting books and records, but not notifying taxpayers of examination. If the taxpayer is contacted and the agent requests to review the taxpayer's books and records, a written notice, followed by an examination report, should be required.

T2 will amend section 7605 to require that the IRS give the taxpayer written notice that the taxpayer is under examination. The notice will be required for examinations under all sub-titles of the Code. Such notice will include an explanation of the process as described in section 7521 (explanation of examination process, right to be represented by an attorney, etc.).

Effective date.—The provision is effective on the date of enactment.

Section 504. Increase in Limit on Recovery of Civil Damage. Section 7433 caps civil damage awards for unauthorized collections actions against the IRS at $100,000. Section 7433 also limits recovery to reckless and intentional" actions of the IRS.

T2 will increase the $100,000 cap for "reckless and intentional actions" to $1 million, and in addition, T2 will include recovery for "negligent" actions of the IRS capped at $100,000.

Effective date.—The provision applies to actions by IRS employees that occur after the date of enactment.

Section 505. Designated Summons. T2 requires that issuance of any designated summons with respect to a corporation's tax return be preceded by review of such issuance by the Regional Counsel, Office of Chief Counsel to the IRS, for the Region in which the examination of the corporation's return is being conducted.

In addition, T2 requires that the corporation whose return is in issue be promptly notified in writing in any case where the Secretary issues a designated summons (or another summons, the litigation over which suspends the running of the assessment period under the designated summons procedure) to a third party. It is expected that the IRS generally will meet this requirement by issuing such notice on the same day that it issues such summons, and by transmitting such notice to the corporation in a manner reasonably designed to bring it to the prompt attention of an agent of the corporation responsible for communicating with the IRS in connection with the examination.

Effective date.—This provision applies to summonses issued after date of enactment.

F.—INFORMATION RETURNS

Section 601. Phone Number of Person Providing Payee Statements Required to be Shown on Such Statement. Taxpayers frequently need to contact payors issuing information returns in order to resolve disputes. Presently, information returns (e.g. W-2s, 1099s, etc.) require only the name and address of the payor.

T2 will require the payor to also provide the phone number of the payor's information contact. Payors may have the option of providing the name of its customer service department, if appropriate, an Form 1099.

Effective date.—The provision applies to statements required to be furnished after December 31, 1993 (determined without regard to any extension).

Section 602. Civil Damages for Fraudulent Filing of Information Returns. Some taxpayers have suffered significant personal loss and inconvenience as the result of the IRS receiving fraudulent information returns. These false returns have been filed by payors whose intent is to defraud the IRS or to harass taxpayers.

T2 will provide that, if any person files a false or fraudulent information return with respect to payments made to another person, with the intent of either defrauding the IRS or harassing another person, the other person may bring a civil action for damages against the person filing such return. Further, T2 will provide that damage awards in such cases be at least $5000, and that the plaintiff must bring action within 6 years from the time the fraudulent return was filed with the IRS.

Effective date.— The provision applies to false or fraudulent information returns filed after the date of enactment.

Section 603. Requirement to Conduct a Reasonable Investigation of Information Returns. Section 6212(a) authorizes the IRS to determine tax deficiencies. The term "determine" is not defined in the Code, and until recently, courts have declined to inquire whether or not, and how, the IRS made its determination. Further, courts have begun to chip away at the long-standing presumption of correctness afforded deficiency notices.

T2 will amend section 6212(a) to provide that a "determination" must be "a thoughtful and considered determination that the United States is entitled to an amount not yet paid." *Portillo* v. *Commissioner*, 832 F. 2d 1128 (5th Circuit 1991). If the IRS fails to make a thoughtful and considered determination, then the notice of deficiency will be invalid.

T2 will provide that where the taxpayer asserts a reasonable dispute with respect to any item of income reported to the IRS on an information return, the IRS, not the taxpayer, will bear the burden of proof in any deficiency or refund proceeding absent a showing that the IRS conducted a reasonable investigation of the facts surrounding the taxpayer's return.

Effective date.—The provision is effective on the date of enactment.

G.—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX

Section 701. Preliminary Notice Requirement. Section 6672 imposes personal liability on those persons who are required to collect employment taxes ("responsible officers") and who willfully fail to pay over these taxes to the IRS. The Code additionally provides for a 100% penalty on responsible officers failing to pay over such taxes. Taxpayers who may be responsible persons are assessed the taxes owed and the penalty without the right to an administrative review.

T2 will require the IRS to issue a preliminary notice which will give the taxpayer the right to an administrative appeals hearing.

Effective date.—The provisions applies to failures occurring after the date of enactment.

Section 702. Disclosure of Certain Information Where More Than One Person Subject to Penalty. The IRS may recover more than the amount owed under section 6672 (since each responsible person is jointly and severally liable). There is no procedure to ensure that the IRS does not collect more than 100% of what is owed.

T2 will require that a person liable for a section 6672 penalty may request, in writing, that the IRS disclose any other person who is liable for such penalty along with general nature of the IRS' collection activities.

Effective date.—The provision is effective on the date of enactment.

Section 703. Penalties Under Section 6672. Under current law, unpaid, volunteers, who serve on boards of tax-exempt organizations, may be held liable for the 100% penalty depending on the duties and roles of the individual involved.

T2 provides that the 100% penalty will not be imposed on unpaid, volunteer members of any board of trustees or directors of a tax exempt organization.

T2 will also require the IRS to develop materials to better inform employees and volunteers of their responsibilities under the law.

H.—AWARDING OF COSTS AND CERTAIN FEES

Section 801. Motion for Disclosure of Information. Once a taxpayer has substantially prevailed in his case with the IRS, he may file a petition for an order requiring the disclosure of all information and copies of relevant records in the possession of the IRS with respect to the taxpayer's case and the substantial justification for the position taken by the IRS.

Effective date.—The provision is effective for notices made and proceedings commenced after the date of enactment.

Section 802. Increased Limit on Attorney Fees. T2 will amend section 7430 to provide that reasonable fees incurred for the services of qualified taxpayer representatives shall not be indexed for inflation occurring since 1981, currently $110 per hour, and this amount shall be indexed to inflation in the future.

Effective date.—The provision applies to notices made and proceedings commenced after the date of enactment.

Section 803. Failure to Agree to Extension not taken into Account. Section 7430 requires the taxpayer to exhaust all administrative remedies before costs may be awarded. T2 provides that a taxpayer's failure to agree to an extension of time shall not be taken into account in determining whether a taxpayer has exhausted his or her administrative remedies.

Section 804. Authority for Court to Award Reasonable Administrative Costs. Section 7430 provides for the recovery of administrative costs incurred on or after the earlier of the receipt of the final decision of IRS Appeals or the statutory notice of deficiency. Because, generally, no administrative costs are incurred after this period, the provision is ineffective.

T2 remedies the statute by deleting the time limitations on the recovery of costs and by providing that the court may in its discretion determine the commencement date of the running of administrative costs on a case by case basis.

I.—OTHER PROVISIONS

Section 901. Required Content of Notices. Section 7522 (Content of tax due, deficiency, and other notices.) requires the IRS to clarify certain notices by identifying and describing the basis for any tax due, as well as any interest and penalties assessed. However, the IRS is not required to separately set forth, in the notice, the components and explanation for each adjustment.

T2 will amend section 7522 to require that the IRS set forth the components and explanation for each specific adjustment which is the basis for the total tax deficiency.

Section 902. Relief from Retroactive Application of Treasury Department Regulations. T2 will generally require that temporary and proposed regulations issued by the Treasury Department are to effective prospectively from the date of filing with the Federal Register except: (1) temporary or proposed regulations may take effect from the date any notice which substantially describes the regulation is issued to the public, (2) Congress may explicitly authorize Treasury to prescribe the effective date, (3) Treasury may issue retroactive temporary or proposed regulations to prevent abuse of the statute, (4) Treasury may issue retroactive temporary, proposed, or final regulations to correct a procedural defect in the issuance of a regulation, (5) Treasury may provide that taxpayers may elect to apply a temporary or proposed regulation retroactively.

Effective date.—The provision applies with respect to any temporary or proposed regulation published on or after January 5, 1993, and any temporary or proposed regulation published before January 5, 1993, and published as a final regulation after that date.

Section 903. Required Notice of Certain Payments. T2 will provide that, if the IRS receives a payment from a taxpayer and cannot associate that payment with any outstanding tax liability, then the IRS must make reasonable efforts to notify the taxpayer of such inability within 60 days after receipt of such payment.

Mr. GRASSLEY. Mr. President, as many taxpayers are struggling in the midst of the current tax filing season, the issue of taxpayer's rights takes on a special importance. Although most IRS employees provide valuable and responsible service, taxpayer abuse by the Government is an ongoing problem. With this in mind, I am very happy to be joining Senator PRYOR and others in reintroducing the taxpayer bill of rights II. This is very necessary legislation that builds upon the original taxpayer bill of rights that we passed into law in 1988.

I was unable to be here earlier today when the bill was introduced because I was taking part in the President's signing ceremony of the Congressional Accountability Act, of which I am the lead Senate sponsor. But, I'm glad to be here now to offer my strong support to this ongoing effort.

Mr. President, for me, the long process of trying to ensure taxpayer protections began in the early 1980's, when I was a member and then chairman of the Finance Subcommittee on IRS Oversight. We made progress, but it was only the beginning.

Senator PRYOR continued the cause when he succeeded me as chairman in 1987. At that time, he took the initiative and asked me to work with him in pushing for a taxpayer bill of rights by expanding legislation I and others had introduced. It took nearly 2 years, but we ultimately succeeded in achieving this goal.

We now have a 6-year record of implementation regarding the taxpayer bill of rights. Great strides toward taxpayer protection were achieved through this legislation. However, the taxpayer bill of rights of 1988 was never expected to be the final chapter of the book on taxpayer protection. It was a major step in the continuing process of stamping out taxpayer abuse. And that process continues today, as we look into ways to improve the current law.

In reviewing the record, it's clear that much more needs to be done. There's no question that breakdowns in implementing the law have occurred, and there are gaps in the law that need to be filled. For instance, we believe the current ombudsman position is too limited and too beholden to IRS insiders. Our legislation will turn the ombudsman into a more independent office of taxpayer advocate that will have expanded powers to help taxpayers.

We were successful in passing a very similar proposal through the Congress in 1992. However, the underlying legislation that the proposal was attached to was vetoed by President Bush. So, we're back again in this new Congress.

Since 1987, Senator PRYOR and I have worked in a cooperative, bipartisan effort to further taxpayer rights. As our roles change somewhat in this new Republican-controlled Congress, I hope to continue our successful teamwork.

Beyond the introduction of this bill today, Senator PRYOR and I will be working on further improvements and even more protaxpayer provisions that will be offered at a later date.

I urge my colleagues to join us in this effort to help make the IRS more responsible and more accountable to the taxpayers of this country.

By Mr. MCCAIN:

S. 260. A bill to provide for the protection of books and materials from the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

THE LIBRARY OF CONGRESS BOOK PROTECTION ACT

• Mr. MCCAIN. Mr. President, I introduce legislation to help protect the valuable resources of the Library of Congress. The Library of Congress Protection Act will help the Library of Congress stop abuses of its free book loan program by authorizing the Library to impose fines for books that are long overdue.

I am reintroducing this legislation to empower Library of Congress officials to crack down on individuals who seriously abuse their Library privileges, by keeping books too long or failing to return them. Library of Congress officials should not have to tolerate the fact that many individuals are apparently unconcerned about returning the books that taxpayers provide for them. Congress should not prevent the Library from instituting strengthened policies to hold severely delinquent borrowers responsible for their tardiness.

This legislation will enable the Library of Congress to implement a reasonable overdue book charge policy similar to those of most public libraries across America. By doing so, the many Members of Congress, congressional staffers, and executive branch employees who benefit from this magnificent institution will have an added incentive to comply with the generous loan policies of the Library of Congress.

This proposal is very basic, but it will afford Library officials the leverage and flexibility they need to address this problem. This bill will help Library of Congress officials keep better track of their resources, and will spur many delinquent borrowers to return the books that taxpayers provide for them completely free of charge.

The Library of Congress Book Protection Act would direct the Library to implement an overdue book charge policy for books improperly held over 70 days. These individuals or offices will have their privileges suspended until their fines are paid in full. Library of Congress officials will, however, be able to waive such penalties when appropriate. The Library would also be authorized to retain the funds received from late book fines, as well. Finally, the offices of severely delinquent borrowers and the fines they owe will be published in the annual report submitted by the Library to its oversight committees.

Figures published by the Library during the 103d Congress showed that out of the 20,000 books that were out on loan, over one-third were listed as overdue. One half of the 4,200 books on loan to congressional staff and the media were listed as overdue, and one in five books out on loan to Members, committees, and congressional support agencies had been overdue for more than 2 months. Library of Congress officials state that over 300,000 books are missing from their collections dating back to 1978, and the estimated cost of these thefts is $12 million.

I am concerned about the fact that it is all too easy for individuals to disregard their responsibility to return books to the Library of Congress in a timely manner. This negligence is not only unfair to the other users of the Library, but it also drains the Library's resources in chasing down overdue or missing books.

In addition to Members of Congress and congressional staff, the Library of Congress also makes loans to executive branch departments and agencies, the judiciary and diplomatic corps, the press, and other institutions. As I have mentioned, Mr. President, the Library of Congress is barred from charging late fees for overdue books in contrast to virtually every other publicly funded Library in America. Furthermore, the Library cannot retain any funds that might be collected due to the loss or damage of loaned books. It's clearly time to change these unwise restrictions and strengthen the Library's ability to protect its resources, and I hope Members of the Senate will support this legislation to do so.

Surely it's not asking too much of the individuals and offices fortunate enough to the use the Library of Congress to do so in a responsible manner. Even under the new borrowing guidelines that would be instituted by this legislation, there really is no reason for any well-intentioned borrower ever to have to pay late fines or have their privileges suspended. I'm optimistic that the mere specter of having to pay overdue book fines will coax delinquent borrowers into responsibility renewing their book loans or returning the books.

I hope that the Senate will adopt this legislation to implement prudent new guidelines in the book loan policies of the Library of Congress.•

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 11, a bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 108

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against

the entire regular tax and the alternative minimum tax.

S. 121

At the request of Mr. GRAMM, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 121, a bill to guarantee individuals and families continued choice and control over their doctors and hospitals, to ensure that health coverage is permanent and portable, to provide equal tax treatment for all health insurance consumers, to control medical cost inflation through medical savings accounts, to reform medical liability litigation, to reduce paperwork, and for other purposes.

S. 172

At the request of Mr. JEFFORDS, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 172, a bill to authorize the Secretary of Tansportation to issue a certificate of documentation for the vessel L. R. Beattie.

S. 190

At the request of Mr. PRESSLER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 190, a bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

S. 205

At the request of Mrs. BOXER, the names of the Senator from Nevada [Mr. REID], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 239

At the request of Mr. SHELBY, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 239, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 242

At the request of Mr. DASCHLE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 242, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of tuition for higher education and interest on student loans.

S. 249

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 249, a bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching identification system in order to prevent multiple enrollments by an individual for benefits under such Act, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year.

SENATE JOINT RESOLUTION 16

At the request of Mr. BROWN, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Arizona [Mr. KYL], the Senator from Alabama [Mr. SHELBY], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 16, a joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the names of the Senator from Maine [Mr. COHEN] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 17, a joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*.

SENATE JOINT RESOLUTION 19

At the request of Mr. BROWN, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. PACKWOOD], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 19, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

AMENDMENT NO. 178

At the request of Mr. DORGAN, the names of the Senator from Nevada [Mr. REID] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Amendment No. 178 proposed to S. 1, 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.

AMENDMENTS SUBMITTED

THE UNFUNDED MANDATE REFORM ACT OF 1995

HATFIELD AMENDMENT NO. 181

Mr. HATFIELD proposed an amendment to the bill (S. 1) 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; as follows:

At the end of the bill add the following new title:

TITLE V—

LOCAL EMPOWERMENT AND FLEXIBILITY

SECTION 501. SHORT TITLE.

This title may be cited as the "Local Empowerment and Flexibility Act of 1995".

SEC. 502. FINDINGS.

The Congress finds that—

(1) historically, Federal programs have addressed the Nation's problems by providing categorical financial assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of services;

(3) the Nation's local governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery of many kinds of services;

(4) the Nation's communities are diverse, and different needs are present in different communities;

(5) it is more important than ever to provide programs that—

(A) promote more effective and efficient local delivery of services to meet the full range of needs of individuals, families, and society;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede local governments' ability to effectively deliver services; and

(D) empower local governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals; and

(6) many communities have innovative planning and community involvement strategies for providing services, but Federal, State, and local regulations often hamper full implementation of local plans.

SEC. 503. PURPOSES.

The purposes of this title are to—

(1) enable more efficient use of Federal, State, and local resources;

(2) place less emphasis in Federal service programs on measuring resources and procedures and more emphasis on achieving Federal, State, and local policy goals;

(3) enable local governments and private, nonprofit organizations to adapt programs of Federal financial assistance to the particular needs of their communities, by—

(A) drawing upon appropriations available from more than one Federal program; and

(B) integrating programs and program funds across existing Federal financial assistance categories; and

(4) enable local governments and private, nonprofit organizations to work together and build stronger cooperative partnerships to address critical service problems.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "approved local flexibility plan" means a local flexibility plan that combines funds from Federal, State, local government or private sources to address the service needs of a community (or any part of such a plan) that is approved by the Flexibility Council under section 505;

(2) the term "community advisory committee" means such a committee established by a local government under section 509;

(3) the term "Flexibility Council" means the council composed of the—

(A) Assistant to the President for Domestic Policy;

(B) Assistant to the President for Economic Policy;

(C) Secretary of the Treasury;

(D) Attorney General;

(E) Secretary of the Interior;

(F) Secretary of Agriculture;

(G) Secretary of Commerce;

(H) Secretary of Labor;

(I) Secretary of Health and Human Services;

(J) Secretary of Housing and Urban Development;

(K) Secretary of Transportation;

(L) Secretary of Education;

(M) Secretary of Energy;

(N) Secretary of Veterans Affairs;

(O) Secretary of Defense;

(P) Director of Federal Emergency Management Agency;

(Q) Administrator of the Environmental Protection Agency;

(R) Director of National Drug Control Policy;

(S) Administrator of the Small Business Administration;

(T) Director of the Office of Management and Budget; and

(U) Chair of the Council of Economic Advisers.

(4) the term "covered Federal financial assistance program" means an eligible Federal financial assistance program that is included in a local flexibility plan of a local government;

(5) the term "eligible Federal financial assistance program"—

(A) means a Federal program under which financial assistance is available, directly or indirectly, to a local government or a qualified organization to carry out the specified program; and

(B) does not include a Federal program under which financial assistance is provided by the Federal Government directly to a beneficiary of that financial assistance or to a State as a direct payment to an individual;

(6) the term "eligible local government" means a local government that is eligible to receive financial assistance under 1 or more covered Federal programs;

(7) the term "local flexibility plan" means a comprehensive plan for the integration and administration by a local government of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs;

(8) the term "local government" means a subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(9) the term "priority funding" means giving higher priority (including by the assignment of extra points, if applicable) to applications for Federal financial assistance submitted by a local government having an approved local flexibility program, by—

(A) a person located in the jurisdiction of such a government; or

(B) a qualified organization eligible for assistance under a covered Federal financial assistance program included in such a plan;

(10) the term "qualified organization" means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(11) the term "State" means the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

SEC. 505. PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN ACCORDANCE WITH APPROVED LOCAL FLEXIBILITY PLAN.

(a) PAYMENTS TO LOCAL GOVERNMENTS.—Notwithstanding any other provision of law, amounts available to a local government or a qualified organization under a covered Federal financial assistance program included in an approved local flexibility plan shall be provided to and used by the local government or organization in accordance with the approved local flexibility plan.

(b) ELIGIBILITY FOR BENEFITS.—An individual or family that is eligible for benefits or services under a covered Federal financial assistance program included in an approved local flexibility plan may receive those benefits only in accordance with the approved local flexibility plan.

SEC. 506. APPLICATION FOR APPROVAL OF LOCAL FLEXIBILITY PLAN.

(a) IN GENERAL.—A local government may submit to the Flexibility Council in accordance with this section an application for approval of a local flexibility plan.

(b) CONTENTS OF APPLICATION.—An application submitted under this section shall include—

(1)(A) a proposed local flexibility plan that complies with subsection (c); or

(B) a strategic plan submitted in application for designation as an enterprise community or an empowerment zone under section 1391 of the Internal Revenue Code of 1986;

(2) certification by the chief executive of the local government, and such additional assurances as may be required by the Flexibility Council, that—

(A) the local government has the ability and authority to implement the proposed plan, directly or through contractual or other arrangements, throughout the geographic area in which the proposed plan is intended to apply; and

(B) amounts are available from non-Federal sources to pay the non-Federal share of all covered Federal financial assistance programs included in the proposed plan; and

(3) any comments on the proposed plan submitted under subsection (d) by the Governor of the State in which the local government is located;

(4) public comments on the plan including the transcript of at least 1 public hearing and comments of the appropriate community advisory committee established under section 509; and

(5) other relevant information the Flexibility Council may require to approve the proposed plan.

(c) CONTENTS OF PLAN.—A local flexibility plan submitted by a local government under this section shall include—

(1) the geographic area to which the plan applies and the rationale for defining the area;

(2) the particular groups of individuals, by service needs, economic circumstances, or other defining factors, who shall receive services and benefits under the plan;

(3)(A) specific goals and measurable performance criteria, a description of how the plan is expected to attain those goals and criteria;

(B) a description of how performance shall be measured; and

(C) a system for the comprehensive evaluation of the impact of the plan on participants, the community, and program costs;

(4) the eligible Federal financial assistance programs to be included in the plan as covered Federal financial assistance programs and the specific benefits that shall be provided under the plan under such programs, including—

(A) criteria for determining eligibility for benefits under the plan;

(B) the services available;

(C) the amounts and form (such as cash, in-kind contributions, or financial instruments) of nonservice benefits; and

(D) any other descriptive information the Flexibility Council considers necessary to approve the plan;

(5) except for the requirements under section 508(b)(3), any Federal statutory or regulatory requirement applicable under a covered Federal financial assistance program included in the plan, the waiver of which is necessary to implement the plan;

(6) fiscal control and related accountability procedures applicable under the plan;

(7) a description of the sources of all non-Federal funds that are required to carry out covered Federal financial assistance programs included in the plan;

(8) written consent from each qualified organization for which consent is required under section 506(b)(2); and

(9) other relevant information the Flexibility Council may require to approve the plan.

(d) PROCEDURE FOR APPLYING.—(1) To apply for approval of a local flexibility plan, a local government shall submit an application in accordance with this section to the Governor of the State in which the local government is located.

(2) A Governor who receives an application from a local government under paragraph (1) may, by no later than 30 days after the date of that receipt—

(A) prepare comments on the proposed local flexibility plan included in the application;

(B) describe any State laws which are necessary to waive for successful implementation of a local plan; and

(C) submit the application and comments to the Flexibility Council.

(3) If a Governor fails to act within 30 days after receiving an application under paragraph (2), the applicable local government may submit the application to the Flexibility Council.

SEC. 507. REVIEW AND APPROVAL OF LOCAL FLEXIBILITY PLANS.

(a) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a local flexibility plan under this title, the Flexibility Council shall—

(1) approve or disapprove all or part of the plan within 45 days after receipt of the application;

(2) notify the applicant in writing of that approval or disapproval by not later than 15 days after the date of that approval or disapproval; and

(3) in the case of any disapproval of a plan, include a written justification of the reasons for disapproval in the notice of disapproval sent to the applicant.

(b) APPROVAL.—(1) The Flexibility Council may approve a local flexibility plan for which an application is submitted under this title, or any part of such a plan, if a majority of members of the Council determines that—

(A) the plan or part shall improve the effectiveness and efficiency of providing benefits under covered Federal programs included in the plan by reducing administrative inflexibility, duplication, and unnecessary expenditures;

(B) the applicant local government has adequately considered, and the plan or part of the plan appropriately addresses, any effect that administration of each covered Federal program under the plan or part of the plan shall have on administration of the other covered Federal programs under that plan or part of the plan;

(C) the applicant local government has or is developing data bases, planning, and evaluation processes that are adequate for implementing the plan or part of the plan;

(D) the plan shall more effectively achieve Federal financial assistance goals at the local level and shall better meet the needs of local citizens;

(E) implementation of the plan or part of the plan shall adequately achieve the purposes of this title and of each covered Federal financial assistance program under the plan or part of the plan;

(F) the plan and the application for approval of the plan comply with the requirements of this title;

(G) the plan or part of the plan is adequate to ensure that individuals and families that receive benefits under covered Federal financial assistance programs included in the plan or part shall continue to receive benefits that meet the needs intended to be met under the program; and

(H) the local government has—

(i) waived the corresponding local laws necessary for implementation of the plan; and

(ii) sought any necessary waivers from the State.

(2) The Flexibility Council may not approve any part of a local flexibility plan if—

(A) implementation of that part would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under covered Federal financial assistance programs included in that part, over the amounts of such obligations and outlays that would occur under those programs without implementation of the part; or

(B) in the case of a plan or part that applies to assistance to a qualified organization under an eligible Federal financial assistance program, the qualified organization does not consent in writing to the receipt of that assistance in accordance with the plan.

(3) The Flexibility Council shall disapprove a part of a local flexibility plan if a majority of the Council disapproves that part of the plan based on a failure of the part to comply with paragraph (1).

(4) In approving any part of a local flexibility plan, the Flexibility Council shall specify the period during which the part is effective. An approved local flexibility plan shall not be effective after the date of the termination of effectiveness of this title under section 513.

(5) Disapproval by the Flexibility Council of any part of a local flexibility plan submitted by a local government under this title shall not affect the eligibility of a local government, a qualified organization, or any individual for benefits under any Federal program.

(c) MEMORANDA OF UNDERSTANDING.—(1) The Flexibility Council may not approve a part of a local flexibility plan unless each local government and each qualified organization that would receive financial assistance under the plan enters into a memorandum of understanding under this subsection with the Flexibility Council.

(2) A memorandum of understanding under this subsection shall specify all understandings that have been reached by the Flexibility Council, the local government, and each qualified organization that is subject to a local flexibility plan, regarding the approval and implementation of all parts of a local flexibility plan that are the subject of the memorandum, including understandings with respect to—

(A) all requirements under covered Federal financial assistance programs that are to be waived by the Flexibility Council under section 508(b);

(B)(i) the total amount of Federal funds that shall be provided as benefits under or used to administer covered Federal financial assistance programs included in those parts; or

(ii) a mechanism for determining that amount, including specification of the total amount of Federal funds that shall be provided or used under each covered Federal financial assistance program included in those parts;

(C) the sources of all non-Federal funds that shall be provided as benefits under or used to administer those parts;

(D) measurable performance criteria that shall be used during the term of those parts to determine the extent to which the goals and performance levels of the parts are achieved; and

(E) the data to be collected to make that determination.

(d) LIMITATION ON CONFIDENTIALITY REQUIREMENTS.—The Flexibility Council may not, as a condition of approval of any part of a local flexibility plan or with respect to the implementation of any part of an approved local flexibility plan, establish any confidentiality requirement that would—

(1) impede the exchange of information needed for the design or provision of benefits under the parts; or

(2) conflict with law.

SEC. 508. IMPLEMENTATION OF APPROVED LOCAL FLEXIBILITY PLANS; WAIVER OF REQUIREMENTS.

(a) PAYMENTS AND ADMINISTRATION IN ACCORDANCE WITH PLAN.—Notwithstanding any other law, any benefit that is provided under a covered Federal financial assistance program included in an approved local flexibility plan shall be paid and administered in the manner specified in the approved local flexibility plan.

(b) WAIVER OF REQUIREMENTS.—(1) Notwithstanding any other law and subject to paragraphs (2) and (3), the Flexibility Council may waive any requirement applicable under Federal law to the administration of, or provision of benefits under, any covered Federal assistance program included in an approved local flexibility plan, if that waiver is—

(A) reasonably necessary for the implementation of the plan; and

(B) approved by a majority of members of the Flexibility Council.

(2) The Flexibility Council may not waive a requirement under this subsection unless the Council finds that waiver of the requirement shall not result in a qualitative reduction in services or benefits for any individual or family that is eligible for benefits under a covered Federal financial assistance program.

(3) The Flexibility Council may not waive any requirement under this subsection—

(A) that enforces any constitutional or statutory right of an individual, including any right under—

(i) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(ii) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(iii) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(iv) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); or

(v) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) for payment of a non-Federal share of funding of an activity under a covered Federal financial assistance program; or

(C) for grants received on a maintenance of effort basis.

(c) SPECIAL ASSISTANCE.—To the extent permitted by law, the head of each Federal agency shall seek to provide special assistance to a local government or qualified organization to support implementation of an approved local flexibility plan, including expedited processing, priority funding, and technical assistance.

(d) EVALUATION AND TERMINATION.—(1) A local government, in accordance with regulations issued by the Flexibility Council, shall—

(A) submit such reports on and cooperate in such audits of the implementation of its approved local flexibility plan; and

(B) periodically evaluate the effect implementation of the plan has had on—

(i) individuals who receive benefits under the plan;

(ii) communities in which those individuals live; and

(iii) costs of administering covered Federal financial assistance programs included in the plan.

(2) No later than 90 days after the end of the 1-year period beginning on the date of the approval by the Flexibility Council of an approved local flexibility plan of a local government, and annually thereafter, the local government shall submit to the Flexibility Council a report on the principal activities and achievements under the plan during the period covered by the report, comparing those achievements to the goals and performance criteria included in the plan under section 506(c)(3).

(3)(A) The Flexibility Council may terminate the effectiveness of an approved local flexibility plan, if the Flexibility Council, after consultation with the head of each Federal agency responsible for administering a covered Federal financial assistance program included in such, determines—

(i) that the goals and performance criteria included in the plan under section 506(c)(3) have not been met; and

(ii) after considering any experiences gained in implementation of the plan, that those goals and criteria are sound.

(B) In terminating the effectiveness of an approved local flexibility plan under this paragraph, the Flexibility Council shall allow a reasonable period of time for appropriate Federal, State, and local agencies and qualified organizations to resume administration of Federal programs that are covered Federal financial assistance programs included in the plan.

(e) FINAL REPORT; EXTENSION OF PLANS.—(1) No later than 45 days after the end of the effective period of an approved local flexibility plan of a local government, or at any time that the local government determines that the plan has demonstrated its worth, the local government shall submit to the Flexibility Council a final report on its implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under those programs.

(2) The Flexibility Council may extend the effective period of an approved local flexibility plan for such period as may be appropriate, based on the report of a local government under paragraph (1).

SEC. 509. COMMUNITY ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—A local government that applies for approval of a local flexibility plan under this title shall establish a community advisory committee in accordance with this section.

(b) FUNCTIONS.—A community advisory committee shall advise a local government in the development and implementation of its local flexibility plan, including advice with respect to—

(1) conducting public hearings; and

(2) reviewing and commenting on all community policies, programs, and actions under the plan which affect low income individuals and families, with the purpose of ensuring maximum coordination and responsiveness of the plan in providing benefits under the plan to those individuals and families.

(c) MEMBERSHIP.—The membership of a community advisory committee shall—

(1) consist of—

(A) persons with leadership experience in the private and voluntary sectors;

(B) local elected officials;

(C) representatives of participating qualified organizations; and

(D) the general public; and

(2) include individuals and representatives of community organizations who shall help to enhance the leadership role of the local government in developing a local flexibility plan.

(d) OPPORTUNITY FOR REVIEW AND COMMENT BY COMMITTEE.—Before submitting an application for approval of a final proposed local flexibility plan, a local government shall submit the final proposed plan for review and comment by a community advisory committee established by the local government.

(e) COMMITTEE REVIEW OF REPORTS.—Before submitting annual or final reports on an approved Federal assistance plan, a local government or private nonprofit organization shall submit the report for review and comment to the community advisory committee.

SEC. 510. TECHNICAL AND OTHER ASSISTANCE.

(a) TECHNICAL ASSISTANCE.—(1) The Flexibility Council may provide, or direct that the head of a Federal agency provide, technical assistance to a local government or qualified organization in developing information necessary for the design or implementation of a local flexibility plan.

(2) Assistance may be provided under this subsection if a local government makes a request that includes, in accordance with requirements established by the Flexibility Council—

(A) a description of the local flexibility plan the local government proposes to develop;

(B) a description of the groups of individuals to whom benefits shall be provided under covered Federal assistance programs included in the plan; and

(C) such assurances as the Flexibility Council may require that—

(i) in the development of the application to be submitted under this title for approval of the plan, the local government shall provide adequate opportunities to participate to—

(I) individuals and families that shall receive benefits under covered Federal financial assistance programs included in the plan; and

(II) governmental agencies that administer those programs; and

(ii) the plan shall be developed after considering fully—

(I) needs expressed by those individuals and families;

(II) community priorities; and

(III) available governmental resources in the geographic area to which the plan shall apply.

(b) DETAILS TO COUNCIL.—At the request of the Flexibility Council and with the approval of an agency head who is a member of the Council, agency staff may be detailed to the Flexibility Council on a nonreimbursable basis.

SEC. 511. FLEXIBILITY COUNCIL.

(a) FUNCTIONS.—The Flexibility Council shall—

(1) receive, review, and approve or disapprove local flexibility plans for which approval is sought under this title;

(2) upon request from an applicant for such approval, direct the head of an agency that administers a covered Federal financial assistance program under which substantial Federal financial assistance would be provided under the plan to provide technical assistance to the applicant;

(3) monitor the progress of development and implementation of local flexibility plans;

(4) perform such other functions as are assigned to the Flexibility Council by this title; and

(5) issue regulations to implement this title within 180 days after the date of its enactment.

(b) REPORTS.—No less than 18 months after the date of the enactment of this Act, and annually thereafter, the Flexibility Council shall submit a report on the 5 Federal regulations that are most frequently waived by the Flexibility Council for local governments with approved local flexibility plans to the President and the Congress. The President shall review the report and determine whether to amend or terminate such Federal regulations.

SEC. 512. REPORT.

No later than 54 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress, a report that—

(1) describes the extent to which local governments have established and implemented approved local flexibility plans;

(2) evaluates the effectiveness of covered Federal assistance programs included in approved local flexibility plans; and

(3) includes recommendations with respect to local flexibility.

SEC. 513. CONDITIONAL TERMINATION.

This title is repealed on the date that is 5 years after the date of the enactment of this Act unless extended by the Congress through the enactment of the resolution described under section 514.

SEC. 515. JOINT RESOLUTION FOR THE CONTINUATION AND EXPANSION OF LOCAL FLEXIBILITY PROGRAMS.

(a) DESCRIPTION OF RESOLUTION.—A resolution referred to under section 513 is a joint resolution the matter after the resolving clause is as follows: "That Congress approves the application of local flexibility plans to all local governments in the United States in accordance with the Local Empowerment and Flexibility Act of 1995, and that—

"(1) if the provisions of such Act have not been repealed under section 513 of such Act, such provisions shall remain in effect; and

"(2) if the repeal under section 513 of such Act has taken effect, the provisions of such Act shall be effective as though such provisions had not been repealed.".

(b) INTRODUCTION.—No later than 30 days after the transmittal by the Comptroller General of the United States to the Congress of the report required in section 512, a resolution as described under subsection (a) shall be introduced in the Senate by the chairman of the Committee on Governmental Affairs, or by a Member or Members of the Senate designated by such chairman, and shall be introduced in the House of Representatives by the Chairman of the Committee on Government Operations, or by a Member or Members of the House of Representatives designated by such chairman.

(c) REFERRAL.—A resolution as described under subsection (a) shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. The committee shall make its recommendations to the Senate or House of Representatives within 30 calendar days of the date of such resolution's introduction.

(d) DISCHARGE FROM COMMITTEE.—If the committee to which a resolution is referred has not reported such resolution at the end of 30 calendar days after its introduction, that committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) VOTE ON FINAL PASSAGE.—When the committee has reported or has been deemed to be discharged from further consideration of a resolution described under subsection (a), it is at any time thereafter in order for any Member of the respective House to move to proceed to the consideration of the resolution.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

HOLLINGS AMENDMENT NO. 182

Mr. HOLLINGS proposed an amendment to the bill, S. 1, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET

It is the sense of the Senate—

(A) that the Congress should move to eliminate the biggest unfunded mandate—interest on the national debt, which drives the increasing federal burden on state and local governments, and

(B) that prior to adopting in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced budget—

(1) the Congress set forth specific outlay and revenue changes to achieve a balanced federal budget by the year 2002; and

(2) enforce through the Congressional budget process the requirement to achieve a balanced federal budget by the year 2002.

GRAHAM AMENDMENT NO. 183

Mr. GRAHAM proposed an amendment to the bill S. 1, supra; as follows:

On page 16, between lines 12 and 13, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government.

Mr. GRAHAM. Mr. President, I rise today to offer a technical, yet extremely important, amendment to S. 1. My amendment would require committees that choose to pay for their public sector legislative mandates to report as to "how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government."

If the Congress chooses to pay for its mandates, and I believe the strong presumption should be that it do so, certainly the intent of this bill would be to have the funding reach those State, local, and tribal governments that will be impacted by the mandate rather than allocate funding State, local, and tribal governments through a random or arbitrary process.

For example, if a mandate is imposed on local school districts, it would make more sense to ensure the money reaches local school districts rather than to State education agencies. If a mandate were to have an impact on State and local government in rural areas, it would make little sense to allocate the funding to our Nation's cities.

On the other hand, if a mandate were to specifically impact the cities of our country such as Philadelphia, Seattle, Louisville, Baltimore, Houston, and New York City, why would funding be allocated to the State capitals of Harrisburg, Olympia, Frankfort, Annapolis, Austin, or Albany? To do the latter would undermine the entire purpose of this bill. While Governors Ridge, Lowry, Jones, Glendening, Bush, and Pataki might love to receive such a windfall to their State budgets, the cities could very well receive the mandate but none or very little of the funding. In fact, to pay for the mandate, the committee may very well have eliminated a Federal aid program in which cities are largely the recipient. As a result, the cities could have Federal funding cut and also receive an unfunded mandate.

In such a case, Congress may have had great intentions in funding the mandate but fail miserably in actually achieving such a worthy goal. Mayors, Governors, or whomever receives the hard mandate but phantom funds will be far angrier at the Congress than they ever were before we passed this legislation. Certainly such circumstances would undermine both this bill and our Nation's system of intergovernmental relations.

Mr. President, I am a cosponsor of this legislation and fully intend to vote in favor of its passage. Some may argue that asking the committee to review and report how and whether its allocations are made in a reasonably consistent manner with the expected costs is unnecessary. They might argue that the various committees will do the right thing and accurately distribute funding.

Based on the Congress' track record of both unfunded mandates and outdated formula allocations, more attention needs to be placed on both areas by Congress. While we have heard over the last week about problems with unfunded mandates, no attention has occurred or been placed on how the Federal Government will go about compensating State, local, and tribal governments. However, as noted before, such attention is critical and fundamental to the success of this legislation.

To give you just one example, what if last year's crime bill had a requirement that all States must implement mandatory drug testing and treatment of all its imprisoned felons?

If the committee or the Congressional Budget Office were to anticipate increased numbers of imprisoned felons over a period of time and therefore increased costs over a period of years, would the funding allocation reflect the anticipated growth in the individual States? It not, what would be the impact on the budgets and policy implications for States that actively attempt to put and keep violent criminals behind bars and off the streets of this Nation? The law of unintended consequences would arise. In an attempt to get people off of drugs and squelch their propensity to commit crimes by mandating drug testing and treatment, the funding formula could effectively have the contrary effect for unfairly impacted States.

And finally and most importantly, what if the funding formulas are arbitrary or fail to allocate funding in a manner reasonably consistent with expected costs? I offer this specific example because, in last year's crime bill, the allocation formula for "Residential Substance Abuse Treatment for Prisoners" effectively allocated to some States substantially more dollars per inmate than to other States. Without compelling evidence that the former States prison inmates are more drug addicted or expensive to treat, such a formula makes no sense.

If this were to happen in a circumstance of funding a mandate rather than a block grant, the impact could be devastating. To have a partially funded mandate imposed on some States while others receive several times the funding in comparison to the cost of its mandate would undermine the intent of this legislation. While funding formulas for block grants are important and should always strive to be as fair as possible, it is imperative they be consistent with the intergovernmental location and scale when funding mandates, if we are at all concerned with achieving the stated intent of this legislation.

As a result, while my amendment would not require "fair" formulas to be established, it would require the committee to consider and explain the allocation formulas established to pay for the public sector unfunded mandates in their committee reports. Due to the importance of such allocations and need for thorough consideration by both the committees and Congress, I urge this amendment's adoption.

GRAHAM AMENDMENT NO. 184

Mr. GRAHAM proposed an amendment to the bill S. 1, supra; as follows:

On page 6, strike line 3 and all that follows through line 10, and insert the following:

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the exercise of powers relating to immigration that are the responsibility or under the authority of the Federal Government and whose reduction or elimination would result in a shifting of the costs of addressing immigration expenses to the States, local governments, and tribal governments; or

Mr. GRAHAM. Mr. President, I want to first reaffirm my support for the objectives to S. 1 and look forward to voting for it on final passage. Many of my colleagues have discussed at length the financial impact that mandates have on their individual States or localities. I would add that mandates tie the hands of or effectively displace the priorities of political leaders in State and local government. As Office of Management and Budget Director Alice Rivlin wrote in her book entitled "Reviving the American Dream,"

The Federal Government's own weakness has not made it any less eager to tell States

and localities what to do. Indeed, when its ability to make grants declined, the Federal Government turned increasingly to mandates as a way of controlling state and local activity without having to pay the bill.

Furthermore, unfunded mandates create a situation whereby voters cannot accurately ascertain where responsibility lies for certain Government actions. As Rivlin adds,

Mandates add to citizen confusion about who is in charge. When the Federal Government makes rules for State and local officials to carry out, whether or not they have the resources to do so, it is not clear to voters who should be blamed, either when the regulations are laxly enforced or when the cost of compliance is high.

As a result, I strongly support this legislation and offer the following amendment with Senators MACK, BRYAN, and BOXER to close an important loophole in the bill with respect to immigration and its impact on State and local government.

My amendment would require Congress to recognize and address the cost shift to State and local governments for any action on the floor that would delete or preempt the authorization of any Federal reimbursement program for immigration costs, such as in the Criminal Aliens Federal Responsibility Act. The amendment does not address funding levels for such programs in appropriations bills or address past immigration-related costs absorbed by State and local governments.

However, the amendment would place immigration reimbursement programs in the same circumstance as Medicaid, the social services block grant, the Vocational Rehabilitation State Grants Program, child nutrition, and three other Federal programs. In this bill, if any of these programs are financially capped or the Federal Government's responsibility to provide funding to State and local government is reduced and State and local government lack the authority to amend their financial or programmatic responsibilities, then such an action would trigger the definition of an unfunded mandate in the bill.

These are precisely the circumstances relating to immigration reimbursement programs such as the Criminal Aliens Federal Responsibility Act. As you will recall, the Criminal Aliens Federal Responsibility Act was successfully included in the crime bill last session by a bipartisan group of Senators in an effort to have the Federal Government address its responsibility for immigration and the costs imposed on States and localities of incarcerating criminal aliens.

According to a recent report by the Urban Institute, more than 21,000 criminal illegal immigrants are incarcerated in U.S. prisons at an annual cost of $471 million. Educating undocumented immigrants is even more costly. More than 640,000 undocumented children are enrolled in primary and secondary schools in the United States at a cost of $3.1 billion a year.

In a policy brief from the Governor's office this week on the impact of unfunded mandates to the State of Florida, it is estimated that State costs relating to illegal aliens including education, emergency health care, prosecution and incarceration of criminal aliens and public infrastructure. In fiscal year 1993 this unfunded mandate cost the State of Florida $884 million.

An elimination of the authorization of such program would clearly reduce the Federal Government's responsibility to provide funding to State and local governments, while those entities have virtually no authority or ability to amend their financial or programmatic responsibilities.

In a letter to the Congress last year, the National Governors' Association wrote,

The Nation's governors have been in strong agreement that immigration policy must be based on Federal responsibility and fairness to State and local governments. As you well know, immigration policy is solely a Federal concern. Yet Federal law mandates the States to provide emergency health care and education to undocumented immigrants who reside in our States. State governments also are forced to pay for the costs of incarcerating undocumented alien criminals.

Immigration is clearly much more like mandatory or entitlement programs such as Medicaid than other discretionary programs such as transportation and housing. State and local governments do not have the discretion to amend or restrict their financial obligations for mandatory or entitlement programs.

In fact, I would argue that the status of unreimbursed Federal immigration-related costs as an unfunded mandate is actually stronger than that of programs such as Medicaid because the Federal Government's plenary role and responsibility for immigration and border control is unchallenged. In Traus versus Raich, the Supreme Court ruled in 1915 that "[t]he authority to control immigration—to admit or exclude aliens—is vested solely in the Federal Government." States cannot make treaties, hire border patrol, establish naturalization policy or even set much in the way of policy with respect to providing services to illegal immigrants. Border protection and immigration are clearly Federal obligations.

The implications of my amendment would be to allow Members of Congress to raise a point or order against legislation that would reduce or eliminate the authorization of Federal immigration reimbursement programs.

For example, if legislation were introduced that imposes a Federal mandate that the Congressional Budget Office estimates to cost State and local governments $350 million, the author of the bill could attempt to offset such costs by eliminating the authorization for the Criminal Aliens Federal Responsibility Act. Such an action would effectively pay for a federally imposed Federal mandate by shifting the full costs and responsibility for incarcerating criminal aliens to State and local governments. Such a circumstance would certainly run counter to the intent of S. 1. My amendment would clarify this loophole and allow a point of order to be raised for creating yet another unfunded mandate.

As a result, I urge the amendment's adoption.

Mr. MACK. Mr. President, it has consistently been my position that the Federal Government must assume greater responsibility for the costs associated with immigration, both legal and illegal. My colleague from Florida has offered an amendment which recognizes the problem of immigration costs as an unfunded mandate, and I believe this amendment is a positive addition to the bill. Absent this amendment, S. 1 categorizes only a select few immigration costs as unfunded mandates and ignores the myriad other expenses which accrue to the States, such as education and incarceration costs. These expenses and many others would not be borne by the States. Only because the Federal Government has failed to fulfill their duty to enforce our immigration laws is this amendment necessary. I urge the adoption of the Graham amendment as an essential step in recognizing the burdens which the Federal Government's policy of abdication and default has placed upon the backs of the States.

WELLSTONE AMENDMENT NO. 185

Mr. WELLSTONE proposed an amendment to the bill, S. 1, supra; as follows:

At the appropriate place, insert the following: ( ) it is the sense of the Congress that the Congress shall continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balance-budget amendment, must accompany it with financial information on its impact on the budget of each of the States.

WELLSTONE AMENDMENT NO. 186

Mr. WELLSTONE proposed an amendment to amendment No. 185 proposed by him to the bill S. 1, supra; as follows:

Strike all after "( ) It" and insert the following: "the sense of the Congress that the Congress should continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balance-budget amendment, should accompany it with financial information on its impact on the budget of each of the States."

MURRAY AMENDMENTS NOS. 187–188

Mrs. MURRAY proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 187

At the appropriate place in the bill, insert the following: The provisions of this Act and

the amendments made by this Act also shall not apply to any agreement between the Federal Government and a State, local, or tribal government, or the private sector for the purpose of carrying out environmental restoration or waste management activities of the Department of Defense or the Department of Energy.

AMENDMENT NO. 188

On page 21, insert between lines 13 and 14 the following new paragraph:

"(2) TIME LIMITATIONS FOR STATEMENTS.—(A) The Director of the Congressional Budget Office shall provide the statement as required by this section—

"(i) relating to a bill or resolution ordered reported by a committee, no later than one week after the date on which the bill or resolution is ordered reported by the committee; and

"(ii) relating to an amendment or conference report, no later than one day after the date on which the amendment is offered or the conference report is submitted.

"(B) Failure by the Director to meet the time limitations in subparagraph (A) of this paragraph shall vitiate the provisions of subsection (c)(1)(A) of this section.

GRAHAM AMENDMENT NO. 189

Mr. GRAHAM proposed an amendment to the bill, S. 1, supra; as follows:

On page 33, strike lines 10 through 12 and insert the following:

This title shall take effect on the date of enactment of this Act, and shall apply to legislation considered on and after such date.

HARKIN AMENDMENT NO. 190

Mr. HARKIN proposed an amendment to the bill, S. 1, supra; as follows:

On page 50, add after line 6 the following new title:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(a) FINDINGS.—The Senate finds that—

(1) social security is a contributory insurance program supported by deductions from workers' earnings and matching contributions from their employers that are deposited into an independent trust fund;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) without social security an additional 15,000,000 Americans, mostly senior citizens, would be thrown into poverty;

(6) 138,000,000 American workers participate in the social security system and are insured in case of retirement, disability, or death;

(7) social security is a contract between workers and the Government;

(8) social security is a self-financed program that is not contributing to the current Federal budget deficit; in fact, the social security trust funds currently have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(9) this surplus is necessary to pay monthly benefits for current and future beneficiaries;

(10) recognizing that social security is a self-financed program, Congress took social security completely "off-budget" in 1990; however, unless social security is explicitly excluded from a balanced budget amendment to the United States Constitution, such an amendment would, in effect, put the program back into the Federal budget by referring to all spending and receipts in calculating whether the budget is in balance;

(11) raiding the social security trust funds to reduce the Federal budget deficit would be devastating to both current and future beneficiaries and would further undermine confidence in the system among younger workers;

(12) the American people in poll after poll have overwhelmingly rejected cutting social security benefits to reduce the Federal deficit and balance the budget; and

(13) social security beneficiaries throughout the nation are gravely concerned that their financial security is in jeopardy because of possible social security cuts and deserve to be reassured that their benefits will not be subject to cuts that would likely be required should social security not be excluded from a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is a sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal budget is in balance.

BINGAMAN AMENDMENT NO. 191

Mr. BINGAMAN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, add after line 25 the following new section:

"(4) DETERMINATION BY REPORTING COMMITTEE OF APPLICABILITY TO PENDING LEGISLATION.—Notwithstanding any provision of paragraph (1)(B), it shall always be in order to consider a bill, resolution, or conference report if such report includes a determination by the reporting committee that the pending measure is needed to serve a compelling national interest that furthers the public health, safety, or welfare.

BINGAMAN AMENDMENT NO. 192

Mr. BINGAMAN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, add after line 25, the following new section:

(4) APPLICATION TO REQUIREMENTS RELATING TO THE TREATMENT AND DISPOSAL OF RADIOACTIVE WASTE.—Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to a requirement for the treatment or disposal of—

(A) high-level radioactive waste, low-level radioactive waste, or spent nuclear fuel (as such terms are defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)); or

(B) byproduct material or transuranic waste (as such terms are defined in section 11 of the Atomic Energy Act of 1954, (42 U.S.C. 2014)).

KOHL AMENDMENT NO. 193

Mr. KOHL proposed an amendment to the bill, S. 1, supra; as follows:

At the end of title I, insert the following:

Nothing in this Act, shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution amendment, motion, or conference report from consideration for Federal funding for the cost of the mandate, including the costs the State local or tribal government is currently paying and any additional costs necessary to meet the mandate.

BINGAMAN AMENDMENT NO. 194

Mr. BINGAMAN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, add after line 25, the following new section:

(4) APPLICATION TO PROVISIONS RELATING TO OR ADMINISTRATED BY INDEPENDENT REGULATORY AGENCIES.—

Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to or will be administered by any independent regulatory agency.

GLENN AMENDMENT NO. 195

Mr. GLENN proposed an amendment to the bill S. 1, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Mandate Accountability and Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate before the Senate votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instances;

(5) to establish a point-of-order vote on the consideration in the Senate of legislation containing significant Federal mandates; and

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL INTERGOVERNMENTAL MANDATE.—The term "Federal intergovernmental mandate" means—

(A) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that—

(i) would impose a duty upon States, local governments, or tribal governments that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty; or

(B) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority (as defined in section 3(9) of the Congressional Budget Act of 1974 (2 U.S.C. 622(9))), if—

(i)(I) the bill or joint resolution or regulation would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the bill or joint resolution or regulation.

(2) FEDERAL PRIVATE SECTOR MANDATE.—The term "Federal private sector mandate" means any provision in a bill or joint resolution before Congress that—

(A) would impose a duty upon the private sector that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program); or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of complying with any such duty.

(3) FEDERAL MANDATE.—The term "Federal mandate" means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

(4) DIRECT COSTS.—

(A) FOR A FEDERAL INTERGOVERNMENTAL MANDATE.—In the case of a Federal intergovernmental mandate, the term "direct costs" means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate, or, in the case of a bill or joint resolution referred to in paragraph (1)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) FOR A FEDERAL PRIVATE SECTOR MANDATE.—In the case of a Federal private sector mandate, the term "direct costs" means the aggregate amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate.

(C) NOT INCLUDED.—The term "direct costs" does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations adopted before the adoption of the Federal mandate; or

(II) to continue to carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities established at the time of adoption of the Federal mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) ASSUMPTION.—Direct costs shall be determined on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations.

(5) AMOUNT OF AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL FINANCIAL ASSISTANCE.—The term "amount" with respect to an authorization of appropriations for Federal financial assistance means—

(A) the amount of budget authority (as defined in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A))) of any Federal grant assistance; and

(B) the subsidy amount (as defined as "cost" in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(a))) of any Federal program providing loan guarantees or direct loans.

(6) PRIVATE SECTOR.—The term "private sector" means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

(7) OTHER DEFINITIONS.—

(A) AGENCY.—The term "agency" has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(B) DIRECTOR.—The term "Director" means the Director of the Congressional Budget Office.

(C) LOCAL GOVERNMENT.—The term "local government" has the same meaning as in section 6501(6) of title 31, United States Code.

(D) REGULATION OR RULE.—The term "regulation" or "rule" has the meaning of "rule" as defined in section 601(2) of title 5, United States Code.

(E) SMALL GOVERNMENT.—The term "small government" means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

(F) STATE.—The term "State" has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of any of them;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as he may reasonably request to assist him in performing his responsibilities under this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) COMMITTEE REPORT.—

(1) REGARDING FEDERAL MANDATES.—

(A) IN GENERAL.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character that includes any Federal mandate, the committee shall issue a report to accompany the bill or joint resolution containing the information required by subparagraphs (B) and (C).

(B) REPORTS ON FEDERAL MANDATES.—Each report required by subparagraph (A) shall contain—

(i) an identification and description, prepared in consultation with the Director, of any Federal mandates in the bill or joint resolution, including the expected direct costs to States, local governments, and tribal governments, and to the private sector, required to comply with the Federal mandates; and

(ii) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the enhancement of health and safety and the protection of the natural environment).

(C) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required by subparagraph (A) shall also contain—

(i)(I) a statement of the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to the Federal intergovernmental mandates; and

(II) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention;

(ii) any existing sources of Federal assistance in addition to those identified in clause (i) that may assist States, local governments, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(iii) an identification of one or more of the following: reductions in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified clause (i)(I)).

(2) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) IN GENERAL.—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 102(c), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available soon enough to be included in the printed report.

(2) IF NOT INCLUDED.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 102. DUTIES OF THE DIRECTOR.

(a) STUDIES.—

(1) PROPOSED LEGISLATION.—As early as practicable in each new Congress, any committee of the House of Representatives or the Senate which anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on States, local governments, or tribal governments, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall request that the Director initiate a study of the proposed legislation in order to develop information that may be useful in analyzing the costs of any Federal mandates that may be included in the proposed legislation.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Director shall—

(A) solicit and consider information or comments from elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and such other persons as may provide helpful information or comments;

(B) consider establishing advisory panels of elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and other persons if the Director determines, in the Director's discretion, that such advisory panels would be helpful in performing the Director's responsibilities under this section; and

(C) consult with the relevant committees of the House of Representatives and of the Senate.

(b) CONSULTATION.—The Director shall, at the request of any committee of the House of Representatives or of the Senate, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(1) a significant budgetary impact on State, local, or tribal governments; or

(2) a significant financial impact on the private sector.

(c) STATEMENTS ON NONAPPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will not equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(ii) ESTIMATES.—The estimate required by clause (i) shall include—

(I) estimates (and brief explanations of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates;

(II) estimates, if and to the extent that the Director determines that accurate estimates are reasonably feasible, of—

(aa) future direct costs of Federal intergovernmental mandates to the extent that they significantly differ from or extend beyond the 5-year time period referred to in clause (i); and

(bb) any disproportionate budgetary effects of Federal intergovernmental mandates and of any Federal financial assistance in the bill or joint resolution upon any particular regions of the country or particular States, local governments, tribal governments, or urban or rural or other types of communities; and

(III) any amounts appropriated in the prior fiscal year to fund the activities subject to the Federal intergovernmental mandate.

(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will not equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(ii) ESTIMATES.—Estimates required by this subparagraph shall include—

(I) estimates (and a brief explanation of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by the private sector for activities subject to the Federal private sector mandates;

(II) estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(aa) future costs of Federal private sector mandates to the extent that they differ significantly from or extend beyond the 5-year time period referred to in clause (i);

(bb) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(cc) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including on productivity, economic growth, full employment,

creation of productive jobs, and international competitiveness of American goods and services; and

(III) any amounts appropriated in the prior fiscal year to fund activities subject to the Federal private sector mandate.

(C) FAILURE TO MAKE ESTIMATE.—If the Director determines that it is not reasonably feasible for him to make a reasonable estimate that would be required by subparagraphs (A) and (B) with respect to Federal private sector mandates, the Director shall not make the estimate, but shall report in his statement that the reasonable estimate cannot be reasonably made and shall include the reasons for that determination in the statement.

(3) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If the Director has prepared a statement that includes the determination described in paragraph (1)(B)(i) for a bill or joint resolution, and if that bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the language of a bill or joint resolution from the other House) or is reported by a committee of conference in an amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director prepare a supplemental statement for the bill or joint resolution. The requirements of section 103 shall not apply to the publication of any supplemental statement prepared under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Congressional Budget Office to carry out the provisions of this Act $6,000,000, for each of the fiscal years 1995, 1996, 1997, and 1998.

(e) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 103. POINT OF ORDER IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by any committee of authorization of the Senate unless, based upon a ruling of the presiding Officer—

(1) the committee has published a statement of the Director in accordance with section 101(c) prior to such consideration; and

(2) in the case of a bill or joint resolution containing Federal intergovernmental mandates, either—

(A) the direct costs of all Federal intergovernmental mandates in the bill or joint resolution are estimated not to equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, or

(B)(i) the amount of the increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates is at least equal to the estimated amount of direct costs of the Federal intergovernmental mandates; and

(ii) the committee of jurisdiction has identified in the bill or joint resolution one or more of the following: a reduction in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified in clause (i)).

(b) WAIVER.—The point of order under subsection (a) may be waived in the Senate by a majority vote of the Members voting (provided that a quorum is present) or by the unanimous consent of the Senate.

(c) AMENDMENT TO RAISE AUTHORIZATION LEVEL.—Notwithstanding the terms of subsection (a), it shall not be out of order pursuant to this section to consider a bill or joint resolution to which an amendment is proposed and agreed to that would raise the amount of authorization of appropriations to a level sufficient to satisfy the requirements of subsection (a)(2)(B)(i) and that would amend an identification referred to in subsection (a)(2)(B)(ii) to satisfy the requirements of that subsection, nor shall it be out of order to consider such an amendment.

SEC. 104. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, and 105 are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, 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 (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 105. EFFECTIVE DATE.

This title shall apply to bills and joint resolutions reported by committee on or after October 1, 1996.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, assess the effects of Federal regulations on States, local governments, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL GOVERNMENT, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (including their designated representatives) and other representatives of States, local governments, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) IN GENERAL.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input pursuant to subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION.—There are hereby authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandates that may result in the expenditure by States, local governments, or tribal governments, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to States, local governments, and tribal governments of complying with the Federal intergovernmental mandates, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of Federal intergovernmental mandates; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandates upon any particular regions of the country or particular States, local governments, tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandates (such as the enhancement of health and safety and the protection of the natural environment); and

(4)(A) a description of the extent of any input to the agency from elected representatives (including their designated representatives) of the affected States, local governments, and tribal governments and of other affected parties;

(B) a summary of the comments and concerns that were presented by States, local governments, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required by subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall collect from agencies the statements prepared under section 202 and periodically forward copies of them to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—BASELINE STUDY

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of the Census, in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to States, local governments, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to States, local governments and tribal governments.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Bureau of the Census to carry out the purposes of this title, and for no other purpose, $1,000,000 for each of the fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW; SUNSET

SEC. 401. JUDICIAL REVIEW.

Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review. The provisions of this Act shall not create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination under this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

SEC. 402. SUNSET.

This Act shall expire December 31, 1998.

KEMPTHORNE AMENDMENT NO. 196

Mr. KEMPTHORNE proposed an amendment to amendment No. 190 proposed by Mr. HARKIN to the bill S. 1, supra; as follows:

Strike all after the word "That" and insert the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a "firewall" to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

GLENN AMENDMENT NO. 197

Mr. GLENN proposed an amendment to the bill, S. 1, supra; as follows:

On page 21, strike beginning with line 16 through line 4 on page 22 and insert the following:

"(1) IN GENERAL.—

"(A) STATEMENT REQUIRED FOR REPORTED BILL.—It shall not be in order in the Senate, after third reading or at any other time when no further amendments are in order, to consider any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration.

"(B) LEGISLATION OR THRESHOLD.—(i) It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report—

"(I) after third reading or at any other time when no further amendments are in order, if the enactment of such bill or resolution as amended; or

"(II) if such bill or resolution in the form recommended by such conference report differs from the bill or resolution as passed by the Senate, and if the enactment of such bill or resolution in the form recommended in such conference report,

would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless the conditions specified in clause (ii) are satisfied.

"(ii) The conditions referred to in clause (i) shall be satisfied if—

Redesignate the clause following accordingly.

McCAIN AMENDMENT NO. 198

Mr. McCAIN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, strike lines 7 through 10, and insert the following:

"(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1)—

"(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

(B) shall apply to—

(i) Any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any bill or resolution reported by such Committee;

(ii) any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

(iii) any legislative provision increasing direct costs of a federal inter-governmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

(iv) any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

(C) Upon a point of order being made by any Senator against any provision listed in Paragraph (3)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

LAUTENBERG AMENDMENT NO. 199

Mr. LAUTENBERG proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, line 5, strike out "or".

On page 13, line 8, strike out the period and insert in lieu thereof a semicolon and "or".

On page 13, insert between lines 8 and 9 the following new paragraph:

(7) limits exposure to known human (Group A) carcinogens, as defined in the Environmental Protection Agency's Risk Assessment Guidelines of 1986.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a markup session on the Commodity Futures Trading Commission reauthorizaton (S. 178). The markup will be held on Wednesday, February 1, 1995, at 9:30 in SR–332.

For further information, please contact Chuck Coner at 224–0005.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT ON THE STATE OF THE UNION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now proceed to House Concurrent Resolution 16, just received from the House, regarding the State of the Union Address; that the concurrent resolution be deemed agreed to, and the motion to reconsider be laid upon the table.

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

So the concurrent resolution (H. Con. Res. 16) was agreed to.

Mr. DOLE. Mr. President, I understand that all these requests have been approved by the Democratic leadership.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–2

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance on Criminal Matters, treaty document No. 104–2, transmitted to the Senate by the President today; and ask the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 6, 1994, with a related exchange of notes signed the same date. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records, and evidence; (3) the service of legal documents; (4) the location or identification of persons; (5) the execution of requests for searches and seizures; and (6) the provision of assistance in proceedings relating to the forfeiture of the proceeds of crime and the collection of fines imposed as a sentence in a criminal prosecution.

I recommend that the Senate give early and favorable consideration to the Treaty, and related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995.*

AUTHORITY FOR JUDICIARY COMMITTEE TO FILE A REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the Judiciary Committee have until 8 p.m. on Tuesday, January 24, 1995, to file a report to accompany Senate Joint Resolution 1, the Constitutional balanced budget amendment.

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

APPOINTMENT OF A COMMITTEE TO ESCORT THE PRESIDENT

Mr. DOLE. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States to the House Chamber for the joint session to be held at 9 p.m. on January 24, 1995.

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

ORDERS FOR TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Tuesday, January 24, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each, with the following Senators to speak for up to the designated times: Senator GRASSLEY, 5 minutes; Senator ROTH, 5 minutes; and Senator CAMPBELL, 10 minutes.

I further ask unanimous consent that at 10 a.m. the Senate resume consideration of S. 1, the unfunded mandates bill, and that the Senate stand in recess between the hours of 12:30 to 2:15 p.m. for the weekly party luncheons to meet.

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

PROGRAM

Mr. DOLE. Mr. President, let me just explain to my colleagues that there will be five consecutive rollcall votes, beginning at 4 p.m. tomorrow, on or in relation to amendments to S. 1, the unfunded mandates bill. Additional votes are expected after this series of votes. Under the unanimous-consent agreement entered last week, Senators have until 3 p.m. Tuesday to offer their amendments.

As a reminder, Senators should assemble tomorrow in the Senate Chamber at 8:30 p.m. so we may proceed as a body at 8:35 p.m. to the Hall of the House of Representatives in order to hear an address by the President on the state of the Union.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. DOLE. Mr. President, if there is no further business to come before the Senate and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:24 p.m., recessed until Tuesday, January, 24, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 23, 1995:

THE JUDICIARY

JANET BOND ARTERTON, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE JOSE A. CABRANES, ELEVATED.

WILLIS B. HUNT, JR., OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE HORACE T. WARD, RETIRED.

SUSAN Y. ILLSTON, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE BARBARA A. CAULFIELD, RESIGNED.

CHARLES B. KORNMANN, OF SOUTH DAKOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE JOHN B. JONES, RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOHN L. BRYANT, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE HELMUTH J. NAUMER, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DALE W. THOMPSON, JR. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JERRY R. RUTHERFORD [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN A. LOCKARD [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

U.S. NAVAL RESERVE

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) KENNETH LEROY FISHER [redacted]
REAR ADM. (LH) JOHN HENRY MCKINLEY, JR [redacted]
REAR ADM. (LH) JOHN FRANCIS PADDOCK, JR [redacted]

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (LH) ROGER GEORGE GILBERTSON [redacted]

DENTAL CORPS OFFICER

To be rear admiral

REAR ADM. (LH) JAMES CONLEY YEARGIN [redacted]

SUPPLY CORPS OFFICER

To be rear admiral

REAR ADM. (LH) ROBERT CAMERON CRATES [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWERHALF) IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

U.S. NAVY

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) CHARLES STEVENSON ABBOT [redacted]
REAR ADM. (LH) MICHAEL LEE BOWMAN [redacted]
REAR ADM. (LH) FRANK MATTHEW DIRREN, JR. [redacted]
REAR ADM. (LH) MARSHA JOHNSON EVANS [redacted]
REAR ADM. (LH) HENRY COLLINS GIFFIN III [redacted]
REAR ADM. (LH) LEE FREDERIC GUNN [redacted]
REAR ADM. (LH) MICHAEL DONALD HASKINS [redacted]
REAR ADM. (LH) HENRY FRANCIS HERRERA [redacted]
REAR ADM. (LH) FRANCIS WILLIAM LACROIX [redacted]
REAR ADM. (LH) THOMAS FLETCHER MARFIAK [redacted]
REAR ADM. (LH) RICHARD WILLARD MIES [redacted]
REAR ADM. (LH) ROBERT JOSEPH NATTER [redacted]
REAR ADM. (LH) ROBERT MICHAEL NUTWELL [redacted]
REAR ADM. (LH) JAMES GREGORY PROUT III [redacted]
REAR ADM. (LH) JAMES REYNOLDS STARK [redacted]
REAR ADM. (LH) ROBERT SUTTON [redacted]
REAR ADM. (LH) JAY BRADFORD YAKELEY [redacted]

ENGINEERNG DUTY OFFICER

To be rear admiral

REAR ADM. (LH) PAUL MATTHEW ROBINSON [redacted]

THE FOLLOWING-NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

U.S. NAVAL RESERVE

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. KENNETH PETER BARAUSKY [redacted]
CAPT. MARTIN EDWARD JANCZAK [redacted]
CAPT. PIERCE JARVIS JOHNSON [redacted]
CAPT. MICHAEL ROBERT SCOTT [redacted]

INTELLIGENCE OFFICER

To be real admiral (lower half)

CAPT. LARRY LAFAYETTE POPE [redacted]

PUBLIC AFFAIRS OFFICER

To be rear admiral (lower half)

CAPT. RICHARD HARRY WELLS [redacted]

MEDICAL CORPS OFFICER

To be rear admiral (lower half)

CAPT. JOHN BERT COTTON [redacted]
CAPT. JOHN CONANT WEED, JR [redacted]

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. FRED JOSEPH SCHUBER II [redacted]

CHAPLAIN CORPS

To be rear admiral (lower half)

CAPT. PETER HESS BECKWITH [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OR RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL CORPS

To be lieutenant colonel

ALAN L. CHRISTENSEN [redacted]
JAMES L. RODGERS [redacted]

To be major

DEAN F. CONNORS [redacted]
EDWARD A. WOLFF III [redacted]

DENTAL CORPS

To be colonel

GARDNER G. BASSETT [redacted]

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 12203 AND 3385:

ARMY PROMOTION LIST

To be colonel

HOSIG, RODGER T. [redacted]
OLIVA, JOSEPH R. [redacted]
PALAZZO, FRANK J. [redacted]
SIKES, JAMES M. [redacted]
SPAIN, EDWIN E. III [redacted]
STEWART, THOMAS E. [redacted]
STOUT, EDWARD L. IV [redacted]
UMBARGER, ROY M. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

DECATO, ROGER P. [redacted]
REISDORFF, STEVEN [redacted]
SCHNEIDER, WILLIAM D. [redacted]
SKELTON, JOSEPH R. [redacted]
SMITH, JAMES P. [redacted]

MEDICAL CORPS

To be colonel

GELB, DONALD M. [redacted]
HANCOCK, THOMAS J. [redacted]
HILL, PURVIS W. JR. [redacted]
ROGERS, LEO F. [redacted]

CHAPLAIN CORPS

To be colonel

BROUSSARD, ANDRE R., JR. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

MARTINE, PETER A. [redacted]
MCADORY, CLARENCE M., JR. [redacted]
NELAN, DANIEL J. [redacted]
NELSON, JOHN R. [redacted]
NESBIT, WILLIE A. [redacted]
RUSSELL, MICHAEL H. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

LAMPTON, DUNNICA O. [redacted]
PUGLISI, RICHARD L. [redacted]
SPEARS, RONALD D. [redacted]

MEDICAL CORPS

To be lieutenant colonel

ALLELY, ERIC B. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

LOWE, SARA M. [redacted]

THE FOLLOWING-NAMED INDIVIDUAL FOR A RESERVE OF THE ARMY APPOINTMENT, WITH CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203, 12204, AND 12320:

MEDICAL CORPS

To be lieutenant colonel

FREDERICK B. BROWN [redacted]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JAMES P. SCREEN III [redacted]
ELISSA J. SMITH [redacted]
JASON R. J. TESTA [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

DENTAL CORPS

To be colonel

BADER, BARRETT W. [redacted]
BOLGER, WALTON L. [redacted]
CORNELIUS, CLIFFORD W. [redacted]
CUMMINGS, DONALD E. [redacted]
EDWARDS, RICHARD C. [redacted]
ENG, RONALD W. [redacted]
FANCHER, JAMES P. [redacted]
GREENE, PAUL D., JR. [redacted]
HILTON, THOMAS J. [redacted]
NAYLOR, WILLIAM P. [redacted]
NELSON, CRAIG L. [redacted]
OSBORNE, PAUL B. [redacted]
PALMER, DAVID S. [redacted]
PEMBLE, CHARLES W., III [redacted]
SHAEFER, JEFFRY R. [redacted]
SHANNON, MICHAEL D. [redacted]
SHULMAN, ELLIOT R. [redacted]
WESTERHOLM, HAROLD S., II [redacted]
WYMAN, BARRY M. [redacted]
ZOLLARS, MICHAEL D. [redacted]

MEDICAL CORPS

To be colonel

ABERNATHY, SUSAN P. [redacted]
ARROYD, LUIS C. [redacted]
BAGGERLY, GREGORY C. [redacted]
BARBERA, RAYMOND T. [redacted]
BEECHIE, CARLA A. [redacted]
BERG, JACK L. [redacted]
BISSON, ROGER U. [redacted]
BLACK, JERROLD G. [redacted]
BOHANON, KATHLEEN, S. [redacted]
BUNTINGBLAKE, GERALD F. [redacted]
CHASTAIN, DAVID O. [redacted]
CHRISTENSEN, ALAN, W. [redacted]
CLARK, WILLIAM D. [redacted]
COVASMALDONADO, IVAN [redacted]
DREHNER, DENNIS M. [redacted]
DURNING, JAMES P. [redacted]
EXSTRUM, TERRY D. [redacted]
GILLIAM, PAUL E., JR. [redacted]
GLIFORT, KENNETH, F. [redacted]
GOODWIN, DEBORAH V. [redacted]
HAGAN, LARRY L. [redacted]
HEMPHILL, VIRGIL E., JR. [redacted]
JOHNSON, THOMAS G. [redacted]
KING, THOMAS H. [redacted]
LEE, BRADFORD H. [redacted]
LEVITT, MORTON H. [redacted]
LOPEZVALENTIN, PEDRO H. [redacted]
MARRERO, GREGORIA [redacted]
MARSHALL, JOHN A., II [redacted]
MCCARTHY, DAVID A. [redacted]
MCCAULEY, KATHLEEN M. [redacted]
MEINHARDT, MILTON A. [redacted]
MESSINGHAM, MARK L. [redacted]
MONROE, SCOTT W. [redacted]
MORK, MICHAEL R. [redacted]
MORRIS, FRANCIS M. [redacted]
MORTON, PAUL E. [redacted]
PIETRZAK, MICHAEL F. [redacted]
RAM, PRATHIBA [redacted]
RAMLER, JOHN M. [redacted]
REEVES, JAMES D. [redacted]
SABOE, GERALD W. [redacted]
SAMMONS, JAMES H., JR. [redacted]
SANDERS, GEORGE L. [redacted]
SAYERS, ROBERT E. [redacted]
SCOTT, THOMAS E. [redacted]
SNYDER, RUSSELL R. [redacted]
STOCK, DONALD H. [redacted]
SUTTERFIELD, THOMAS C. [redacted]
TRUSS, HUBERT N. [redacted]
UCHMAN, STANLEY E. [redacted]
WHITE, MICHAEL J. [redacted]
WOLF, EARL G., JR. [redacted]
YANCEY, FORREST C., JR. [redacted]
YASUHARA, THOMAS T. [redacted]
YOUNG, WILLIAM W.C. [redacted]

DENTAL CORPS

To be lieutenant colonel

ALEXANDER, JOEL B., II [redacted]
ANDERSON, DENNIS M. [redacted]
ATWOOD, MICHAEL J. [redacted]
BATES, CHRISTOPHER F. [redacted]
BEESON, THOMAS J. [redacted]
BRENDLINGER, ERIC J. [redacted]
BROWN, GRAIG D. [redacted]
BURNETT, ROBERT R. [redacted]
DEVINE, SARA M. [redacted]
ESQUIVEL, CARLOS [redacted]
FLORES, SALVADOR, JR. [redacted]
GOEHRING, WILLIAM J. [redacted]
GONZALES, DAVID A. [redacted]
GRACE, THOMAS W., JR. [redacted]
GULBRANSON, STEVEN D. [redacted]
HEIT, JAMES M. [redacted]

IMBERY, TERENCE A. xxx-xx-x...
JAMES, WALTER J. xxx-xx-x...
KELLY, DENNIS W., JR. xxx-xx-x...
KOCH, MICHAEL A. xxx-xx-x...
LEIST, JOHN C., III xxx-xx-x...
LINDEMUTH, JAMES S. xxx-xx-x...
LINEHAN, ALLAN D. xxx-xx-x...
MACPHERSON, JEFF R. xxx-xx-x...
MEDLEY, CHRISTOPHER C. xxx-xx-x...
MERRILL, STEPHEN W. xxx-xx-x...
MIKOTOWICZ, JOHN J. xxx-xx-x...
NOALL, KEVIN M. xxx-xx-x...
RAWLEY, DANIEL J. xxx-xx-x...
ROGERS, PAUL M. xxx-xx-x...
SEDBERRY, DONALD C. xxx-xx-x...
TABATCHNICK, LARRY xxx-xx-x...
THOMAS, WALTER L. xxx-xx-x...
TOWNSEND, JULIA H. xxx-xx-x...
VANDEWALLE, KRAIG S. xxx-xx-x...
VILLA, RICHARD H. xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

ALLEN, ROBERT C. xxx-xx-x...
BEHESHTI, MICHAEL V. xxx-xx-x...
BELENY, CHARLES G. xxx-xx-x...
BERRO, EVA T. xxx-xx-x...
BIEDIGER, WILLIAM D. xxx-xx-x...
BLOOD, ROBERT L. xxx-xx-x...
BROCKWAY, LEAH W. xxx-xx-x...
CHAMBERLAIN, DONALD H. xxx-xx-x...
CHAPMAN, STEVEN F. xxx-xx-x...
CHESHIRE, BRIAN D. xxx-xx-x...
CHONG, CHRISTOPHER L. xxx-xx-x...
CHOU, TIMOTHY Y. xxx-xx-x...
CLEMS, JAY A. xxx-xx-x...
CORCORAN, TIMOTHY S. xxx-xx-x...
COX, KENNETH L. xxx-xx-x...
DEFRANCIS, DOMINIC A. xxx-xx-x...
DICKEY, KIMBERLY J. xxx-xx-x...
DONIGIAN, ARAM M. xxx-xx-x...
DOUGHERTY, RAYMOND S. xxx-xx-x...
DUNN, CORY D. xxx-xx-x...
DYE, JOSEPH D. xxx-xx-x...
DYKES, THOMAS M. xxx-xx-x...
EGGERT, RUSSELL W. xxx-xx-x...
FACINOLI, JOHN F. xxx-xx-x...
FOX, KAREN A. xxx-xx-x...
FRIES, MELISSA H. xxx-xx-x...
GELORMINI, RUSSELL G. xxx-xx-x...
GILLIS, JOHN F. xxx-xx-x...
GINGRICH, MARI J. xxx-xx-x...
GOODWIN, DAVID A. xxx-xx-x...
GORDON, TRACY A. xxx-xx-x...
GRAY, THOMAS E. xxx-xx-x...
HANKINS, THOMAS C. xxx-xx-x...
HARRIS, SHARON G. xxx-xx-x...
HENRY, BRYAN L. xxx-xx-x...
HEPBURN, BYRON C. xxx-xx-x...
HERMAN, NORMAN L. xxx-xx-x...
HOCOTT, WILLIAM B. xxx-xx-x...
HOUGAS, JAMES E., JR. xxx-xx-x...
HUFFMAN, JOHN W. xxx-xx-x...
HURLEY, LEO D. xxx-xx-x...
JOHNSON, ROBERT xxx-xx-x...
KIM, JEROME HAHN xxx-xx-x...
KING, JAMES A. xxx-xx-x...
KLINK, BRIAN K. xxx-xx-x...
KNOWLES, JAMES R. xxx-xx-x...
KUIVILA, THOMAS E. xxx-xx-x...
LAFON, EVERETTE D. xxx-xx-x...
LASHLEYALDER, PHYLLIS J. xxx-xx-x...
LENOACH, PHILIP M. xxx-xx-x...
LITTLEFIELD, WILLIAM G. xxx-xx-x...
LOCKIE, SHIRLEY, R. xxx-xx-x...
LONG, JAMES, M. xxx-xx-x...
LORUSSO, FRNAK, J. xxx-xx-x...
LOVICH, STEPHEN, F. xxx-xx-x...
MACISAAC, KATHLEEN, A. xxx-xx-x...
MAKI, LANCE, A. xxx-xx-x...
MANUSOV, ERON, G. xxx-xx-x...
MASON, JAMES, S. xxx-xx-x...
MCLAUGHLIN, THOMAS, J. xxx-xx-x...
MENDEZ, EVELYN xxx-xx-x...
MICKLE, THEORDORE, A., JR. xxx-xx-x...
MITCHELL, JOHN, P. xxx-xx-x...
MONTANY, PAUL, F. xxx-xx-x...
MOORE, VERGA, A. xxx-xx-x...
MORALES, CARLOS, F. xxx-xx-x...
MURPHY, EMMET, P. xxx-xx-x...
MURPHY, KENT, R. xxx-xx-x...
MURPHY, SEAN, L. xxx-xx-x...
MUSKAT, PETER, C. xxx-xx-x...
NELSON, ANTONIO xxx-xx-x...
NEVILLE, JAMES, S. xxx-xx-x...
NOLTE, JOHN, M. xxx-xx-x...
ODEGARD, KEITH, J. xxx-xx-x...
OHSIEK, CATHERINE, C. xxx-xx-x...
O'NEAL, JONATHAN, F. xxx-xx-x...
PANDS, REED, G. xxx-xx-x...
PARSA, BRIAN, B. xxx-xx-x...
PAUL, DAVID, L. xxx-xx-x...
PELTON, JEFFREY, J. xxx-xx-x...
PEREZBECERRA, JOSE, L. xxx-xx-x...
PETERS, KURT, R.L. xxx-xx-x...
PHILBRICK, KEMUEL, L. xxx-xx-x...
PHILLIPS, PAUL, A. xxx-xx-x...
PLAGA, BRADLEY, R. xxx-xx-x...
PORTALATIN, MANUEL, B. xxx-xx-x...
PRESTIDGE, BRADLEY, R. xxx-xx-x...
RAMIREZ, HECTOR, A. xxx-xx-x...
ROBB, DOUGLAS, J. xxx-xx-x...
SANDERS, TIMOTHY, G. xxx-xx-x...
SCHAFFRINNA, MICHAEL, G. xxx-xx-x...
SCHULTZ, CURTIS, D. xxx-xx-x...
SHEA, KEVIN, S. xxx-xx-x...
SIHAU, DAVID, W. xxx-xx-x...
SLAWINSKI, KIMBERLY, A. xxx-xx-x...
SMART, RANDALL, W. xxx-xx-x...
SORRA, ENDEL, A. xxx-xx-x...
STANCOMBE, BRADLEY, B. xxx-xx-x...
TAPPEL, JOHN, J. xxx-xx-x...
TASHIRO, KEN, M. xxx-xx-x...
TAYLOR, CYNTHIA, N. xxx-xx-x...
TIDABACK, DALE R. xxx-xx-x...
TIPTON, DAVID J. xxx-xx-x...
TONG, ANDREW xxx-xx-x...
TRACY, JAMES M. xxx-xx-x...
TUBB, RICHARD J. xxx-xx-x...
TURNER, RUSSELL A. xxx-xx-x...
VANVALKENBURG, SCOTT W. xxx-xx-x...
VERAZIN, GARY THOMAS xxx-xx-x...
VOGT, ROBERT P. xxx-xx-x...
WALLACE, DAVID F. xxx-xx-x...
WALSH, PETER T. xxx-xx-x...
WALZ, JON H., JR. xxx-xx-x...
WARREN, DOUGLAS C. xxx-xx-x...
WATSON, JOHN W. xxx-xx-x...
WEBB, HAROLD J. xxx-xx-x...
WEMPE, JOSEPH M. xxx-xx-x...
WOODWARD, KELLY H. xxx-xx-x...
WOOTEN, JOHN D. III xxx-xx-x...
WRIGHT, GARTH B. xxx-xx-x...
WYMAN, DANIEL O. xxx-xx-x...

DENTAL CORPS

To be major

BENDER, DAVID M. xxx-xx-x...
BERGERON, BRIAN E. xxx-xx-x...
BOESTER, RUSSELL G. xxx-xx-x...
BRANDYS, ROBERT F. xxx-xx-x...
BROTHERTON, LEN D. xxx-xx-x...
BRUNSON, DAVID Z. xxx-xx-x...
CHILDRESS, ROGER W. xxx-xx-x...
CRISP, CHARLES B. xxx-xx-x...
DELUNA, JEFFREY F. xxx-xx-x...
DRAPER, SCOTT A. xxx-xx-x...
EVANS, DARRELL J. xxx-xx-x...
FORD, DOUGLAS E. xxx-xx-x...
FULSAAS, LEE A. xxx-xx-x...
GREENING, SCOTT R. xxx-xx-x...
HANIGAN, JAMES B. xxx-xx-x...
HARRELL, CHARLES J., JR. xxx-xx-x...
HELM, STEVEN H. xxx-xx-x...
JENKINS, DENVER D., JR. xxx-xx-x...
KIRKPATRICK, TIMOTHY C. xxx-xx-x...
KLYN, STEVEN L. xxx-xx-x...
LACKLER, KARL P. xxx-xx-x...
LEVEY, JONATHAN A. xxx-xx-x...
MARCK, ANDREW J. xxx-xx-x...
MAY, VALENCIA D. xxx-xx-x...
MEIER, ALLEN W. xxx-xx-x...
NILL, MARK D. xxx-xx-x...
NOVY, CHARLES K. xxx-xx-x...
PARKE, ALLAN S. xxx-xx-x...
POTH, MICHAEL E. xxx-xx-x...
POWERS, DAVID B. xxx-xx-x...
RECTOR, TIMOTHY M. xxx-xx-x...
REINHART, ROBERT V., JR. xxx-xx-x...
RICE, WILLIAM E. xxx-xx-x...
SCHUH, TIMOTHY J. xxx-xx-x...
STANIFER, KENNETH C. xxx-xx-x...
TERRY, GLENN L. xxx-xx-x...
THEKEN, JAMES E., JR. xxx-xx-x...
TIGCHELAAR, DONALD C. xxx-xx-x...
UYEHARA, MARK Y. xxx-xx-x...
VANSURKSUM, RODERICK D. xxx-xx-x...
VASTAFALLDORF, FRANCESCA xxx-xx-x...
WIMSATT, JAMES A., III xxx-xx-x...
WONG, LOLO xxx-xx-x...
YACCINO, JOHN M. xxx-xx-x...

MEDICAL CORPS

To be major

ADAMS, STEPHEN R. xxx-xx-x...
AGNER, DALE R., 534-80-9420
AHADIAN, FARSHAD M. xxx-xx-x...
AKAKA, GERARD K. xxx-xx-x...
ALMY, CYNTHIA C. xxx-xx-x...
ANDERSON, JOSEPH B. xxx-xx-x...
ANDERSONROJAS, ELIZABETH R. xxx-xx-x...
ANDO, KERRY J. xxx-xx-x...
ANDREWS, TODD L. xxx-xx-x...
ANDRUSS, ROBERT J. xxx-xx-x...
ANG, DAVID P. xxx-xx-x...
ARNESS, MARK K. xxx-xx-x...
ARNOLD, JEFFREY L. xxx-xx-x...
ASHBURN, ELIZABETH L. xxx-xx-x...
AULTMAN, CHAD J. xxx-xx-x...
BAILEY, JODI L. xxx-xx-x...
BAISDEN, BETH A. xxx-xx-x...
BALSON, SCOTT A. xxx-xx-x...
BAMBER, JOHN JOSEPH xxx-xx-x...
BARAD, JAMES P. xxx-xx-x...
BARADZIEJ, MARK E. xxx-xx-x...
BAYLOR, KATHY E. xxx-xx-x...
BEDNAR, JOHN M. xxx-xx-x...
BENEDETTI, GARY E. xxx-xx-x...
BENKE, THEODORE T. xxx-xx-x...
BENNION, JAMES R. xxx-xx-x...
BENSON, MICHAEL K. xxx-xx-x...
BENTS, ROBERT T. xxx-xx-x...
BERKHEIMER, WALTER R. xxx-xx-x...
BERTAGNOLI, MARK W. xxx-xx-x...
BEST, DARRYL B. xxx-xx-x...
BEST, HENRY J., IV xxx-xx-x...
BIANCO, MICHAEL J. xxx-xx-x...
BIAS, JOHN G. xxx-xx-x...
BLOUNT, JAMES J., III xxx-xx-x...
BOMALASKI, JOHN J. xxx-xx-x...
BONAR, JAMES P. xxx-xx-x...
BOONE, MELCHOR M., JR. xxx-xx-x...
BORER, JOSEPH M. xxx-xx-x...
BORKOWSKI, MICHAEL A. xxx-xx-x...
BOUFFARD, JOHN P. xxx-xx-x...
BRADLEY, DEBORAH K. xxx-xx-x...
BRECH, KILIAN H., II xxx-xx-x...
BREETZKE, CECIL B. xxx-xx-x...
BRINGHURST, DIRK C. xxx-xx-x...
BRINKMAN, MARK J. xxx-xx-x...
BROWN, SCOTT D. xxx-xx-x...
BROWNBRATSCH, JANELLE E. xxx-xx-x...
BROOOWNE, LINDA J. xxx-xx-x...
BRUNSELL, SUSAN C. xxx-xx-x...
BUENAVENTURA, RICARDO M. xxx-xx-x...
BURDETTE, DAVID D. xxx-xx-x...
BUTCHER, ROBERT P. xxx-xx-x...
CALDERWOOD, CAROL A. xxx-xx-x...
CARDENAS, DIEGO G. xxx-xx-x...
CARROLL, CHARLES L., III xxx-xx-x...
CARROLL, KEVIN W. xxx-xx-x...
CARTER, BRUCE M. xxx-xx-x...
CASEBOLT, MARK A. xxx-xx-x...
CHAMBERLAIN, DAVID G. xxx-xx-x...
CHARLES, WILBERT E. xxx-xx-x...
CHEESEMAN, MELISSA M. xxx-xx-x...
CHENEVERT, LISA S. xxx-xx-x...
CHESNUTT, JAMES C. xxx-xx-x...
CHINEA, CARLOS E. xxx-xx-x...
CHING, ANGELA xxx-xx-x...
CHLEBOWSKI, JAMES E. xxx-xx-x...
CHOZINSKI, JOSEPH P. xxx-xx-x...
CHRISTENSEN, KENNETH E. xxx-xx-x...
CLARKSON, THOMAS A. xxx-xx-x...
CLAYTON, ANNA S. xxx-xx-x...
COHEN, AARON H. xxx-xx-x...
COLLAER, REBECCA A. xxx-xx-x...
COOKE, SHANNON E. xxx-xx-x...
COPLEIN, CLAUDIA R. xxx-xx-x...
CORDES, DAVID J. xxx-xx-x...
COUDREAUT, MICHAEL F. xxx-xx-x...
CRAIG, DONNA J. xxx-xx-x...
CROUSE, BRENT A. xxx-xx-x...
CROWLEY, MICHAEL A. xxx-xx-x...
CURRISTON, MICHAEL P. xxx-xx-x...
CURRY, CHARLES E., JR. xxx-xx-x...
CUSICK, JEFFREY M. xxx-xx-x...
CZUBA, KAREN M. xxx-xx-x...
DAGOSTINO, MARK A. xxx-xx-x...
DAHLHAUSER, KEITH F. xxx-xx-x...
DAIDONE, MARA J. xxx-xx-x...
DALEY, JOSEPH C., III xxx-xx-x...
DAMOUR, PAUL L., II xxx-xx-x...
DANZEISEN, DAVID J. xxx-xx-x...
DASSOW, PAUL L. xxx-xx-x...
DAVIDSON, BRADLEY K. xxx-xx-x...
DAVILA, JEFFREY N. xxx-xx-x...
DEGUIDE, JOHN J. xxx-xx-x...
DEMBSKI, DAVID M. xxx-xx-x...
DIAMOND, KENNETH C. xxx-xx-x...
DIDIER, MARK E. xxx-xx-x...
DINENBERG, ARTHUR S. xxx-xx-x...
DOLISTER, MICHAEL J. xxx-xx-x...
DOOLITTLE, DANIEL S. xxx-xx-x...
DOOLITTLE, THOMAS P. xxx-xx-x...
DOSMANN, MARK A. xxx-xx-x...
DOWSE, ROBERT K. xxx-xx-x...
EASON, WILLIAM A. xxx-xx-x...
EBENROTH, ERIC S. xxx-xx-x...
EHRNSTROM, PETER G. xxx-xx-x...
ELTON, THOMAS J. xxx-xx-x...
EMIG, MIMI xxx-xx-x...
ENSIGN, BRUCE G. xxx-xx-x...
EWENS, JOSEPH D. xxx-xx-x...
EYRE, JOHN C. xxx-xx-x...
FAUSEL, EDWARD D. xxx-xx-x...
FEDRIZZI, RUDOLPH P. xxx-xx-x...
FIRNHABER, JONATHON M. xxx-xx-x...
FISHER, JOHN H., JR. xxx-xx-x...
FLESHER, MARK D. xxx-xx-x...
FLETCHER, REX A. xxx-xx-x...
FORSLUND, DARREL K., JR. xxx-xx-x...
FRANKLIN, MICHAEL D. xxx-xx-x...
FRECKLETON, MICHAEL W. xxx-xx-x...
FREEL, PAUL D. xxx-xx-x...
FREESTONE, DAVID J. xxx-xx-x...
FRIEDRICHS, PAUL A. xxx-xx-x...
FULLERTON, BRIAN D. xxx-xx-x...
FUSCO, MARK A. xxx-xx-x...
GAGLIAND, NICHOLAS C. xxx-xx-x...
GALKE, CURTIS L. xxx-xx-x...
GANONG, KEVIN D. xxx-xx-x...
GANZI, LOIS L. xxx-xx-x...
GEANON, JOHN D. xxx-xx-x...
GEE, MATTHEW R. xxx-xx-x...
GIANNINI, JACQUELINE K. xxx-xx-x...
GIBBONS, MARION L. xxx-xx-x...
GLASS, TODD F. xxx-xx-x...
GLOVER, RICHARD A. xxx-xx-x...
GOLDBERG, KENNETH W. xxx-xx-x...
GOLDSTEIN, BRIAN S. xxx-xx-x...
GOOD, ROBERT B. xxx-xx-x...
GOODRICH, DEBORA A. xxx-xx-x...

GOODRICH, MICHAEL D. xxx-xx-x...
GOODWIN, JANET T. xxx-xx-x...
GOODWIN, MARK D. xxx-xx-x...
GOOTOS, PETER J. xxx-xx-x...
GOULD, PETER J. xxx-xx-x...
GRANT, WALTER K., III xxx-xx-x...
GREEN, JEFFREY S. xxx-xx-x...
GREENWOOD, JOHN M. xxx-xx-x...
GRIDER, DOUGLAS J. xxx-xx-x...
GRINAGE, BRADLEY D. xxx-xx-x...
GRINKEMEYER, MICHAEL D. xxx-xx-x...
GUERRA, HORACIO P., IV xxx-xx-x...
HALL, BRIAN H. xxx-xx-x...
HALL, CURTIS R. xxx-xx-x...
HALOW, KEVIN D. xxx-xx-x...
HARKER, DAVID L. xxx-xx-x...
HARMON, CHRISTOPHER H. xxx-xx-x...
HART, CAROL ANN xxx-xx-x...
HARTER, STEVEN B. xxx-xx-x...
HARVEY, TODD J. xxx-xx-x...
HARVICH, JANA R. xxx-xx-x...
HASKE, TERRY L. xxx-xx-x...
HAUSER, STEPHEN H. xxx-xx-x...
HAYES, BRIAN P. xxx-xx-x...
HAYES, PATRICK R. L. xxx-xx-x...
HEIDENREICH, ERIC J. xxx-xx-x...
HELMS, JEFFREY R. xxx-xx-xx...
HEMMELGARN, LORI M. xxx-xx-x...
HERD, EDWIN P. xxx-xx-x...
HICKMAN, TIMOTHY N. xxx-xx-x...
HO, ALBERT F. xxx-xx-x...
HOFFMAN, KRISTINA M. xxx-xx-x...
HOLDER, CURTIS H. xxx-xx-x...
HOLDER, KATHRYN K. xxx-xx-x...
HOLE, DONALD J. xxx-xx-x...
HOLLAND, SWENI xxx-xx-x...
HOLTHOUSE, MARK E. xxx-xx-x...
HORN, JAMES K. xxx-xx-x...
HOWARD, DONALD S. xxx-xx-x...
HURWITZ, GARY LEE xxx-xx-x...
JABLON JEFFREY H. xxx-xx-x...
JACOBS, JOSHUA S. xxx-xx-x...
JAMES, MICHAEL W. xxx-xx-x...
JOHNSON, CHRISTOPHER C. xxx-xx-x...
JOHNSON, STEPHANIE J. xxx-xx-x...
JOHNSON, TROY E. xxx-xx-x...
JONES, ROBERT C. xxx-xx-x...
JONES, WOODSON S. xxx-xx-x...
JORDAN, LEANNE E. xxx-xx-x...
JOSEPH, FREDERIC B. xxx-xx-x...
JOYNER, KRISTIN M. xxx-xx-x...
KAAN, DARYL J. xxx-xx-x...
KALMAR, STEPHEN R. xxx-xx-x...
KAMMERER, WILLIAM F. xxx-xx-x...
KARTCHNER, KEVIN E. xxx-xx-x...
KARTCHNER, WADE E. xxx-xx-x...
KEARNEY, PATRICIA A. xxx-xx-x...
KEARNEY, PATRICK J. xxx-xx-x...
KEENE, MATTHEW S. xxx-xx-x...
KELLEHER, INEZ M. xxx-xx-x...
KENDALL, BRIAN S. xxx-xx-x...
KENNEDY, KAREN D. xxx-xx-x...
KING, BRYAN C. xxx-xx-x...
KLINE, ROBERT A. L. xxx-xx-x...
KNIGHT, KENNETH K. xxx-xx-x...
KOOIMA, RICK A. xxx-xx-x...
KUNTZ, CARIN CAIN xxx-xx-x...
KURIAN, LEONARD S. xxx-xx-x...
LANE, ALEXIS G. xxx-xx-x...
LARSEN, DENNIS E. xxx-xx-x...
LAW, GEORGE S. xxx-xx-x...
LAWRENCE, BILL B. xxx-xx-x...
LEGAN, JOSEPH J. xxx-xx-x...
LEVASSEUR, JOHN G. xxx-xx-x...
LEVI, MARC L. xxx-xx-x...
LIEVENS, MICHAEL W. xxx-xx-x...
LISKE, MICHAEL R. xxx-xx-x...
LIU, JOSEPH C. xxx-xx-x...
LOCASTRO, DAVID P. xxx-xx-x...
LOESCHEN, STEVE K. xxx-xx-x...
LORBER, RICHARD O. xxx-xx-x...
LUNDAHL, ROBERT E. xxx-xx-x...
LUNT, CHAD C. xxx-xx-x...
MAGOON, MICHAEL R. xxx-xx-x...
MAHLER, DAVID S. xxx-xx-x...
MAILLET, MATT W. xxx-xx-x...
MANN, MICHAEL D. xxx-xx-x...
MANSFIELD, JOHN T. xxx-xx-x...
MARSHALL, DEANNA L. xxx-xx-x...
MARTIN, WILLIAM R. xxx-xx-x...
MASRI, ADDAM xxx-xx-x...
MATSUMOTO, MAVIS N. xxx-xx-x...
MATSUNO, STANFORD K. xxx-xx-x...
MCALPINE, BRIAN H. xxx-xx-x...
MCCAIN, STEFANIE B. xxx-xx-x...
MCCOY, KEITH E. xxx-xx-x...
MCCRARY, JAMES E. xxx-xx-x...
MCDONALD, LYNN A. xxx-xx-x...
MCGUIRE, LAURA A. xxx-xx-x...
MCKENNA, DAVID S. xxx-xx-x...
MEARS, DIANA L. xxx-xx-x...
MEURER, KAREN xxx-xx-x...
MILLER, FRANK R., III xxx-xx-x...
MITCHELL, MICHAEL J. xxx-xx-x...
MOKULIS, ELIZABETH C. xxx-xx-x...
MONATH, JAMES R. xxx-xx-x...
MOORE, NICOLE N. xxx-xx-x...
MORAN, ANDREW M. M. xxx-xx-x...
MOREHOUSE, JOSEPH D. xxx-xx-x...
MORGAN, MARY J. xxx-xx-x...
MORRISON, PETER A. xxx-xx-x...
MURPHY, BELINDA A. xxx-xx-x...
MUSE, ROGER K. xxx-xx-x...
NAGY, ANNAMARIA xxx-xx-x...
NEAL, RANDALL H. xxx-xx-x...
NEELD, JOHN B. xxx-xx-x...
NELSON, RONALD A. xxx-xx-x...
NGUYEN, DUKE xxx-xx-x...
NISHIOKA, LUCAS T. xxx-xx-x...
NORRIS, SCOTT B. xxx-xx-x...
NORTH, HEATHER H. xxx-xx-x...
OLIVER MALCOLM B. xxx-xx-x...
ONEIL, MARY M., 122-50-6514
ORMANOSKI, MARGARET H. xxx-xx-x...
OROURKE, TERENCE L., JR. xxx-xx-x...
OUWELEEN, JENNIFER A. xxx-xx-x...
PAGAN, RAFAEL A. xxx-xx-x...
PARKER, DAVID K. xxx-xx-x...
PECKHAM, ROBYN H. xxx-xx-x...
PERRY, WILLIAM B. xxx-xx-x...
PETER, THOMAS C. xxx-xx-x...
PHILLIPS, SCOTT E. xxx-xx-x...
PO, WILLIAM D. xxx-xx-x...
POLLARD, THOMAS W. xxx-xx-x...
RADACK, MATTHEW C. xxx-xx-x...
RANALLI, MARK A. xxx-xx-x...
RAPHAEL, HOWARD J. xxx-xx-x...
RAYBON, KELVIN B. xxx-xx-x...
RAYMOND, JULIE T. xxx-xx-x...
REED, JOHN B. xxx-xx-x...
REHAK, CHRISTOPER S. xxx-xx-x...
REIMER, ALEXIS B. xxx-xx-x...
RICHARDSON, KENNETH J. xxx-xx-x...
RIEGEL, DARRYL L. xxx-xx-x...
RIZZO, ANNE G. xxx-xx-x...
ROANE, DOUGLAS W. xxx-xx-x...
ROBINETTE, TIMOTHY D. xxx-xx-x...
ROCK, DOUGLAS B. xxx-xx-x...
RODRIGUEZ, LORA E. xxx-xx-x...
ROLLO, VINCENT J. xxx-xx-x...
RUDER, CRAIG R. xxx-xx-x...
RUFF, THEODORE A. xxx-xx-x...
RUSSELL, TOD S. xxx-xx-x...
RUSSO, MAGNO PATRICIA M. xxx-xx-x...
RYDEN, JOHN M. xxx-xx-x...
SAKURADA, CRAIG H. xxx-xx-x...
SALATA, MICHAEL P. xxx-xx-x...
SANCHEZ, MICHAEL J. xxx-xx-x...
SANDOVAL, WILLIAM xxx-xx-x...
SANTERINI, KRISTINE, R. xxx-xx-x...
SARKISIAN, EDWARD C., JR. xxx-xx-x...
SATTERLY, MARY F. xxx-xx-x...
SAWAY, WILLIAM C. xxx-xx-x...
SCHEFFER, MARK M. xxx-xx-x...
SCHILLING, RUSSELL A. xxx-xx-x...
SCHMITZ, ROBERT A. xxx-xx-x...
SCHOENBERGER, JOSEPH A. xxx-xx-x...
SELLMAN, DANIEL C. xxx-xx-x...
SHERWOOD, LORAN D. xxx-xx-x...
SHULER, KURT J. xxx-xx-x...
SHUTTER, LORI A. xxx-xx-x...
SKIDMORE, BRETT D. xxx-xx-x...
SKYE, ERIC P. xxx-xx-x...
SLOAN, RANDY M. xxx-xx-x...
SMIDT, WESLEY R. xxx-xx-x...
SMITH, DEANE L., II xxx-xx-x...
SMITH, STEVEN L. xxx-xx-x...
SNOW, STEVEN P. xxx-xx-x...
SODD, ANTHONY M. xxx-xx-x...
SOEHNER, DAVID F. xxx-xx-x...
SOTO, CECILIA xxx-xx-x...
ST CLAIR, DOUGLAS A. xxx-xx-x...
START, ROBERT J. xxx-xx-x...
STEELE, ANDREW C. xxx-xx-x...
STEEPY, KATHLEEN A. xxx-xx-x...
STEPHAN, KEVIN T. xxx-xx-x...
STOKES, GARY N. xxx-xx-x...
STONE, ALAN B. xxx-xx-x...
STORROW, ALAN B. xxx-xx-x...
SUMRALL, RICHARD W. xxx-xx-x...
SUTHERLIN, RALPH M. xxx-xx-x...
SWAN, MICHAEL C. xxx-xx-x...
SWAN, REBECCA R. xxx-xx-x...
TAKATA, JAY A. xxx-xx-x...
TAYLOR, JANINE D. xxx-xx-x...
TAYLOR, LISA J. xxx-xx-x...
TEDDER, CHARLES S. xxx-xx-x...
TEMOFEEW, RICHARD K. xxx-xx-x...
THELEN, GREGORY L. xxx-xx-x...
THOMASON, RONALD W. xxx-xx-x...
THOME, JUDENE M. xxx-xx-x...
THOMPSON, WILLIAM C. xxx-xx-x...
TOWNE, LAURA E. xxx-xx-x...
TREBIAN, KATHLEEN M. xxx-xx-x...
TRICK, WILLIAM E. xxx-xx-x...
TUCHER, JOHN J. xxx-xx-x...
TURNER, LISA CAROLE xxx-xx-x...
VALLETTE, ERIKA R. xxx-xx-x...
VANASSCHE, SIDNEY T. xxx-xx-x...
VANDIVORT, DANIEL L. xxx-xx-x...
VARGAS, CHERYL P. xxx-xx-x...
VETTEL, KENNETH L. xxx-xx-x...
WAGENHORST, BRET B. xxx-xx-x...
WAGNON, DONALD W. xxx-xx-x...
WAISEL, DAVID B. xxx-xx-x...
WARREN, LEO C. xxx-xx-x...
WATSKY, JAY G. xxx-xx-x...
WEAVER, DANIEL C. xxx-xx-x...
WEBER, PAUL W. xxx-xx-x...
WEHRLY, SCOTT R. xxx-xx-x...
WEIGAND, JOHN M. xxx-xx-x...
WELLER, DONALD A. xxx-xx-x...
WELTON, RANDON S. xxx-xx-x...
WEST, ANDREW J. xxx-xx-x...
WESTERHEIDE, CHRISTOPHER J. xxx-xx-x...
WESTFALL, LORNA A. xxx-xx-x...
WETZEL, ROBERT J. xxx-xx-x...
WHITE, THOMAS C. xxx-xx-x...
WHITNEY, CHARLES C. xxx-xx-x...
WIERSMA, DONALD S. xxx-xx-x...
WIEST, GERALD V. xxx-xx-x...
WILCOX, WILLIAM D. xxx-xx-x...
WILKINSON, JANET L. xxx-xx-x...
WILLARD, KIRK E. xxx-xx-x...
WILSON, SCOTT W. xxx-xx-x...
WIPRUD, JOHN M. xxx-xx-x...
WITKOWSKI, EDMUND xxx-xx-x...
WIXOM, WILLIAM L. xxx-xx-x...
WOLF, KATHLEEN M. xxx-xx-x...
WONG, CEDRIC L. xxx-xx-x...
WOODS, DANA P. xxx-xx-x...
WOODYARD, THOMAS C. xxx-xx-x...
YANG, LINDA xxx-xx-x...
YOUNG, ERIC T. xxx-xx-x...
YU, LARRY M. xxx-xx-x...
ZEMIS, JOSEPH N. xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 12203, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JONATHAN E. ADAMS xxx-xx-x...
JAMES W. APPLE, JR. xxx-xx-x...
THOMAS W. BATTERMAN xxx-xx-x...
EUGENE T. BEASLEY xxx-xx-x...
JOHN W. CARLSON xxx-xx-x...
HARRISON S. CARTER xxx-xx-x...
SAMUEL A. COLEMAN xxx-xx-x...
DAVID L. COLWELL xxx-xx-x...
CHARLES G. CORNELIUS xxx-xx-x...
LLOYD T. CRUMRINE xxx-xx-x...
ROSS C. DETWILER xxx-xx-x...
LAWRENCE M. DICUS xxx-xx-x...
MYRON N. DOBASHI xxx-xx-x...
HENRY B. FOSTER, III xxx-xx-x...
GREGORY GARDNER xxx-xx-x...
RICHARD A. GROBEN xxx-xx-x...
JOHN B. HANDY xxx-xx-x...
DARRELL E. HART xxx-xx-x...
WILLIAM E. HAYMES, JR. xxx-xx-x...
SHUFORD HAZEL xxx-xx-x...
ALAN R. HEERS xxx-xx-x...
MELVIN K. HONDA xxx-xx-x...
CLIFFORD W. LANDES xxx-xx-x...
GARY W. LOGAN xxx-xx-x...
DENNIS G. LUCAS xxx-xx-x...
LESTER S. MARRINER xxx-xx-x...
JAMES F. MCCARVEL xxx-xx-x...
CRAIG R. MCKINLEY xxx-xx-x...
LOUIS A. MEIER xxx-xx-x...
DAVID B. MOREMEN xxx-xx-x...
JOHN C. MOSBEY xxx-xx-x...
RANDALL F. MOY xxx-xx-x...
JAY D. NIELSEN xxx-xx-x...
ROBERT E. PARISH xxx-xx-x...
VERNON V. PATE, JR. xxx-xx-x...
JOSEPH J. POLITO xxx-xx-x...
JERRY W. RAGSDALE xxx-xx-x...
HAROLD E. REED xxx-xx-x...
CHARLES D. RESTIVO xxx-xx-x...
LYNN V. RITCHIE xxx-xx-x...
RICHARD G. ROSE xxx-xx-x...
ROBERT A. ROSE xxx-xx-x...
RICHARD L. ROTH, JR. xxx-xx-x...
GARY L. SAYLER xxx-xx-x...
ROBERT O. SEIFERT xxx-xx-x...
DAVID E. B. STROHM xxx-xx-x...
MARVIN L. TOOMAN xxx-xx-x...
JAY W. VANPELT xxx-xx-x...
TOMMY L. WEEMS xxx-xx-x...
RANDAU F. WIMMER xxx-xx-x...

CHAPLAIN CORPS

To be colonel

JOHN B. ELLINGTON xxx-xx-x...
DANIEL N. LEININGER xxx-xx-x...

JUDGE ADVOCATE

To be colonel

REESE L. HARRISON, JR. xxx-xx-x...

MEDICAL CORPS

To be colonel

JOHN T. DIEGEL xxx-xx-x...
WILBURN E. GEORGE, JR. xxx-xx-x...
HARRY J. HECK, III xxx-xx-x...
STEVEN D. KNIGHT xxx-xx-x...
JOSEPH M. ZOMPA xxx-xx-x...

NURSE CORPS

To be colonel

JUDITH L. CUMMINGS xxx-xx-x...
SHARON G. FREIER xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF

SECTIONS 12203, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

TIMOTHY L. ANDERSON [redacted]
DOYLE W. ARGO [redacted]
JAY M. AUGUSTENBORG [redacted]
KIRK A. BAKER [redacted]
JOSEPH W. BARNES [redacted]
WILLIAM J. BARNES [redacted]
KIRK D. BENTSON [redacted]
GERALD O. BOLMI [redacted]
DIANE M. BOULWARE [redacted]
NICK F. BOWMAN [redacted]
SHARON L. BOYNTON [redacted]
GERALD J. A. BOYUM [redacted]
ROBERT L. BROWN [redacted]
DREW W. BROWNING [redacted]
LEE J. BRUNDAGE [redacted]
DANIEL J. CAREY [redacted]
WILLIAM J. CLEARY, III [redacted]
PATRICK A. COLLINS [redacted]
RICHARD C. COLLINS [redacted]
CHARLES R. CONEWAY, JR [redacted]
WAYNE F. CONROY [redacted]
WARNEY L. CROSBY, JR [redacted]
JAMES R. CURRY [redacted]
LOUIS C. CUSIMANO [redacted]
ELIZABETH A. DENNARD [redacted]
WILLIAM H. DOBSON, JR [redacted]
ROBERT F. DODSON [redacted]
JOHN B. DOOLITTLE [redacted]
PETER J. DOWNES, JR [redacted]
JAMES R. DUNN [redacted]
THOMAS A. DYCHES [redacted]
WILLIAM T. EVES [redacted]
GEORGE A. FISHER [redacted]
RONALD E. FISHER [redacted]
DAVID G. FRY [redacted]
ROBERT L. GARDNER [redacted]
GENE E. GARTON [redacted]
GEORGE W. GERING, III [redacted]
THOMAS M. GISLER, JR [redacted]
RODNEY C. GLOVER [redacted]
BRENDAN B. GODFREY [redacted]
JUNIOR R. GOLDEN [redacted]
ROBERT A. GUALTIERI [redacted]
HAROLD A. GUNN, JR [redacted]
RONALD B. HALL [redacted]
JOHN S. HARLAN, JR [redacted]
STEVEN L. HEAD [redacted]
ROY W. HEADRICK [redacted]
FREDDIE M. HEGLER [redacted]
CALVIN W. HICKEY [redacted]
SYDNEY G. HILL [redacted]
CHRISTOPHER B. HITCHCOCK [redacted]
WERNER E. HOLT [redacted]
ROBERT B. HUNTER [redacted]
PHILIP E. JOHNSON [redacted]
LARRY E. JUDAY [redacted]
WILLIAM P. KANE [redacted]
EDWARD KELLY [redacted]
ROBERT D. KIM [redacted]
GREGORY F. KLINE [redacted]
HOWARD J. KNAGGS, JR [redacted]
ROSALIND P. KRAWIEC [redacted]
EDWARD M. LAVIN, JR [redacted]
OLIS L. LEWIS, JR [redacted]
CATHERINE F. LICK [redacted]
MICHAEL J. LIERLE [redacted]
GILES A. LIGHT, JR [redacted]
ROBERT P. LINDSETH [redacted]
DONALD T. LOPEZ [redacted]
DENNIS E. MAPLH [redacted]
GARY P. MARTINDELL [redacted]
WILLIAM V. MASLYK [redacted]
PAUL W. MCDONALD [redacted]
CRAIG A. MCELROY [redacted]
GARY M. MCKENZIE [redacted]
RICHARD W. MCLELLAN [redacted]
MARTIN J. MCNAMARA [redacted]
BRIAN P. MEENAN [redacted]
BETTY L. MULLIS [redacted]
ROBERT J. NEL [redacted]
CHARLES W. NEELEY [redacted]
GARY L. NEWHOUSE [redacted]
FRED S. PETER, JR [redacted]
WILLIAM R. PFEIF [redacted]
MARK A. PILLAR [redacted]
KENNETH R. PLARR [redacted]
PHILIP D. POLANI [redacted]
JAMES D. PRICE [redacted]
JAMES C. QUICK [redacted]
ROBERT F. RAUB [redacted]
ROBERT J. RAUK [redacted]
DONALD J. RHEINSTEIN [redacted]
JON J. RHYNARD [redacted]
JASON J. RIVET [redacted]
DAVID A. ROBINSON [redacted]
ALFRED J. RONDINA, JR [redacted]
TERRY F. ROYLANCE [redacted]
WILLIAM E. SCARBORO, JR [redacted]
DAVID L. SCHILDMEYER [redacted]
KENT SCHLUSSEL [redacted]
JAMES W. SCHULTZ, JR [redacted]
CHARLES O. SCHULZ [redacted]
RUDOLPH C. SCHWARTZ, JR [redacted]
DEAN W. SEDLACEK [redacted]
HARVEY T. SEKIMOTO [redacted]
JOSEPH L. SHAEFER [redacted]
TIMOTHY E. SHARPE [redacted]
GARY L. SMITH [redacted]
MICHAEL L. SMITH [redacted]
ROBERT E. SMITH, JR [redacted]
DENNIS E. STEPHENS [redacted]
GARY G. STERZINGER [redacted]
MILES H. STRALY [redacted]
JACK R. SUGGS [redacted]
HARRY A. TALBOT [redacted]
JOHN R. THOMAS [redacted]
FREDERICK M. THURMAN [redacted]
PAUL G. TUCKER [redacted]
GERALD C. VONBERGE [redacted]
NICKI J. WATTS [redacted]
JOHN H. WEED [redacted]
RONALD L. WEIGHT [redacted]
LLOYD C. WELKEN [redacted]
ROBERT D. WELSH [redacted]
THOMAS J. WESLOH [redacted]
EDWARD C. WHALEN, JR [redacted]
THOMAS H. WOLFF [redacted]
CARMEN R. YURIS [redacted]
KEETON D. ZACHARY [redacted]
KARL J. ZAUNER [redacted]
JOHN D. ZUBER [redacted]

CHAPLAIN CORPS

To be colonel

LAWRENCE J. DOYLE [redacted]
LELAN D. MCREYNOLDS [redacted]
ROBERT D. PARLOTZ [redacted]
WILLIAM G. RUPRACHT [redacted]

DENTAL CORPS

To be colonel

FRANK J. FOREMAN, 312–50–1900
MICHAEL N. KLEIN [redacted]
EDWARD M. WISE [redacted]

JUDGE ADVOCATE

To be colonel

RONALD A. BARRETT [redacted]
ROCKNE J. BURAGLIO [redacted]
MALCOLM L. BURDINE [redacted]
JON H. BURROWS [redacted]
WILLIAM F. CLORAN [redacted]
JAMES D. FREEDMAN [redacted]
DON R. GORDON [redacted]
ROBERT T. LEE [redacted]
TIMOTHY J. MURPHY [redacted]
ANTHONY J. PERFILIO [redacted]
NICHOLAS E. PHILLIPS [redacted]
MARK C. RAMSEY [redacted]
JOHN W. RANBY [redacted]
ANDREW F. REISH [redacted]
STEPHEN H. ROVAN [redacted]
SCOTT W. STUCKY [redacted]
GORDON O. TANNER [redacted]
JOSEPH A. WILHELM, II [redacted]

MEDICAL CORPS

To be colonel

LARRY M. ALLEN [redacted]
PETER T. BEAUDETTE [redacted]
DAVID W. BECKER, JR [redacted]
JOHN E. CARROLL, JR [redacted]
PAYTON NANCY J. COFELANDT [redacted]
GEORGE P. COSTANZO [redacted]
NENITA B. DAQUIPA [redacted]
SHAMMAA NABIL A. EL [redacted]
ROBERT E. HARVEY [redacted]
HWA ING KANG [redacted]
IQBAL M. KHAN [redacted]
BERTRAM G. KWASMAN [redacted]
WILLIAM A. MCDOUGALL [redacted]
JAMES L. NELSON [redacted]
JAMES E. OSTRANDER [redacted]
MUNI S. POLSKY [redacted]
JEHANGIR R. SETHNA [redacted]
LEWIS WETSTEIN [redacted]

NURSE CORPS

To be colonel

ANNIE P. ANDERSON [redacted]
JANET S. BARBER [redacted]
KATHRYN A. BOOM [redacted]
LINDA JEAN CARSKADON [redacted]
JEAN Y. DIEBOLT [redacted]
JULIA T. GORDON [redacted]
BONITA J. HEFFNER [redacted]
LINDA S. HEMMINGER [redacted]
PATRICIA A. HONG [redacted]
MARTHA A. MISKER [redacted]
BRENDA L. REITER [redacted]
ROBERT A. REYNOLDS, JR [redacted]
RITA B. RICHARDSON [redacted]
PATRICIA A. RIESBRONZO [redacted]
MARY C. ROSS [redacted]
GWENDOLYN L. SMITH [redacted]
MARY C. SMOLENSKI [redacted]
MARGARET A. WOODS [redacted]

MEDICAL SERVICE CORPS

To be colonel

BARTON L. ASPLING [redacted]
ALAN I. BASKIN [redacted]
MICHAEL F. HUBBELL [redacted]

BIOMEDICAL SERVICE

To be colonel

WILBUR W. ALBERTSON [redacted]
NEIL G. ANDERTON [redacted]
RICHARD B. FORD [redacted]
MICHAEL L. HORTON [redacted]
RODNEY L. LINK [redacted]
MARILEE A. NELSON [redacted]
RAYMOND E. RATAJIK, JR [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

RONNIE ABNER [redacted]
DAVID L. ABPLANALP [redacted]
SAM K. ACREE [redacted]
BLAKE B. ADAMS [redacted]
DENNIS L. ADAMS [redacted]
GEORGE F. ADAMS [redacted]
HUBERT E. ADAMS [redacted]
JOHN A. ADAMS [redacted]
STEVEN A. ADAMS [redacted]
DEBRA J. ALBERT [redacted]
BOYD L. ALEXANDER [redacted]
DONALD A. ALF [redacted]
IVA ALFONSOMORALES [redacted]
DAVID F. ALLEN [redacted]
SERAFIN P. ALORRO [redacted]
WILLIAM A. AMBROSE [redacted]
RONALD D. ANDERSON [redacted]
RONALD L. ANDERSON [redacted]
STEVEN D. ANDERSON [redacted]
FRANK D. ANDREWS [redacted]
WILLIAM L. ANDREWS [redacted]
WANDA A. ARCENEAUX [redacted]
JOHN M. ATKINS [redacted]
ALMA T. AUGUSTUS [redacted]
MERRILL D. AUSTIN [redacted]
MILTON G. AVERY [redacted]
JUAN B. AVILES [redacted]
MILTON R. AYALA [redacted]
PATRICIA F. AZLIN [redacted]
DARRELL D. BACKHAUS [redacted]
GREGORY P. BAILEY [redacted]
BRUCE H. BAKER [redacted]
KENNETH J. BAKER [redacted]
PANDU BALARAM [redacted]
THEODORE BALTES, JR [redacted]
ROBERT W. BANKS [redacted]
PAUL BARABANI [redacted]
JOSHUAH L. BARBER [redacted]
METTRO E. BARBER [redacted]
MICHAEL J. BARBIERI [redacted]
KENNETH P. BARDEN [redacted]
NEWTON R. BARDWELL [redacted]
RAYMOND J. BARNARD [redacted]
LEWIS BARNES, JR [redacted]
STEPHEN E. BARNES [redacted]
WILLIAM E. BARNETT [redacted]
OWEN M. BARNHILL [redacted]
MICHAEL BARNHOUSE [redacted]
MARY C. BARNSTEAD [redacted]
WAYNE C. BARR [redacted]
ROBERT D. BARTA [redacted]
PERRY E. BARTH [redacted]
LARRY S. BASSETT [redacted]
WINFRED W. BATCH [redacted]
PETER J. BAUM [redacted]
EDWARD G. BEACH [redacted]
HERBERT W. BEAM [redacted]
RICHARD C. BEAN [redacted]
FLOYD A. BEARDEN [redacted]
VERNON BEARDEN [redacted]
THOMAS K. BEATY [redacted]
RAYMOND A. BEAZLEY [redacted]
JAMES K. BECKER [redacted]
CARL B. BECKMANN, JR [redacted]
RONALD C. BEGAY [redacted]
STEVEN E. BEHOUNEK [redacted]
PAUL J. BEHRENS [redacted]
RICHARD R. BELANGER [redacted]
MARVIN L. BELL [redacted]
ROY C. BENNETT [redacted]
STEVEN J. BERG [redacted]
GEORGE C. BERGERON [redacted]
WILBERT BERRIOS [redacted]
LEONARD E. BERRY [redacted]
BRUCE R. BETHERS [redacted]
LLOYD C. BEVER [redacted]
STEPHEN C. BEVILL [redacted]
PETER A. BIANCHI [redacted]
WILLIAM G. BICKEL [redacted]
JAMES C. BICKFORD [redacted]
LETTIE J. BIEN [redacted]
FREDERICK BIESTER [redacted]
STEPHEN A. BILLINGS [redacted]
DONALD J. BILLONI [redacted]
LAWRENCE BINKOSKI [redacted]
EDWARD J. BINSEEL [redacted]
JOHN A. BIRZNIEKS [redacted]
BRANT L. BISHOP [redacted]
GARY B. BISHOP [redacted]
ALAN C. BITTING [redacted]

WILLIAM C. BLACK xxx-xx-x...
GARY W. BLACKLEDGE xxx-xx-x...
VERNON C. BLAND xxx-xx-x...
RONALD BLANKENSHIP xxx-xx-x...
ROBIN P. BLOCH xxx-xx-x...
FRANCIS A. BLOOM xxx-xx-x...
JUSTIN F. BLUM xxx-xx-x...
WOODROW M. BOHANNAN xxx-xx-x...
DAVID C. BOHL xxx-xx-x...
PHILIP C. BOHLEN xxx-xx-x...
JOALLYN BOHN xxx-xx-x...
THOMAS C. BOLTON xxx-xx-x...
TIMOTHY N. BOLYARD xxx-xx-x...
WILLIAM M. BOND xxx-xx-x...
EUGENE L. BONOS xxx-xx-x...
JOHN P. BOOS, JR xxx-xx-x...
BLAKE A. BORGESON xxx-xx-x...
RENE C. BOUCHER xxx-xx-x...
CHRIS A. BOYD xxx-xx-x...
GEORGE M. BOYD xxx-xx-x...
JAMES L. BOYD xxx-xx-x...
MICHAEL L. BOYD xxx-xx-x...
JOSEPH A. BRACKEN xxx-xx-x...
CHARLES L. BRADFORD xxx-xx-x...
DANIEL P. BRADY xxx-xx-x...
GEORGE R. BRADY xxx-xx-...
PAUL M. BRADY xxx-xx-x...
PHILIP C. BRAGG xxx-xx-x...
JAMES E. BRAMAN xxx-xx-x...
JAMES A. BRATTAIN xxx-xx-x...
JOHN L. BRENNEMAN xxx-xx-x...
DANIEL R. BREWER xxx-xx-x...
JOHN J. BRIAN xxx-xx-x...
DENNIS K. BRIGGS xxx-xx-x...
DAVID L. BRIGHTMAN xxx-xx-x...
ROBERT K. BRINSON xxx-xx-x...
WILLIE L. BRITT xxx-xx-x...
DANIEL L. BROOKS xxx-xx-x...
TIMOTHY J. BROOKS xxx-xx-x...
JOHN L. BROSNAN xxx-xx-x...
JAMES G. BROWDER xxx-xx-x...
ALAN L. BROWN xxx-xx-x...
DOUGLAS M. BROWN xxx-xx-x...
GENE F. BROWN xxx-xx-x...
HAROLD E. BROWN xxx-xx-x...
JAMES M. BROWN xxx-xx-x...
JOHN W. BROWN III xxx-xx-x...
STEVEN R. BROWN xxx-xx-x...
THOMAS J. BROWN xxx-xx-x...
KENNETH R. BROWNING xxx-xx-x...
WILLIAM BRUNKHORST xxx-xx-x...
EUGENE A. BRUNOZZI xxx-xx-x...
ROBERT O. BRUNSON xxx-xx-x...
MARK H. BRYANT xxx-xx-x...
RICHARD BRZUCHALSKI xxx-xx-x...
NANCY L. BUCK xxx-xx-x...
RICHARD L. BUCK xxx-xx-x...
LINWOOD D. BUCKALEW xxx-xx-x...
DAVID W. BUCKLEY xxx-xx-x...
JOSEPH M. BUCKNER xxx-xx-x...
ROMAN A. BUETTNER xxx-xx-x...
PAUL W. BUGGE xxx-xx-x...
HAROLD G. BUNCH xxx-xx-x...
THOMAS BURGESS xxx-xx-x...
JOSEPH P. BURKE xxx-xx-x...
JOHN A. BURKETT xxx-xx-x...
RONALD W. BURKETT xxx-xx-x...
FRED W. BURT xxx-xx-x...
WALTER J. BURT xxx-xx-x...
FRANCIS M. BUSBEE xxx-xx-x...
LARRY D. BUSBY xxx-xx-x...
MARSHALL L. BUSH xxx-xx-x...
MILTON L. BUSHMAN xxx-xx-x...
EVERETT W. BUSSELL xxx-xx-x...
HAROLD G. BUTCHART xxx-xx-x...
DONALD J. BUTLER xxx-xx-x...
STEVEN E. BUTLER xxx-xx-x...
THOMAS D. BUTLER xxx-xx-x...
GEORGE G. BUXTON xxx-xx-x...
DENNIS R. BYRNES xxx-xx-x...
MATTHEW CACCIATORE xxx-xx-x...
GLEN CADLE, JR xxx-xx-x...
RICKY G. CADLE xxx-xx-x...
JEROME F. CADY xxx-xx-x...
ROGER D. CAGLE xxx-xx-x...
JOHNNIE L. CAHOON xxx-xx-x...
JAMES H. CAIN xxx-xx-x...
JOHN B. CALDWELL xxx-xx-x...
LARRY J. CALDWELL xxx-xx-x...
GEORGE T. CALLAHAN xxx-xx-x...
PAUL F. CALTABIANO xxx-xx-x...
ALDO R. CALVI xxx-xx-x...
LARRY D. CAMPBELL xxx-xx-x...
ISMAEL R. CAMPOS xxx-xx-x...
HAROLD M. CANADEO xxx-xx-x...
CRAIG A. CANDELORE xxx-xx-x...
LORING M. CANEY xxx-xx-x...
CARL A. CANNON xxx-xx-x...
DOUGLAS F. CANNON xxx-xx-x...
NELSON J. CANNON xxx-xx-x...
CARL J. CANNOVA xxx-xx-x...
CLIFTON W. CANOY xxx-xx-x...
RALPH D. CANTRELL xxx-xx-x...
EMUND R. CAPAS xxx-xx-x...
LES M. CAPLAN xxx-xx-x...
CONNIE L. CAREY xxx-xx-x...
RODNEY D. CARIKER xxx-xx-x...
GEORGE M. CARNEY xxx-xx-x...
MICHAEL J. CARNEY xxx-xx-x...
MELVIN J. CARR xxx-xx-x...
WILBERT M. CARR xxx-xx-x...
STUART A. CARROLL xxx-xx-x...

LEE A. CASALEGGIO xxx-xx-x...
JOHN R. CASON xxx-xx-x...
CLYDE CASSELBERRY xxx-xx-x...
THOMAS CASTONGUAY xxx-xx-x...
KENNETH CATHCART xxx-xx-x...
WAYNE E. CAUGHMAN xxx-xx-x...
HECTOR E. CAVAZOS xxx-xx-x...
WILLIAM S. CEPHUS xxx-xx-x...
JOSE L. CERDA xxx-xx-x...
CHARLES R. CHADWICK xxx-xx-x...
WALLACE E. CHAILLOU xxx-xx-x...
GARY W. CHANDLER xxx-xx-x...
MARK R. CHAPLIN xxx-xx-x...
KENNETH CHAPPELLE xxx-xx-x...
MITCHELL CHASTAIN xxx-xx-x...
ANGELO J. CHAVES xxx-xx-x...
ELIZABETH CHECCHIA xxx-xx-x...
HARLEY CHEGWIDDEN xxx-xx-x...
HERMAN A. CHESLEY xxx-xx-x...
GERRY A. CHESSOR xxx-xx-x...
JAMES Y. CHILTON xxx-xx-x...
WAYNE A. CHRISTIAN xxx-xx-x...
JOHN CHRISTIANSEN xxx-xx-x...
FAY A. CHU xxx-xx-x...
JOHN A. CHUBB xxx-xx-x...
CAROLYN J. CIPRIANI xxx-xx-x...
HARVEY S. CLAPP IV xxx-xx-x...
JOHN L. CLARK xxx-xx-x...
TERRY F. CLARK xxx-xx-x...
STEVEN L. CLAYBORN xxx-xx-x...
ROBERT P. CLINEBELL xxx-xx-x...
RONALD W. COBER xxx-xx-x...
GERALD W. COCHRANE xxx-xx-x...
CHARLES F. COFFIN xxx-xx-x...
ROLON F. COGLEY xxx-xx-x...
MICHAEL D. COLA xxx-xx-x...
BARRY M. COLEMAN xxx-xx-x...
JOHN M. COLEMAN xxx-xx-x...
THOMAS W. COLEMAN xxx-xx-x...
ROBERT D. COLETTA xxx-xx-x...
THOMAS P. COLLINS xxx-xx-x...
WILLIAM B. COLLINS xxx-xx-x...
PETER M. COLLOTON xxx-xx-x...
WILFREDO COLON xxx-xx-x...
IRIS D. COLONRIVERA xxx-xx-x...
JOHN D. COMBS xxx-xx-x...
DENISE P. CONTENTO xxx-xx-x...
BRENDAN C. CONWAY xxx-xx-x...
DENNIS L. CONWAY xxx-xx-x...
EDWIN S. COOK xxx-xx-x...
WILLIAM C. COON xxx-xx-x...
DAVID A. COOMBS xxx-xx-x...
THOMAS E. COONEY xxx-xx-x...
ALFRED B. COOPER xxx-xx-x...
KENNETH C. COPE xxx-xx-x...
ROBERT E. COPUS xxx-xx-x...
ROY E. CORY xxx-xx-x...
GAYLORD COSTON xxx-xx-x...
CALVIN E. COUFAL xxx-xx-x...
ROBERT N. COULTER xxx-xx-x...
DUANE P. COVINO xxx-xx-x...
FLOYD L. COX xxx-xx-x...
HOMER T. COX III xxx-xx-x...
MARK E. CRAIG xxx-xx-x...
JOHN V. CRANDALL xxx-xx-x...
REX H. CRAY xxx-xx-x...
WARREN G. CRECY xxx-xx-x...
JOHN H. CREECH xxx-xx-x...
COX R. CRIDER xxx-xx-x...
REED R. CRITCHFIELD xxx-xx-x...
KEVIN CROSTHWAITE xxx-xx-x...
WILLIAM CRUTCHFIELD xxx-xx-x...
JUAN CRUZ xxx-xx-x...
RITA K. CUCCHIARA xxx-xx-x...
WILLIAM CULBERTSON xxx-xx-x...
MICHAEL C. CULLEN xxx-xx-x...
JAMES W. CULP xxx-xx-x...
ALLEN D. CUNNINGHAM xxx-xx-x...
ROBERT J. CURTIS xxx-xx-x...
DAVID B. DABLING xxx-xx-x...
RICHARD A. DAISLEY xxx-xx-x...
KIM R. DANIEL xxx-xx-x...
RICHARD R. DARSAM xxx-xx-x...
AUGUST W. DAUEL xxx-xx-...
GLORIA E. DAVIS xxx-xx-x...
JACK L. DAVIS xxx-xx-x...
JAMES C. DAVIS xxx-xx-x...
LARRY D. DAVIS xxx-xx-x...
REBECCA S. DAVIS xxx-xx-x...
JOHN W. DAVISON xxx-xx-x...
DAVID I. DAWLEY xxx-xx-x...
ROLAND R. DEAN xxx-xx-x...
CLIFFORD T. DEANE xxx-xx-x...
PHILIP J. DECARA xxx-xx-x...
HARVEY N. DEFORD xxx-xx-x...
PAUL M. DEKANEL xxx-xx-x...
JAMES T. DELISI xxx-xx-x...
SANTIAGO DELVALLE xxx-xx-x...
STUART K. DEMARS xxx-xx-x...
RONALD J. DENNISON xxx-xx-x...
RONALD J. DENOYA xxx-xx-x...
DAVID T. DENTON xxx-xx-x...
JOSEPH G. DEPAUL xxx-xx-x...
GEORGE J. DESIDERIO xxx-xx-x...
GRANT R. DEWEY xxx-xx-x...
ELIZABETH B. DIAL xxx-xx-x...
NEIL DIAL xxx-xx-x...
ROBERT A. DICKERSON xxx-xx-x...
KEITH D. DICKSON xxx-xx-x...
JOHN M. DILL xxx-xx-x...
KEITH L. DILL xxx-xx-x...
RICHARD R. DILLON xxx-xx-x...

JAMES J. DISANZA xxx-xx-x...
JAMES M. DOBBINS xxx-xx-x...
ANTHONY DODSON xxx-xx-x...
RICKY L. DODSON xxx-xx-x...
TIMOTHY J. DONNELLY xxx-xx-x...
MICHAEL P. DONOVAN xxx-xx-x...
TIMOTHY D. DONOVAN xxx-xx-x...
JEFFRY E. DORNEY xxx-xx-x...
DAVID T. DORROUGH xxx-xx-x...
JOHN L. DORSEY xxx-xx-x...
JOHN N. DOW xxx-xx-x...
RALPH R. DOWNEY xxx-xx-x...
RAYMOND S. DOYLE xxx-xx-x...
ALBERT A. DREWKE xxx-xx-x...
WAYNE K. DREYER xxx-xx-x...
JOSEPH E. DRIESEL xxx-xx-x...
WILLIAM W. DUCHARME xxx-xx-x...
CHARLES J. DUET xxx-xx-x...
MARK T. DUNAISKI xxx-xx-x...
JOSEPH E. DUNLEAVY xxx-xx-x...
DONALD C. DURANT xxx-xx-x...
PETER W. DUSEL xxx-xx-x...
RICHARD C. DYKE xxx-xx-x...
WILLIAM T. EGAN xxx-xx-x...
GERALD F. EHRLICH xxx-xx-x...
THOMAS EICHENBERG xxx-xx-x...
MICHAEL EICHINGER xxx-xx-x...
WILLIAM D. ELLIOTT xxx-xx-x...
THEARN H. ELLIS, JR. xxx-xx-x...
EDWIN J. ELMORE xxx-xx-x...
WOODROW A. ELMORE xxx-xx-x...
MICHAEL P. EMERINE xxx-xx-x...
ROBERT L. EMMONS xxx-xx-x...
PATRICK J. ENDERLIN xxx-xx-x...
GARY R. ENGEL xxx-xx-x...
THOMAS R. ENGEL xxx-xx-x...
CONSTANCE ENRIGHT xxx-xx-x...
LARRY J. ERICKSON xxx-xx-x...
BEVERLY J. ERTMAN xxx-xx-x...
BETTY J. ERVIN xxx-xx-x...
GEORGE C. ESCHER xxx-xx-x...
ARTHUR D. EVANS xxx-xx-x...
GERRY L. EVANS xxx-xx-x...
HENRY S. EVANS xxx-xx-x...
KARY B. EVANS xxx-xx-x...
STANLEY E. EVERETT xxx-xx-x...
BOYDE J. FAGAN xxx-xx-x...
KAREN A. FAGGIOLI xxx-xx-x...
DONALD C. FAIRBANKS xxx-xx-x...
JAMES L. FAIRCHILD xxx-xx-x...
ALLEN C. FAIRCLOTH xxx-xx-x...
WILLIAM C. FALKNER xxx-xx-x...
JOHN M. FARENISH xxx-xx-x...
WILLIAM H. FARR xxx-xx-x...
EMILE J. FARRIS xxx-xx-x...
DAN W. FAUST xxx-xx-x...
ROLLAND E. FEARNOW xxx-xx-x...
FRANK R. FERGUSON xxx-xx-x...
DANIEL J. FERRARI xxx-xx-x...
EMILIO FERRERSOTO xxx-xx-x...
JOHN E. FIEG xxx-xx-x...
DESMOND C. FIELDING xxx-xx-x...
STEPHEN M. FIELDING xxx-xx-x...
MIGUEL D. FIGUEROA xxx-xx-x...
LELAND A. FINCHAM xxx-xx-x...
MICHAEL P. FINN xxx-xx-x...
JEFFERY V. FISCHER xxx-xx-x...
GERARD E. FIX xxx-xx-x...
DAVID R. FLEMING xxx-xx-x...
JESSE E. FLEMING xxx-xx-x...
JOHN P. FLEMMING xxx-xx-x...
JANICE L. FLETCHER xxx-xx-x...
ROBERT F. FLETCHER xxx-xx-x...
NADINE M. FLYNN xxx-xx-x...
WILLIAM J. FLYNN xxx-xx-x...
WILLIAM J. FOGT xxx-xx-x...
ROBERT J. FOLEY xxx-xx-x...
DOUGLAS J. FONTENOT xxx-xx-x...
JOYCE A. FORD xxx-xx-x...
ROBERT G. FORD xxx-xx-x...
PAUL D. FOREHAND xxx-xx-x...
BRIAN A. FORZANI xxx-xx-x...
GORDON O. FOSS xxx-xx-x...
DAVID FOTHERINGHAM xxx-xx-x...
JUDY A. FRAGO xxx-xx-x...
GEORGE T. FRAZE xxx-xx-x...
JAMES R. FRAZIER, JR xxx-xx-x...
LLOYD J. FRECKLETON xxx-xx-x...
WILLIAM M. FREEMAN xxx-xx-x...
JAMES P. FREITAG xxx-xx-x...
DALE E. FRENCH xxx-xx-x...
DONALD D. FRESE xxx-xx-x...
STEVEN W. FRODL xxx-xx-x...
CHERIE A. FUCHS xxx-xx-x...
WESLEY FUDGER xxx-xx-x...
JIM E. FULBROOK xxx-xx-x...
RICHARD R. GAARD xxx-xx-x...
RALPH J. GABRIEL xxx-xx-x...
BRUCE J. GABRYS xxx-xx-x...
SUSAN L. GAHAGAN xxx-xx-x...
MICHAEL GALLAGHER xxx-xx-x...
HAROLD L. GALLMAN xxx-xx-x...
PAUL V. GAMBINO xxx-xx-x...
JOHN H. GAMSBY xxx-xx-x...
RAYMON GARAYRIVERA xxx-xx-x...
ROQUE GARCIA, JR xxx-xx-x...
DAVID W. GARLAND xxx-xx-x...
JOHN B. GARVER xxx-xx-x...
JERRY T. GASKIN xxx-xx-x...
BRUCE H. GATAROSKA xxx-xx-x...
WILLIAM P. GATES xxx-xx-x...
DARRELL G. GEE xxx-xx-x...

PAUL C. GENEREUX xxx-xx-x...
NORMAN P. GENTIEU xxx-xx-x...
JAMES H. GERBERMAN xxx-xx-x...
KENNETH J. GERCHMAN xxx-xx-x...
ROBERT L. GIACUMO xxx-xx-x...
SALVATOR GIANGREGO xxx-xx-x...
HENRY L. GIBBS xxx-xx-x...
CHARLES GIETZ xxx-xx-x...
DAVID K. GILBERT xxx-xx-x...
ROBERT C. GILBERT xxx-xx-x...
ROBERT T. GILBERT xxx-xx-x...
RICHARD D. GILLIAM xxx-xx-x...
ROBERT D. GIRTEN xxx-xx-x...
KEITH GLICKENHAUS xxx-xx-x...
SAMUEL B. GLOVER xxx-xx-x...
MICHAEL L. GLYMPH xxx-xx-x...
KELLY P. GOAD xxx-xx-x...
RICHARD E. GODFROY xxx-xx-x...
RONALD C. GOHN xxx-xx-x...
PAUL D. GOLDEN xxx-xx-x...
DAVID A. GOMEZ xxx-xx-x...
ROBERT A. GONOS xxx-xx-x...
SAMUEL GOOD, JR xxx-xx-x...
NANCY J. GORDON xxx-xx-x...
THOMAS E. GORDON xxx-xx-x...
MARTIN L. GRABER xxx-xx-x...
ALLAN F. GRACHAN xxx-xx-x...
CLIFFORD D. GRAHAM xxx-xx-x...
MELVIN J. GRAVES xxx-xx-x...
PHILIP A. GRAY xxx-xx-x...
JAMES M. GRECO xxx-xx-x...
JAMES F. GREEN xxx-xx-x...
LINDA D. GREEN xxx-xx-x...
OSCAR C. GREENLEAF xxx-xx-x...
GEORGE T. GREENLEE xxx-xx-x...
STANLEY B. GRELA xxx-xx-x...
ROY D. GRIFFIN xxx-xx-x...
GROVER K. GRIFFITH xxx-xx-x...
KENNETH E. GRISSOM xxx-xx-x...
EDWARD V. GRONET xxx-xx-x...
ELLEN M. GRUCHALLA xxx-xx-x...
RAUL A. GRUMBERG xxx-xx-x...
URS R. GSTEIGER xxx-xx-x...
NELSON GUADALUPE xxx-xx-x...
LINDSAY H. GUDRIDGE xxx-xx-x...
JOSEPH R. GUILLORY xxx-xx-x...
FRANK L. GUNN xxx-xx-x...
RICKIE C. GURR xxx-xx-x...
BRUCE J. GUSTAFSON xxx-xx-x...
JOHN B. HABERMAN xxx-xx-x...
GRADY R. HADDOX xxx-xx-x...
RICHARD D. HAGGERTY xxx-xx-x...
WILLIAM B. HAGOOD xxx-xx-x...
HAL P. HAILEY xxx-xx-x...
JIMMY A. HALL xxx-xx-x...
STERLING W. HALL xxx-xx-x...
JOHN J. HALLORAN xxx-xx-x...
DANIEL R. HAMILTON xxx-xx-x...
MICHAEL J. HAMILTON xxx-xx-x...
CHRISTOPHER HAMLIN xxx-xx-x...
PAUL G. HAMMER xxx-xx-x...
MARK W. HAMPTON xxx-xx-x...
JOHN C. HANCOCK xxx-xx-x...
RALPH B. HANES xxx-xx-x...
PHILIP L. HANRAHAN xxx-xx-x...
DAVID R. HARBARGER xxx-xx-x...
ALLAN D. HARDCASTLE xxx-xx-x...
RUSSELL S. HARGIS xxx-xx-x...
ROBERT HARGREAVES xxx-xx-x...
DANIEL J. HARLAN xxx-xx-x...
STEVEN M. HARNESS xxx-xx-x...
JOHN S. HARREL xxx-xx-x...
ANDREW W. HARRELL xxx-xx-x...
THOMAS HARRINGTON xxx-xx-x...
DAVID L. HARRIS xxx-xx-x...
JAMES H. HARRIS xxx-xx-x...
MICHAEL P. HARRIS xxx-xx-x...
ROBERT G. HARRIS xxx-xx-x...
RODGER M. HARRISON xxx-xx-x...
SAMMIE L. HARRISON xxx-xx-x...
STEVEN R. HARRISON xxx-xx-x...
EUGENE HARVEY III xxx-xx-x...
ARTHUR J. HASS xxx-xx-x...
MICHAEL R. HASTINGS xxx-xx-x...
STEPHEN J. HATCH xxx-xx-x...
STEVE C. HATZIS xxx-xx-x...
GARY L. HAUSKEN xxx-xx-x...
DANIEL E. HAWKIN xxx-xx-x...
PETER R. HAWKINS xxx-xx-x...
STEPHEN C. HAYDUK xxx-xx-x...
ROBERT W. HAYES xxx-xx-x...
PHILLIP R. HAYS xxx-xx-x...
VICTORIA A. HAZZARD xxx-xx-x...
JAMES D. HEAD xxx-xx-x...
DAVID P. HEASLET xxx-xx-x...
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EDGAR Y. HILL xxx-xx-x...
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SHERRY L. TOBERMAN, xxx-xx-...
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LOYA W. WALL, xxx-xx-...
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PAUL V. WATERBURY, xxx-xx-...
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JOHN A. ZERILLO, xxx-xx-...
GARY M. ZICKEFOOSE, xxx-xx-...
VINCENT A. ZIKE, xxx-xx-...

HOUSE OF REPRESENTATIVES—*Monday, January 23, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. CAMP].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 23, 1995.

I hereby designate the Honorable DAVE CAMP to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON] for 5 minutes.

TAX REVENUE BELONGS TO THE TAXPAYER, NOT TO GOVERNMENT

Mr. SOLOMON. Mr. Speaker, yesterday's Washington Post carried a story bemoaning all the benefits and grants that States receive from the Federal Government which will supposedly be taken away under a balanced budget amendment. Members ought to read this article. Included in these grants, according to this writer, are the Federal tax exemptions of State and municipal bonds, and the deductibility of State and local taxes.

The fact that we do not tax people on their property taxes is a grant to the States? Under this way of thinking, anything somebody is able to keep of their hard-earned paychecks would be grants or gifts from the Government.

Did Members ever hear anything so outrageous in their lives? When, oh when, will the inside the beltway, anti-family, tax-increasing, and bureaucratic-spending intellectuals in this city finally realize that tax breaks and lower taxes for the people back home are not grants and subsidies from the Government that we give them from the graciousness of our hearts?

It is preposterous to call a tax exemption for an individual or a family a grant or subsidy from the State. Taxed revenues belong to the taxpayers, not to this or any other part of the government. It is about time we realize that.

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

Mr. SOLOMON. I am glad to yield to my good friend, the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I just wanted to ask the gentleman about the other point they made in that article that I read with interest, too. That was about the fact that one of the Governors that is beating up on us the most also has not paid that State's 10 percent toward disaster relief, and is back here with his tin cup asking for the next round of disaster relief.

I think it pointed out that Governor Wilson of California took all the disaster relief last year without putting up the State's 10 percent that it was supposed to, it is a deadbeat on that, and that they also were giving back taxes at the State level.

I just thought maybe, since the gentleman is on this side of the aisle, maybe that is one thing he and I could agree on, that the State of California certainly should pay its old debts before it comes back here with its tin cup for the next time around.

Mr. SOLOMON. Mr. Speaker, California certainly has their problems. I come from the Adirondack Mountains in the Northeast and, you know, we have our own disasters up there with bad weather. We have never come asking for help.

However, that is beside the point. The point I was making is just because we do not tax people does not mean it is a grant or that it is a gift that we are giving to the American people. That in no way is any kind of a grant.

They say in this article that we give $230 billion in grants to the States, and they include about $80 billion in this. The gentlewoman I think agrees with me that is not a grant from this Congress.

INTRODUCING THE WOMEN'S RIGHT TO KNOW ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, today what I wanted to talk about was the fact that the gentleman from Connecticut, CHRIS SHAYS, and I and any number of bipartisan Members will be introducing today the Women's Right To Know Act.

We feel that this is a very, very critical bill that unequivocally asserts that women are adults and that they have the right to receive information about the full range of their reproductive health choices, and the Federal Government should do nothing to either gag their medical professionals that are dealing with them or put cotton in the ears of the women and say that they are not able to hear it.

As Members know, this goes right to the gag rule which right now is very shaky. President Clinton lifted the gag rule when he came into office, but this Congress has never lifted it through legislation, so what this is saying is that no government, be they Federal, State, or local, can dictate to doctors or to any medical professional what women can hear nor tell women that they cannot hear it.

We introduced this bill on this very historic 23d anniversary of Roe versus Wade, which the Supreme Court upheld and has continued to uphold. We also know that in the Republican contract for a while the gag rule repeal was being overridden. They were putting the gag rule back on. I am very pleased that the Republican contract decided that was not where they were supposed to be, and that came away, but it makes us all feel a little uncertain.

We think the time has come for Members to rally around in a bipartisan manner, stand up very firmly, and say that if women are going to have responsibility for their lives, we have to treat them like responsible adults. I am very pleased that many members of the medical profession obviously agree with us: no more gag rules for women and no more gag rules for doctors.

We have the American College of Obstetricians and Gynecologists agreeing with us, we have the American Medical Association agreeing with us, and I could go on and on with people saying women should be treated equally at all levels in their doctor-patient relationship.

This is important to move forward on, and I think it is also an interesting time to pose it, because we saw yesterday the death of Rose Kennedy. Here is a woman who, when she was born, could not vote, and just a few days before she died, saw her granddaughter sworn into office. What a change that woman saw in her life.

I think we have seen women becoming more and more empowered under this Government, but I think the gag rule goes right at that empowerment of women and says we are not mature enough to hear what is out there, or hear what different choices are. If we are going to hold women accountable, we have to treat them as adults.

Mr. Speaker, I hope many Members of this body will join with the gentleman from Connecticut and I and the other bipartisan cosponsors and get on with this, because it is time once and for all that we legislatively join with the President in saying that the gag rule should not be there, the Federal Government should not deny the right to hear information on health to any American citizen, nor should the Federal Government or any U.S. section of government dictate to the medical profession what they can say to different people within our society.

That is wrong, and that is un-American. That certainly is turning back the clock, not moving the clock forward, as many people have cheered in seeing it moving forward, whether it was Rose Kennedy or many of the rest of the women.

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

Mrs. SCHROEDER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I just want to thank the gentlewoman from Colorado for moving forward on this important legislation. It is just absolutely essential that a woman know of her rights, and never be denied because of a government law from knowing of her rights.

I just want to thank the gentlewoman for introducing this bill. We will be working on a bipartisan basis to have the will of the Chamber be recognized.

Mrs. SCHROEDER. I thank the gentleman from Connecticut, and I thank the gentleman from Connecticut for his courage in standing up on this issue. There are strong supporters on both sides of the aisle. This should not be a partisan issue.

This is an American issue. It is about free speech, it is about responsibility, and it is about the right to know different health options that are out there. Therefore, I thank the gentleman for carrying the banner on this. We will aggressively do it on this side, and let us have a race to see who can get the most cosponsors.

Mrs. SCHROEDER. Mr. Speaker, today Representative CHRIS SHAYS and I are introducing legislation with bipartisan support for the Women's Right To Know Act, a bill that unequivocally asserts American women's right to receive information about the full range of their reproductive health options.

The Women's Right To Know Act amends the Civil Rights Act of 1964 and simply says that government, Federal or State, cannot restrict a doctor's right to give or a woman's right to receive information about her reproduction health options, including family planning, prenatal care, adoption, and abortion services.

We introduce this bill on the 23d anniversary of Roe versus Wade, the case in which the U.S. Supreme Court ruled that the right to choose abortion is protected by the Federal Constitution.

It's also a time when the gag rule stands on shaky ground. The original Republican contract included a gag rule on information welfare recipients could receive about abortion. We then heard that was a mistake. It wasn't supposed to be in there.

I don't want to leave anything to chance. It's time for this Congress to stand firm and say no more gag rules for women and no more gag rules for doctors.

That's what this bill says. We say it's a doctor's right to give information about reproductive health and a woman's right to receive that information. Very simple.

I would like also to remind my colleagues that the American Medical Association and the American College of Obstetricians and Gynecologists strongly condemn Government interference with the freedom of communication between physicians and patients. That is what this legislation outlaws: Government interference with the doctor-patient relationship.

In 1991, the Supreme Court in Rust versus Sullivan maintained that the Government can censor health information in Federally funded family planning clinics. That has made it more imperative than ever for Congress to enact the Women's Right To Know Act. Passage of this act would make it clear that censoring information about women's reproductive health options violates a women's right to know accurate information about her health.

IN SUPPORT OF THE UNFUNDED MANDATE REFORM ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Unfunded Mandate Reform Act. I rise today to argue that the time has come for us to reign in the unfunded mandates and the misguided notion under which they operate. By voting for this bill, we can show the American people that we mean business by reducing the dictatorial power that Congress has exercised over the States through unfunded mandates.

I think we should take a moment to consider the idea of the unfunded mandate. In essence, with an unfunded mandate, the Federal Government goes to State and local governments and says you must do this, and you must pay for it yourself. How incredibly arrogant. How did this Government grow so arrogant as to pass such dictates onto the States? We can not wisely set the priorities for spending the limited funds a county has to operate with. We should not try to micromanage 159 Georgia counties.

If we are going to dictate to the States, we must also have the guts to raise the taxes that pay for the dictates or mandates—not pass that responsibility onto State and county officials. If the Federal Government cannot afford these programs, the programs should be passed onto the States as strong suggestions—not unfunded mandates.

But we all know that there is more to the arguments against this bill than fear of cutting certain Federal programs. Underneath all that they say is a simple refrain—a tired, failed, liberal refrain—that says to the people we are the Federal Government, we know what is best for you, we are the Federal Government, we must take care of you. Why? Because you can't take care of yourself.

What made us so smart? Do we really believe we want clean air and clean water more than the folks at home? How did we become so endowed with the knowledge of what is right and what is wrong for America? We are simply 435 men and women who won elections on November 8. We have the power to pass laws that force State action, but we should use that power in moderation. Remember the words of the 10th amendment to the Constitution—"the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." Those words should not be treated lightly. The goal of the 10th amendment was to limit the powers of the Federal Government. Could we have moved any farther away from the intent of the 10th amendment than with unfunded mandates? We should be searching for ways to return control to the States and local governments. But when we must use our power to write laws that will force State action, we most certainly should pay for it.

The Unfunded Mandates Reform Act is the first important step toward reevaluating what Congress should do. It will put us in a position to reconsider the value of some of the dictates that have been passed onto State and local governments already. Maybe it is a good idea for Sheriff Berry of Oconee County, GA, to have to devote one of his few officers to stake out convenience stores in an effort to stop youngsters from buying cigarettes. Maybe Columbia County, GA, should have to meet such rigorous standards in their landfill that it makes the cost per acre go up by 1,000 percent. Maybe these unfunded mandates are good for the people, but can they afford all of our good ideas? But when the sheriff has to cut back patrols in certain areas of his county to meet a Federal mandate, or local property taxes go up to pay for landfill improvements because of a Federal mandate, do we not have a responsibility for our actions?

The bottom line is that one word—responsibility. Mr. Speaker, the Unfunded Mandates Reform Act will make Congress take responsibility for its actions. If we see fit to force the States to act, then we must bear the responsibility of paying for that action. This act forces Congress to make the hard choices that have been too easily avoided. This act will provide much needed relief to State and local governments. I urge my colleagues to support H.R. 5, the Unfunded Mandates Reform Act, and return responsibility to Congress.

INTRODUCING A FAIR BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, by the end of this week we will have under consideration a balanced budget amendment to the Constitution. That is fine. West Virginia has a balanced budget requirement, as do most of the States in the Union. I myself have introduced a proposal for a balanced budget amendment.

Mr. Speaker, however, before the House undertakes that, and particularly before it begins debate on something so serious, it should definitely spell out, though, exactly how it intends to make the cuts to balance the budget, because that is the concern many of us have, and indeed, many West Virginians have contacted me about. Yes, the idea of a balanced budget within 7 years is an excellent proposal. It sounds good, looks good on a bumper sticker, but how do you actually propose to balance the budget? What is it that gets cut? Do you cut Social Security? "Oh, no," recoil many in horror, "Oh, no." Well, if you are not going to cut that, do you cut Medicare? What health care do you cut? What education programs? Is it Head Start? Is it WIC? Is it the defense budget? What is it that gets cut by the roughly $700 billion that is estimated to balance the budget by the year 2002?

West Virginians alike tell me "We don't buy a pig in a poke." By the same token, if we go and we are looking to buy a house, we ask details about the mortgage: What are the interest payments going to be over the next 7, 10, 20 years? Does anyone walk on a car lot and say "Just give me any car off the lot; don't show me the invoice, don't show me the payment terms"?

Does anyone go and authorize major work to be done to their house by a contractor without having it spelled out in advance before you start what it is you hope to do? You set the goal: "I want the house painted, or I want the furnance put in," but don't you also ask how you are going to get there and how much it is going to cost?

So before signing off on a balanced budget amendment, I would hope that all of us in the public and the Congress alike would say "how are you going to get there?" We have asked the Republican leaders bringing this to the floor for their budget, for their 7-year proposal of how you balance the budget. Don't just put it in the Constitution, write out how you get it, what it is that gets cut, what programs get rearranged. So far we are waiting to see that.

I myself have introduced a balanced budget amendment, Mr. Speaker. Mine is a little different than some of the others, but it has much the same goal, to require a balanced budget by the year 2002. It does several things. First of all, it takes Social Security off budget. It cannot be considered. It is gone. Everyone says they want to protect Social Security. Fine. Adopt my amendment and you will protect Social Security. It has self-generating funds that are paid by every employee in this country. It runs a surplus. Social Security does not need to be in the budget process.

The second thing my amendment does is it encourages investment. My concern about many of the balanced budget requirements is that they will encourage, they will reward cuts in vital programs, like highway construction, water and sewer construction, airports, infrastructure, that make us stronger economically, not weaker.

Therefore, what my amendment does is to permit capital budgeting and permits you to treat the cost of physical infrastructure like roads and bridges differently than you do other expenditures.

Is that something new or novel? No, Mr. Speaker, every State has some form of capital budgeting along these lines. Every homeowner knows that you pay for your house on a mortgage and that the debt service is what is figured in your budget, not the actual cost of the house. Everybody knows that when they buy a car they buy it on a payment plan and they spread that cost out over the life of the car. That is all that my amendment does.

What my balanced budget amendment to the Constitution would do, which I hope will be made in order to be considered this week, is it will take Social Security off budget and it will encourage investment by permitting capital budgeting.

What we are asking, Mr. Speaker, is that as the House moves toward a balanced budget discussion this week, that if it is going to bring up the balanced budget amendment, that first of all we be honest with the American people and we tell the people where we are going to make the cuts and how deep those cuts are going to be.

Second, we say that we take Social Security off budget, because it does not have any business being involved in the overall budgeting of the Federal Government, since it has already been paid for and there is a surplus.

Third, Mr. Speaker, that the balanced budget amendment encourage investment, not discourage it; that we put in the balanced budget amendment those things that will make the economy grow, not shrink. That is what a fair balanced budget amendment needs if it is to be considered this week.

□ 1250

SUPPORT CONTRACT WITH AMERICA'S BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of January 4, 1995, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized during morning business for 2 minutes.

Mr. CHRISTENSEN. Mr. Speaker, over the course of the last week, the American people have seen a great deal of discussion in the Chamber about book deals. They have seen partisan posturing and parliamentary tricks designed to slow down if not halt completely the course that we have set out to make the Contract With America the people's agenda.

Mr. Speaker, this is the only book that we should be talking about, the "Contract With America." I was noticing on page 23 of this book that it talks about the balanced budget amendment and the line-item veto.

"Isn't it time we hold Congress accountable?" it says.

It goes on to say, "Just as every American sits at the dinner table, and as they do, they balance their own books, they balance the budget of a family, a business, it's time that the American people hold Congress accountable to balancing the books."

This week we will be taking up the balanced budget amendment, a piece of legislation that is long overdue.

We have already started giving the voters of America what they said they wanted in the Contract and now it is time to focus on the job at hand and get on with the people's business.

As a freshman Member of the 104th Congress, I was sent here by the people to make real change, to make this happen for the first time in 40 years.

Let us not continue backsliding toward politics as usual, but let us give the American people what they sent us here to do, and, that is, to pass a balanced budget amendment.

CALL FOR AN INDEPENDENT COUNSEL IN SPEAKER'S ETHICS CASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 5 minutes.

Mr. BONIOR. Mr. Speaker, we Democrats are anxious to get on with the business before this House. I was pleased on Friday that the Speaker appointed his Members of the Ethics Committee and Minority Leader Gephardt appointed Members from the other side of the aisle as well. To avoid a conflict to interest, they each chose Members from the preexisting ethics panel. This was a wise move because the only complaint before the Ethics Committee right now is a complaint involving Speaker GINGRICH. Clearly the Speaker would have had a conflict of interest appointing new Members who would sit in judgment on his own case. Unfortunately, even with Friday's announcement, the Speaker still has a conflict of interest problem. The subject of the ethics complaint and the essence deals with the relationship of GOPAC, which is a political action committee controlled by Mr. GINGRICH, to Mr. GINGRICH'S other enterprises.

GOPAC is an organization which has raised over the last 9 years anywhere between $10 and $20 million in contributions. Its contributors included people who have direct interest in what we do in the People's House here. Direct interest. They have contributed to over 100 Republican candidates and campaigns. Yet we do not know who contributed the money or how the money was spent, because GOPAC still refuses to disclose the names of its past donors, and, I might add, its past expenses as well.

The ethics complaint involves questions about the relationship of this multimillion-dollar political slush fund to Mr. GINGRICH'S alleged nonpartisan college course. Clearly any person who has had dealings with GOPAC has a serious conflict of interest in this case. Yet in this morning's Wall Street Journal, we learned that 2 of the 5 Members appointed to the Ethics Committee by Mr. GINGRICH on Friday have had past dealings with GOPAC.

Mr. Speaker, this will not do. The only way we are going to get on with the business of this House and to get past this ethical cloud swirling around the Speaker's head, from his book deal to GOPAC, to his supposedly nonpartisan college course, is to have a professional, nonpartisan, independent outside counsel appointed to this case.

I would urge in the strongest way possible that that is the course that this body and that the Ethics Committee take.

QUOTES FROM THE PAST SUPPORT BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, we are getting to the point in the balanced budget debate where the volume is being turned up, the heat is being turned up, we are starting to hear a lot of gnashing of teeth and beating of chests and wailing and wringing of hands, and I thought that it might be a good idea at this point to remind ourselves of the words of George Santayana who said that those who refuse to study history are condemned to repeat it, especially as we hear, and I talked last week a little bit, about the new species on the floor this year in Congress called the Metoobut.

The Metoobuts are known by their talking about a particularly positive and popular Republican principle, for example, in this case the balanced budget amendment, which the people of this country have said overwhelmingly that they want this Congress to enact, and they will say, "We absolutely have to have a balanced budget amendment, I support it completely, it's the best thing in the world, it's the greatest thing since sliced bread, but," and then launch into 55 reasons why we ought to have it maybe in the next millennium but not in this one.

I thought it might be instructive if we could just look a little bit at what other people in other times have said about the ability to spend the national treasury.

Going backward quite a way, I thought maybe we could start with the Roman statesman Cicero when he spoke in the Roman Forum in 63 B.C. Listen closely, because this has particularly special relevance to today, Mr. Speaker:

> The budget should be balanced, the Treasury should be refilled, public debt should be reduced, the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed lest Rome become bankrupt.

Then we move closer to our own era, and we find a gentleman named Alexander Fraser Tyler who wrote about the decline and fall of the Athenian Republic. He was a Scotsman, a scholar, a historian and a professor, and he wrote this book in 1805. He said that a democracy "can only exist until the voters discover that they can vote themselves money from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the Public Treasury with a result that a democracy always collapses over loose fiscal policy always followed by dictatorship. The average age of the world's greatest civilizations has been 200 years. These nations have progressed through the following sequence." This is all according to Mr. Tyler:

> From bondage to spiritual faith;
> From spiritual faith to great courage;
> From courage to liberty;
> From liberty to abundance;
> From abundance to selfishness;
> From selfishness to complacency;
> From complacency to apathy;
> From apathy to dependency;
> From dependency back into bondage.

Mr. Tyler's assessment is not very positive and I think I will take issue with his notion that every democracy will collapse over loose fiscal policy followed by a dictatorship. That is one of the reasons that we are not going to allow that to happen here at this time in the history, in the life cycle of our own Republic.

Let us go back to what one of our own Founding Fathers said, one of the greatest Founding Fathers, Thomas Jefferson, in 1789. He had one reservation about the Constitution, this document that he personally had had so much to do with authoring. He said, and this is 1789 he wrote this, "If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of the government to borrow money."

That is what our balanced budget amendment is all about. It is about requiring a supermajority, a three-fifths vote of the House, in order to borrow more money. The operative working section of this constitutional amendment is the requirement that 60 percent, that is the restriction right there, 60 percent of the House of Representatives and the Senate must vote in order to pass a raising of the debt service, or the debt limit, the ceiling on the debt. That is the restriction that Thomas Jefferson was talking about, right there.

Finally, I would like to quote from the founder of our party, Abraham Lincoln. He wrote, "As an individual who undertakes to live by borrowing soon finds his original means devoured by interest and next to no one left to borrow from, so it must be with a government."

Let us learn from the past and not repeat these same mistakes to the detriment of our future generations.

APPOINTMENT OF OUTSIDE COUNSEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. MILLER] is recognized during morning business for 5 minutes.

Mr. MILLER of California. Mr. Speaker, at the end of last week, the makeup of the Ethics Committee was announced by the Speaker and by the minority leader. We know as Members of this House that that is among the most difficult task Members can be called upon to perform, and, that is, to sit in those rare occasions when they must in judgment of their colleagues in this House for actions or allegations of behavior. The difficulty of that task was recognized by Speaker GINGRICH back in 1988 when the conduct and questions of the former Speaker was called into question, and he said that the Speaker of the House, a position which is in third line for succession to

the presidency and the second most powerfully elected position in America, this investigation has to meet a higher standard of public accountability and integrity.

I think he is probably correct. It certainly must meet the same standards as for Members of the House, but clearly sitting in judgment of the Speaker is a far more difficult task than sitting in judgment upon regular Members of the House because of his position of power and prestige and his integral being to the workings of this House and to the success of Members of his own party and of the House generally.

It is for that reason that while we applaud finally that there is an Ethics Committee in place, that we must raise the issue of the appointment of an outside counsel. Serious allegations have been made against the Speaker in his dealings with the potential publication of his book, the funding of his college class, the solicitation and the disbursement of fundings for GOPAC, a PAC which he controls and which many Members of the House have benefited from or been involved in over the last year. It now turns out that three of the Members, or two, maybe three of the Members on the Republican side of the Ethics Committee have had dealings with GOPAC and been involved in one fashion or another with that.

I think again unfortunately in this House we do not get to deal with simply the facts. We must also deal with the appearance when we do the public's business. And the appearances of a conflict within the Ethics Committee must be dealt with and they must be dealt with in a timely fashion and they must be dealt with immediately.

As the Wall Street Journal pointed out in its discussion of the makeup of the Ethics Committee and about the potential conflict of the members of that committee, it went on to quote Senator DOLE, the Republican leader in the Senate, who said on "Face the Nation" that "the American people want us to move forward. We are not doing that. All the focus is on NEWT GINGRICH."

I think that is quite clearly the mood in this body and the mood in the public and that is that we must move forward with the agenda, whether it is the contract as represented by the Republican Members of the House or the plight and the well-being of the American working family as represented by Democratic Members of the House, we must go forward with that agenda. We will not be able to do that until this issue is resolved, and this issue must be resolved in favor of the House of Representatives as an institution and must be resolved in favor of the confidence of the American people in this House and it must be resolved in a fair, full disclosure of these allegations and a fair and full investigation. That cannot be done when we have members of the Ethics Committee who have been involved with the organization called into question.

This should be done sooner rather than later and it must be done by resorting to an outside counsel as Speaker GINGRICH recognized when he was embroiled in a conflict with the previous Speaker of the House. It simply requires the appointment of an outside counsel so we can remove it from the floor of the Congress, we can remove it from our daily workings. We have already seen where Speaker GINGRICH has suggested that this would be tied up in the issue of Mexico, that somehow the issue of the bailout or the loan guarantees to Mexico could not be properly considered if this issue continued to be raised.

This issue must continue to be raised until it is settled. And the way you can keep it from being raised on the floor of the Congress is to have it put into the hands of an independent and outside counsel to remove it from this institution.

This issue was raised in the telecommunications policy where we see the Speaker as a beneficiary of the contract with a company owned by Rupert Murdoch, has now met with Mr. Murdoch, with his lobbyist about telecommunications policy, then engaged in a private meeting for Republicans only on telecommunications policy, and then threatened to tell the owners of these companies that they ought to get their reporters in line. So this conflict is spilling over onto the floor of the Congress, onto public policy. It must be separated. The only way it can be separated is with the timely and immediate appointment of an independent and outside counsel in the matter of the gentleman from Georgia [Mr. GINGRICH] versus the questions of his operation and GOPAC and in the funding of his college class and his book contract.

A CALL FOR OPENNESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 5 minutes.

Mr. DURBIN. Mr. Speaker, I returned to my district in Springfield, IL this weekend as I do virtually every weekend, and it was interesting that some of my friends when I came across them at a party on Saturday night said, "What in the world was going on in the House of Representatives last week? We tuned into the news and we saw grown men and women shouting, red in the face, emotional. What was it all about?"

What it was all about was a 1-minute speech, like those given every day, by the gentlewoman from Florida, CARRIE MEEK, in which she raised the question of the Speaker's book contract. It led to a ruling by the Chair concerning which words were appropriate to be spoken on the floor and a reaction from my Democratic side of the aisle where there was a feeling that perhaps this ruling, which relied on a precedent almost a century old, had perhaps gone too far.

People in the ordinary course of life with their families may find it hard to imagine why grown men and women would get so exercised and so emotional over something which appears as inconsequential as what words can be spoken on the floor of this House. But frankly, ladies and gentlemen, I think when we take an oath of office to uphold the Constitution, including therein our freedom of speech, that this House probably as much if not more than any other place in the United States should be the situs where free speech is respected. As a result, our emotions ran high, on the Republican side in defense of their Speaker, on the Democratic side in defense of the concept of free speech.

I did not come to make this comment this morning on the issue of free speech, but merely to let you know as previous speakers have how much time has been focused in the last weeks on this floor of the House of Representatives on Speaker GINGRICH's financial dealings. I would like to make a suggestion this afternoon as to how we can really start focusing instead on some of the critical issues facing this country and move away from that

Last week, of course, we were embroiled for an entire day on the question of what could be said on the floor of the House about the Speaker's multimillion-dollar book deal. Then in sequence every nightly news Tuesday, Wednesday, Thursday, and Friday, all of the major networks were consumed with variations on that theme:

Did in fact the Speaker meet with the lobbyist to discuss policies relative to telecommunications? The same lobbyist for the same magnate, Mr. Murdoch, who owns the publishing company the Speaker is doing business with, did in fact Mr. Murdoch come to the Capitol and so forth.

In fact by Friday of last week, the Republican chairman of the House Banking Committee sent a letter to the administration and said that he was not prepared to consider the Mexican financial crisis as long as Mr. GINGRICH's ethical problems were being discussed on the floor. He did not think that was a political environment that he could in good conscience discuss the Mexican financial crisis in.

I think that is unfortunate and it suggests how much business on Capitol Hill is now being subsumed into the Speaker's financial situation.

We have seen reaction across the country. In the Midwest, my hometown of Springfield and in Chicago, major newspapers have editorialized that the

Speaker has to get away from this book deal and get back to focusing on issues important to America. Virtually every editorial writer with the politically predictable exception of Rush Limbaugh has said it is time for the Speaker to do something about this and get it behind him. It went to far this morning as to have an article in the Wall Street Journal questioning the members of the House Ethics Committee on the Republican side.

Let me say at the outset that I know all three of the gentlemen referred to in the article and I have absolutely the highest confidence in their honesty and integrity. I would gladly have them sit in judgment of myself should a question ever be presented. But in this situation, where they have been involved with GOPAC, the Speaker's political action committee, there is a legitimate question about conflict of interest.

□ 1310

I think it goes to the point raised by the gentleman from California. It is time for us to take this whole swirl of controversy about GOPAC, the Speaker's foundations, the book deal and such, and take it off of the floor of this House, off of Capitol Hill and put it in the hands of an outside counsel, someone who is chosen on a bipartisan basis to look into the facts and report to this body as well as to the American people.

We can then step aside from this and get down to the real business that is before us. It is certainly important that we be concerned about the ethics and integrity of the House of Representatives. I think the outside counsel is the best way to go. It will not be a Republican or Democratic choice, it will be a bipartisan choice. It has been done before and it should be done in this instance. We can put this behind us. We can stop focusing on it and move forward on important issues which we will continue.

This week we are considering unfunded mandate legislation and tomorrow night, right here at this podium, the President of the United States will have the opportunity, as others have before him, to speak to the American people. Then we will go on to consider a balanced budget amendment. These are all critically important issues for the Nation.

In order that we give our full attention, as we should, to them, an outside counsel should be called immediately to take this ethics question involving the Speaker off of our agenda and put it in the hands of a nonpartisan source that can make a decision as to whether or not anything has happened.

AID TO MEXICO

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. DEFAZIO] is recognized during morning business for 2 minutes.

Mr. DEFAZIO. Wall Street, the influential lobbyists in Washington, DC, and Republicans in Congress prattle on about free markets and free trade until it is their speculative investments and profits on the line. If NAFTA were really about free trade, and free markets, then it would mean a free fall for both the Mexican tax market and a free fall for the peso.

Heaven forbid that we should let the free market work when Wall Street's major financiers, Mexico's 24 billionaires, multinational corporations, big brokerage houses, and international investment bankers have gambled and lost.

Fred Bergsten, director, Institute for International Economics, says of Members of Congress such as myself who oppose the bailout Mexico, "They don't realize they could cause what might be like an accidental nuclear war."

Out of such outrageous hyperbole is born the idea that the bailout of Mexico's billionaires and international speculators is an issue of national security which requires the United States to put its full faith and credit, that is read exactly, more specifically, United States taxpayers at risk.

In the spirit of openness and sunshine, demanded by the new Republican majority in Congress and adopted in their rules, let us have some hearings on this issue. Let us have hearings before the Republican leaders jam the Mexican bailout through in the dark of the night, without any deliberation by this House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

(Whereupon, at 1 o'clock and 13 minutes p.m., the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

We pray, O almighty God, that we will be faithful to that which marks our purpose and reason for living, that we will be steadfast in our allegiances and in our vision, that we will be worthy of the high calling that is ours. Yet, O gracious God, may we not only be devoted to our mission, but may we also listen to others, to hear their voices, to sense their purpose, to discern their motivations so that together we will testify to the good purposes of our Nation and bear witness to our unity as Your people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Illinois [Mr. LAHOOD] will lead the House in the Pledge of Allegiance.

Mr. LAHOOD 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.

JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 16) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 16

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assembled in the Hall of the House of Representatives on Tuesday, September 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

READING THE CONTRACT WITH AMERICA

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

Mr. JONES. Mr. Speaker, our Contract With America states on the first day of Congress, a Republican House will force Congress to live under the same laws as everyone else, cut one-third of committee staffs, cut the congressional budget. Mr. Speaker, we have done that.

In the next 81 days, we will vote on the following 10 items:

No. 1, a balanced-budget amendment and line-item veto;

No. 2, a new crime bill to stop violent criminals;

No. 3, welfare reform to encourage work, not dependency;

No. 4, family reinforcement to crack down on deadbeat dads and protect our children;

No. 5, tax cuts for families to lift Government's burden from middle-class people;

No. 6, national-security restoration to protect our freedoms;

No. 7, Senior Citizens Equity Act to allow our seniors to work without Government penalty; and

No. 8, Government regulations and unfunded mandates;

No. 9, commonsense legal reform to end frivolous lawsuits; and

No. 10, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

CIVILITY DUE TO, AND FROM, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

Mr. FROST. Mr. Speaker, as one of the three Members of Congress representing Fort Worth, TX, home of former Speaker Jim Wright, I rise to urge that Speaker GINGRICH take down his own words.

Last Friday, speaking to a Republican audience here in Washington, Speaker GINGRICH referred to former Speaker Wright as a "crook." In my opinion, such a comment does harm to the office of Speaker—both past and present.

The truth of the matter is that former Speaker Wright served this body with dedication during his 34 years as a Member and 2½ years as Speaker.

Contrary to the remarks made last Friday, Speaker Wright was never convicted of a crime nor was he even ever charged with a crime in court. Additionally, though ethics charges were lodged against him with the House Committee on Standards of Official Conduct, that committee never ruled against him on the merits of those charges.

It is my opinion that the current Speaker, Mr. GINGRICH, would serve both his own party and this House by desisting from making such references as he did when in the minority.

The country expects a degree of civility from the presiding officer of this body.

I, for one, have always respected the leaders of the opposition party even when I disagreed with them on the merits of an issue. It would serve the Nation if our Speaker would do the same.

TIME TO DO AWAY WITH BURDENSOME REGULATIONS

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

Mr. STEARNS. Mr. Speaker, history was made on the opening day here in Congress.

We passed sweeping reforms to not only change the rules of the House but also to make Congress adhere to laws governing the rest of the country.

But now the question is, Mr. Speaker: Do we really need so many regulations? Compliance under some of these strict rules and regulations which are mandated by OSHA, the Americans With Disabilities Act, and all of this massive legislation we passed in the last 150 years is forcing companies to either downsize their work force or go out of business entirely, as we speak.

Many small business are struggling under the yoke of overburdensome regulations and rules. They make it virtually impossible for them to operate.

Mr. Speaker, I applaud the action taken thus far by Congress to bring this body into the mainstream, but I also think the time is now to do away with many of these needless rules and regulations that are already in existence.

WATCHING OUT FOR THE SPECIAL INTEREST OF MA AND PA CITIZEN

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

Mr. VOLKMER. Mr. Speaker, Will Rogers always had a down home way of making light of politics and particularly Members of Congress. Mr. Rogers held no punches for either party saying of the Democratic party, "you've got to be an optimist to be a Democrat, and you've got to be a humorist to stay one." He also had this to say of the Republican party, "Republicans take care of the big money, and big money takes care of them. It takes nerve to be a Democrat, but it takes money to be a Republican." This quote rings so clearly today.

Mr. Speaker, who was invited to the Republican gala for the Contract With America? Was it ma and pa citizen? No, it was Mr. and Mrs. special interest.

Mr. Speaker, who was invited to the gentleman from Georgia's closed door telecommunications dinner? Was it ma and pa citizen? No, it again was Mr. and Mrs. special interest.

So as we debate legislation here in the people's House, it is time to look who has the special interest of ma and pa citizen at heart and who just has special interests.

STAND UP AND BE COUNTED

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

Mr. SCARBOROUGH. Mr. Speaker, with children dying in our Nation's streets, liberal Democratic leaders lament a book deal that even the Washington Post admits is proper, and while working men and women across the land struggle to survive until their next paycheck, liberal Democratic leaders ignore their plight and, instead, chatter incessantly over contrived, imaginary scandals.

And while conservatives on both sides of the aisle boldly forge ahead into a new frontier of federalism, liberal Democratic leaders continue to engage in a desperate, ham-fisted attempt to create a crisis, change the subject, and obstruct the latest great piece of congressional reform.

Mr. Speaker, it is time for all Members of Congress to step forward regardless of what aisle they stand on, stand up, be counted, and debate the issues that will actually affect the lives of those men and women that sent us to Congress to make a difference.

PASS THE UNFUNDED MANDATE REFORM BILL

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

Mr. TRAFICANT. Mr. Speaker, a woman was arrested in Sweden for smuggling. She had 65 snakes in her brassiere. She said she was going to start a reptile farm.

Now, imagine if that happened in America: The IRS would declare her brassiere a small business and tax it, the OSHA would fine the bra-holder for an unsafe workplace, EPA would mandate a wastewater treatment plant in her brassiere, and the Interior Department would take the bra-holder to court for an illegal snake sanctuary, violating the Endangered Species Act.

But it is not all bad. The bra-holder may qualify for dairy subsidies under the ag bill.

The bottom line is, Mr. Speaker, let us pass the unfunded mandate bill and give business and Government the support and comfort they deserve before Wonder Bra takes all members of Congress to court.

WHAT IS THE GOAL OF THE ADMINISTRATION?

(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, last week a Member of the President's Cabinet declared that balancing the budget was not the goal of the Clinton administration.

So what is the administration's goal, if it is not a balanced budget? Is it to continue mortgaging our children's future? Is it to continue financing a Government that is too big and too intrusive into our lives?

Mr. Speaker, my constituents sent me to Washington with a clear message: Balance the budget, reduce the size and scope of this place.

□ 1410

So those have become my goals, and I found the best way to accomplish these goals is to pass a balanced budget amendment.

So, Mr. Speaker, when the time comes this week, I hope all my colleagues will vote for the people's goals of a balanced budget amendment and return some common sense back to the people's House.

BALANCED BUDGET AMENDMENT WOULD BE A STRAITJACKET ON FUTURE GROWTH

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

Mrs. MINK of Hawaii. Mr. Speaker, all 50 States enact two budgets: one, an operating budget which pays for the day-to-day expenses; and, two, a capital improvements budget which pays for things like buildings, roads, airports, land acquisitions. The capital budget is paid for by borrowing, usually through the sale of bonds.

States functions as families do. Families budget to pay for living expenses; but things like a home, car, or furniture, families must go into debt. Families assume such long-term debts in order to acquire these assets, the same as the Federal Governments.

The balanced budget amendment to the U.S. Constitution, if passed, would deny the Federal Government the power to borrow for the purpose of acquiring needed physical assets, such as military hardware, a space station, highways, and the like. A balanced budget amendment translates into zero deficit. This proposal is a straitjacket which will cripple the future of our country.

TALK ABOUT ISSUES, NOT JUST BOOK DEALS

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

Mr. LAHOOD. Mr. Speaker, after sitting here and listening to my Democrat colleagues on the floor last week and this morning, I think I have a good idea of what issues the President will bring up in the State of the Union Address tomorrow night: book deals.

Yes, it seems the only thing on Democrats' minds right now is book deals and other trivial distractions. Forget the important things in the world today, like a balanced budget amendment and passing the unfunded mandates legislation. Book deals are the only thing worth talking about if you are a Democrat.

So, it should be a short State of the Union Address, probably the shortest in history, because if the President acts anything like his fellow Democrats on the Hill, he will not talk about the real issues, he too will try his hardest to change the subject and talk about book deals. I hope he talks about issues because that is what the American people want him to talk about.

THE 22D ANNIVERSARY OF ROE VERSUS WADE

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

Mr. WATT of North Carolina. Mr. Speaker, on this anniversary of the landmark Roe versus Wade decision I want to express my disgust at the recent outbreaks of violence at our Nation's family planning clinics. Roe versus Wade affirmed that the women in this country have a right to reproductive choice. This right to choose, like every other constitutional rights, must be vigilantly guarded regardless of one's individual beliefs.

The outbreaks of violence we have seen recently at family planning facilities are chilling reminders of the violence we saw surrounding polling places in the 1950's, 1960's, and 1970's, as African-Americans attempted to exercise their constitutional right to vote.

We must not allow any constitutional right to be abridged through campaigns of violent intimidation.

REPUBLICANS REMAIN COMMITTED TO CHANGING CONGRESS

(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, over the weekend President Clinton said the Democrats and Republicans should be committed to tackling problems larger than our partisan squabbles. I agree. The new Congress should be committed to balancing the budget, ending crime, and reforming Government.

But the sad fact is the rhetoric on that side of the aisle and the actions that follow rarely line up. While Democrats may talk about putting aside partisanship, they seem obsessed by ghost historians, book deals and personal attacks.

Despite this partisan maneuvering, Republicans remain committed to the promises we made to the American people. We will stop forcing the States to pay for policies we implement and we will transform the culture of Washington by passing the balanced budget amendment.

It should be quite obvious to all that Republicans want to change this Congress and our friends on the other side of the aisle just wanted to change the subject.

UNFUNDED MANDATES AND THE CONTRACT WITH AMERICA

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

Mr. RICHARDSON. Mr. Speaker, this morning I read a letter from Delilah Gonzales, a seventh-grader from New Mexico, asking me to protect her from water contamination. Can we assure Delilah that this legislation we are passing on unfunded mandates will protect her and many other children from water contamination?

In the haste to meet political deadlines, we must not take away safeguards to public health and environmental safety for all Americans.

Although like many I support cutting redtape and bureaucracies in State and local governments, I believe it must be done without harm to children and their families.

I do not want the American people to be faced with pollution in the air and disease-bearing organisms in public water systems because of legislation that was hastily passed in the Congress.

We have to protect the people, and Congress must make sure that they are safe in their own homes.

Mr. Speaker, my constituent, Delilah Gonzales, wants clean water to drink and clear streams in which to fish. Nothing we do in this body should be at the expense of her health.

The letter referred to follows:

JOHN ADAMS MIDDLE SCHOOL,
Albuquerque, NM, December 11, 1994.

Congressman RICHARDSON,
Washington, DC.

MR. RICHARDSON: My 7th grade class is studying water use, over-use and contamination. We would like to know what things you do in your personal life to help conserve and protect our nation's water supply.

Please send us a short note telling us what you do to save water.

Thank you.

Sincerely,

DELILAH GONZALES.

LET'S HELP OUT OUR STATES

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

Mr. BARRETT of Nebraska. Mr. Speaker, today the House continues debate on H.R. 5, a bill which will provide for the examination of past and future unfunded mandates and regulations, imposed on State and local governments, as well as the private sector.

This bill has the potential to be one of the greatest legislative relief bills for our State and local governments in recent memory. H.R. 5's mandate commission will review and make recommendations on modifying, terminating, or suspending current unfunded mandates.

The focal point of this issue is not how well-intentioned or constructive these unfunded mandates are—the real issue here is paying for these constructive ideas. It is a matter of fiscal responsibility and control.

Mr. Speaker, the Federal Government has created a sea of redtape and an ocean of mandates that are drowning our States and communities, and past attempts to break the tide simply have not worked.

The bill has broad, bipartisan support at all levels of government, and the private sector. I urge my colleagues to support H.R. 5, an oppose any amendments that would weaken the thrust of this legislation.

STENHOLM-SIMON BALANCED BUDGET AMENDMENT

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

Mr. MINGE. Mr. Speaker, 130 years ago, President Lincoln, in addressing a troubled nation, said, "The dogmas of the quiet past are inadequate for the stormy present. As our problems are new, we must think anew."

The unprecedented deficits that this government has incurred year after year in the last 1½ decades have created a national debt of staggering proportions. The balanced budget amendment is a new approach to the stormy financial burden afflicting this Nation. We have a firm, respected bipartisan balanced budget amendment which the Congress came close to passing 6 months ago. It is the Stenholm-Simon proposal. Let us act promptly to pass this bipartisan amendment in 1995.

CHILDREN AT RISK THROUGH INEQUITABLE DIVISION OF FEDERAL RESEARCH DOLLARS

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

Mr. GUTKNECHT. Mr. Speaker, last week, I returned to my district to attend a very sad funeral. Little Kelsey O'Niel was more than a neighbor girl; she was like a member of the family. She was the embodiment of the term "cute as a bugs ear." She died suddenly last Sunday night as the result of an acute asthma attack.

Not even an act of Congress can bring Kelsey back.

But, we can bring some equity to the division of research dollars that the Federal Government provides. Diseases that take our children must be a much higher priority. We can also loosen the regulations that the Food and Drug Administration [FDA] and other agencies impose on new treatments and technologies.

If we can prevent even a few future such sad events, then our efforts will be more than worth it.

Kelsey I will never forget you.

PROTECTING A WOMAN'S RIGHT TO CHOOSE

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

Ms. FURSE. Mr. Speaker, I have just seen a shocking AP bulletin. It tells that three fine Oregon doctors have been targeted for harassment by antichoice groups who have created a deadly dozen list identifying 12 doctors, 3 of them from Oregon, to be the target of intense harassment. This is the kind of terrorism that leads to murder at abortion clinics.

□ 1420

This must be stopped. Abortion is legal, and it is a right that must be protected. Antiabortion groups that refuse to condemn acts of terrorism and murder are encouraging violence. This lawlessness is extremely frightening to me, and it should be to all of us.

In addition to the Federal laws we have protecting clinic entrances, I call upon my colleagues to support the resolution offered by the gentleman from Massachusetts [Mr. MEEHAN) requiring Federal law enforcement officials to act swiftly to protect clinics.

I support freedom of speech, but not harassment, not murder. Regardless of one's position on choice, we must stand against the escalating lawlessness at our clinics.

LISTEN CLOSELY TO CICERO

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

Mr. HOKE. Mr. Speaker, the idea that the budget should be balanced is not new; although judging from the gnashing of teeth and wringing of hands that we have heard from the other side of the aisle it is downright revolutionary; but in fact it is an idea that is older than the Founding Fathers. Listen closely to what the Roman statesman Cicero had to say on the subject in 63 B.C. It sounds like it was written today:

> The budget should be balanced, the treasury should be refilled, public debt should be reduced. The arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed, lest Rome become bankrupt.

I would say to my Democrat colleagues to pay special heed to Cicero's words concerning the arrogance of officialdom, as it was that, as much as anything else, that led to their party's decline and fall, and as for us Republicans, we must keep in mind that we are the agents of the people who sent us here, not their masters, and we must keep our promises to them to pass a balanced budget amendment, pass an unfunded mandates bill, and reduce the size and power of government.

WE NEED FULL DISCLOSURE OF CUTS IN THE REPUBLICAN BALANCED BUDGET

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

Ms. PELOSI. Mr. Speaker, as my colleagues know, later this week the House will be voting on a Republican balanced budget amendment which does contain a three-fifths supermajority requirement but does not contain any listing of the cuts necessary to balance the budget. Members of Congress are being asked to buy a pig in a poke. The Congress and the American people need disclosure, and the Republicans have been unwilling, or unable, to list the cuts that will be required. Without the facts, the American people support the balanced budget amendment 4 to 1, until they learn that Social Security, Medicare, education, et cetera, may be cut. Then the amendment is opposed 2 to 1.

Mr. Speaker, if indeed our Republican colleagues do not intend to cut Social Security, why did they defeat the amendment to build a constitutional wall between Social Security and the rest of the budget? Why did they defeat the amendment to disclose a balanced budget blueprint before sending the balanced budget amendment to the States? It is clear that the American people need full disclosure of the cuts in the Republican balanced budget. They should not be handed a pig or a piglet in a poke.

DR. SEUSS ON THE BALANCED BUDGET AMENDMENT

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

Mrs. SEASTRAND. Mr. Speaker, with apologies to Dr. Seuss I must confess that as a former elementary school-teacher I have tried my hand at trying to explain what is going on in Congress this week in language that even a child can understand:

> They will not try a balanced budget, Sam I am. They will not try it with a mouse, they will not try in the House. They will not try a balanced budget, Sam I am.
>
> But can we fund it on the States? Or we stop it and make them wait? If we can fund it on their backs, they will never find out what we lack.
>
> But no, we can't fund it on the States, we can't stop it and make them wait. We must try the balanced budget, Sam I am.
>
> A balanced budget is good you'll see. No mandates, no deficit is where we'll be.
>
> You should try it, it's no slouch, you should try it with a mouse, and Mr. Speaker, I'd like to see it in this House. Sam, I am.

MR. GINGRICH'S PERSONAL ATTACKS ON FORMER SPEAKERS OF THE HOUSE

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

minute and to revise and extend his remarks and to include extraneous material.)

Mr. WILLIAMS. Mr. Speaker, 3 days ago Speaker NEWT GINGRICH referred to former Speaker Jim Wright as, quote, a crook. Formerly Congressman NEWT GINGRICH had alternatively referred to former Speaker Tom Foley, former Speaker Jim Wright, and America's beloved Speaker Tip O'Neil as traitors, thugs.

Jim Wright was asked for a response to the current Speaker's most recent attack and, although I do not have time in this 1 minute to read former Speaker Wright's account, I will herein place it in the RECORD and would read the first sentence which said, "It would demean the office of the Speaker and the institution of Congress itself for me to respond in kind to Mr. GINGRICH, and I shall not do so."

Mr. Speaker, the remainder of former Speaker Wright's speech is calm and measured, and I place it in the RECORD so my colleagues may see it:

STATEMENT OF JIM WRIGHT

It would demean the office of the Speaker and the institution of Congress itself for me to respond in kind to Mr. Gingrich, and I shall not do so. It is not for me to call him ugly names or attribute dishonesty to his business transactions. I guess I'm just not a piglet who likes to wallow in the mud.

So far as my personal integrity is concerned, it needs no defending from remarks by Mr. Gingrich who seems to devote a great portion of his career to trying to malign other people. That's not my style, and I like to think my 72 years of living and serving speak for themselves.

When I resigned from the Speakership in 1989, I expressly offered up my job "as a propitiation for this season of ill will," thus hoping to help Congress move forward without the distractions of the bitter name calling and "mindless cannibalism" which had characterized a series of deliberate personal attacks that I regarded as unworthy and most people realized were untrue.

I am saddened by the lack of dignity and civility which any Speaker must endeavor by example to instill.

SUPPORT THE UNFUNDED MANDATES REFORM ACT

(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, today we will continue consideration of H.R. 5, the Unfunded Mandate Reform Act. I am pleased to be a cosponsor of this legislation that is embodied in the Republican Contract with America.

I have received letters from the U.S. Conference of Mayors, the National Conference of State Legislators, as well as the Democratic Governor of my home State, North Carolina, the Honorable Jim Hunt, all expressing strong support for this legislation. Governor Hunt articulated the problem well when he said, "While these mandates may reflect well-intentioned policy goals, they often imposed substantial costs and regulatory burdens on the States that deny them the right and responsibility to set the priorities that best meet the needs of our citizens."

For too many years we in Congress have made laws that we did not hold ourselves accountable to and then mandated to both the State and local governments, as well as the private sector, that they not only abide by the laws, but also come up with the money to pay for them.

UNFUNDED MANDATES DEVASTATING TO RURAL COMMUNITIES

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

Mr. CAMP. Mr. Speaker, I rise to discuss how unfunded mandates are particularly devastating to rural communities throughout the country. In Michigan, for example, the estimated costs for fiscal year 1994 as a result of 12 major unfunded mandates was nearly $400 million.

For example, municipal water systems in my district are required by the EPA to follow the same drinking water tests as Hawaii to monitor for a herbicide used on pineapples, which are grown only in Hawaii. Municipal water systems in Michigan are not only required to report these chemicals not found in the water supply, but they have to pay for it as well. This is wrong.

This example is just one of hundreds of costly, unnecessary, unfunded Federal mandates that leave Washington and fall into our backyards at home.

If there is one theme, one goal of the 104th Congress, it must be to become more accountable. No longer should we be able to pass legislation, pat ourselves on the backs, and pretend it did not cost the taxpayers a dime. The reality is that we leave it to our States and our communities to shoulder the burden and those days must end.

□ 1430

IN SUPPORT OF THE BALANCED BUDGET AMENDMENT

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

Mr. NEUMANN. Mr. Speaker, this new Congress is working hard to fulfill its promises to the American people. The most significant change this Congress must make will be done through passage of the balanced budget amendment with its three-fifths tax provision. Right now, every American's share of the national debt is over $18,500—for my family of five that's $92,500. Today, the deficit stands at $176 billion. That is about $700 for every man, woman, and child in this country. Something must be done to balance the budget. This Congress needs to act now by passing the balanced budget amendment.

The Barton amendment will ensure that the Federal Government cannot spend more than it takes in, and Congress cannot add to the Federal debt unless approved by a three-fifths majority vote of Congress. We need the discipline of a balanced budget amendment to completely change the spending culture of Washington.

I urge my colleagues to pass the balanced budget amendment, not for ourselves, but for the future of our children and grandchildren.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

BALANCING THE BUDGET

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

Mr. WELLER. Mr. Speaker, I rise today in strong support of the balanced budget amendment that this body will soon consider. The American taxpayers demand it. It is our duty to pass the balanced budget amendment and answer their outcry.

Mr. Speaker, if we pause and listen carefully, we can hear the giant sucking sound of the special interests draining the American people's money from Capitol Hill. I say it is time to plug that drain by passing the balanced budget amendment.

No longer should Americans be asked to stand by and watch their tax dollars be wasted away. No longer should hard-working citizens be forced to hand over their paychecks, only to see them thrown into the abyss of big bureaucracy.

I am proud to support this greatly needed balanced budget amendment and urge my colleagues to join me.

RURAL COMMUNITIES AMONG THOSE TO BENEFIT FROM PASSAGE OF UNFUNDED MANDATES REFORM ACT

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

Mr. LATHAM. Mr. Speaker, I rise today to express my strong support for H.R. 5, the Unfunded Mandates Reform Act.

On November 8 the American people sent a clear message that they were tired of having Washington pile ever-

increasing mandates on their backs. The types of smaller rural communities such as those I represent bear the heaviest proportional burden of unfunded mandates. Instead of using their tight budgets to improve schools, police forces, or infrastructure, they have increasingly found themselves spending scarce dollars to satisfy Federal rules and regulations that have no positive impact on their communities.

Mr. Speaker, we owe them our prompt support of this important reform bill. I hope we can lay aside the gutting amendments that have been filed on this bill, pass it promptly, and move on to the next important item on the people's agenda, the balanced budget amendment.

BIG CHANGE PROMISED 2 YEARS AGO

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

Mr. GOSS. Mr. Speaker, 2 years ago President Clinton was sworn in to office promising big change. But it became clear that the change America wanted was not going to come from the Clinton White House. So tomorrow the President delivers his State of the Union speech to a historic 104th Congress and a country that is no longer waiting for change to come from 1600 Pennsylvania Avenue.

With an unquestionable mandate from the American people, this Congress is responding to the call for smaller, less intrusive government. We are going to reverse the trend of the Federal Government handing down rigid, one-size-fits-all mandates to our States and localities without even considering the costs we are passing on to them.

Mr. Speaker, we are going to set ourselves on a course to a balanced budget. We are doing that now. We are going to make government smaller and more responsible and more attractive. America is going to keep watching. They are going to keep watching this Congress because this is where the change is happening.

THE GANGSTERS OF CHINA AND BURMA AND THE TRADE ISSUE

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

Mr. ROHRABACHER. Mr. Speaker, America is grasping for principles to guide our foreign policy decisionmaking in the post-cold-war world. Let me suggest two simple standards. We should be for freedom, and we should be against aggression.

The current administration has decoupled any discussion about trade with any consideration of human rights. This is wrong, and it does not work. By winking at the dictator in Beijing, we have encouraged that gangster regime to go on to even further criminal activities.

I am placing into the RECORD an editorial of the Wall Street Journal detailing the results of an alignment between the gangster regimes in Peking, China, and in Burma.

As for America, we should be on the side of those who are struggling for freedom in Burma and China. In the long run, it is not only what is right but it is what will work for the betterment of the entire world.

Mr. Speaker, the information from the Wall Street Journal to which I referred is as follows:

[From the Wall Street Journal, Jan. 11, 1995]

ASIA'S DRUG WAR

Trade and information aren't the only things that have gone global. Try drug addiction. Around the world, the U.S. is often portrayed as a society sinking under the weight of drug abuse. But where the U.S. has about 600,000 heroin addicts, Thailand probably has that number in Chiang Mai and Chiang Rai provinces alone. According to the Straits Times, Singapore is treating 7,700 addicts (up from 5,700 in 1990). Assuming, improbably, that these are the only ones, Singapore still has an addiction rate 12% higher than the U.S. Malaysia claims about 100,000 addicts, Taiwan about 50,000, and the standard estimate for Vietnam is 500,000.

Without much doubt these figures understate the severity of the problem in some countries. When Taiwan seized 1,114 kilos of heroin in 1993, officials claimed the bulk was for domestic consumption. Hong Kong clinics have registered a 50% jump in female addicts since 1993, which they attribute to the price of a gram of heroin plummeting to $40, half the price of three years ago.

While the big money is made on the streets of New York and Los Angeles, most of Asia's opium is consumed in Asia. So the explosion in production in the Golden Triangle, especially Burma, is deeply troubling. Opium output has trebled since 1988, to about 3,500 tons, according to Asian officials. Prosecutions are still launched against longtime traffickers in places like Thailand, but in fact the business has rapidly migrated into the hands of new Chinese gangs.

The quality has gone up, and the purity has improved by a factor of 1,000% or more. To understand why, look no farther than Burma's emergence as China's economic satellite.

In the late 1980s, China began courting the Burmese regime, then in bad odor with the rest of the world for slaughtering hundreds of demonstrators. Beijing dropped its support of the Communist Party of Burma and other ethnic rebel groups and opened the long Sino-Burmese border to trade. That pried the lid from a Pandora's Box whose contents are now spilling out into the world through China.

The ex-insurgents, led by the Wa tribal followers of Burma's Communists, nowadays devote themselves to the heroin business. Dozens of refineries have opened along the border, with the drugs moving overland by courier through China and finally out via Hong Kong and Taiwan. These mainland routes have already eclipsed Burmese drug warlord Khun Sa and the Thai export routes under his control.

For the time being, the Rangoon government has reached cease-fires with most of the ethic rebels in the north, Rangoon leaves them to their drug trafficking, and probably even rakes off a share of the profit, while concentrating its main energies on building up the army and crushing urban dissent. No doubt these cease-fires are temporary: The Burmese military is reportedly set to renew its offensive against the Khun Sa operation, armed with a fresh supply of weapons from Beijing. In time, the army probably hopes to subdue the rest of Burma's minorities as well.

But that goal has eluded the Burmese military for 50 years and for now the local militias still call the shots in the mountainous north. Poppy cultivation has boomed under the spur of competition for buyers. For their part, the Chinese see their Burmese clients as an economic and military bridgehead into Southeast Asia. What they got in the bargain was an opium bridgehead into China.

Junkies are suddenly proliferating along the drug routes through Yunnan and Guangxi, in the inland provinces and even among Beijing's yuppies. China recently admitting to having 300,000 "registered" addicts and called the situation "very grim." Health officials put the real number at 2.5 million. In 1992, the People's Armed Police was sent in to clean out a smuggling center protected by corrupt Yunnan officials. The battle lasted 11 weeks and netted nearly 1,000 kilos of drugs.

China hasn't forgotten that tens of millions were junkies early in the century. Biochemistry being what it is, the simple fact of drugs being available is likely to produce a growing addiction crisis. When Lee Brown of the U.S. Office of National Drug Control Policy toured the region last June, several governments urged him to restart anti-narcotics cooperation with Burma. But the Burmese regime is still in the doghouse with Congress over its human rights record and the detention of Nobel Peace Prize winner Aung San Suu Kyi.

In any case, the old school, which sees U.S. and European consumers as the main drivers of the heroin trade, may be out of date. Malaysia recently nabbed a high-school-age heroin dealer. Police suspect that pushers are trying to lock in a new clientele among upwardly mobile young users. Asia's wealth is driving a big part of the business these days. And while the U.S. can help, China is the real key to Asia's developing drug crisis.

PROVIDING DISASTER ASSISTANCE TO JAPAN IN RESPONSE TO EARTHQUAKE OF JANUARY 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. COMBEST) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on National Security and ordered to be printed:

To the Congress of the United States:

I have directed the Secretary of Defense to provide appropriate disaster assistance to the Government of Japan in response to the devastating earthquake of January 17, 1995. As required by section 404 of title 10, United States Code, I am notifying the Congress that the United States commence disaster

relief operations on January 18, 1995, at 11:06 p.m., eastern standard time. To date, the U.S. military has provided 37,000 blankets. In addition, the following information is provided:

1. Disaster relief assistance is being provided in response to an earthquake affecting Kobe and Osaka, Japan.

2. Reports indicate at least 3,100 people have died, nearly 900 are missing, over 16,000 are injured, and an estimated 240,000 are homeless. The destruction of basic physical infrastructure poses a threat to the lives of the survivors.

3. Currently, U.S. military involvement has been limited to 15 U.S. Air Force C–130 Hercules sorties. Further requests for U.S. military assistance in the form of transportation, supplies, services, and equipment are unknown at this time.

4. Switzerland is providing search and rescue dog teams. Assistance by other countries is unknown.

5. Anticipated duration of disaster assistance activities is unknown.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 20, 1995.*

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 are recognized for 5 minutes each.

CONSIDERATION OF THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Utah [Mr. ORTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. ORTON. Mr. Speaker, I rise today to discuss the balanced budget amendment, which will be coming up later this week and possibly continuing into next week. It is a very critical issue which we will be facing in the Congress, and I feel it important that we discuss it in greater detail than we will have time during the formal debate on the floor of this House to discuss and compare the various amendments which are going to come before us. I will talk about some of the similarities and the differences.

□ 1440

I recognize that right now going on on network television are the opening statements of the O.J. Simpson trial. It will take someone who is very dedicated and very interested in the balanced budget issue to actually be watching at this point in time, but I hope that my colleagues are watching and that in fact they and others interested in this debate will get a copy of what I am going to talk about, to analyze the amendments in depth and in detail prior to our debate coming up later this week.

There has been a great deal of debate over whether or not we should balance the budget. I am not going to enter into that debate today. I personally believe that our country balance its budget, that we cannot continue with several hundred billion dollar deficits each year, and that in fact if we fail to balance the budget, at some point in time we will reach an economic crisis wherein devaluation of our currency or hyper inflation rates or high interest rates, some economic meachancism will in fact make up for the problem which we have today in not balancing our budget. So I am not going to focus on that part of the debate.

It has also been argued even by those who agree that we must balance the budget that in fact there are two different ways to do it. One, requiring in the Constitution by amending the language of our Constitution that we must balance the budget. The other is to do it through statutory reform, by changing statutes themselves, changing the budget process itself, so that in fact we might be able to, through the regular committee action and floor action in this body and the other body, that we might be able to agree to a balanced budget.

It is argued that you do not need to amend the Constitution to balance the budget. In fact, that is correct, you do not. But I also believe that by requiring in the Constitution that we must balance our budget, it will give us that additional impetus, the additional force necessary, the commitment necessary, to actually accomplish that balanced budget. So I favor a balanced budget amendment to the Constitution, and this discussion is not going to go through the arguments of whether we should or should not file a balanced budget amendment to actually require it.

This is a very serious issue, amending our Constitution. It was created over 200 years ago, and over that time has served us very well and has been amended very few times. In fact, now to change the actual wording in our Constitution is indeed very serious and very critical that we must do it right.

Our first rule in government should be first to do no wrong, to do no harm. We must be certain that the changes we place into our Constitution do not create greater havoc or do greater harm or prevent us from being able to govern this great Nation.

So really the issues I would like to discuss here today come down more to the questions of if we do place into our Constitution a requirement to balance the budget, what wording should we use and how would in be enforced? What type of enforcement mechanism should we include in the Constitution to require this Government to balance its income and outgo, or its outlays and receipts, was we call it in the various amendments. There are very technical issues and I am going to attempt over the next little while in plain English to outline a comparison of the various amendments that have been filed, so that we can identify where there are similarities and where there are differences.

I plan on focusing on three principal amendments, all three of which have been filed as legislation in this Congress. They are the Barton-Tauzin constitutional amendment, which I believe has the support of the majority leadership in the body. They are also the Schaefer-Stenholm amendment, which is the amendment that has been filed by Senator DOLE, Senator HATCH, and Senator SIMON in the Senate. And also a balanced budget amendment which I have filed in this body, and I would like to compare the three of them.

I would like to analyze the alternative approaches being used in these three different amendments, the approaches and the mechanisms used for enforcement. I would like to identify the differences in these amendments, and there are several. There are some differences in what numbers we are going to be relying upon in balancing the budget. Some of these amendments requires or allow us to use or rely upon estimates of receipts and outlays. Other amendments will require us to deal with actual receipts and outlays. There are significant differences between estimates and actual numbers, and I would like to talk about those.

Also, some of these amendments require the creation of, or do create in the Constitution, a new supermajority requirement for legislative action, while the other relies upon the existing constitutional majorities and the existing supermajority identified in overriding a Presidential veto.

Also the enforcement mechanisms specifically. Some of these, two of these amendments rely upon future implementing legislation in order to set up an enforcement mechanism. The other sets up an enforcement mechanism in the language of the amendment itself.

Also with regard to waiver, two of these amendments allow the Congress to waive the provisions of this article for any year in which the country is in war or military conflict. The other provides a more broad waiver opportunity.

Finally, I would like to outline a possible—rather a probable—constitutional crisis which in fact may be created under the terms and implementation of two of these particular amendments. So those are the things that I would like to talk about.

First of all, let me compare the similarities in these amendments. The reason I have chosen these three amendments is because two of them are almost certain to have a vote on the floor of this House. The Barton-

Tauzin amendment is indeed the amendment that the leadership has indicated we will have a vote on. The Stenholm-Schaefer amendment, the Committee on Rules will decide today whether to allow a vote on that amendment, and that amendment I believe should and will have a vote, because that is the amendment as filed in the other body, in the Senate. Third is the alternative amendment which I have filed, and it is obvious the reason I would like to talk about that is to show the difference between the language in the amendment I have filed and the language in the amendments that have been filed and almost certainly will be voted upon.

Now, I will be asking the Committee on Rules later this afternoon to allow my amendments to be put forward for debate and a vote here on the floor of the House, and for that purpose I want to outline and explain the similarities and differences between all three of these amendments for my colleagues, so that as we look at these amendments in the future debate, that there will be understanding as to what each amendment does and does not include.

First of all, the similarities. All three of these amendments provide for four very basic and substantive things to occur, and each do so very similarly.

Now, they use slightly different language, but the language is not opposing or contradictory. Some of it is a little more artful than others in my opinion, but all three of these provide first that total outlays shall not exceed total receipts. That is the basic substantive criteria for the amendment, total outlays shall not exceed total receipts. Also, all three of these amendments would require that the President of the United States must submit to the Congress a proposed budget in which total outlays do not exceed total receipts.

So it is saying that Congress must adopt a balanced budget, it is saying that the President must submit a balanced budget request to the Congress.

Third, all three of these agree in the definition of what is total outlays and total receipts.

□ 1450

Fourth, all three of them provide that this amendment would go into effect as of fiscal year 2002, or the second fiscal year following ratification by the necessary number of States, should that be later than 2002.

Therefore, Mr. Speaker, those issues are really in common with all of the amendments. Each amendment contains somewhat different language, but each amendment concurs with those principles.

Now, Mr. Speaker, let us outline the differences in these amendments; first of all, the issue of estimated receipts and outlays as opposed to actual receipts and outlays.

Here I would like to refer specifically to the language of the Spratt amendments. In the Schaefer-Stenholm amendment, section 6, the language says "Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts." Specifically, in the language of the amendment it allows the Congress, in implementing a balanced budget, to rely upon estimates of revenue and estimates of expenditures.

In the Barton-Tauzin amendment, I would like to refer to section 1 of the Barton-Tauzin amendment. I will read it in its entirety, but the appropriate language is in the center: "Prior to each fiscal year Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. This is a statement of," and it's prior to the fiscal year, so it must be an estimate. "Congress may, by law, amend that statement, provided revised outlays are not greater than revised receipts, and Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess." So this Barton-Tauzin amendment also states that Congress would adopt a statement of receipts.

On the other hand, in the Orton amendment, section 3, the Orton amendment requires that for any fiscal year in which actual outlays exceed actual receipts, Congress shall provide by law for the repayment in the ensuing year. Therefore, only the Orton amendment identifies the determination by Congress of actual outlays and actual receipts to ensure that the budget is actually balanced.

What happens if we rely on receipts? To be fair, let me read the last sentence of section 1 of the Barton-Tauzin amendment, which says "Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement."

That is only dealing with actual outlays. What about actual receipts? There is no guaranty mechanism that the receipts which we project to receive will actually be received by government, and there is no mechanism in either of these other two amendments to deal with the possibility, in fact likelihood, that actual receipts will not match or mirror estimated receipts.

Just to give some idea of the extent of the problem we are talking about, I would like to refer you to the Congressional Budget Office records of the last 14 fiscal years in estimating actual receipts. How far have they been off?

This chart shows, beginning in 1980 and going through 1993, the amount by which the Congressional Budget Office estimates of receipts differed from actual receipts. The zero line is the amount of actual receipts that came in. The hashed marks here show the amount of overestimate or underestimate of receipts from the CBO's projections.

If we look in 1980, CBO forecasted, projected that the Federal Government would generate almost $40 billion more in revenue than it actually received in 1980. In 1981 they overestimated receipts by $58 billion; in 1982 by $73 billion; in 1983 by $91 billion.

Look here, in 1990, the Congressional Budget Office estimated that receipts would actually be $119 billion more than they actually were. Those are estimates. Those are the Government's best guess at how much revenue would be coming into the budget during that fiscal year.

We have to estimate at the beginning of the year. That is how we create the budget. Without the possibility of estimating revenue and expenditures, we have no budget. That is what the budget is, is an estimate.

The problem, however, is unless we have some requirement to come back and match those actual outlays with actual receipts, we do not have a mechanism that requires a balanced budget. If all we require are expenditures or outlays to be actual, we still can end up not balancing the budget because we have overprojected revenues.

Let me show you what would have happened if in fact the Congressional Budget Office over the last 14 years, if they had projected the actual receipts. We would have had no deficit. We would have had balance in what was projected.

We would, indeed, have had an annual deficit each year because the estimates of expenditures always exceeded the estimates of receipts. I'm not saying that it is Congressional Budget Office's fault that we had deficit spending, but the Congressional Budget Office estimated that expenditures would be a certain level, and estimated that receipts would be a certain level.

If in fact we had had a balanced budget requirement in 1980, and we had held receipts to only the amount that we have projected them to be, as the Barton-Tauzin amendment would do, but did not have a mechanism for ensuring that receipts reached the level that we had estimated, this is what would have happened. In that 14 years, we still would have had a national debt or deficit spending over that period of time of over a half a trillion dollars.

Therefore, unless we have a mechanism in this amendment to require somehow the balancing of actual receipts and actual expenditures, there is no guaranty that these amendments will provide or even require a balanced budget. That is a critical failing in both the Barton-Tauzin and the Stenholm-Schaefer amendments.

Neither of them require us going back at the end of the year and comparing what we spent with what we

brought it. Both of them allow us, in fact, to project receipts and expenditures. Both of them would allow this kind of overstatement of receipts with no mechanism to require us to go back and do anything about it.

The Orton amendment, on the other hand, as I read, requires actual receipts and actual outlays to be compared, and if they are different, requires Congress to provide by law for the repayment of the actual outlays over the actual receipts. There are other differences in these amendments.

The next major difference is the difference of super majority status, or super majorities. This came about as an effort or an attempt to create an enforcement mechanism in the balanced budget amendment.

The critics of a balanced budget amendment said "So you say in the Constitution that you have to balance the budget, but if all you do is say it and have no enforcement mechanism, how can the public trust government, rely upon government, to actually balance the budget as the Constitution requires?" And if government simply ignores the requirement to balance the budget as required, does that not create public cynicism and distrust of government?

In an effort to make it more difficult to ignore this requirement, both the Barton-Tauzin and the Stenholm-Schaefer amendments have in fact created the requirement of constitutional super majorities; in other words, more than 50 percent, significantly more than 50 percent. In both these cases 60 percent of the House and Senate would be required to take certain congressional or legislative action.

□ 1500

Again I would like to read specifically from the various amendments.

The Barton-Tauzin amendment. First of all, section 1 states, "Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess."

So there is a three-fifths majority required in order to estimate that outlays would be greater than receipts. I do not know any politician who is willing to estimate that outlays would be greater than receipts and I do not know why Congress would want to estimate outlays greater than receipts if in fact they have a balanced budget requirement, but under the provisions of this balanced budget amendment, they would have to have a three-fifths majority in order to file a statement, or a budget in which outlays exceeded receipts.

In section 2, the Barton amendment also says, "No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress."

So to raise taxes, it requires a three-fifths majority.

Then finally, in section 6, "The amount of Federal public debt as of the first day of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law."

So under Barton it requires a three-fifths majority to project that your budget would be out of balance, a three-fifths majority to increase taxes, and a three-fifths majority to increase the debt limit of the United States.

Under the Stenholm bill, it does the same thing, requiring a three-fifths majority to estimate that your expenditures would exceed your receipts, and it requires a three-fifths majority for you to raise the debt limit but does not require a three-fifths majority to increase taxes.

There lies the major philosophical difference between those two amendments which you will see debated on this floor over the coming days, and it is an ideological argument. Do you want to require a supermajority of the body in order to increase revenue? Or do you want to say, no, we will leave it a constitutional majority, which is 50 percent plus one, and then the President would have to sign that into law or veto it, thereby bringing in the constitutional majority necessary for an override of the veto to ensure that in fact taxes could only be increased with the agreement of both Houses of Congress and the President in the executive branch.

But those are the supermajority requirements outlined in both of these other two constitutional amendments.

In the Orton amendment, it does not set up the requirement of supermajorities at all. It allows all of the current actions that are taken in Congress, or the actions under this amendment to be taken with the standard constitutional majority but it also requires that in the event Congress does not balance the budget, in other words, in the event outlays exceed receipts in any particular year, they must provide by law for it to be paid back. That brings the President into this activity, thereby bringing into play the constitutional supermajority necessary to override the President's veto.

Under the Orton amendment, it does not create a supermajority. It allows a majority of the House and a majority of the Senate to act in concert with the President. If the President disagrees with the Congress, he may veto the legislation, in which case the Congress in order to enact the legislation over the veto would be required to get the supermajority necessary to override the veto, which is greater than three-fifths.

Next there is a difference in waivers. Under the Barton amendment and the Stenholm amendment, both of these constitutional amendments would only allow the Congress to waive the requirement of a balanced budget in a year "in which a declaration of war is in effect" or, and now I am paraphrasing, the United States faces an imminent and serious threat of international security which would be declared by a joint resolution.

The Stenholm amendment identifies engaged in a military conflict which presents a serious threat to the national security.

These are very narrow waiver provisions. In reality, there are many, many, different forces outside and internal forces which could impact the U.S. economy, making it detrimental to the United States to require a balanced budget in any specific year, such as economic depression, the cyclical events which occur in economies. There are times in which balancing the budget which would require either substantial decrease in Federal expenditures or increase in taxes would bring upon economic calamity.

This can viewed in historic detail by looking back to President Hoover who at the end of his term in fact did cut spending and substantially increased taxes which was followed by the economic depression.

The Orton amendment simply provides that "the provisions of this article may be waived for any fiscal year only if Congress so provides by law by a majority of the whole number of each House. Such waiver shall be subject to veto by the President."

Therefore, the Orton amendment relies upon the Constitution as it currently is drafted and in effect relies upon the requirement of majorities in both bodies supported by the concurrence of the President through signature on the legislation in order to waive the requirement for a balanced budget.

I personally believe that if you have got both Houses of Congress and the President saying it is necessary to waive the provisions of that balanced budget amendment for the good of the Nation, then we probably should have the power to waive it; and if the public disagrees, in the next election they can say so and they can vote those people out and vote in people who promise not to do that type of thing.

So the waiver is the third major difference.

The fourth has to do with enforcement, the enforcement mechanism itself.

Under the Barton version of the amendment, section 8 reads, "Congress shall enforce and implement with appropriate legislation." That legislation is not currently even drafted. It is contemplated to be future legislation.

Under the Stenholm version of the bill, section 6 reads, "The Congress

shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

Again, that legislation implementing the balanced budget, telling the country how we are going to enforce this amendment, has not yet been drafted.

The theory is that we will first pass the constitutional amendment requiring us to do it, we will then somehow find the wisdom and the courage to come back and actually do it.

Under the Orton version of the amendment, it is a fairly simple enforcement mechanism which relies upon the current balance of powers between the legislative, executive, and judicial branch, and it states simply under section 3, "For any fiscal year in which actual outlays exceed actual receipts, the Congress shall provide by law for the repayment in the ensuing fiscal year of such excess outlays."

□ 1510

If Congress fails to provide by law for repayment, within 15 days after Congress adjourns to end a session there shall be a sequestration of all outlays to eliminate a budget deficit.

This is a very, very hard enforcement mechanism, but it places the burden squarely on the shoulders of the Congress and the President to either find a way to balance the budget, and state it by statutory law, or to say to the public we cannot find a way; we believe it would be detrimental to the public to balance the budget and here is why.

If Congress neither balances the budget nor waives the balanced budget requirement, the Constitution would place in it a hard sequester enforcement mechanism that simply cuts spending across the board to balance the budget in the next fiscal year, to pay back the deficit that we incurred, probably through estimating rosy scenarios, as has been done in past years.

If we want to ensure to the public that in fact the Government will balance its budget, I submit the Orton amendment is the only amendment which has been filed which contains an enforcement mechanism to require Government to accomplish what is set forth in this article. So there is a significant difference in enforcement.

Finally, I told you I wanted to outline the possibility or even probability of a constitutional crisis if in fact we adopt either the Stenholm-Schaefer or the Barton-Tauzin amendment, and it is my opinion that one or the other will be adopted. By the way, before I explain the crisis, let me say I have in two Congresses in the past supported and voted for the Stenholm-Schaefer language, which is the same language which has been proposed in the Senate, and it is, in fact, my intention to vote for the best balanced budget amendment that we can get through this House, this time. What I am attempting to do is to raise the debate to these issues which I believe must be addressed in order to develop the best constitutional amendment.

Let me point out a scenario which I believe can and will lead to constitutional crisis if we do not change the language of these amendments before adoption. Assume the following facts: Let us assume that we pass the amendment. The year 2003 rolls around, the amendment is in place, it is part of the Constitution. Let us assume that it is the Barton-Tauzin amendment which has been passed. We follow the amendment to the letter.

The amendment requires us to set forth a statement, a proposed budget in which outlays do not exceed receipts. We do that. We identify through our priorities where we are going to cut, where we are going to increase, and that statement of outlays and expenditures is in balance.

We go along and we revise those statements of outlays and expenditures through the year, if necessary. It is in balance and, in fact, Congress and the President have "insured that actual outlays do not exceed the outlays set forth in such statement." They have kept a padlock on the purse strings, they have not spent 1 cent more than outlined in the projected budget.

But, the fiscal year ends September 30, the new fiscal year begins October 1. On September 10 or September 1 we discover, the Treasury Department tells us we over estimated revenues, because of a cyclical down turn in the economy, because unemployment went higher, because something happened, dumping from a foreign country into our markets, we lost employees, we have lost revenue. Some unforeseen occurrence has taken place, and revenues do not match what we had estimated.

Let us say that the budget in 2003 is the same as the budget this year, approximately $1.5 trillion. We estimate $1.5 trillion of expenditures; we estimate $1.5 trillion of receipts. We only spend $1.5 trillion, but we only bring in $1.49 trillion. We are short $100 billion of revenue, or we are short $100 million of revenue, or we are short $100,000 of revenue. It does not matter. So long as the revenue is less than the receipts or the expenditures, we are not in balance, we are now in violation.

What happens? First of all it takes a three-fifths majority to waive this and to cut or lower our estimate of expenditures or raise our estimates of revenues. But estimates are not going to do us any good in September of the fiscal year if we have already spent the money. There is not any money we can cut. It was spent through the fiscal year. In fact, it says you cannot raise revenue without a three-fifths majority.

It would not do us any good to raise revenue anyway, because in September of the fiscal year we could not get a bill passed and implemented, signed and gear up the Internal Revenue Service to go out and collect more money. Therefore, what happens is, the Government is in deficit spending, not because we spent more than we thought, but because we did not bring in the revenue we thought, and section 6 comes into play.

Section 6 says the amount of Federal public debt, as of the first of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

What you have done is, the only option that the Federal Government has at the end of that fiscal year is to increase the debt limit, if they have overestimated revenues, and those revenues do not come in, and we have seen the likelihood of overestimating revenues. This chart shows that in every year but 1 in the last 14 years we overestimated revenues.

So if we follow history and overestimate revenues, only spent the amount we said we would spend, we have not balanced the budget, we cannot borrow more money to make up that difference, unless three-fifths of the House and the Senate vote. If my math is correct, that only takes 40 Members of the Senate or 178 Members of the House to make up 40 percent.

Therefore, what you have done by creating a super majority requirement is you have placed control of that decision in the hands of a minority of Members in this body or the other body. In other words, 40 percent could hold the 60 percent hostage for some other action or refuse to allow the debt limit to be increased.

People say, "Oh, well, so what? So you do not allow the debt limit to be increased; you just cannot borrow more money." If I go to the bank, my bank tells me, "Sorry, you have hit your debt limit. We are not going to loan you any more money." Why should we not do that with the Government?

The problem, is, the Government has Treasury notes, Treasury bills, and so on, which are actually out there, people have purchased them. Over 80 percent of the money we have borrowed has come from we, the people of the United States.

□ 1520

It is from our savings and checking accounts, et cetera.

Those T-bills come due. We have already spent the money of the fiscal year. We brought in less than we thought.

If we do not increase the debt limit and borrow that $100 billion or $100,000 or whatever the difference is, we are in technical default.

So what happens if the Government is in technical default? You just go in, file chapter 11 bankruptcy, your creditors will give you some time to work it out, and pay it back, and all is well? No. If the Government goes into technical default, the most likely scenario is an immediate devaluation of the dollar which causes an immediate spiraling of inflation, an immediate increase in interest rates, would cause turmoil not only in the stock market in this country, the stock market and financial markets would cause turmoil throughout the entire world.

It is not a feasible alternative to force the U.S. Government into bankruptcy, into technical default on its loans. Therefore, the Congress would be required to act to increase that debt limit, and if you get 40 percent of either body refusing to increase the debt limit, unless you deal with this specific issue, now you have placed control of the Government in the hands of the few rather than in the hands of the majority.

This could happen on either side of the aisle. You could have some from the right-hand side of the political spectrum, those who believe that we have been spending far too little on national defense, those who believe that, in fact, the budget should be spending more on national defense; they could group together and get 40 percent of either body and say, "We will not agree to increase the debt limit of the United States unless we not only borrow what we have to borrow to cover last year's expenditures, we want to borrow more. We want another $200 billion, and we want a $200 billion supplemental appropriation today passed before we agree to increase the debt limit, in order to put $200 billion more into national defense."

You could get 40 percent of the people from the left-hand side of the political spectrum who believe that we are not spending enough on job training and education and welfare benefits or retirement benefits who may come to the floor of this House or the other house and say, "Sorry, we have not spent enough on these programs. I am not going to vote to increase the national debt and prevent the country from going into technical bankruptcy and default unless we also borrow enough money, and you give me a supplemental appropriation right now to increase welfare payments or retirement benefits or health care," or any of the other benefits that they feel very strongly about.

You might also have some people who care more about getting a highway or a bridge built in their district who demand more appropriations for pork-barrel spending, for a clock tower in their State or some other type of spending which the rest of this body would not go along with but for the fact a gun is being held to the head of the country.

I say to my colleagues and suggest going back and reviewing the Federalist Papers wherein Madison, the draftsman of our Constitution, and Hamilton, and Jefferson, and Jay debated and discussed among themselves and others the wisdom of creating supermajority requirements to act in this or the other legislative body. They concluded, and I believe rightly so, that supermajorities should be used very, very limited, only to situations of overriding a veto or adopting a treaty or expelling Members from the body, instances wherein the Constitution requires supermajorities.

And so I submit that if, in fact, we include the language of supermajorities and specifically the language of a supermajority requirement to increase the debt ceiling, that, in fact, you are inviting a constitutional crisis. You are inviting just the exact scenario that those supporters of a balanced budget amendment in this body have fought so hard against. You are inviting the types of calamity that we must avoid.

Now, I am going to be asking the Committee on Rules to make in order two specific amendments. First is the constitutional amendment which I have filed as a separate, freestanding amendment. It also has been filed, and I believe is identified in the RECORD, as an amendment to the balanced budget amendment in the form of a substitute. It is that amendment which I have outlined which does not create constitutional supermajorities but relies upon the current majority and the veto of the President in order to enforce the provisions of a balanced budget. It broadly allows waiver, but again with the Congress and the President agreeing to that waiver by law.

It does not create provisions for a supermajority to either increase spending or revenues or to increase the debt limit.

It is the simplest version which I know of which has been filed in as plain English as we could put it and the only version of the constitutional amendments filed, to my knowledge, which has in it a real enforcement mechanism in the body of the amendment itself. Others rely upon future legislation to enforce.

So I will be asking for that amendment to be made in order so that we can come here to the floor of the House and debate that amendment and the provisions in it.

I will also be asking to be made in order a substitute which in essence is the wording of the Stenholm-Schaefer amendment, but deleting two particular provisions, deleting from their section 6 the words that allow the Congress to rely upon estimates of outlays and receipts, and also deleting entirely section 2 of that particular amendment which creates the constitutional supermajority of three-fifths in order to increase the debt limit.

It is my hope that the Committee on Rules will allow these amendments in the nature of a substitute to be brought forward. I have agreed many times with my colleagues on the other side of the aisle over the last 4 years that I have been selected as a Member of this body wherein they came to the floor of this House and complained that the then Democratic Rules Committee was being unfair, was not allowing the system to work, was not allowing this body to work its will on legislation, was not allowing full, free and open debate on the issues, was not allowing us to draft the best legislation we could possibly draft, and they called for open rules. They said:

> You put us in the majority, and when we bring legislation to the floor, it will come under an open rule, so that any Member of this body can come to the well of this floor and propose amendments to perfect the language of the legislation, to make it better, to use the brilliance and the genius of our system, free and open debate, so that the will of the people can be determined in this body.

That was their pledge.

They are now in power. They have an opportunity to keep that pledge. And I would urge them to do so by providing an open rule of debate on this very critical and important constitutional amendment. I cannot conceive of a more critical piece of legislation to consider in this or any other Congress than amending the very words of the Constitution itself.

I cannot conceive of bringing that type of legislation to the floor of this body under a closed rule preventing free and open debate, preventing us to raise these questions.

□ 1530

I would ask anyone who would support a closed rule to come to the floor of this House and explain to the people how they are going to avoid the very constitutional crisis I have just outlined. It is necessary to bring these issues to the floor for full and open debate in order to work the will of the people, in order to get the best legislation we can possibly get.

So I thank my colleagues for their patience, their listening to these issues, and I thank them for their consideration of the balanced budget amendment, which I support, and I thank them for their consideration of the amendments which I hope to propose and encourage this body to proceed very cautiously as we contemplate and move toward amending the very language which is the foundation of our system, the Constitution of the United States.

TECHNICAL CORRECTION TO HOUSE CONCURRENT RESOLUTION 16, PROVIDING FOR STATE OF THE UNION ADDRESS

The SPEAKER pro tempore (Mr. COMBEST). Without objection, the reference of House Concurrent Resolution 16 to the date in 1995 shall be corrected to be a reference to January 24, 1995.

There was no objection.

The text of House Concurrent Resolution 16, as corrected, is as follows:

H. CON. RES. 16

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

A CRIME BILL WITH TEETH

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

Mr. BARR. Mr. Speaker, at the beginning of this session, I introduced with several of my colleagues The Taking Back Our Streets Act of 1995. Last week, my colleagues and I on the Judiciary Committee's Crime Subcommittee completed 2 days of hearings on this bill.

These hearings, which featured law enforcement officials from across the country, revealed how desperately this legislation is needed. There is an overwhelming sense in this country that violent crime has robbed the citizens of a sense of safety and security that they have a right to enjoy. That is what my crime bill will help accomplish.

Not too long ago, a popular preventive crime ad campaign encouraged citizens to take "A Bite Out of Crime." After decades of one Democratic-controlled Congress after another jawboning the problem of crime with lots of taxpayer money but little to show in the way of results, we are finally on the way to passing a crime bill with real teeth.

BALANCED BUDGET AMENDMENT

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I rise in opposition to the balanced budget amendment House Joint Resolution 1. I support fiscal responsibility. However, I do not think an issue such as balancing the Federal budget should be handled too hastily. The current proposal for a balanced budget amendment as outlined in the Republican Contract With America is a knee-jerk approach to a complicated and mutlifaceted problem.

For instance, if Social Security is not specifically exempted, this measure would allow for drastic cuts in Social Security. We must not forget our responsibility to provide for our Nation. To make Social Security subject to this measure will result in devastating results that will be felt in the years to come.

During this year alone, Social Security will take in $31 billion more than it pays out in benefits. Social Security is not the cause of our national debt. To cut Social Security because it is a significant portion of the national budget is an easy way out for those who simply want to achieve their political goals by any means necessary. We should not put ideology before people.

THE TRAGIC EARTHQUAKE IN JAPAN

The SPEAKER pro tempore (Mr. COMBEST). Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, my district in San Francisco, indeed the entire State of California, is blessed with a very large Japanese-American population. On behalf of my constituents, the Japanese-Americans, and indeed all of them, I rise today to extend my sympathies to the people of Japan now that we are in day 7 of the tragedy that struck Kobe last week.

As you know, last Tuesday Japan was struck by the deadliest quake in more than 70 years. Today's AP wire has an update on some of the tragic statistics. The death toll is topping 5,000, with more than 100 people still listed as missing. More than 26,000 people were injured, 300,000 people were left homeless, and 56,000 buildings were damaged or destroyed. There are 1,000 relief centers trying to house the 300,000 people left homeless. Indeed 2 million survivors of the earthquake in that area have been impacted very negatively as well.

Mr. Speaker, today, Monday in Japan almost yesterday now, there have been strong aftershocks in buildings in Japan. They had three aftershocks at about 4.0, and I have been told aftershocks of up to 6 points on the Richter scale are possible.

In addition to that, there is the physical toll, in addition the personal toll. Japan has different construction standards for highways and for buildings. The huge pillars supporting raised roads consisted of concrete cores surrounded by vertical steel rods that are then wrapped with vertical steel hoops and surrounded by another coat of concrete.

Mr. Speaker, just as a sign of how fierce this earthquake was in Kobe, many of the structures ruptured and the reinforcing rods snapped like matchsticks.

The economic toll is great. Kobe is a major manufacturing center, the country's busiest container shipping port and an important transportation hub for moving component parts to factories throughout Japan and abroad. That is having a tremendous impact on the economy there.

Estimates of the economic impact vary widely. The Transport Ministry estimated it would cost $4.12 billion to repair damaged railway lines and stations alone. The head of the Japanese Chamber of Commerce estimated the overall cost of the quake would amount to more than $100 billion.

Of course, these are staggering statistics, but the worst of all is, of course, the personal toll. Today's AP wire carries a story about a father who lost his daughter in the earthquake. He says, "My daughter's voice, 'Dad, dad, please help me,' sticks in my ear." He lost his teenage daughter when their house collapsed. "It just doesn't go away," he said. "I just couldn't save her."

Mr. Speaker, that is just one of many, many similar stories. Another, of a young man whose house collapsed, his mother was in the house. The neighbors and others decided to help where they heard voices, and they were able to save the lives of some. But since they heard no sounds coming from his house, that did not become a priority, and his mother—he said, "I wanted to save my mother, but was not able to."

The list of these stories goes on and on.

So. Mr. Speaker, it is with great sorrow—of course, in our area, Mr. Speaker, we had the experience 5 years ago of the Loma Prieta earthquake in San Francisco, and just eerily, just 1 year before this earthquake, the Northridge earthquake shook Los Angeles. So we all have our own memories of personal devastation and personal loss from earthquakes. That is why we have so much sympathy for those in Japan.

It is with great sorrow I convey on behalf my constituents, both Japanese-Americans and others as well, to the Japanese ambassador the condolences of the people of San Francisco and wish for him to convey our condolences to the people of Japan, especially those affected by the earthquake, but to all the people of that area. They must be assured that they are in our prayers.

A BIPARTISAN BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from Virginia [Mr. PAYNE] for 60 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, on Friday of last week there was a press conference held. That press conference was to talk about an important event, important because for the first time in the history of our country we

know there are enough people in the House of Representatives who are committed to vote for a balanced budget amendment to ensure that a balanced budget amendment can be passed.

This press conference was among the Democratic Caucus, and some 66 members of our Caucus signed a letter to our Speaker. The Speaker was notified that 66 Democrats were prepared to vote for a balanced budget amendment this week, and the 66 Democrats, along with the Republican Caucus, would give you enough votes for the required two-thirds' majority or the 290 votes to pass this balanced budget amendment.

□ 1540

I think this is good news in that we have a bipartisan agreement now so that Democrats and Republicans alike can do what is best for America. This comes at a time when our debt is now $4.7 trillion, when our interest payments will equal $300 billion as a nation; $300 billion we paid last year alone as interest on our national debt. This is money that, had we not had debt and we balanced our budget for many years before this, we would have had that same $300 billion to use to cut taxes. We could have used that money for other purposes such as fighting crime, such as improving education. But instead we do not have that, and in fact we are spending more money each year than we take in, and last year we spent $300 billion in interest payments.

Now this balanced budget amendment, as my colleagues will hear from others today, is extremely important to the future of our country and to the future generations, but it is also extremely important to all of us today because it is all of us that pay this interest, and last year for every American more than $800 in interest was paid, and to the extent that we can find a way to balance our budget and to begin then to reduce our debt, that is the only way that we will ever begin seeing less interest paid in a timely fashion.

So at this time it gives me a great deal of pleasure to yield to my colleague, the gentleman from Texas [Mr. EDWARDS], who has worked very hard over the years on this balanced budget amendment.

Mr. EDWARDS. I want to thank the gentleman from Virginia [Mr. PAYNE] for allowing me the chance to talk about the balanced budget amendment, and I want to express my gratitude for the strong leadership of the gentleman from Virginia [Mr. PAYNE] over the years in keeping this issue alive before this Congress and the American people.

Mr. Speaker, this week the House will vote on the balanced budget amendment to the Constitution. I believe this issue is the single most important issue that the 104th Congress will face. Why? Because the balanced budget amendment is not just about this year's deficit. It is about saving our children and grandchildren from drowning in a sea of national debt.

I am proud of the fact that 66 Democrats have now committed to voting for the Schaefer-Stenholm balanced budget amendment. For the first time in the history of our country we now have a two-thirds vote in this House to pass a constitutional balanced budget amendment if all Republicans in this House will vote for it. The fate of the balanced budget amendment now lies in the hands of our House Republican colleagues with whom many of us have worked for many years.

Mr. Speaker, I will most likely vote for the Barton amendment as well, the amendment which requires a three-fifths vote to increase taxes, because I see nothing greatly wrong with the idea of making it more difficult for this system to raise taxes on our voters and our constituents. But let no one in this body or in this country be misled. There clearly are not enough votes to pass the Barton budget amendment in this House. My Republican friends know it. My Democratic friends know it. House Members know it. Senators know it. And the American people deserve to know it. For anyone to suggest otherwise is simply pure partisan politics.

Mr. Speaker, opponents of the balanced budget amendment constantly say, "Why do we need to put this budget amendment in the Constitution?" I would like to begin by offering two answers. The first is very simply: Nothing else has worked. It has been since 1969 that the Federal Government saw a balanced budget. It has been over 25 years since this body passed a balanced budget. Twenty-five years of debt is simply too long, and we cannot stand for it.

Second, I think the balanced budget amendment is about an important issue, an issue no less important than the fundamental right of property rights, but by requiring a balanced budget amendment we are basically saying we want to protect the future property rights of our children and grandchildren from being spent by today's Congress. In the history of the writing of our Constitution few rights could have been considered more important then, or even now, than the protection of property rights. Clearly the protection of the property rights of our grandchildren deserves a sacred place in our Constitution.

Finally, there are many other reasons, specific reasons, why we should pass this balanced budget amendment, but let me simply say on a practical note to those American families that I cannot relate to a trillion dollar debt, and now we are facing a $4.7 trillion debt. Let me put it terms that the average American family can understand. This year we will pay $238 billion in interest on the debt alone. That is more than the entire Federal budget in 1972. In personal terms, for working families, every man, woman, and child, regardless of age this year, on average will have to pay $887 in interest, in interest, and national debt. Not a dollar of that $887 goes to building a new schoolhouse, helping a child get a better education, building roads and infrastructure in our country, or providing for our national defense. An average family of four in America, a working family, will pay the equivalent of $3,500 in taxes this year simply to pay for interest on the national debt.

The time to pass a balanced budget amendment is now, and with the support of Democrats and House Members working together, as we have worked for years, I am confident, Mr. Speaker, and with the leadership of the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER], and the gentleman from Virginia [Mr. PAYNE], and others that will speak today, I am confident we will do the right thing for the future of America and pass a balanced budget constitutional amendment.

Mr. PAYNE of Virginia. I will now yield to the gentleman from Colorado [Mr. SCHAEFER] who is a cosponsor of the Stenholm-Schaefer balanced budget amendment, and as well he is a cochairman of the Caucus for the Congressional Leaders United for a Balanced Budget.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman from Virginia [Mr. PAYNE] for yielding me a bit of time here today, and I cannot say enough how much I have appreciated the work of the gentleman from Texas [Mr. STENHOLM] over the years on this terribly important issue that we are about to tangle with this week.

As the gentleman from Virginia so eloquently stated, we are in potential serious problems in this country, economic problems, if we do not handle this runaway budget situation that we have on our hands now.

When I first came into Congress some 11 years ago, I could recall very well voting on an amendment to increase the national debt to $1.5 trillion, 1.5. Some 10 years, 11 years, later we are now at $4.7 trillion, 3 trillion over a period of 11 years. Now what is it going to be in the year 2000? Ten trillion dollars? Pretty soon it get to the point where there is not any way that we are going to be able to come back and try to even out not only our deficit, because we have to get at that one first, but to then start to build down on the national debt.

And so one would ask, "What is the best way to do this?" Well, back in 1974, they passed a Budget Act at that time that was supposed to handle all the problems that we were going to have in the future years. We have waived it over 600 times since 1974. We could go back to 1990 where we were

supposed to try and figure out a way by capping spending that we were going to balance this budget out, and what happens? Here we are today, and we do have a slight decrease in the deficit temporarily. However, if we really look at the figures, by the year 2000 it is going to be up to $400 billion again.

□ 1550

So it is clear to me that what we have now is not working. Five times in legislation, in statutes, we said we are not supposed to spend more than we take in. But do we adhere to it? No, we do not. It is too easy to say "yes" to too many issues, and it is too difficult to say "no," and sooner or later we are going to have to start saying "no" on these particular issues.

So I again want to thank very much my Democrat colleagues who have agreed to go along with this, recognizing for the future of this country and for the future of our generations, that we do not want to give them a United States of America that is in the dump. We want to give them something they can pick up and run with over the years.

Mr. Speaker, I thank the gentleman for yielding to me in these few minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman for all the good work that he has done as a leader on the balanced budget amendment over the years, and I look forward to working with him this week as we work our way toward a victory.

My colleague pointed out that when he first came to Congress, we had a debt of $1.5 trillion. Now, just 11 years later, it is $4.7 trillion. We have seen this debt explode in the last 11 years, over $3 trillion in that period of time, and that tells the story of why we so badly need to have the kind of amendment we are speaking of here and the kind of discipline that will force us to reach a balanced budget.

Mr. Speaker, I now yield to my colleague, the gentleman from Florida [Mr. PETERSON], a leader in the fight for a balanced budget amendment.

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman from Virginia for yielding.

At the onset, I, along with my other colleagues, want to go on record to thank the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER] for helping us to take this through the many years and the many battles that have been fought for the balanced budget amendment.

This is not the first time this issue has been on the floor of the House of Representatives. I would remind the folks that just in the 4 years I have been here I have voted for it in various forms at least three times. We came very close. We came within 9 votes, I think, on one occasion and, I believe, 12 on the other. This time I think we are on the go-ahead. We are going to make it. we are going to make this a reality and make this a proposal for an amendment to the Constitution of the United States.

Why a constitutional amendment? Because it is my feeling now that we can only, through this action, acquire the discipline we need to really, in fact, balance the budget.

We have had through statute any number of budget bills that have been vacated for one reason or another, basically because the pain was too great. The pain has gotten to the point of realizing that if we do not balance the budget, we will actually explode the pain. If we do not balance the budget of these United States, the very people who we have been saying we are protecting, that is, the poor and those who have not made it out, if you will, will be the first victims. So we have got to go back and renew our fight to balance the budget. We must protect our children and our grandchildren. We must keep from borrowing from future generations. We have got to make tough decisions, and with the balanced budget process we can do that.

But I would add that the American people have to appreciate their role in the balanced budget process which we are proposing. The American people must agree to make the sacrifices and assume the pain associated with balancing the budget. We all know we have had conflicting reports from our own constituencies as to how on one hand we need new roads, we need new programs, we need this, and we need that, and at the same time they are saying we must balance the budget. It is a conflict that we cannot resolve until we get the appreciation and the assistance of our own constituencies.

This amendment that has been proposed by the gentleman from Texas [Mr. STENHOLM] for many years now, contains no gimmicks. There are no shell games associated with this. There are no back doors. The gentleman from Texas knows something about that, because I do not believe the Alamo had a back door.

We have got to associate ourselves with that very fact. We have got to go ahead and make this happen with the realities and the associated pain it is going to bring through a certain process, not ultimately to the Nation, because in fact to the Nation it is going to bring strength, and we have got to have the courage to take us to that point.

The last point I want to make is that we do not want to wait until 2002 to do this. We want to start balancing the budget of the United States today with the very process of rescissions for 1995 and the very appropriations process of 1996. Failure to do that will prolong the agony and take us to the point when the pain becomes too great. I, along with many of my other Democratic colleagues, feel very strongly about that issue. It is not a partisan issue. This is a national issue of great magnitude, and it is one where Republicans and Democrats can agree and do agree that we must do the right thing and balance the budget of the United States and enhance the future of this Nation for our children and our grandchildren.

Mr. Speaker, I thank the gentleman for yielding.

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman very much for his comments and also for the work he has done over the years for the balanced budget amendment.

Mr. Speaker, I will now yield to my colleague, the gentleman from Georgia, Mr. NATHAN DEAL. The gentleman is a Democratic cochairman of the Congressional Leaders United for a Balanced Budget, and he has also been a real leader in this fight to get a balanced budget passed.

Mr. DEAL of Georgia. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for yielding, and I thank him for his efforts in this regard. I extend my appreciation also to the Members from across the aisle, including the gentleman from Colorado [Mr. SCHAEFER], and I thank the gentleman from Texas [Mr. STENHOLM], on the Democratic side for his leadership in undertaking this effort to pass the balanced budget amendment.

We are going to hear a lot of reasons over the next few days and into next week as to why this balanced budget amendment should be passed. Many of the Members who will speak are like me; they come from a legislative background, working in State legislatures, and most of those legislatures have constitutional requirements in their States that say that they cannot spend more money than they take in in revenue. My State of Georgia is one of those that has such a constitutional requirement, and I have had the privilege of serving on the budget committees and on the appropriation committees of our State and have faced the possibility of actually being called back into special session after having passed a legislative budget anticipating revenue and then finding some 6 months into the legislative year that the revenues were not coming in as rapidly as we had anticipated.

When you have a constitutional mandate that you have to take in as much money as you spend, you are called back into open session, and you go back in through the budget and you decide what you can cut in order to conform with your constitutional requirement.

I think there would be nothing at all wrong with this body having to do the same.

We have heard the statistics. The last year we had a balanced budget in this country was the last year President Lyndon Johnson served, in 1969.

For 25 straight budget years we have taken in less than we have spent. For 55 of the last 63 years we have not had a balanced budget in this country. The $4.7 trillion of accumulated debt is staggering.

We will hear arguments made that we can just simply do it if we have the will power; we can do it statutorily. We have tried it statutorily. Gramm-Rudman I, Gramm-Rudman II, the Budget Act of 1990, and the Budget Act of 1993 have all made statutory efforts to try to bring this spending crisis under control.

□ 1600

But since 1985, when they first began, we have added over $2 trillion to our national debt, in spite of those legislative efforts. With all of the little things like pay-as-you-go and sequestration, we have still not been able to bring it under control.

There have been those who argue well, we do not really need to do this because it is not that significant. I would suggest to you that it is.

As much concern and debate as you hear about people being concerned about foreign aid and spending for helping other countries, it is staggering to believe that we send $41 billion overseas to those overseas investors in terms of interest on those foreign-held securities of our country, more than twice the amount of our entire foreign aid budget.

The situation is serious. Now is the time to come to grips with it. I am sure you have all ridden up and down the highways of our country and seen the travel trailers that have the rather humorous bumper sticker on it that says we are spending our children's inheritance. WE all look at that and laugh about it, and we think, well, that is a couple who have worked hard, they have earned money, and they have a right to spend what they have accumulated, and they do not have any obligation necessarily to pass it on to their children or to their grandchildren.

We are doing far worse than that, ladies and gentlemen. What we are doing is we are not only spending the money that goes to buy the travel trailer and the luxuries that we are enjoying and the trip we are taking, we are asking our children and grandchildren to cosign the note with us, and at our death, as our generation passes away, they will not even inherit the travel trailer. All they will inherit is a past-due note that right now is $4.7 trillion.

That is just not right. That is not the kind of generational attitude that we need to leave. It is one we need to begin to change. I for one believe the only way we will do it is with a constitutional mandate in the form of a balanced budget.

I look forward to the debate that will proceed this week and hopefully to the final passage of a version of the balanced budget amendment. I am one of those who likewise will probably vote for the Barton version that requires a three-fifths vote in order to raise taxes, because I don't think that is the way we should balance our budget. I think we should balance it through cutting our spending programs. But whatever version it is, and I think that the Stenholm and Schaefer version is the most likely one to have the necessary and requisite number of votes, it is important that we do it, that we do it now, that we send it to the Senate, and they in turn send it to the States for ratification.

I thank the gentleman for the time.

Mr. PAYNE of Virginia. I thank my colleague for his words. Particularly the words about the future generations and how important this is certainly to them.

I now yield to someone who is a true leader in the House of Representatives in terms of fiscal responsibility, a gentleman who has fought this fight for many years, the cosponsor of the Stenholm-Schaefer amendment, CHARLIE STENHOLM, of Texas.

Mr. STENHOLM. I thank the gentleman from Virginia for yielding and for taking this time today to allow a preliminary discussion of a subject that I too appreciate his leadership on over the years, as we have brought ourselves again to this week where we will have a vote on whether or not to amend the Constitution for purposes of balancing the budget here on the floor of the House, and we are cautiously optimistic we will have the 290 votes to do so.

Before I do that, I want to remember a few other names for us today that go back in this battle. LARRY CRAIG, now Senator CRAIG, has been one of the real leaders in the effort that is behind House Joint Resolution 28 and Senate Joint Resolution 1, the subject of our discussion today.

Also Bob Smith of Oregon, now retired, but Bob, as you remember, worked tirelessly with us the last Congress to a futile defeat by some 12 votes. But then we have some others. Tom Carper, now Governor Carper of Delaware, was one of the original Democrats that has taken on the leadership of this effort, and now as Governor has continued to offer us encouragement along the lines of this bipartisan, bicameral budget amendment that we talk about today.

MIKE CASTLE, who has joined us now, MIKE from Delaware on the Republican side of the aisle, will be joining us in this effort this week. So Delaware has done their share.

JON KYL, now Senator JON KYL, OLYMPIA SNOWE, now Senator SNOWE, JIM INHOFE, of Oklahoma, now Senator INHOFE, have all played unique roles in bringing us to what we affectionally call the bipartisan, bicameral balanced budget amendment.

I would like to take now a little time to just talk about two or three major points that we are going to hear a lot about. One is that we should not be doing this through the Constitution, that we ought to be doing this the old-fashioned way, by cutting spending, to which I answer absolutely.

I did not come and do not come today to this well with a great deal of happiness as to being here suggesting that we ought to amend the Constitution. I reluctantly, in fact almost never, have supported constitutional amendments, and I have reluctantly come to supporting this for one reason, and you mentioned that in your opening remarks, and that is I am now convinced this is the only tool that we need to put in our arsenal that will help us do the job that we must do, and that is balance the budget.

I wish we did not have to do it that way, but I am convinced the only way you can do this with Congress after Congress, succeeding Congresses, is to put into the Constitution the requirement that we do live within our means.

I would remind people, and will do so over and over this week, that this year's budget is the first year's installment, and I anticipate with a great deal of confidence that the budget that this House will prepare this year will give us the first year's installment, with a 7-year projection, not a 5-, but a 7-year projection, so that we can honestly say to the people this year, we will in fact set ourselves on the course to balance in 2002, and this year is the first year, and then next year we will come back again with a budget resolution, with reconciliation, which should and I anticipate and hope will be in this year's budget resolution, that we will do so.

But then comes one of the major reasons why a constitutional amendment is necessary, because this Congress can get elected to do that. But what about the next Congress? This President can suggest we ought to do that, and we ought to have a budget on the line of getting to balance, which we have got it going in the right direction after the first 2 years of the current administration. But what about the next President? What about the next Congress? And that is where we have always run into difficulty.

So let me say to those that suggest that we ought to get the cart before the horse, that we ought to have the 7-year budgets first. We have tried that, it does not work. Let's take a 1-year budget this year, prove with good faith we are sincere about it, but let us also set in concrete the fact we cannot wiggle out of it this Congress, next year, or succeeding Congresses.

Another point that I want to emphasize over and over, I am getting a little bit put out with those who every time we bring up the balanced budget constitutional amendment seem to have

the next word in their vocabulary, Social Security, and then sending convincing letters, which some group is doing to constituents in the 17th District, that if we pass the balanced budget constitutional amendment, Social Security will be wrecked. That could not be further from the truth. They ought to be saying unless we balance our budgets, Social Security is going to be wrecked, and that is for our children and grandchildren, and there is nothing in this amendment that will have one slight, negative effect on Social Security for the current recipients. Nothing in this amendment has ever, does now, or will ever have anything negative. And to those who continue to politicize and frighten senior citizens around the country, I say shame on you.

We are going to talk more about that as we get into this week's debate. I appreciate the opportunity to come before you today to share this hour, Mr. PAYNE of Virginia, with you and others, as we talk about the bipartisan, bicameral balanced budget amendment, the only amendment that has a chance of getting 290 votes.

I am proud to say it is Senate Joint Resolution 1, it has tremendous support on the Senate side, and now we believe that we have the votes on the House side, and I believe that after the debate this week, we will be able to prove that. But I am a great believer in not counting our chickens before they are hatched. Therefore, I commend you again for taking this hour to talk, so that all of our colleagues, those not in the House today, will begin to focus on the merits of what we are to talk about.

Thank you very much for allowing me this privilege.

Mr. PAYNE of Virginia. Thank you very much, and thank you especially, CHARLIE, for all the work you have done on the balanced budget amendment, and thank you for mentioning all of those, both Republicans and Democrats, over the years who have gotten us to where we are today in terms of being able to pass the balanced budget amendment this week.

I now yield to my colleague, MIKE DOYLE from Pennsylvania, a new Member just elected in November, but already has joined in the fight and has proven himself to be a leader in this fight for a balanced budget amendment.

□ 1610

Mr. DOYLE. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise to join in this special order supporting House Resolution 28. I have joined scores of my colleagues in cosponsoring this resolution because it is the only bipartisan, bicameral balanced budget amendment, and I would urge all of my colleagues to vote for this resolution when it comes up later this week because we cannot wait any longer to address this country's budget deficit.

I signed on as a cosponsor of this balanced budget amendment last month while I was still a member-elect because I already considered this issue a priority for my first term in Congress. As I spoke to people throughout Allegheny County, PA, while I campaigned for this office last year; their message came through load and clear. They felt the Congress must undertake significant measures to address our country's expanding budget deficit. The vast majority of my constituents believe a balanced budget amendment is the proper, and most effective means to tackle this deficit problem and that the Congress should not wait any longer to exact this measure.

It's no wonder that the folks back home—in all of our homes—feel such a sense of urgency. The statistics are not unfamiliar to anyone, but certainly warrant repeating. Our national debt currently exceeds $4.3 trillion—17,495 dollars' worth for every man, woman, and child in the United States. It is any wonder people feel a sense of urgency?

The last time this House voted on a balanced budget amendment was last March when the amendment was narrowly defeated. Unfortunately, a near miss is not close enough and the debt has continued to skyrocket, increasing by more than $160 billion since last March. Is it any wonder people feel a sense of urgency?

And as the debt increases, the interest payments on this debt increase as well. Interest payments that continue to devour larger and larger portions of the budget—from 6 percent in 1960, to 14 percent of the entire budget today. The gross interest payments on this debt cost us $816 million dollars per day. I ask again—is it any wonder that people feel a sense of urgency?

These interest payments, by consuming more and more of our annual budget, are crowding out funding for discretionary programs. This is the insidious nature of our deficit debacle. Unless we take control of this problem now, we will cripple the ability of future generations to make the investments in discretionary programs that are necessary to keep this country moving forward.

My constituents back home in western Pennsylvania certainly understand this need. Many of the communities I represent have not recovered from the severe recession they experienced throughout the 1980's. During this time, much of the steel industry engaged in aggressive ownsizing—many plants were closed and jobs were lost. The Mon-Valley needs the help of innovative and intelligent Federal programs to assist in the retraining of these displaced workers so they are prepared to join new, high-technology industries. Programs are needed to clean up the abandoned industrial sites so fresh businesses will locate there bringing with them secure jobs in growing industries. And we must improve our public education systems so future generations will have the knowledge and training they need to be prepared to work and flourish in a high-technology environment.

These are the types of discretionary programs that are being crowded out by the increasing interest payments on our debt. This year alone the interest payments will be 8 times higher than expenditure on education and 50 times higher than expenditures on job training. This is just the type of help my district needs—but as our interest payments increase, our ability to help will be severely curtailed.

It is for these reasons that I support this balanced budget amendment, House Resolution 28. Lets pass this amendment and send it to the States for ratification. During the ratification process, people throughout the country should be afforded the opportunity to closely examine how the amendment would work, and what specific actions would be necessary to achieve a balanced budget early in the 21st century. Then the people can either reaffirm or withdraw their support of the balanced budget amendment through their State legislators. But we must afford the people of this country that opportunity by first passing the balanced budget amendment on the House floor.

The Stenholm-Schaefer balanced budget amendment is our best hope for passage. It is the only version that has been offered with substantial bipartisan and bicameral support. Myself, and at least 65 other Democrats stand ready to joint our Republican colleagues in voting for H.R. 28. This is the only version of the balanced budget amendment that can claim this type of support and that can anticipate receiving the requisite 290 votes needed for passage.

Because passing a balanced budget amendment is so crucial to our country's future well-being; I urge all of my colleagues, from both sides of the aisle, to join us in support of the Stenholm-Schaefer amendment because it is the best way to ensure that this House finally passes a balanced budget amendment.

Mr. PAYNE of Virginia. Mr. Speaker, I want to thank my colleague from Pennsylvania for the leadership that he has already displayed in terms of supporting the balanced budget amendment. It is much appreciated and much needed. Thank you very much.

Mr. Speaker, this week the House of Representatives is pleased to make history when we take up the balanced budget amendment to the Constitution. I, along with others who you have heard today, urge our colleagues on

both sides of the aisle to join us in supporting House Joint Resolution 28, the Stenholm-Schaefer amendment.

This bipartisan and bicameral amendment is as simple as it is vital to our Nation's future. By the year 2002, it will bring to an end, once and for all, the staggering tide of deficit spending and red ink which has so dominated Washington. It does so by placing limits on the power of the Federal Government to spend and borrow money with impunity and to pass along the bill to our future generations without a plan to pay it back.

Let there be no mistake, Mr. Speaker, these sustained and uncontrolled deficit spendings in Washington pose a grave threat to American productivity and to a prosperous future for our people.

Beside me is a check, and this check is a check from the typical American taxpaying family. It is made out to the order of the U.S. Treasury in the amount of $3,100. And this is the interest that each family of four paid on the national debt last year.

Now, this is not a total tax bill, nor is it even the family of four's portion of our national debt. Because a portion of the national debt, the $4.7 trillion national debt for each family of four, is in excess of $70,000. But this $3,100 represents the interest payment for last year for a family of four.

This is money that will not be saved to buy a new home or to put into a retirement plan or for a family vacation or for the education and training of children. Nor will it be spent by the Government for health care or for public safety or education. It is money that will be used to pay investors who purchase debt obligation to the United States. Many of these investors are foreign investors. The time has come to free American families from this enormous burden of debt. The balanced budget amendment offers the best hope of doing just that.

It is a legal restriction similar to that contained in 49 of our 50 States. And it is embraced by State and local officials from my district and from around this Nation. House Joint Resolution 28, the Schaefer-Stenholm balanced budget amendment, is identical to other amendments which have narrowly failed to gain approval in the House in 1992 and again last March. This amendment has been debated and studied and written about as much as any other issue that has come before the Congress in the 7 years that I have been a Member of Congress and it has stood the test of time.

It is the one balanced budget amendment which has gained strong bipartisan support, cosponsorship by 64 Democratic Members of the House, some of whom you have heard speak here this afternoon. It is the one amendment that has strong support in the Senate.

□ 1620

Senate Joint Resolution 1, the Senate companion to Stenholm-Schaefer, was introduced by Majority Leader DOLE and is cosponsored by 40 Senators. Of the amendments we will debate later this week, Stenholm-Schaefer clearly stands the best chance of becoming the law of the land.

Would it be better for the President and Congress to come together and agree to a balanced budget amendment without a constitutional mandate? Of course it would, but experience teaches us that this is not likely to happen.

Even since last year, last March, when the Stenholm-Schaefer amendment failed very narrowly to pass in this House, we have added more than $150 billion to the national debt, and there is no end in sight to the red ink coming out of Washington. The American people are tired of waiting. We are all tired of waiting, and we need to support a balanced budget amendment to put us on a downward glide path to balance this budget in the year 2002.

Is the balanced budget amendment a substitute for decisive action to reduce the deficit? Of course it is not.

Congress, 2 years ago, did approve a 5-year, $500 billion, tough deficit reduction plan, and the House and Senate approved a 5-year freeze on discretionary spending starting in 1993, at levels using no inflation. Largely because of that legislation, our deficit has come down and the Nation has enjoyed 3 straight years of deficit reduction, the first time that has happened since Harry Truman was our President.

I supported that plan last year. It was a tough vote, but like many of my colleagues, I knew it was not an end to our deficit reduction efforts, but only one part of a larger effort to balance our budget and to restore fiscal responsibility to this Capitol.

The same is true of this balanced budget amendment. We will vote on this this week, on Thursday or Friday. We will have a vote in the Senate, and I believe that the amendment will then go to the States for ratification.

But nothing in the process changes our basic responsibility here in Congress to go back to our committees and to our subcommittees next week and to continue to achieve real savings and spending reduction. This is our responsibility.

Mr. Speaker, one of my congressional district's most famous citizens, Thomas Jefferson, once said "To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude." Although we are almost 200 years late, Congress and the States have the opportunity to affirm the truth of Jefferson's observation by adopting the balanced budget amendment to the Constitution.

It is an opportunity that we should seize, and I urge my colleagues to support House Joint Resolution 28, the Stenholm-Schaefer balanced budget amendment to the Constitution. We must work together in a bipartisan fashion to pass this important amendment for our country and for our future. We cannot wait any longer.

RECESS

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4:45 p.m. today.

Accordingly (at 4 o'clock and 24 minutes p.m.), the House stood in recess until 4:45 p.m.

□ 1652

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COMBEST] at 4 o'clock and 52 minutes p.m.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1652

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The CHAIRMAN. When the Committee of the Whole rose on Friday, January 20, 1995, the amendment offered by the gentleman from New York [Mr. TOWNS] had been disposed of, and section 4 was open for amendment at any point.

Are there further amendments to section 4?

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

As we continue debate on H.R. 5, I want to address some concerns I have about where we are going and how we are going to get there.

Mr. Chairman, last Friday we spent almost 5 hours debating just four amendments to this legislation. We have presently at least, at last count, about 160 amendments pending, and

this is under an open rule, and it is an open rule that I think is well merited in this instance. But I think, Mr. Chairman, if we proceed as we have been going at the very, very slow pace we have been going, we could be here for months on this particular piece of legislation.

I think that perhaps one of the reasons we have seen so many amendments offered is because there is a fair amount of misrepresentation and misinformation circulating about the bill which may account for some of these amendments. I do not question the motives of anybody who has introduced any amendment, although I know that there are some who in very good faith believe that this bill represents a very, very dramatic step back from where we are in terms of regulatory control.

Nevertheless, we do have these amendments, and I think there is misinformation and perhaps it might be helpful to reemphasize just some basic facts about this bill. This bill has very strong support.

The bill has very strong support, I would point out again, not only from the seven major public interest groups, but also the major groups representing the private sector, and among others the legislation is strongly endorsed by the National Governors' Association, the National Conference of Mayors, the National Conference of State Legislatures, National Association of Counties. This legislation is also endorsed by the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Association of Realtors, the National Association of Homebuilders, among others.

So, Mr. Chairman, the list really does go on and on. This has very broad-based support.

The bill also, I would point out, did not arrive just sort of out of the blue. It represents many, many years of hard work by Members on both sides of the aisle, and passed by the Committee on Government Reform and Oversight by a voice vote. I know there were serious concerns about the process that got us to this point, one reason that I supported the open rule, so that we would have a full and open debate on many of the issues that have concerned some Members.

But given the fact that we have this very broad support, I guess the question is: Why would there be this kind of resistance?

The problem is that there seems to be, as I say, misinformation about what the bill does and does not do. This bill does not, I would stress again, and as will be stressed throughout this whole debate, undo environmental and social legislation that is already on the books. The bill does not stop future environmental and social legislation from being passed or costs imposed on State and local governments.

This bill does not stop future reauthorizations or, indeed, it would not convert existing unfunded mandates into mandates subject to a point of order through the reauthorization process.

What this bill does do is provide a lot of much-needed information about the costs of future legislation, about what we are doing to State and local governments, and what we have done over the years. We in Congress will become accountable and be forced to make informed choices about how legislation impacts State and local governments and ultimately the American taxpayer. That is really it in a nutshell.

We find ourselves at this juncture with over 50 amendments that would exempt all types of programs from this bill. I would say to the chairman if I were to accept all of these amendments they would literally gut the heart of the legislation and render it totally useless.

It is not that we do not, all of us, support these programs. I think many of them are very meritorious and obviously have won and deserve the support of the American people. So it is not we do not support these programs. It is just that we believe Congress and the American people have a right to be, and need to be, informed about what the costs of these programs are and what they are doing to State and local governments.

It does not preclude us from imposing the requirement on State and local governments. It just says we are going to know what we are requiring them to spend to do them.

Mr. Chairman, for these reasons, I must say, and I hope the majority of my colleagues will continue to oppose all amendments, all amendments seeking exemption under section 4 with the exception of ones that may clarify what is already contained in the legislation. These amendments are unnecessary to protect future and existing mandates and would simply preclude analysis of future mandates to State and local governments.

So I will still resist all of the amendments to section 4 except those that I think clarify what we intended to have in there. We do have, I think you know, we have a number of amendments that are going to be offered to other sections of the bill. These are going to deal with very substantive, very important issues that need to be fully debated on judicial review, on the impact on private and public-sector mandates, the effective date of the legislation, the threshold below which or above which we should impose a mandate. There are a number of very substantive issues.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has expired.

(By unanimous consent, Mr. CLINGER was allowed to proceed for 3 additional minutes.)

Mr. CLINGER. Mr. Chairman, we have had a thorough debate on two of the proposed exemptions, both of which were rejected by substantial votes. So I think we have made it pretty clear we do not intend to accept these.

Hopefully some of these would be withdrawn or not offered so we can move on to consider some of the other very important issues that need to be debated.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the chairman of my committee, the gentleman from Pennsylvania [Mr. CLINGER], expressing his concern about the reason there are a number of amendments, and I would not use the term misinformation as much as considering our committee had one weekend to look at this bill and never even had a public hearing during this session of Congress. So what we are doing during this floor debate is actually developing legislative intent.

A lot of these amendments that we are talking about in the debate that you are going to hear and we heard last week and this week was to establish legislative intent on this bill, because we did not have the time in the committee.

Now, I understand our chairman was told he had to move the bill. But that does not mean that we should short-circuit the legislative process, and so when we do that in our committees, and maybe we can learn for our other committees, that by doing that in our committee process, we are going to make it longer on the floor. Instead of just our committee members dealing with it, now we have 435 Members who want to have questions and answers to this bill.

□ 1700

So we are establishing legislative intent.

Let me talk a little bit about—just today in the Houston paper, and I was going to say the Post, but it was not the Washington Post, it was the Houston Post, so we will not get confused with inside the beltway or outside the beltway. They had an editorial about the unfunded mandate bill that says, "No easy answers." This is daily newspaper. It talks about—again, it is not inside the beltway—it says, "Unfunded mandates is a term that is overly used and often misunderstood when we talk about misinformation." And it is part of the Contract with America or on America or for America or whatever.

But State and local officials across the country complain about Washington being too quick to tell them what to do, whether it is clean air, fair labor standards, family leave. But is it fair, and let us go back and use their analogy, again from the Houston Post. It says,

An analogy of a teenager in his car. Clearly, it is wrong for his parents to force him to

use his money to pay for gas to run errands. But what if they simply order him to repair his transmission so it does not leak in the driveway? Instead of saying, "We want you to clean up your driveway, son or daughter, and that is what we are talking about." That is a mandate that parents give to their child, they are not telling him to use his money to pay for gas to go run errands, they are just saying, "Well, if you want to keep that car in the driveway, we want the transmission not to leak on it, at least." So we are unfunding that mandate for you to clean up your transmission.

It is easy to talk about unfunded mandates, and I agree that the bill needs to be passed, but I also think we would be doing a disservice to our constituents and to the people of this country if we do not recognize what we are doing by taking as much time as we need, if not in committee then on this floor for the whole world to see, about the unfunded mandate issue.

We are 1 country, but we are 50 States. What we come together on as a country is important to us. It may be called an unfunded mandate, it may be a national issue instead of a local issue. But I still think it deserves the time on this floor of this body to consider it judiciously. I think that is what we are doing.

AMENDMENTS OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer amendments numbered 112 and 115 and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments, numbered 112 and 115, is as follows:

Amendments offered by Mr. SKAGGS: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to air pollution abatement or control.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado that the amendments be considered en bloc?

There was no objection.

Mr. SKAGGS. Mr. Chairman, stated very simply, this amendment would exempt clean air laws and regulations from this bill. Without this exemption, the bill, I think, will hurt the environment and actually unwittingly promote a kind of socialism in this country, a fact that may come as a surprise to my colleagues.

I am utterly astonished at this, I assume, unintended consequence of the bill. But it would certainly be one of its effects, which I will explain in a moment.

Clean air laws can be an unfunded mandate, primarily when local or State governments own and operate major sources of pollution. Just like other entities and persons, they run power plants, they drive vehicles, and operate other sources of pollution. State and local governments own almost 600 electric utilities, which generate something like 4 million tons of air pollutants a year. They operate untold thousands of motor vehicles. In my area in Denver, for instance, the regional transportation system has over 800 buses, and no one should doubt that they can be a source of air pollution.

When Congress or the EPA adopts a nationwide air pollution standard, it applies to all power plants or landfills or all vehicles. Such a standard would be considered an unfunded mandate on States and local governments under the bill that is now before us.

If it were to pass in its current form, Congress would have three basic choices of how to deal with a future clean air bill. The first choice would be simply to exempt State and local governments from any new clean air mandates. We could just let them off the hook and not require them to comply to the extent that others in our society would have to follow the same rules.

If we make that choice, then we would have condemned American citizens to breathe dirtier, more unhealthful air. And—and this gets to the socialism question—and we would have given State and local governments a great competitive advantage. A power plant that happened to be owned by a public utility, a publicly owned utility, would not have to make the same pollution control expenditures that power plants owned by the private sector would have to. That is certainly unfair to the private sector. In the highly competitive power industry, avoiding the full costs of clean air compliance would give publicly owned plants a great advantage.

So, without this amendment, this bill would create a kind of perverse incentive to socialize the utility industry. This is the type of ironic and amazing result of trying to push a bill like this through without taking the time, or holding any hearings, to think it through.

Letting State and local governments off the hook wouldn't be our only choice. The second option would be for the Federal Government to pick up the tab, making them funded mandates. Then it would be the Federal taxpayers, however, who would be paying for the pollution of publicly owned utilities, transportation districts, or whatever. This second option is also absurd. Why should all the taxpayers in the country pay for pollution cleanup at a power plant that happens to be municipally owned? It has always been the rule that the polluter should pay for his pollution.

If taxpayer dollars are spent this way, then State and local governments would still have an economic advantage over their competitors in the private sector, and, again, we would be headed down the road to socialism.

The only other option we have, the third choice, would be to vote to overrule the point of order that this bill would create as an obstacle to passing any new clean air legislation.

That, I gather, is what those who wrote this bill and who are managing it on the floor today claim it will do. Fine, if that is what we are going to do, let us do it now. If everybody is in agreement that we do not really want to make it impossible or much more difficult to pass future clean air legislation, then let us go ahead and vote that way today by putting this exemption in the bill.

Let us remember it is already plenty difficult to pass a clean air bill. Last time we did it, it took over a decade to work out the details.

Let us remember the American people want us to do more, not less, to clean up the air they breathe. Why should we make it harder to pass a clean air bill? I do not think we should.

So, I urge this House to make the decision now that we are not going to create a new procedural obstacle to clean air bills. I urge adoption of the amendment.

Mr. Chairman, I have an amendment at the desk, No. 112. I ask for its immediate consideration.

I ask unanimous consent to have amendments No. 112 and No. 115 be considered en bloc.

Stated simply, this amendment would exempt clean air laws and regulations from this bill. Without this exemption, the bill will hurt the environment, and it will unwittingly promote socialism.

It may not be surprising that this second bill brought forward by the new majority would hurt the environment, by making it more difficult to pass laws and adopt regulations to clean up the air and otherwise protect the environment.

But I'm utterly astonished the new majority party would support a measure that would actually promote socialism. I trust this is not an intended consequence of the bill, but it certainly would be its effect. And if the people who wrote the bill don't want to do that, then, I hope they'll support the change which this amendment would make.

Let me explain.

Clean air laws can be an unfunded mandate primarily because State and local governments own and operate major sources of pollution, just like any entity or person who runs a powerplant, drives a car or bus, or operates any other source of air pollution.

State and local governments own 590 electric utilities, which operate powerplants that put out nearly 4 million tons of air pollution a year.

State and local governments also operate untold thousands of motor vehicles. In the Denver metropolitan area, for example, the regional transportation district operates 825 buses. And anybody who has been stuck in traffic behind a bus knows that buses pollute.

When Congress or the Environmental Protection Agency adopts a nationwide air pollution standard that applies to all powerplants, or all landfills, or all buses in this country, that standard would be considered an unfunded mandate on State and local governments, under the bill as is now written.

If the bill were to pass in its current form, Congress would have three basic choices when considering a future clean air bill.

The first choice would be simply to exempt State and local governments from any new clean air mandates. We could just let them off the hook, by not requiring them to clean up these sources of pollution to the extent others in our society would be required to clean up identical powerplants, cars, and trucks. The 590 powerplants owned by State and local governments could be allowed to pollute freely at higher levels than everyone else, without any regard to the effect on public health, acid rain, or anything else. The 20 million tons of emissions from some 2,500 municipal landfills would not be subject to the same constraints that apply to BFI or waste management. In Colorado, the regional transportation district could be allowed to buy and operate buses that didn't meet the emission standards that apply to a private charter company.

If we make that choice, then we would have condemned American citizens to breathe dirtier, more unhealthful air.

And we would have given State and local governments a great competitive advantage. A powerplant that happen to be owned by a public utility wouldn't have to make pollution-control expenditures that powerplants owned by the private sector would have to. That's certainly unfair to the private sector. In the highly competitive power industry, avoiding the full costs of clean air compliance would give publicly owned plants a great advantage and ability to expand.

So, without my amendment, this bill would create a perverse incentive to socialize the utility industry. The new majority, according to their words, wants to privatize government operations, not have the government take over private sector operations. But this is the type of ironic and amazing result of trying to rush a bill through, without taking the time or holding any hearings to think it through.

Letting State and local governments off the hook by exempting them wouldn't be our only choice. A second option would be to mandate cleanup State and local governments, but have Federal taxpayers pick up the tab. This would make them funded mandates. Then, it would be the Federal taxpayers would pay for pollution controls on publicly owned powerplants. And it would be the Federal taxpayers who would pay for the costs of the pollution controls on the buses the regional transportation district buys, and for the maintenance of the buses so they meet clean air standards.

This second option is also absurd. Why should all the taxpayers in the country pay for pollution cleanup at a powerplant? Why should all taxpayers in the country pay for emission controls on RTD buses? It's always before been the polluter who pays in this country.

And if taxpayer dollars are spent this way, then State and local governments would still have an economic advantage over their competitors in the private sector, and again we'd be headed down the road to socialism.

The only other option we'd have, the third option, would be to vote to overrule the point of order that this bill would create as an obstacle to passage of a new clean air bill. That, I gather, is what those who have written this bill and who are managing it on the floor today claim is what we will do.

Fine, I say. Let's just do it now. If everybody is in agreement that we don't really want to make it impossible, or even more difficult, to pass a new clean air bill, then let's go ahead and vote that way now.

One way an automatic point of order would jeopardize the next clean air bill is to thwart the need to respond to science as it finds that pollution is increasing. This seems to be true for ozone and particulates in particular. Current science is indicating that these problems may be getting worse, not better. As a result, we may need to respond by tightening the national standards for these pollutants to protect the health of our constituents. The automatic point of order in H.R. 5 would pose an enormous obstacle to doing the right thing.

Let's remember that it's already plenty difficult to pass clean air legislation. The last time we did so, it took a full decade of strenuous debate and negotiation.

And let's remember that the American people want us to do more, not less, to clean up the air they breathe. Whey should we make it harder to pass a clean air bill?

I don't think we should, and so I urge this House to make the decision now that we are not going to create a new procedural obstacle to clean air bills.

The Clean Air Act also includes unfunded mandates on State governments as governmental bodies, as opposed to those they face as the owners and operators of sources of pollution. For example, States are required under the act to prepare State implementation plans to meet the national air quality standards. But in the absence of the national framework for cleaning up the air that the Clean Air Act represents, each State would still have its own air pollution cleanup program, anyway. In any event, ti's worth remembering what State and local leaders said about this mandatory national framework when Congress last reauthorized the Clean Air Act, including:

> The Governors * * * have unanimously agreed that the Congress must take tough measures.—The National Governors Association.
>
> Reauthorization of the Clean Air Act is one of the National League of Cities' top priorities.—The National League of Cities.

Let's not kid ourselves. Without this amendment, we will put at some serious risk continued progress in cleaning the air our fellow Americans breathe. There's no reason to take that risk. I urge my colleagues to adopt the amendment.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

I do so reluctantly because the gentleman from Colorado is one of the more thoughtful Members and contributes a great deal to our debate.

But I think it is fair to say we all want clean air. There is no disagreement about the fact that we are all interested in preserving the quality of air throughout out Nation. That is certainly not the question.

H.R. 5 in no way is going to abrogate that. It is about having information on the costs of clean air programs.

Among others, they will work with Federal, State, and local governments to provide solutions that will work for everyone, as opposed to the current pattern of Federal dictates. So a majority is needed to pass the Clean Air Act, that is not going to change under H.R. 5. What will change is that Congress will have adequate cost information and debate on the unfunded mandates issues. The alternative is to legislate as we have been doing, which is with a blind eye toward the impact of these mandates on States and localities. It is no exaggeration to say that some communities will vote for putting policemen on the streets and improving all other services in order to afford compliance with the environmental mandate. They will have to make very tough decisions, faced with the mandates imposed by the Federal Government and the needs they have in their local communities.

Counties are going to spend over $2.6 billion to comply with the Clean Air Act in fiscal 1994 through 1998. This is money that could be used for other purposes: For education, for housing, and other community priorities.

So I must oppose the gentleman's amendment.

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

Mr. CLINGER. I am happy to yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding.

Mr. Chairman, do I understand your position correctly—and I have great regard for the gentleman from Pennsylvania—that he believes that we should have essentially a presumption here that a municipal-owned power plant or a municipal bus company or a county-owned landfill should not be held to the same clean air standards as their private sector counterparts.

□ 1710

Mr. CLINGER. The debate on private/public sector issue, and there is an issue there that I think will be debated, is going to go forward. I do think—we are not suggesting that this is in any way going to undermine, or impede, or undercut existing mandates imposed on the very entities—and indeed on the private sector as well—

Mr. SKAGGS. But if the gentleman would yield further, we can assume, given the evolution of the science of air quality and air pollution, that at some point this Congress will consider in the future tightened standards, and that is really what we are speaking to, and I am talking prospectively. At that time in the future is the gentleman standing for the proposition that publicly owned utilities, vehicles, landfills, should have to adhere to a lesser standard than everyone else?

Mr. CLINGER. Certainly not——

Mr. SKAGGS. Then why do we not go ahead and write that into the bill today?

Mr. CLINGER. What I am suggesting is that there is language in the bill now that will require an analysis of what, in fact, the impact would be and what the—that this equilibrium that might be developed by a private/public sector——

Mr. SKAGGS. If the gentleman would continue to yield, I have no problem with the informational requirement. It is the point of order that would have to be overcome by a majority vote in the body that stands as a real impediment to again holding publicly owned polluters to the same standard as privately owned polluters, and why do we not go ahead, and clear that up, and get rid of that problem now?

Mr. CLINGER. This is an issue that I think deserves to be debated, but I do not think it needs to be debated at this point. What we are talking about here are exemptions, total exemptions, from the existing law. We are going to have, I am sure, a very spirited debate about the implications as to private and public sector. At this point, this is asking for a total exemption from the application of the point of order to an entire statute, and I just cannot accept that.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think it is inappropriate to discuss these issues and discuss them right now. What has been inappropriate, in my estimation, is the way this bill has been steamrolled through this Congress without even hearings in committee.

We pass legislation with all sorts of consequences; a lot of them are unintended consequences and the best way to avoid negative, unintended consequences is to know what we are doing to the best extent possible.

It is ironic that the legislation, which claims to give the Congress more tools through all the analysis of what may be an unfunded mandate to what extent it will put a burden on the taxpayers of local and state governments; information that would be useful is being pushed through so that we will not have the full information available to us in understanding what this legislation would in fact do.

Now the best—one of the best examples of what are clearly unintended consequences is to look at the environmental area. The legislation before us would say that, if there is a mandate on local governments, it has to be paid for by the Federal Government. But there are environmental laws that apply across the board, whether the polluter is a government owned polluter or a privately owned polluter. first of all, people's lungs do not know the difference, if it is a toxic pollutant coming from a municipal owned incinerator or a privately owned incinerator. The laws should be the same if we are going to require pollution reductions, whoever may own that particular facility. But this legislation would deem the costs for a publicly owned polluting source, incinerator, power plant, whatever, to be an unfunded mandate.

What are the consequences of that? The government would have to pay the costs that would be borne by the publicly owned entity or say that they are not obligated. Well, we would have the privately owned polluting source regulated, but the publicly owned one not regulated. That makes no sense because pollution is pollution, and, second, it puts a disadvantage to the privately owned enterprise when it is in competition to that which is publicly owned. That, seems to me, makes no sense.

We have interstate air pollution and environmental problems, and because of that reason we have to look to the Federal Government to set the standards, and for that reason we ought not to consider these unfunded mandates. Why would any local government want to spend the money to reduce pollution that affects somebody else? And there are a lot of examples of this:

Probably the best is what we fought over for so many years dealing with the acid rain problem. We have power plants in the Midwest, some of which are publicly owned power plants that emit SO_2 pollution that is carried long distances into the northeastern part of the United States and comes down in that area in the form of acid precipitation. Well, we adopted legislation to use market forces to reduce that pollution. Some of those existing laws are going to be affected by this legislation. We have heard over and over that is not the case because this is only prospective, but it is going to be retroactive to existing laws like the Clean Air Act because a lot of those laws have not yet been implemented through regulations. When regulations are adopted in the future to enforce these existing laws like the Clean Air Act, the Safe Drinking Water Act, the Clean Water Act, then there is going to be this unfunded mandate obligation that will be triggered, and those regulations can be tied up in court for years, an issue we are going to discuss sometime down the road as we look at this bill. But we have acid rain coming from States like the Midwest, Ohio, and Pennsylvania. New York in the Northeast will be affected.

The Long Island Sound is another good example. In Long Island there is pollution from sewage discharges from New York City. Under this bill the Clean Water Act provisions controlling these discharges by New York City would be considered unfunded mandates. So, if we do not pay New York City to stop polluting, the people in Connecticut are going to suffer, and, when we have these competitions between the privately owned and the publicly owned polluting sources, we should have a level playing field. These are things that one would not ordinarily think about when they hear about a bill called unfunded mandates, but in fact that is what is going to occur, and that is why I think the gentleman from——

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. That is why the amendment that is being offered today that would say, "Let's look at environmental issues as one where we are not going to consider it an unfunded mandate in order to make sure that we don't put private enterprise at a disadvantage to publicly owned enterprise; secondly, that we can deal with interstate problems; and, thirdly, so we can protect the public from environmental hazards which can be great indeed when these environmental hazards can cause lung problems, can cause cancer, can cause very serious diseases that we hope can be prevented through wise policies."

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just quickly correct a couple of statements that my colleague, the gentleman from California, made with regard to this legislation to make clear what we are doing here this evening. He said that the options would be, No. 1, to pay the public utilities; or, 2, to not have the mandate take effect as the chairman of the committee has noted. This evening, and many times in the debate on Friday, that is in fact not the sole option before this Congress under this legislation.

Let me be very clear. This forces a cost accounting which is not currently available. It then forces a debate on the floor as to the new unfunded mandate and finally forces a vote. It is a majority vote. So by a majority Congress could continue to exercise its judgment and continue to have the mandate take effect with or without funding.

Another correction needs to be made, and that is with regards to existing laws where regulations are not yet promulgated. The gentleman from California said that the unfunded mandate process would be triggered by that. That is not correct. Existing laws are not covered by this legislation in terms of the point of order being raised against unfunded mandates. New regulations, which would be promulgated pursuant to existing statutes, would not be covered by the point of order on the floor of the House that we have

talked about many times now. There are certain requirements on the Federal agencies. They are reporting requirements as to the costs, again of the new regulations being promulgated, if they are above a threshold of $100 million.

□ 1720

I think it is important, Mr. Chairman, to continue to emphasize that this bill is not the broad-based bill that the opponents to the legislation or the proponents of this amendment and other amendments which exempt whole areas of the law would have us believe. This is a carefully crafted measure. This is a measured response. This is something that gives us information and accountability.

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

Mr. PORTMAN. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I rise in opposition to any amendment that would exempt the Clean Air Act and other environmental laws from the unfunded mandates. Mr. Chairman, I represent the 16th District of Illinois. One of our counties is McHenry County, part of the Chicago metropolitan statistical area. That area has been denominated as a severe ozone nonattainment area, which means that any company which has in excess of 100 employees is forced to carpool. It is called employee commute option. This is a mandate from the U.S. Congress through the amendments in 1990 to the Clean Air Act.

The CRS has put out a report showing a cost-benefit analysis. The EPA administrator herself, Carol Browner, stated in a meeting this past week here on Capitol Hill that as far as she is concerned and as far as Mary Nichols is concerned, and Mary Nichols is the assistant EPA Administrator, that car pooling simply does not work under any circumstances. It is not proved to be cost efficient. But we are stuck with it. It is in the law.

To exempt the Clean Air Act from the unfunded mandates bill simply is saying we are going to take a bill, a provision of a law, that does not work, but because it relates to environmental quality, therefore, it should not be looked at with the scrutiny of an unfunded mandate.

The Chicago Tribune this past Saturday headlined, "U.S. Car Pool? Never Mind." This is the EPA administrator urging Members of Congress to ignore an existing statute. The only thing we can do at this point, aside from opening up the Clean Air Act, is to ask that the Clean Air Act, along with other statutory enactments, be looked at by the Unfunded Mandates Commission for the purpose of saying this simply does not work, we should do away with it, and allow people the ability to drive to work as opposed to being forced to carpool.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, let me be very clear: This new legislation does not apply to the Clean Air Act, it does not apply retroactively, it applies prospectively only. The discussion here on this amendment is as to new mandates that might arise under clean air and other environmental statutes.

Again, to emphasize the point, the Clean Air Act which was passed by this Congress by a majority vote would not be covered under the provisions of the point of order that we discussed earlier.

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

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

Mr. WAXMAN. Mr. Chairman, the reason why I disagree with the gentleman is not because we are going to have the Clean Air Act on the floor. If we were to have it on the floor and made some changes, it might be affected by prospective consideration of unfunded mandates.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has expired.

(By unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. PORTMAN. Mr. Chairman, I yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, whenever EPA wants to revise their regulations to meet problems that were not otherwise foreseen which are consistent with existing law, those regulations would have to undergo the analysis as to whether they constitute an unfunded mandate.

Now, I have no problem with the analysis. What I find difficult is the fact that those regulations can be held up ad infinitum because of the judicial review that anybody who disagrees with the regulation could use to say that they did not want it go into effect, the analysis was not good enough. That seems to me to allow a situation that we would not tolerate if it were a prospective piece of legislation, because we would reserve to ourself a point of order which can be voted on by a point of order overturned, but could not be overturned except through lengthy court legislation. I think that makes no sense.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, to reclarify again, because we are beginning to fuzz the lines between the point of order and the regulatory requirement. The regulatory requirement is simply a requirement that before new regulations are promulgated, there be an assessment of the costs. Those costs will go into a written report which will be provided to the OMB and the Congress.

It seems to me that is a very sensible approach. It is actually not even as general and broad as the current Executive order that President Clinton has issued to the Federal agencies in these sorts of situations. All we are asking is there be judicial review of those assessments of cost. Let us be very clear on that. I understand now the gentleman's point, which you had not made previously, which is it really is the judicial review section that troubles you. That, of course, will be subject to considerable debate, I believe, later this evening or perhaps tomorrow. But with regard to judicial review, it is only as to the agency action, and, again, the agency action is information on an assessment of the costs and benefits.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, there are two ways we are going to have an unfunded mandate provision apply. One is if it is legislation to be brought up, not existing legislation but new legislation, and if it is brought up in the Congress, it will have the cost analysis of an unfunded mandate and we will permit a point of order if there is an unfunded mandate above a certain amount of money, but we reserve the right of the Congress by majority vote to allow that legislation to go into effect anyway and to impose the unfunded mandate anyway.

That is the congressional route. But there is another separate route where unfunded mandates can stop prospective actions, and that is in terms of regulations enforcing existing laws. So I take issue with the statement that existing laws are not going to be impacted. They are definitely going to be impacted.

For example, if the Environmental Protection Agency wanted to adopt a regulation dealing with toxic emissions, emissions that are hazardous, that can cause cancer, can cause birth defects, if they want to under the existing Clean Air Act adopt regulations dealing with these toxic emissions, and if the source of the toxic emissions is a publicly owned facility, then the EPA has to do this long analysis about how much it is going to cost the publicly owned polluter.

Now, I have no problem with that requirement. But let us understand what will be imposed upon the EPA to do this. They are going to have to look at the anticipated cost to the States, what impact it is going to have on the national economy, on our national productivity, on economic growth, on full employment, on productive job creation, international competitiveness, all of these things, which I do not think the Environmental Protection Agency is equipped to do. But they will do it, because we want to have them know, and the Office of Management

and Budget and others involved in the administration, know the full cost impact.

But after they have done that, it is not enough, because there is no point of order that can be made, there is no majority vote that will say it is in the best interests of the country to have the regulation go forward. What happens then is they issue the regulation because they think it is appropriate, but the judicial review that can be then used to second-guess whether they did this analysis adequately can lend itself to anybody who disagrees with the regulation, and by anybody I mean a polluter, a corporate polluter, an industry that does not want to be regulated, can go into court and say they really did not look adequately at the international competitiveness of the United States if this particular hazardous pollution emitter is going to have an unfunded mandate that is going to be a burden upon them.

There are facts that are going to have to be determined under this legislation by the Environmental Protection Agency, as an example, that are going to be rigorous, and so rigorous that one may not be adequately done and, because it cannot be done adequately, becomes a loophole for the polluting source to tie it up.

Then we have to recognize, as the gentleman from Colorado so well pointed out, we are talking only about a polluting source that is publicly owned. We will have to say at that point that the regulations will not go into effect for that polluting source because it is publicly owned, but the privately owned polluting source would be regulated. It is unfair competition between the two, and it strikes me as peculiar for Republicans particularly, who argue they want more private initiative, to tilt things in favor of the publicly owned polluting source.

So I think that it makes good sense to exclude these environmental issues from the requirement of an unfunded mandate. They should not be considered unfunded mandates, especially since it is going to be such a burden to allow a regulation in the national interest, in the interests of protecting the public health, of protecting the environment, from being put into effect prospectively.

□ 1730

I take issue with the idea that this bill only applies to future law. It will apply to existing law because of this provision that applies to regulations. I stand in support of the amendment offered by the gentleman from Colorado.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have just a couple of questions I wanted to ask, if I could, the chairman of the committee.

As I have heard the discussion, first, the bill does require, does it not, for the first time that the public and private sector competition issue be considered by Congress before it enacts such legislation?

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

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. The gentleman is correct. This is really the first time that we have that provision in here. Heretofore there has been no such requirement or no such mandate to in fact make that determination or to study the impact of it on the private-public sector dichotomy.

Mr. DAVIS. In point of fact, does not this legislation specifically require the committee reports to include an analysis of how funding a mandate would affect the competitive balance between the public and the private sector?

Mr. CLINGER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is absolutely correct.

Mr. DAVIS. Also it is my recollection that the U.S. Chamber of Commerce, the NFIB, the National Association of Home Builders and Browning-Ferris, all private sector entities that could be adversely affected through this public-private competition, that the gentlemen on the other side of aisle are concerned about, are all endorsing this legislation in its present form?

Mr. CLINGER. That is correct. In fact, the language really was done in consultation with private sector interests to ensure that they would not be disadvantaged by the language of the statute.

Mr. DAVIS. Mr. Chairman, I thank the gentleman.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I, like the gentleman from California [Mr. WAXMAN], represent the Los Angeles Basin and was a strong supporter of the Clean Air Act, as he knows. In fact, several years ago, while I never had the privilege of serving on the powerful Committee on Energy and Commerce, I did spend time with the gentleman from California [Mr. WAXMAN] and other members of the Committee on Energy and Commerce dealing with this very important issue.

In fact, the area which I represent in southern California happens to have the highest number of first stage smog alerts in the entire country. It is the Inland Empire area, the eastern suburbs of Los Angeles. I say that simply to underscore my strong commitment to improving air quality.

But in looking at that, we have to realize that the Clean Air Act over a five-year period, which began last year, is imposing a cost on cities throughout this country of $3.6 billion. Our city of Los Angeles alone is shouldering a burden of $787 million.

I had breakfast this morning with Mayor Richard Riordan, mayor of Los Angeles. We were talking about this. Mayor Riordan and I and others of the area are strongly, strongly committed to improving air quality. But the fact of the matter is, this cost burden is overwhelming, extraordinarily onerous, and I have to rhetorically ask the question, at what level of spending will we possibly be able to attain a level of satisfaction for every Member of this House?

It seems to me, from my perspective, we have reached that point.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Skaggs amendment. Let me say, my colleague from Illinois who was here earlier and talked about his frustration with the trip reduction, I was in that meeting with him last week with the EPA because we were concerned about emissions tests in Texas, the system that the State of Texas had set up.

But one of the problems he may recognize though is that that was a state plan that was established. And it was a state plan that put so much weight on emissions, so much weight on industry, and also the trip reduction, although EPA did come in and give him some flexibility on trip reduction just like I think they are doing with us on our emissions testing in Texas. But it was a state plan.

In 1990, the Clean Air Act was passed here with bipartisan support and signed by a Republican President, and I am sure it had a vote somewhere on it on the floor that said, this gives the flexibility of the States. It may be a mandate on the States to reduce your pollution, but it is giving the States the ability to make that decision on their own.

Pollution knows no boundaries. We are just fortunate in the State of Texas that if we pollute in Houston it is all within our boundaries most of the time. We do not have that in other parts of the country, whether it be the Midwest or the Northeast or California to the mountain States.

So that is why I think it is important that we prioritize and say we are against unfunded mandates. We recognize that it is wrong. But there are also things that bring us together as a country. Pollution does not know state lines or county lines or city lines. And that is why oftentimes in Congress we have to address it, and the Clean Air Act is one of those examples. But they can be fine tuned by our States to recognize whether it is emissions or by the trip reduction, and my colleague from Illinois has had so much trouble with it. They have responded in there and they are working on it here in Washington.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from California.

Mr. WAXMAN. I think he makes an excellent point. We do give the States the flexibility in that responsibility that they take to devise their own plans for reducing emissions so that the health of the public will be protected. But I would suggest that when we hear about all these private enterprises like the chamber of commerce, thinking that they are not going to be at a competitive disadvantage, I suspect that some of these private industries think, well, if it is going to be an unfunded mandate the government-owned polluter, perhaps we will not put any regulations on either of them.

I suspect that that is what a lot of them would like. They do not see themselves ever being at a competitive disadvantage. They think that none of the polluters will have regulations placed upon them.

I think that would be a disservice to the people whose lungs are going to have to breathe in pollution when we deal with these air pollution problems.

Mr. GENE GREEN of Texas. Reclaiming my time, Mr. Chairman, the people who breathe that do not know whether it comes from a municipal waste incinerator or a commercial weight incinerator. And so if we are going to, by this bill, create disparity in the regulations, that is the concern that we need to recognize.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as somebody who was involved with the Clean Air Act, I rise in strong support of the Skaggs clean air amendment. I think what the gentleman from California [Mr. WAXMAN] has done is pointed out the tremendous potential for us, if we pass this legislation, to seriously usurp the Clean Air Act. If we move ahead with this bill, what is going to happen with the various states and some of the standards? 50 different clean air standards? No uniform protections from automobile factory manufacturing emissions?

And unless we pass this amendment, I think this whole issue is going to be unclear. We need to make sure that we are exempting clean air regulations from this unfunded mandates legislation. Otherwise, we are going to have a lot of angry people, angry communities and you are going to have a public asking us immediately to revoke this ill-timed legislation.

Many of us were here in 1990, when the House passed the Clean Air Act by 401 to 25. The vote was clearly representative of the American people's public desire for effective responsible federal regulations. But that is not what other advocates of the unfunded mandates legislation are telling us. They must think that the American public does not care about the quality of air that we breathe. And they must think that a double standard is okay.

As currently written, the unfunded mandates legislation exempts only state and local governments. That is right. Despite all the rhetoric about relief from regulation for the American people, the bill would continue to subject individuals and businesses to any new laws. I do not know what that means, but I can only guess that the backers of the bill think that states and local governments should be given unfettered power to do whatever they want to public health and safety standards for clean air.

And yes, mayors and county commissioners are powerful and they are elected, but we should not give them the green light to do whatever they want. That is not right. The American people want protection. They want responsible action, not legal loopholes and weekend federal standards.

□ 1740

In survey after survey the public has said they overwhelmingly support strong, effective environmental regulations, the last one being in December of 1994: "Sixty-two percent of the American people feel that environmental laws and regulations do not go far enough or strike the right balance for protection for public health and safety."

When we passed the Clean Air Act amendments in 1990, we culminated a decades-long struggle to pass meaningful legislation to protect our air. The new requirements we overwhelmingly endorsed were supported by everybody, elected officials included.

In fact, in 1989 the National Governors' Association wrote to Congress that they "unanimously agreed that the Congress needed and did take tough measures." In the same year the National League of Cities told Congress that "As a national municipal policy, reducing air pollution to safe levels is equal in importance with employment, housing, and economic development, and revitalizing and conserving cities."

According to the Clean Air Network, "Despite the tremendous progress we have already made towards cleaner air, nearly 100 million Americans live in areas that still have unhealthy levels of one or more of the six major pollutants."

So how many more of our constituents are we going to put at risk if we pass this legislation without proper safeguards and proper and extended debate?

Mr. Chairman, we just passed laws mandating that Congress live under the same laws as the rest of the country. We all voted for it. That is a good idea. However, I find it ironic that while we increased the application of the laws to ourselves, we are reducing the application of public health protections that the American public holds dear.

We keep hearing that the 1994 elections delivered a message of change for the American people. That American people have spoken loudly and clearly. What is important to them? Are we going to have legislation that comes at the expense of their health and their air? Will we ignore this message again?

If this amendment is so bad, and I have heard some of my colleagues on the other side say that we are not exempting the clean air legislation, why do we not pass the Skaggs amendment to make sure it is correct? We are giving the green light to courts and other arbitrative bodies around the country to say "Well, you passed the unfunded mandates legislation, so City of San Diego, of Albuquerque, and others, you do not have to meet clean air standards. You can let the pollution come in, as long as it is going to bring jobs."

Mr. Speaker, this is a good amendment. Let us not rush too fast. Let us make sure that we are doing the right thing. Let us pass this very good amendment and move on to ensure that the public is protected.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to support the Skaggs amendment, which I believe is a necessary improvement to H.R. 5. While I am sensitive to the burdens that Federal legislation may impose on State and local governments, I believe that the responsibility which is borne by all levels of government to protect the environment, defend worker safety, prevent worker discrimination, and secure basic rights for all citizens is paramount and must be met by our government.

As I listened to our colleagues debate this legislation and the various amendments to it, it sounds as if what some people would like to see is unmandated funding, rather than unfunded mandates, so I think we have to have more balance than H.R. 5 presents.

I commend the gentleman from Colorado [Mr. SKAGGS] for bringing this important issue to the floor, which would restrict the scope of H.R. 5 in terms of the Clean Air Act. Last week, sadly, this body rejected amendments from the gentleman from Mississippi [Mr. TAYLOR] and the gentleman from New York [Mr. TOWNS] which would have restricted the scope of H.R. 5 in terms of the interstate ramifications for the public health and safety of residents in other States.

I think this was unfortunate, because those amendments, like those of the gentleman from Colorado [Mr. SKAGGS] today I think were necessary improvements to the legislation. In our clamor to get Government off our backs, we risk a great loss, the loss of environmental protection that we have struggled for decades to ensure.

We hailed the industrial revolution and later the arrival of dramatic new technology as great advances in our civilization. However, with this

progress came the realization we were risking massive depletion of the resources responsible for our success.

In reaction to this, the Federal Government sought to strengthen our environmental laws, so that future generations would not inherit a crippling environmental debt that threatened their security and their lives. Today in our 100-day stampede we are putting at risk the fundamental environmental protection laws we struggled, as I mentioned before, for decades to bring about.

The Federal Government, in its direction to the States, has provided the continuity necessary for our environmental laws. A national problem deserves a national plan. Our States do not exist autonomously. They are State united by common, often overlapping, problems and national solutions. Many of my colleagues, and most recently the gentleman from Texas [Mr. GENE GREEN] pointed out that pollution, et cetera, knows no geographic boundary.

On December 21 the results of a national poll and voter attitudes towards environmental protection were released. They showed that by over 2 to 1 the American public believed the current environmental protection laws do not go far enough, as opposed to 18 percent who believe that the laws go too far. Even the voters who voted for Republican congressional candidates indicated that they do not want environmental laws rolled back.

In explaining this poll, the National Wildlife Federation stated "The poll demonstrates that when the American people voted for change in the congressional leadership in last month's election, they did not endorse an attack on 25 years of environmental protection."

I heard my colleagues talk earlier about many ideas which I associate myself with, which I have concerns about in H.R. 5. The gentleman from California [Mr. WAXMAN] talked about the judicial review, and I know we will be getting around to that later, but I also want to associate myself with his remarks in that regard.

Others of our colleagues have talked about measuring the amount of money, assessing the amount of money that this legislation, the amendment of the gentleman from Colorado [Mr. SKAGGS], would cost. It is impossible for us to talk about money and the environment without understanding how costly it will be for us not to protect the environment.

The need to clean up pollution and mitigate other environmental problems should translate into a backlash against the pollution, not against the programs implemented to clean them up. The direct costs of mitigating pollution reflect only part of the price society must pay for environmental degradation.

Environmental problems impose significant costs on society: disease and death, lower fishing yields, reduced recreational activities, loss of jobs, and the list goes on. Toxics and pollution pose a major threat to human health. Pollution has been linked to chronic respiratory problems, cancer, and even birth defects. In addition, numerous studies have shown that environmental damage can significantly harm the Nation's economic performance.

The debate today is not about relieving States of an unnecessary burden. It is about dismantling environmental laws that protect the health of our Nation's citizens.

Federal mandates serve an important purpose in motivating States to perform responsibly, as parts of the whole, and with the same requirements we have for the private sector. Without these mandates to ensure environmental protection, the health and lives of our future generations of Americans will be at risk.

Once again, I urge my colleagues to support the Skaggs amendment, at least all of our colleagues who would like to breathe clean air.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is indeed heartwarming to have heard the impassioned pleas on behalf of private industry from the other side of the aisle. They have suggested that if we pass this act as is, private industry will be at a competitive disadvantage with publicly owned, say, utilities, for example, because the utilities will be in some way exempt from a mandate and private enterprise will not be exempt.

Mr. Chairman, I would point out that one solution to that would be to pass a similar piece of legislation, exactly applying the unfunded mandate of this legislation to private enterprise, just as we are now proposing to do so with State and local government, and that would level the playing field. I submit, however, that that would make sense both ways.

Such legislation would actually make sense for both State and local government and for private enterprise because, once again, we are proposing a point of order with respect to new and future legislation that would raise the cost. It does not prevent the Congress from in fact proceeding to enact such legislation.

Second of all, addressing in particular the Clean Air Act, there is, again, a supposition that if a Government action with respect to clean air is proposed, it must be good, it must be beneficial, and there is no reason to examine it, either at the legislative or at the rulemaking level.

Mr. Chairman, I submit that is not the case. This is the same debate we had about clean water last week. With respect to clean water, and we all want clean water, the Environmental Protection Agency was prepared to back up a proposed rule that would have required the city of Albuquerque to make the Rio Grande, which passes through the city of Albuquerque, up to drinking water standards. The Rio Grande has never been up to drinking water standards, and it is an impossibility to place a requirement on a municipal government or anyone else to achieve something which has never been achieved, but the Environmental Protection Agency was prepared to do it in the name of clean water.

Similarly, I can turn to the city of Albuquerque again as an example.

□ 1750

We have achieved Federal clean air standards for the last several years. Assuming legitimacy of placing Federal clean air standards across the country, the city of Albuquerque is still under the belief that they may have to upgrade at cost the way they do vehicle emissions to further please the Federal Environmental Protection Agency.

If in fact the city of Albuquerque has attained clean air standards, why should there be further compulsion on the city of Albuquerque to take further actions? It does not make any sense.

It is for those reasons that there is nothing about clean air and clean water regulation or legislation that should put it above analyzing the cost of what is being required versus the benefits.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our Constitution contains an interstate commerce clause. It does so because our Founding Fathers recognized that this Government in Washington, DC had in fact an obligation to make laws and to set order in the operations of the various States of the Nation which may from time to time come in conflict with one another.

I rise in opposition to the amendment offered today to the unfunded mandates bill. I do so because, most importantly, this amendment raises the question of the entire debate of unfunded mandates I think as clearly as any other amendment might raise it.

Yes, this Government has a responsibility to write clean air laws. It has a responsibility to write clean water laws. It has a responsibility to protect wetlands. It has a responsibility to protect endangered species. In short, it has a responsibility to do good environmental things for this country which may not be able to be done by the various States because they are sometimes in conflict.

The issue here is not whether we ought to do those things. The issue is here whether we believe in them enough to pay for them or whether we want to do those good things and leave it to somebody else to pay for them. Who else? Somebody at home.

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Whether we as politicians who get elected and come serve in this Congress should set the rules for these good environmental causes and then ask somebody else to bear the burden. That is it in a nutshell.

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

Mr. TAUZIN. I will yield when I finish the entire thought. If I do not have time, I will ask for more time to yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. Chairman, the issue here is not whether we should have good environmental law for the country. The issue is when we decide to have a general environmental policy for the country whether we believe in it enough to pay for it here. Or whether we ask some other taxpayers to bear that burden, or worse yet, some other citizen to bear that burden who may be a private property owner, may be a private business person in this country. That is the only issue here.

So this bill prospectively by the way, not retroactively, not affecting the old Clean Air Act, only affecting what reauthorizations we might pass for it, says to all of us, "Be careful. Before you pass a law that leads to a regulation that compels someone to do something that you think is good, you had better be ready to raise the money and to spend it here in Washington, not make someone else spend it at home in your various States."

Yes, indeed clean air is a good and worthy goal. I supported the last Clean Air Act. But let me tell you something: If you don't have to pay for what you do, what restrains you from being excessive? What restrains the regulators here in Washington from being extraordinarily excessive, demanding much more than is required in cleanup if they never have to put up the money to pay the bills, if somebody else has to put up the money? What restrains the agencies of Government, for example, from declaring that 60 percent of the State of California is a wetland, and they almost did in 1989, or that 80 percent of the State of Louisiana is a wetlands, and they almost did in 1989, if they don't have to worry about the cost of that decision?

You see, if we in Washington really believe in a clean air law or a wetlands policy or an endangered species policy, and we should, if we really believe it, we ought to be ready and willing to raise the resources and to spend those moneys to carry out these interstate, these national programs as we see fit. And when we do not believe in them enough to do that, we ought to leave it to the States and the communities to write their laws affecting their local environments, their local policies, as they see fit as they can afford them.

That is what this bill is all about. If you go around excepting this particular area of environmental law, if you want to except this one and except the next one and except the next one, you have got no unfunded mandates bill. You have blown the principle. If you believe in the principle that when we make a mandate, and very often we need to, we have to believe in it enough to pay for it here in Washington, DC, then you will reject the Skaggs amendment as you will reject similar amendments trying to gut this bill, and you will live as we should live in the future by the principle that when we believe enough in an environmental law, we raise the money and we pay for it here in Washington. If we do not believe in it enough to pay for it, then we should leave it to the States and the local communities to make their own decisions about just what they want to do with their own environments.

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

Mr. TAUZIN. I will be happy to yield to my friend the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I appreciate the gentleman yielding. Let me just engage you for a moment if I may on this proposition because it seems to me what you are saying is, and I want to make sure I understand you——

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(At the request of Mr. SKAGGS and by unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. SKAGGS. When the gentleman from California pointed out accurately a few minutes ago that there are publicly owned powerplants in the Midwest putting out what may be found to be excessive quantities of SO_2 that are affecting the quality of life in New England, why should my constituents in Colorado or yours in Louisiana be forced to help that local government comply with a national clean air standard on its public powerplant when their public powerplants are in compliance?

Mr. TAUZIN. And here is the answer. The answer is that if we want to protect one State from doing damage to another State as the interstate commerce clause predicted we would have to be doing when it came to commerce among the States, then we need a national law that mandates a standard that we all live by. And when we need one of those national laws that mandates a national standard so one State cannot hurt a neighbor, we, in Washington, have to have the courage and the will and the commitment to that national standard to raise the money and pay for it. So that all taxpayers, those who live in the State where the pollution may be originating and those who will receive the benefit of the program we pass here in Washington, all taxpayers share in the public duty to pay for that cleanup.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield further?

Mr. TAUZIN. I yield to the gentleman from Colorado.

Mr. SKAGGS. Then you fundamentally disagree with the proposition that the polluter should pay?

Mr. TAUZIN. Oh, no.

Mr. SKAGGS. Why should that publicly owned powerplant not pay for cleaning up its own pollution?

Mr. TAUZIN. I do not fundamentally disagree with the proposition.

Mr. SKAGGS. That is what you just said, that they should not have to pay.

Mr. TAUZIN. No; I do however believe that when pollution runs across State boundaries that you need a national law to regulate that situation and in those cases the people of the Nation benefit collectively as we all do when we clean the air of the Nation and we ought to be willing to pay for that here in Washington by raising sufficient sums to pay for the mandates.

Mr. SKAGGS. Why does it not make sense for the owners of that dirty powerplant to pay the cost of controlling emissions?

Mr. TAUZIN. If the gentleman will let me complete the answer. If on the other hand something is occurring in Louisiana that does not go across State lines and Louisiana wants to regulate——

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. TAUZIN. And Louisiana wants to regulate it a different way than when the National Government regulates it, let us say for example oilfield waste which is a pretty common problem in the Southwest, in Louisiana, in Arkansas, Oklahoma, New Mexico, and Texas, particularly a problem in our area, not a big problem nationally, a big problem regionally.

We have got laws now in Louisiana dealing with oilfield waste, we have a standard right now, a regime for regulating that that is a model for other States. We developed it at home and we pay for it at home and we make the polluters at home pay for it. We set that standard up in our own State.

But if on the other hand we had a problem that affected the air of the United States, and that required a mandate here in Washington for us to require that all polluters, all persons affecting the air of the United States be part of a program, what this bill says is that in the future we should have the courage of our convictions and say that this is something good for all Americans, it affects the air that we all breathe, we are going to set down a mandate to clean it up and we will raise the money and pay for it in Washington.

That is what this unfunded mandates bill is all about. The day you make an exception because you happen to like

one set of mandates instead of another is the day you begin to unravel the principle of unfunded mandates which ought to be something we all agree upon here in Washington.

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

Mr. TAUZIN. I yield to the gentleman from Colorado.

Mr. SKAGGS. I would assume then that the gentleman would make no distinction between the publicly owned and the privately owned powerplant that pollutes in the Midwest?

Mr. TAUZIN. If this gentleman had written the law, I promise I would have applied it to private mandates as well as public mandates. I think we should. I like the part of the law that says we are going to evaluate the effects on private individuals and businesses. I think we probably ought to someday decide here in Washington that we are not going to create mandates out there for the good of the public at large that we make anyone individually pay for by themselves.

□ 1800

For example, I am fighting, as Members know, a battle to make sure private property owners do not have to bear the burden of wetland protection or endangered species protection.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. If you really want to use my property, if you really need my property to accomplish this national goal of wetlands protection or endangered species protection, my position is you as a people, all of us as a people ought to be willing to compensate me for that property taken from me. I ought not to have to bear that cost as a little landowner in my own State.

So when a national policy is designed to protect something we all need protected cross State lines, this law, as it is now proposed, and as we should pass it, should simply say if we want to do that, we can and we should. We simply ought to put the money up to accomplish those purposes.

Mr. SKAGGS. I appreciate the forthcomingness of the gentleman, who makes it very clear that he fundamentally disagrees with the proposition that those who cause pollution should pay to clean it up, and he holds to his position consistently and I think would carry it through consistently.

Mr. TAUZIN. If I can reclaim my time, the gentleman is not going to get away with characterizing my words or my philosophy. I do not and have not said that polluters should not be responsible.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 30 additional seconds.)

Mr. TAUZIN. What I have said, Mr. Chairman, is when we make a standard that is good for all of the people of country and that requires us to pass a law affecting all of the States, we ought to have the courage to put up the money to carry it out, as we do in Louisiana. When we set a policy protecting something in Louisiana, we very carefully make sure the persons responsible for polluting actually pay for it.

I do not consider taking my land away to protect a wetland, by the way, an instance of pollution. I consider that an instance of good public policy that ought to be compensated for.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and I would like to say first of all on unfunded mandates, most of us have been fighting the battle for the last few years. It is not only a question of costs, but it is a question of States rights.

I look at an unfunded mandate and I look at the document we have here on those that want to exempt hundreds and hundreds of different organizations and groups from unfunded mandates. That is what the problem is. Governor Pete Wilson from California has stated that it is breaking his State.

Illegal immigration is a classic one of an unfunded mandate that the Government has refused to fund or have a current policy to change.

We take a look at States rights, and I know even AL GORE, our Vice President, made a statement, "Let us get government off our backs and walk beside the American people." But for too long Government has been using a bullwhip on the backs of those American people.

I look at the costs. The problem most of us have on this side of the aisle is Members on the other side of the aisle have supported continuously extremist views, and those extremist views, that is a weapon. I look at the California clean water problems we have. We have a sewage problem like a lot of other areas in the United States. The Scripps Oceanographic Institute has made statements time and time again that secondary treatment is not necessary; the law was written for sewage effluents going into rivers and lakes. We have it going into the ocean, but it is the other side, and clean water and EPA have been unreasonable enforcing that which would cost just the city of San Diego over $3 billion.

If they do that, if they are forced for those $3 billion, then you will hear arguments of we need more money for education and law enforcement. But when you do not have the money, there is only one thing you can do to obtain it and that is raise taxes to pay for it.

What we are saying is take a reasonable look at unfunded mandates. Look at the costs of the motor-voter in the State of California. The people who blew up the World Trade Center could vote under motor-voter. It is an unfunded mandate. In the State of California there were hundreds of documented cases in the last November 8 election, but yet there is no funding there to take care of the oversight of the motor-voter.

I look at the California desert bill that we passed last year. Property rights. There was even on the other side of the aisle arguments against the protection of someone receiving a fair price for their property. They did not want the Government to have to pay a higher price or estimated value.

I look at the environment, the Endangered Species Act, and wetlands. We have wetlands at 12,000 feet that are frozen, and we take a look, we cannot change that or even define under a lot of people's views, wetlands. We need reasonable laws and reasonable ascertations to help the planet.

We take a look at the same thing with the wetlands. We had a pig farmer in Arkansas, the President's own State, that over the last decade has raised thousands of pigs. They hollowed out an area; it was wet. They wanted to build on it; no, he could not, because that area had become a wetlands.

It is not only property rights and States rights but America's rights, and I think Americans need to have a cost assessment tied in with every unfunded mandate that is forced on them by this Government.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

There is a very practical consideration on why every bill should not end up at the Federal desk, even though it may make good sense as national policy, and I will give two examples.

I grew up in Connecticut, and one of the great advantages of being an old State in a nation is that we have very small geography, but we are broken up into hundreds of political subdivisions. We have 169 towns in an area less than the size of El Paso County, and when board of education members make decisions on whether or not to educate kids with special needs, the long-term benefits of educating those kids that face the challenges really does not come back to the community necessarily, because that child may grow up and get a college education and get to be a productive member of society, but moves on to the next community. The same thing happens if that child does not turn out so well. If that child does not get an education and goes on to jail, those dollars come from the State treasury.

So what we do is we try to set a standard. An example would be curb

cuts. If we wanted to make something accessible not just for the handicapped but it also benefits parents with strollers and what have you, and we set that standard nationally, it makes sense. We ought to have that same standard across the country. A person with a handicap, with a challenge that needs a wheelchair or a parent with a child in a stroller should not be limited to selected States.

But if we sent the bill back to the Federal Government, it would be a far more expensive process. As a local responsibility, they find the most efficient way to pay for it, the most inexpensive way to provide that service and that opportunity.

So the danger of what we are doing here is, we will either break down into a country with not just 50 standards for our citizens, but thousands of standards. As the same kind of attitude rolls back to the States, the towns will then say to the State that the State should not tell us what to do unless they are willing to pay for every standard and protection.

In Connecticut the Connecticut River and the Thames River, both of which run through my district, are cleaner today because of Federal mandates and they did not necessarily provide every dollar, although they helped immensely in the cleanup of water that came from Massachusetts and other northern States.

We have a responsibility as a Nation not to mandate things that do not make sense, to make sure that we do not place burdens on people simply for the sake of passing laws. But if it is the right thing to do, we need to make sure that this legislative body that represents all of the citizens of the country comes here and passes the legislation.

Oftentimes we do pay for it. Most communities, when they add up the dollars that come from the Federal Government, find they get much more from the Federal Government than they send here, especially for the kind of things that help people with special needs.

We need to make sure that this country does not turn back to creating obstacles for people in wheelchairs or people with educational needs. Federal mandates have cleaned up the air and the water in this country. We have given people more opportunity. Simply a closed mind to passing reasonable legislation that is voted on by a majority of the elected representatives, because it fits into this newly created category of mandates does not make any sense. The laws that pass here, pass here because we do represent the people of the country, we listen to their voices and we bring their challenges here, and they should not be rejected wholesale, because it seems to me what happens here is you cannot argue these on their merits, so you are trying to lump them into one big category. On the merits, they have passed the House, they have passed the Senate, they have been signed into law by Presidents, Republicans and Democrats. The same goes for the future and it is that categorization where Members try to undercut national support for things that make sense and have been good for the country.

□ 1810

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to follow on with the words of the gentleman from Connecticut, because as I have listened to this debate last week and today, it becomes very apparent to me that this legislation, although attempting to do well, really has put the apples and the oranges and the bananas and the kiwi fruit and everything else all together in one box and says it is all the same.

Ladies and gentlemen, that is not true. All Federal mandates are not the same thing.

I just listened to the gentleman from California, from San Diego. He talked about the various ones, the different ones that applied to California and how they applied differently. There is no question that we should recognize that, but this legislation does not recognize that. This legislation applies to all mandates. It applies to local governments and State governments the same. It makes no distinction about the purpose of that mandate. It makes no distinction about why that mandate originally first came about.

That brings me right to where we are with this amendment. Because I, as one, can reflect back to this country, at least my community, my Mississippi River, not mine, but our Mississippi River, the Missouri River, the Ohio, all the major streams of this Nation, the Rio Grande, and all where they were 40 and 50 years ago and where they were going, and without the legislation that we have today, I dare say, I mean, without the legislation that is on the books, clean water acts, those things, I dare to say you would not be drinking the water even though it is well treated from any of those streams.

Because what was happening, and the gentleman in the chair may happen, I do not know if they did in Cape Girardeau, but I know along the Mississippi River in my area and in my hometown years ago every bit of the waste was dumped right into that river, and then we built a treatment plant. It did not work. Sometimes the water, when it flooded, et cetera, went right into the river, too, and it was later on through the EPA funds that we built a brandnew one. It cost us 10 percent of the funds, if I remember right.

But we now have a real good wastewater treatment plant, and we do not put any effluent into that Mississippi River. You can go to other towns along the Mississippi like Louisiana, MO; Quincy, IL; Clarksville, MO; and I can go on and on all the way along up to Iowa, up to Minnesota, all the way down to New Orleans, none of that is taking place anymore, and that is all over the United States.

That is a little bit different than motor-voter, but this bill makes no difference, no distinction.

I can well remember when I was back in the 1950's when I was going to school at Saint Louis University down in Saint Louis, I was working my way through and would have to go out of the dormitory to go to work downtown, and taking a bus to get there, waiting on the street corner for the bus, and my hair would get sooty. That is right, folks, my brow would get sooty. What was that from? That was from pollution, folks. That was from pollution in the city of Saint Louis.

So there are times you could not hardly see the Sun in daylight even, in the summer, just not in the winter, because industry and others used it.

Now, the question is now, would all of these changes that have taken place in this country that are beneficial to all of us have taken place if we would have had this legislation on the books 30 or 40 years ago and the Federal Government would have been prohibited from passing this legislation that has been passed except if we funded it all, we had to fund every bit of it?

That leads me to my last argument as to why this bill has serious defects, and it should have been taken more time with in committee.

What incentive would there have been and will there be if this bill becomes law for any community in the future to do anything on their own, to improve either the air, water, or other polluting areas? What incentive? None. In fact, the incentive is all the other way under this bill. As long as you do not do anything, the Federal Government is not going to require you to do it unless the Federal Government pays for it.

So there would be no incentive, none whatsoever. The incentive is the other way.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, this bill builds in for States and local governments not to do anything, to let the Federal Government come in and tell you to do it, and then they are going to give you all the money. So why should you? The cities, local governments, the States are all strapped just like we are strapped. They will not do anything just like they did not do it before.

As the gentleman from Louisiana earlier spoke, he said, "Well, we should

make all of this apply to private as well as public." I dare say that if you did do that, then why should the chemical companies anymore have to put pollution devices on? Because the Federal Government is gong to pay for it, not the private companies. They are not going to worry about generating power and dumping it all in the rivers and streams. Why should they worry about it? Because if they have to correct it, the Federal Government is going to pay for it. They should not have to pay for it. Their stockholders will not have to pay for it. So what we have here is a box full of all kinds of fruits and vegetables, all mixed in.

And I have the sponsors tell me they are all the same. Well, to me it is a fruit salad, and it is not one apple or a whole bunch of apples in the box. You have got a fruit salad, and it is all messed up.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado [Mr. SKAGGS].

The amendments were rejected.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer two amendments. They are amendments Nos. 69 and 70.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments, numbered 69 and 70, is as follows:

Amendments offered by Mrs. COLLINS of Illinois: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) provides for aviation security or airport security.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for aviation security or airport security.

Mrs. COLLINS of Illinois. Mr. Chairman, I ask unanimous consent that the amendments numbered 69 and 70 be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman airport security is one of the most important concerns in the public's mind. Nearly a decade ago, there were a number of incidents involving airport and aviation security, including hijackings, the carrying of weapons on board aircraft, and other lapses that give cause for great concern to those of us who fly. Several years ago when I was chair of the Government Operations Subcommittee on Transportation, we held numerous hearings on lax security procedures at our Nation's airports.

During those investigations, we found that doors to ramps leading to airplanes were often not locked. That unauthorized person had easy access to the tarmac. We found that it was extraordinarily easy for weapons to be smuggled onto aircraft because security personnel were often lax, inadequately trained and/or supervised.

We brought these facts to light, and as a result there is much better security at our Nation's airports today. What would happen if we couldn't require local communities to improve their airport security unless the Federal Government paid all of the tab? Perhaps many, or most, of them would simply ignore sound security measures. Isn't this an issue that is comparable to national security? I believe it is.

This is not an issue which pertains just to Chicago, where I am from, and its O'Hare Airport. Airport and aviation safety is an issue for all of us who fly any place. We, the flying public, has a right to feel secure when they enter an airport or when they fly on any type of aircraft. The security standards are imposed by the Federal Government. They are not and should never be allowed to become discretionary on the part of local governments who happen to run their municipal airports.

Mr. Chairman, aviation safety is on everyone's minds lately and the Federal Aviation Administration has been extremely responsive to those concerns. Last year's crashes of commuter prop planes due to icing on their wings was tackled by the FAA through tough restrictions on flights until more tests could prove conclusive of the causes of those disasters.

We cannot and must not let this type of authority by the FAA to be taken away. If that were to happen, airline safety would become merely a matter of convenience, not a requirement. The public would lose all confidence in the Nation's aviation system and people's lives would be needlessly endangered.

Under this legislation, the ability of Congress to authorize an agency like the FAA to impose standards for aviation safety are placed in great jeopardy. I do not believe any of my colleagues would like for this sensible responsibility to be taken away.

Therefore, Mr. Chairman, I urge Members to support my amendment so that aviation and airport security does not become a victim of this legislation.

□ 1820

Mr. CLINGER. Mr. Chairman, I rise in reluctant opposition to the amendments.

Mr. Chairman, for several years I served as ranking member on the Aviation Subcommittee, serving under Mr. OBERSTAR's chairmanship. Like him, I would indicate I stand second to no one in my desire to ensure the safety of the traveling public. But I would say again that this amendment is based upon a fundamental misunderstanding of what the bill does. The bill does not prevent Congress from passing laws, or the FAA from issuing rules and regulations to protect passenger safety. It merely requires that Congress and the agency to think about the costs of what they do. It will not in any way undercut or dilute existing rules, regulations, and laws on the books to protect aviation safety, to protect against terrorism or anything else.

Mr. Chairman, a little more than a year ago President Clinton's National Airline Commission identified the cost of complying with regulations as one of the main reasons for the airline industry's financial problems. It recommended a number of actions to address that problem.

This bill, Mr. Chairman, goes a long way toward implementing that recommendation. However, the amendment that is proposed would undercut that. The fact is, Mr. Chairman, that he airline industry has lost over $12 billion in recent years, in the last 2 or 3 years. That is a loss that you cannot sustain forever.

So all we are saying is yes, safety is paramount, has to be paramount, has to be a very top consideration of what we do. But clearly, if the proposed mandate on airline safety comes forward and the case is made that this is a necessary addition to the regulations and rules and mandates already in effect, something that is very definitely needed, I think I would be the first one to support passing that through without Federal funding. But at this point it would not require that.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, the gentleman just mentioned that the airline industry has lost a great deal of money. That is certainly true. But the airline industry has also caused a great number of people to lose their lives. I do not think that could be equated in dollars at this point or any other point in time, as a matter of fact. It seems to me that all these rules and regulations that we have and may need to be imposed in the future that deal with the security and safety of our aviation industry and our airports is just too important not to become a part of this particular legislation in the exclusion section of this bill.

Mr. CLINGER. Reclaiming my time, I was certainly not in any way suggesting that a mandate that was clearly going to improve the safety of passengers in this country should not be passed through. But what I am saying is that, given the perilous condition c

the airline industry today and the fact that they have lost a great deal of money and we are potentially putting our employees at risk, that just to approve every potential safety-improving mandate without at least considering the cost I think would be a mistake. For that reason I would have to oppose the amendments of the gentlewoman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have thousands, tens of thousands of flight hours both in the military and civilian aircraft, and in the future I plan to get thousands of more flight hours.

Mr. Chairman, the gentlewoman is correct that we have lost a lot of lives in aviation. If I thought for 1 minute that we could pass something that would prevent that, then I would pass the amendment, but I rise in opposition to the amendment. There is nothing that stops this body from passing a funded mandate onto States or Government agencies. If we feel it is important, whether it is endangered species, clean water, clean air, or, in the case of the gentlewoman's amendment, then we should fund it. It is only logical, when we fund it we should have a cost assessment to help all the Members figure out what those costs are going to be to the States, because if we pass on an unfunded mandate, then I imagine the States, and I imagine the State of the gentlewoman and the State of California, none of us has enough money to do all of the things we want to do in the other services that we talked about, in education, law enforcement, social services and the rest.

But when we pass that unfunded mandate, it makes the States take a look at a priority, and quite often those priorities are not in agreement with the individual Members passing on the mandate. So I would suggest to the gentlewoman that a funded mandate of this type—and I would support a funded mandate, but not an unfunded mandate, to the organization because I do think we need oversight in availation safety. I personally do, and I know the gentlewoman flies home, plus I fly privately and in the military; so I think in all of those cases it is not too much off the wall to ask that we, A, have a cost assessment and, B, to fund the mandates that this body regulates on enterprise or on the States.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Representative COLLINS of Illinois is talking about her amendment mainly on airport safety and talking about airline safety. Let me bring up another point.

Just like my colleague from California, though he has a little bit further to go, but I go home every weekend to be in my district in Texas, which is just halfway to California.

But I also feel a lot safer when I have to go through that airport security and those scan devices, simply because it makes me safer in the Houston airports. That was not put there because the city of Houston, our airport authority, did that out of the goodness of their heart. They did that because there were Federal mandates to do that. Also, they utilized enterprise funds, local funds that are made up of money that we pay as passengers to provide that airport security. We have some of the best, secure airports in the world because a lot of us have been to a lot of other places and we know we are really concerned about walking through some of those machines and we do not know if they work or not. But we know in our airports they do because they have to.

Again, if we could compete, whether it be Houston, San Diego, Los Angeles, or somewhere else, we might have different standards for each of them if we do not have some kind of recognition nationwide of airport security needs, not just from terrorism, or pilot training or private pilot training. That is a mandate. It is in some ways funded because I am sure FAA provides some funding for it. But some of it is unfunded because it is also made up of local tax dollars and local money paid for out of airline tickets that pays for that. So it is unfunded from the Federal Government. We may vote for that next week, if there is some new technology that comes out, but what is going to happen if we pass this without recognizing that the next Congress may say we are in a bad budget, we are in a $4 trillion debt. But I am willing to pay for funded mandates, sure I will, but I am not sure that there are going to be 218 Members of Congress who will do it. So we will see the standards in our airports possibly go down because of the threat of terrorism. Also, we do not have to go very far to know some countries only pay lip service to it whereas in the United States we put teeth into it. It is paid for most of the time by local funds because they also benefit by having a major airport in their community.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank my friend for yielding.

Mr. Chairman, I agree with the gentleman. Airport safety, especially in times when we had fundamentalist problems, for example, during Desert Storm, those things are required. But I say to my friend, if it is important enough—and I believe there is not a Member here who is not going to support it, I do not believe there is—that will not support safety in airports, since we all ride those things, that we would not fund that.

□ 1830

Our only request is that, when we think something is important enough to mandate it, let us fund it, and I will support the gentleman.

Mr. GENE GREEN of Texas. And I understand that, and, reclaiming my time, we will, we very well may do that some future time, if we find some new technology. It may cost a million dollars to provide new technology to discover some new type of weapon that somebody may try and smuggle in our airport. We must fund it from here, but also those local communities benefit from having that airport there, so they should also participate in. That is what we are doing now.

I just want to say we all are supporting, and I support, the bill. I just want to make sure that we recognize that some future Congress may say, "Oh, no, that's an unfunded mandate," and the standard of living that we have become accustomed to in these great States will go down because some future Congress may say, "Well, we have to take an unfunded mandate vote," and I am so against unfunded mandates, but we cannot increase the national debt because of that. We are just going to have to take our gamble, and may be some terrorism from wherever else in the world may be able to slip through. We need to recognize that today when we are debating this bill because it will have an impact on the gentleman's and my constituents.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. I would like to engage for just a minute the gentleman from California, if I can, because, when I look at the section on the limitation of application, I am looking at particularly there is a requirement that would eliminate the required compliance with accounting and auditing procedures for prospective grants and other——

The CHAIRMAN. The time of the gentleman from Texas [Mr. GENE GREEN] has expired.

(On request of Mrs. COLLINS of Illinois and by unanimous consent, Mr. GENE GREEN of Texas was allowed to proceed for 3 additional minutes.)

Mrs. COLLINS of Illinois. It requires compliance with accounting and auditing procedures with respect to grants or other money for property provided by the Federal Government; No. 4, provides for emergency assistance or relief at the request of any State and local government, or tribal government, or any official of such a government; or No. 5, is necessary for the national security, or the ratification or implementation of international treaty applications, and so forth.

It just seems to me there is nothing more important than the national security of the people who have to live in this country, and who will fly on these airplanes and make their living through going on airplanes, vacationing. I would just hate to see a situation

where the flying public feels they are not going to be safe, they are not going to be secure, they are not going to be provided for in any kind of way to make sure when they board a plane, or when they go through an airport, they are not going to be able to come off that plane safely or even get on the airplane safely.

As my colleagues know, some of the problems that we have when we were doing these investigations, that we actually put FAA officers, people who work for FAA, along with our investigators, to walk through airports, and, when we go through an airport now, we see little numbers on these doors before we get ready to get on the plane. Those have numbers on there. That is a result of the kind of mandates they had to do. It was necessary because people were walking right on.

We also found that there were actually—we put toy guns, if my colleagues will, at that time on luggage, and the FAA officials were with us when they did it, and they passed right through the security screening every single time. They were surprised. We even were able to walk on the tarmac of airports, not just small municipal airports, but huge international airports in our country. We were able to do those things, and the FAA, because it had the responsibility that we gave it, we mandated that these airports be made safe and secure.

For us to ignore that kind of national security, it seems to me, is just to disregard all that has been done. Because of that we do not have the number of hijackings that we had a number of years ago. We do not have the number of planes falling out of the sky every other day that we had before. We do not have possible bombings as we have had in other countries where people were walking in an airport, and the whole thing goes up in smoke. As my colleagues know, we do not have that because of the fine work of the FAA and because we in Congress mandated these kinds of security measures.

Mr. GENE GREEN of Texas. Let me just mention that there are some exceptions in the bill that we are amending on section 4, and, as the gentlewoman from Illinois [Mrs. COLLINS] mentioned, No. 5, it is necessary for national security, ratification or implementation of international treaty. This amendment may be under this bill right now. But since we did not have a public hearing, we could not ask those questions of the experts in the FAA. We were not able to find out, and so that is why we are having to take this time on the floor of the House tonight.

Mrs. COLLINS of Illinois. The gentleman is absolutely right.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, colleagues, there are two areas of unfunded mandates issues that are of great concern to me in the field of aviation. One is security; the other is safety.

Security measures should not be subject to a mere point of order, that they could be stricken by a single point of order made against a measure that would improve security for American air travelers at home and abroad, at our airports and abroad, our airlines and foreign airlines. Certainly an issue of that matter ought to be subject to a majority vote, but not by a simple point of order. A motion to strike is always in order. But a point of order against a matter so important as security, this legislation would undermine, would gut, the ability of Congress and Federal agencies to impose needed security and safety measures on airport operators and on United States and foreign airlines. All major airports are now run by agencies of State or local government. When we consider laws that we have enacted in the past, that would have been jeopardized by a provision such as this had it been in effect at the time we enacted or brought on to the floor such legislation.

On December 21, 1988, terrorists succeeded in blowing PanAm 103 out of the skies over Lockerbie, Scotland; 270 of our fellow citizens died in that tragedy. As a result of the breach of security and the devastating results, President Bush asked for, and the Congress enacted, legislation creating a commission on security and terrorism, on which I served and of which our former colleague, John Paul Hammerschmidt on the Republican side, served, and produced a report with 64 recommendations which we then drafted in a legislative form, introduced in the House and the Senate, and got enacted into law, and the President signed all of those provisions into law. Now I look back on the work that we did in that legislation, and I shudder to think what would have happened had we brought that bill to the floor, and any one of those provisions could have been subject to a mere point of order.

Now there is no way that we could fully fund with Federal funds all the requirements that were necessary to go into effect to protect security, protect the security of American travelers on U.S. airlines at U.S. airports and protect the security of American travelers overseas, at foreign airports, aboard foreign airlines. They, too, have a responsibility to security. They, too, have a responsibility to the people that travel aboard domestic and foreign airlines, and to say that, no, that that responsibility can be knocked out on a point of order does not make sense without even subjecting it to a matter of debate on the House floor. When millions of flights take off, nearly 40 million a year in this country, when they take off and land safely, when there is no loss of life because of terrorist action, which there has not been in the domestic United States since 1969, we do not see headlines about it, but we know that lives have been saved because of the legislation that we have enacted. But this Congress has had the responsibility to come forward and deal with, and that we have accepted that responsibility, and we have acted, and I say, "But if you have one hijacking aboard a domestic airliner, or one airport invaded by terrorists because of a breach of security, and you go back and find, well, it happened because we didn't have sufficient laws in place, because we didn't have sufficient security measures in place, and then if you were to go back further and say, 'Yes, we tried, but it was stricken on a point of order on the House floor,' sure doesn't make sense to me."

It certainly seems to me that the provisions in this unfunded mandate legislation undermine the responsibility we have to our fellow citizens to ensure that aviation be maintained safe and secure. The same argumentation applies to the safety side of aviation.

□ 1840

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, we have enacted legislation to provide for safety aboard American airlines and at American airports, and there is already a very heavy burden of responsibility on the FAA to undertake in conjunction with each safety rule making a benefit-to-cost study as they proceed in the rulemaking process.

That has enormously bogged down the FAA. One of the most important considerations now in light of tragedies that happened last year in the commuter airline sector is to have a single standard of safety between part 121, the major airlines, and part 135, the commuter and regional airline operators. It has taken months, it will soon be over a year, for the FAA to issue regulations in this area, where the commuters are agreed and that majors are agreed that those safety regulations ought to go into effect.

Now, they have been bogged down because of this need to conduct the cost-benefit analyses for 15 different signoffs within the FAA and DOT and the Office of Management and Budget. If you add to that someone can stand up on the floor and make a point of order, and say no, you can't do that, what are you doing to safety?

I just think it is an egregious affront to safety to provide this kind of procedure, where on a simple point of order, in initiatives such as emergency escape path markings, seat cushions that will not catch fire readily, protective

breathing equipment for use by flight attendants in emergency, improved cabin interior materials that burn less readily and do not put out toxic fumes aboard new aircraft.

When FAA went to move on those safety improvements, they had to run a gauntlet of procedural hoops and second guessers in the Department and the Office of Management and Budget. Please do not add another hoop and another gadget and another hostility here on the House floor to safety and security in aviation. You travel also, each one of us travels aboard aircraft, and we want it safe for ourselves and our constituents.

Mr. MINETA. Mr. Chairman, I rise in strong support of the amendment.

The pending bill will make it far more cumbersome and time-consuming to adopt needed new laws and regulations to ensure the security of air transportation. A delay in security regulations might result in a tragedy which could have been prevented. The Collins amendment will correct this unfortunate consequence of the bill by exempting laws and regulations promoting aviation security.

It already takes FAA far too long to adopt needed security regulations. To cite just one example, a few years ago we lost an airliner over Lockerbie, Scotland and the terrorism threat soared. In response we passed a law, the Aviation Security Improvement Act of 1990, making extensive improvements in security, including a directive to FAA to develop regulations to require that persons with access to airline aircraft undergo employment investigations, and criminal history checks. More than 4 years have elapsed and the necessary regulations are still not in place.

The recent bomb threats in East Asia have shown that there continues to be a substantial threat that bombs will be placed on-board aircraft. We cannot tolerate further delays in the background check regulations which are designed to prevent terrorists from gaining access to parked aircraft. New regulations might prevent another Lockerbie tragedy.

The extensive delays in the FAA rulemaking on safety and security are partially attributable to the existing requirements for extensive studies of the costs and benefits of regulations, their impact on State and local government, and their impact on small businesses. The additional studies required by the pending bill would produce little valuable information, while further delaying a process which is already too slow.

Title II of the bill before us is going to make it much slower and more difficult for FAA to issue new standards to respond to aviation safety and security problems as they arise. It will tie the FAA up in more redtape and make it harder to act to protect the public interest. And that would also be true for new safety standards such as the new commuter airline safety standards which FAA is working on.

Title III of the bill before us would make it harder and slower to respond to aviation safety and security threats when a legislative response is necessary. New redtape and studies would be required before we could bring the bill to the floor, and additional points of order and votes would be required. The aviation security bill we passed in 1990 would have been subject to a point of order if this unfunded mandate bill had been law then.

Both title II and title III would make it unnecessarily difficult and slow to respond to aviation security issues. There is no good reason why aviation security should not be exempted from H.R. 5.

I strongly urge adoption of the pending amendment to prevent further delays in laws and regulations which would enhance aviation safety and security.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Illinois [Mrs. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 9, as follows:

[Roll No. 25]

AYES—169

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

NOES—256

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

NOT VOTING—9

Bishop
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Livingston
Quinn
Rush
Slaughter
Tiahrt

□ 1857

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Tiahrt against.

Mr. EDWARDS, Mr. SCHUMER, and Mr. RANGEL changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. GENE GREEN OF TEXAS

Mr. GENE GREEN of Texas. Mr. Chairman, I offer amendments 73 and 153 and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. GENE GREEN of Texas:

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

Mr. GENE GREEN of Texas. Mr. Chairman, the amendments that we are considering now would exclude regulations on licensing, construction, and operations of nuclear reactors, and also on disposal of nuclear waste from the point of order procedure in this bill. We have actually two amendments that deal with two sections of the bill.

The NRC is a national agency. Very seldom do States get involved in some of the regulation. However, Mr. Chairman, many States, not only my State of Texas but also New York, South Carolina, and a great many other States, have nuclear powerplants that are often either locally owned, State-owned, or in our case in Texas, are actually cooperatively owned by private business, ratepayer companies.

Mr. Chairman, the issue at hand is whether we should have national regulation of nuclear reactors and nuclear waste disposal, or whether it should be exempted from the unfunded mandate issue. The Nuclear Regulatory Commission is a national agency; in fact, an independent agency.

The problem where it comes in is that in south Texas and in other States we have cooperative nuclear power plants that are owned by investor-owned companies, but also by local municipalities. The issue that it brings up in this bill is what happens if we have, as in our case in south Texas, the managing partner who is an independent company, investor-owned utility, but the owners of it or partial owners of it are municipalities who provide electricity to their citizens in different parts of the State. How do we differentiate?

The concern I have, and that is why this is an amendment to section 4 of the bill, would exempt out that. Very seldom do we have State regulation of nuclear facilities, although we have an example of a bill now that has been introduced by the gentleman from Texas [Mr. FIELDS], that I have cosponsored, that would provide for waste disposal in a cooperative effort.

When I was in the Texas Legislature 3 years ago, we had to pass enabling legislation for that. The concern I have is that we are going to have nuclear reactors or nuclear waste that really should be a national issue. The Three Mile Island, the Pennsylvania tragedy back years ago, did not know State lines, any more than Chernobyl knew international lines. We need to have a regulatory commission that is not subject to the whim or a point of order procedure here on the floor of the House. They should not be shielded from that, whether it be on the power or the waste disposal.

Mr. Chairman, as the bill presently reads, a competitive advantage could be accrued to publicly owned utilities, often publicly owned facilities. That point of order procedure would block the mandates on States and localities, but not those local entities.

How does it affect the part-owned, part-public owned and part-private owned, as I first mentioned? The point of order standards place a new hurdle to pass on the safety regulations for nuclear power.

I am not anti-nuclear. I have been pro-nuclear. I think nuclear power plays a part in our energy policy, and it should, but it should not be to the whim of local governments or even States. It should be a national issue and not something that we deal with on 50 jurisdictions, or maybe hundreds of thousands of jurisdictions, based on our locality.

Mr. Chairman, this bill had no public hearings on it. The only person we could hear from was the sponsor of the bill, the gentleman from Ohio [Mr. PORTMAN], who is very knowledgeable on unfunded mandates, but we could not ask any questions on how it affected nuclear power or nuclear waste disposal, because we needed to have a hearing to discuss it so we can find out. We did not have that. That is why we have to run with not only this amendment but a number of amendments here on the floor.

Mr. Chairman, we need to learn the impact of how this is happening. That is why we are having not only this amendment but other amendments, to develop a legislative history so somebody down the line can say "This is what the intent of Congress on unfunded mandates was."

I mentioned earlier today an editorial in the Houston Post, and again, for those who were not here earlier, it is not the Washington Post, it is an outside-the-beltway paper, that Republicans and many Democrats support the unfunded mandate bill, but we also realize it is not a panacea, and we need to realize what we are doing with this.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GENE GREEN] has expired.

(By unanimous consent, Mr. GENE GREEN of Texas was allowed to proceed for 2 additional minutes.)

Mr. GENE GREEN of Texas. In brief, let me say Republicans and many Democrats are going along with this effort, and want us to believe most mandates of Federal Government are not reasonable simply because the Feds love to meddle in our lives. While there is no denying that Congress and Federal bureaucracy do have a tendency to overregulate, that is not always the case.

The point needs to be remembered that many of the regulations were adopted in response to lack of action by local or State officials to protect people's lives and rights.

□ 1910

If we do not do this on nuclear power, what can we do with waste disposal?

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, I would also like to add to the list a situation where, for example, the Federal Emergency Management Agency of the Department of Energy is also promulgating nuclear safety rules.

Let us take the case of Seabrook, where Seabrook is on the Maine, New Hampshire, and Massachusetts borders. What if there is a decision made with regard to nuclear safety that the State of New Hampshire does not want to comply with because of their own budgetary constraints? What recourse does the State of Massachusetts or Maine have with regard to a nuclear safety decision which could clearly affect large areas of both of those States if in fact there has been a budgetarily driven decision with regard to whether or not a safety or health-related decision should be implemented?

I thank the gentleman for raising this very important health and safety issue, and I would urge support for the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. GENE GREEN]. This amendment would preserve strict safety standards at nuclear facilities and maintain vital emergency evacuation plans around nuclear sites.

As we consider ways to reduce burdensome Federal mandates, we must not weaken the ability of the Federal Government to ensure a safe and secure environment for all Americans. This amendment is prosafety, not antinuclear.

The issue here is only the ability to protect citizens around nuclear facilities, nothing more. As accidents at Three-Mile Island and Chernobyl should remind us, laws and regulations designed to improve safety and evacuation procedures around nuclear plants must not be compromised in a dangerous scorched Earth policy to do away with Federal regulations.

I do not believe we have adequately examined just how this bill would affect the health and safety of Americans:

For example, what would happen if a State or local government owns and operates a nuclear powerplant? What regulations would the State be mandated to follow? In New York, the State purchased the Shoreham nuclear powerplant for the purpose of dismantling it. What Federal regulations would New York State or any potential State-owned nuclear facility have to follow if it ran a nuclear plant? What obligations would a State-run nuclear facility have in disposing of nuclear waste?

In the future, would weak safety and disposition regulations be permitted simply because they were cost-effective? I ask my colleagues to examine the human costs of passing this legislation unamended.

I understand that regulations promulgated by independent agencies such as the Nuclear Regulatory Agency are exempt from provisions in the bill. However, are important nuclear safety and evacuation guidelines established by the Energy Department and the Federal Emergency Management Administration [FEMA] subject to the bill's restrictions?

And how about a nuclear powerplant that sits on a State border? The Seabrook plant site in New Hampshire between Maine and Massachusetts. If New Hampshire refuses to meet a Federal nuclear safety standard, Massachusetts and Maine are exposed. Are these multi-State decisions solely subject to the budgetary constraints of a single State?

This amendment would alleviate concerns that the bill would hinder the Federal Government's ability to establish important safety protections. Mr. Chairman, I urge my colleagues to support the Green amendment.

Mr. GENE GREEN of Texas. I thank the gentleman from Massachusetts [Mr. MARKEY].

Mr. Chairman, in the last minute or so that I have, he made a great point. The Department of Energy plays a role in regulating nuclear waste disposal and it needs to be considered as important even though it is not an independent agency that may or may not be exempted under this bill. But again since we had no public hearings, we do not know whether it is or not.

I ask for a positive vote on the amendment.

Mr. Chairman, I include the following for the RECORD:

NO EASY ANSWERS: ISSUES AROUND UNFUNDED MANDATES NOT SO SIMPLE

Unfunded mandates—the term has become one of those overly used but often misunderstood catch phrases.

The new Republican majority in Congress has made eliminating unfunded mandates part of their battle cry. It can even be found in the House Republicans' Contract with America. Both houses are considering bills to make more difficult enacting legislation imposing costs of more than $50 million on states and municipalities.

If you have trouble understanding what it's all about, picture a teen-ager complaining about his parents' ordering him to run errands for them without providing the money for his car's gasoline. While the concept is that simple, the issue is not so simple.

For years, local and state government officials across the country have complained that Washington is too quick to tell them what to do but that it hardly ever provides them the money to help them comply.

The Clean Air Act, the Fair Labor Standards Act, the Family and Medical Leave Act—all were imposed on state and local governments by Washington. While some have come with federal grants, much of the billions it has cost states and cities to implement them has to be raised locally.

Is that fair? It depends. Going back to the analogy of the teen-ager and his car, clearly it is wrong for his parents to force him to use his money for gas to run their errands. But what if they are simply ordering him to repair his transmission so that it won't leak on their driveway?

It is the kid's car and his problem, but it is damaging the family's property. Should the parents have to pay for the repair just because they ordered him to get it fixed?

Suddenly it's not so simple, is it?

Now apply this to the government level. What if, as has happened repeatedly across the country, a city refuses to repair its sewage system to prevent the pollution of a local waterway? When the federal government finally steps in and says, "Look, you have to quit endangering people's lives with your raw sewage," should the federal government be required to pay for the sewage-treatment plant repair?

Obviously not.

The Republicans—and many Democrats who are going along with them—want us to believe that most mandates from the federal government are unreasonable orders issued simply because the feds love to meddle in our lives. While there is no denying that Congress and the federal bureaucracy do have a tendency to overregulate, that is not always the case.

The point that needs to be remembered is that many of the regulations were adopted in response to lack of action by local and state officials to protect people's lives or rights.

A second point that bears remembering is that regardless of whether the money comes from Washington or Austin or Houston, it originates in our pocketbooks.

The only difference is that we lose a lot of it when we send it to Washington first because it goes through so many bureaucratic layers.

Finally, we should recognize that the point of the war on unfunded mandates is not to get Uncle Sam to pay for mandates, but to keep it from making mandates in the first place. It's part of an intense anti-regulation campaign.

The unfunded mandates solution being considered by Congress is like the balanced-budget amendment to the Constitution and other quick-fix ideas in that it helps lawmakers avoid hard decisions on specific issues.

While seeking to ease the burden on cities and states is a good idea, there is nothing keeping Congress from doing that right now.

Congressional proponents of the unfunded mandates measure have the votes to pass it, but it deserves careful scrutiny before it becomes law.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, once again in proposing an amendment, the gentleman has raised a very important issue, just as the issues that have already been raised dealing with airline security, dealing with clean water are important issues.

I would point out at least insofar as this particular issue is raised, however, that in the definition section, an agency does not include an independent agency like the Nuclear Regulatory Commission.

So I believe that there is an exemption in the bill stated for the Nuclear Regulatory Commission identified by the gentleman.

Further, where there are licensing procedures, there is nothing in this bill that prevents the revocation of a license for not being in compliance with any requirement that one had to be in compliance with in order to receive a license in the first place.

Mr. Chairman, my point is that I believe that there are already exemptions in this bill which go a long way in addressing the issues that the gentleman from Texas has raised. But with respect to other issues that might remain, it still comes down to the fact that Congress should be accountable for those mandates it is passing on to State and local government.

Once again, we have to reiterate as supporters of the bill that there is nothing in this bill that prevents Congress from in fact passing unfunded mandates on to State and local government. There are those, and we may see an amendment before consideration of this bill is finished in this committee which would change the bill to make that requirement. But as the bill stands now, there is a requirement to identify costs and upon a point of order force the Congress to vote independently on whatever mandate is proposed if it does not include funding.

Just as with the other important issues that have already been debated on this floor, there is simply no reason why this particular issue should make Congress exempt from accountability if it is going to make State and local government take action at the expense of the State and local government.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened closely to what the gentleman from New Mexico

said and also the gentleman from Massachusetts, and I think there is even more reason based on their comments to support and pass the Green amendment.

The issue basically of the safety of our Nation's nuclear facilities, of disposal of waste and the other regulation that goes along with it I think is too important really for us to question exactly how this legislation will impact that area.

For that reason, I think that we need to pass this amendment. I think that H.R. 5 affects a lot of important public policy concerns and deserves the careful consideration that we have been giving it on the floor, but as has been mentioned by the gentleman from Texas [Mr. GENE GREEN] and others, it has been pushed through the legislative process in a manner I think that leaves a lot of questions unanswered.

The way the bill is currently drafted, it seems to set up an inequity between publicly owned and privately owned nuclear facilities. I think it can be interpreted that way. It can provide less protection to citizens living near publicly owned nuclear reactors or disposal sites than for those who live around privately owned facilities. This is a kind of patchwork effect that I think is unjustifiable. How are we going to explain to our constituents who are concerned about nuclear waste and nuclear safety that the relative safety or their peace of mind where they live is going to depend on who owns the nearby power plant?

In terms of business equity also I do not think we can justify creating an unequal playing field for different types of utilities, one which allows publics to escape certain costs while privates have to pay full freight for the safety.

I hope my colleagues will support the Green amendment to ensure that nuclear safety will not be compromised.

As you know, the bill provides similar protection for a lot of other important societal values like civil rights, Social Security, and national security. It seems to me that environmental protection, particularly in this sensitive area of nuclear safety, deserves the same degree of uniform application and bottom-line assurance as these other important concerns.

I know there is going to be a lot of talk about how if you read the bill a certain way that certain agencies are exempted and that one of these includes the Nuclear Regulatory Commission. But I still think there are a lot of questions there and the issue of nuclear plants and the safety of those facilities is too important in my opinion that it should be left alone. We have to in my opinion support the Green amendment because this area is so important and so sensitive.

Mr. SCHAEFER. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I certainly do understand the intention of the gentleman from Texas. However, with the NRC, whenever we are looking at the construction or the safety aspects of nuclear facilities throughout this country, they have certainly done a good job. We have not had one single death attributable to nuclear power in this country. The one thing I do not think we should be even talking about is a difference in the regulation of a private and a public utility, particularly when it comes to nuclear.

Our particular subcommittee deals with all of these issues and I think that when we start talking about a difference and a different type of law that they would have to follow or rule that they have to follow, fine. Now if there is something out there that is unfunded as far as the safety or the construction or the operation of a particular power plant, then the Federal Government certainly should be involved in the funding of that particular mandate. But I think this goes along the same way as the Clean Air Act, the airport safety, and everything else, that if indeed it is unfunded, it should be funded by the Federal Government. When it comes to nuclear power facilities, they should all be treated the same. We should look at public and private the same for the safety of the people in our country who live around these.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. I thank the gentlewoman from Florida [Mrs. MEEK] for yielding.

Mr. Chairman, let me respond to some of the concerns that were raised by the other side of the aisle. One, and I understand that they say that the NRC is not included, but it is. The point of order on this floor still applies to the NRC or to the Department of Energy.

Also if we are going to regulate nuclear energy and the disparity to my colleague from Colorado is that we have local agencies, local units of governments, the city of Austin. Some of them wish they did not own portions of nuclear power plants now, but they do. And how are they going to be treated when the managing partner is a private investor-owned utility that would have to be paying part of a mandate if it is not included?

That is the problem with the bill. I think the bill in the definition section even though it does pull out independent agency, the point of order still lies here on the floor and that is the concern. It could slow up responsiveness by this Congress to a nuclear disaster, whether it be Chernobyl or Three Mile Island or whether it be something in the future that we on this floor may not know tonight.

□ 1920

It affects not only this amendment, but it affects airport security mentioned in earlier testimony. It mentioned even the Clean Air Act, because even though we all may have questions about the Clean Air Act, particularly those of us in Texas about the emissions, we still know that we have an ability to deal with that through the EPA, as some of us did last week from the State of Texas. But a point of order still applies on this no matter what this bill says on the floor.

Again, expanded even more, even though NRC may be an independent agency, and it is under the definitions, but the Department of Energy also has input into and has regulations on disposal of nuclear waste, and they are.

Granted, I want them all to come under the provisions of the bill. Most of the time they do. In fact, I do not know of a case where they have not consulted with local units of government that are impacted, and that is great, and that is why I support generally the bill.

But I also know we have to look into the future and say there are some exceptions that need to be made, and we are talking about nuclear waste, nuclear power, because again we have not only a national track record but an international track record to know that when we need to respond, we do not need to throw any other roadblocks in the way.

Mr. SCHAEFER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, I know the gentleman understands the fact that the NRC has absolute authority over nuclear facilities, and the thing that I have been certainly concerned with is if an independent nuclear operation is moving in a different direction from which all others are, that if something did happen out there that there would be less response time, and that is the concern I have with the gentleman's amendment.

Mr. GENE GREEN of Texas. If the gentlewoman will continue to yield, my concern is that we are throwing up more roadblocks to respond and not listing them, and we may just have a difference of opinion on this, but I think when we require the NRC to go through it or the Department Energy or even on the floor of this Congress to have a separate point-of-order vote against something, one Member can require it, and we are run by majority, as the gentleman well knows. But we could still slow up the responsiveness to a nuclear incident or nuclear accident.

Mrs. MEEK of Florida. I commend the gentleman on his amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is regrettable that we have to go through this extensive, long, drawn-out process of seeking to correct some of the problems in this bill. I will point out, as many others have, that we could have avoided this through a more careful process of hearings and more extended consideration in committee. That same point has been made by others.

Most of us agree that some unfunded mandates can be bad, can adversely impact State and local governments, and can be difficult to defend on rational grounds. Most of us would like to correct that situation to the fullest extent possible. But the question, is how do we go about that process of correcting it?

The bill before us, H.R. 5, proposes a draconian solution by making all mandates more difficult and in many cases impossible, even when they have an obvious value to the public welfare and to the quality of life in this country.

While I am supportive of reasonable efforts to correct the problems of unfunded mandates, the bill before us does not meet that goal, and, as I said, this is reflected in the large number of the amendments proposing reasonable improvements to the bill.

One of these is the amendments that we have before us by the gentleman from Texas [Mr. GENE GREEN]. I commend him for offering this amendment.

There are many reasons why the nuclear industry should not be within the purview of this bill, including the reasons that it is going to be next to impossible for the Congress or the OMB to estimate either the cost or the benefits of regulation of the nuclear industry.

Literally thousands of man-years have been spent trying to evaluate the possibility of an accident, for example, and that is a key consideration in determining whether or not to regulate. If there is a possibility that some practice or some activity in the nuclear industry is going to cause serious problems, we need to know how serious, what is that possibility, and frankly, we are not in a position to provide that information with any degree of accuracy.

I doubt very seriously if most of the Members of Congress are going to be able to actually understand what the possibilities of serious accidents are and what the importance of correcting that accident through a proper regulatory measure are. I know how we have acted in the past. We have tended to use the best judgment that was available from experts who appeared before our committees and gave us that information, and then we have distilled that and provided the necessary authority to the NRC to take the actions that it would require.

I do not think that this bill represents any improvement on the processes we have been following. My guess is we should not have put it into the bill in the first place.

So I urge support for the amendment offered by the gentleman from Texas [Mr. GENE GREEN] largely because I am so uncertain about the range of its implications.

I might indicate there is a difference here on the floor of whether even the NRC is included within the purview of this bill. That is certainly one of the simpler things that should have been explored before the bill was bought to the floor, so we could get a definitive answer on that question.

I am also uncertain of the range of questions that the regulatory review and point-of-order procedures included in H.R. 5 will have on our ability to deal with legislative regulatory issues in the nuclear industry. H.R. 5 is not the appropriate legislative vehicle to cope with issues of this sort.

I urge the adoption of the Green amendment.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Quickly, to clarify points made by the gentleman from California and respond to the gentleman from Texas on the Nuclear Regulatory Commission again, it says it will be very difficult to mandate in the future. In fact, it says impossible in some cases. I do not know where that comes from.

Again, this allows us to have a cost estimate, allows us to have a debate on the floor, a vote up or down. It will not be an impossible task simply to have a majority of this body simply consider whether the new mandates make sense.

With regard to Nuclear Regulatory Commission, it is very clear under title II of the bill it is in fact an independent agency and thus is exempt. That is under title II of the bill. That point was made previously.

With regard to the legislation itself and the existing exemptions, and this is in response to the gentleman from Texas's earlier concern about emergencies, there is a specific exemption for emergencies, and that is found in section 4.

Finally, as the gentleman from Colorado [Mr. SCHAEFER] said previously with regard to the NRC, they certainly currently have statutory authority to react to an emergency.

So I think, Mr. Chairman, the points that have been raised, although they are important and that is a very important issue that has been addressed, I think this legislation is a measured approach. I say to the gentleman from California, it is not draconian. It does allow us to mandate in the future. We just have to be thoughtful about it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas [Mr. GENE GREEN].

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

RECORDED VOTE

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 162, noes 259, not voting 13, as follows:

[Roll No 26]

AYES—162

Abercrombie	Gibbons	Oberstar
Ackerman	Gonzalez	Obey
Barcia	Gordon	Olver
Barrett (WI)	Green	Ortiz
Becerra	Gutierrez	Owens
Beilenson	Hall (OH)	Pallone
Bentsen	Hastings (FL)	Pastor
Berman	Hefner	Payne (NJ)
Bonior	Hilliard	Pelosi
Borski	Hinchey	Pomeroy
Boucher	Holden	Rahall
Brown (CA)	Hoyer	Rangel
Brown (FL)	Jackson-Lee	Reed
Brown (OH)	Jacobs	Reynolds
Bryant (TX)	Jefferson	Richardson
Cardin	Johnson (SD)	Rivers
Clay	Johnson, E. B.	Rose
Clayton	Johnston	Roybal-Allard
Clement	Kanjorski	Sabo
Clyburn	Kaptur	Sanders
Coleman	Kennelly	Sawyer
Collins (IL)	Kildee	Schroeder
Collins (MI)	Kleczka	Schumer
Conyers	Klink	Scott
Coyne	LaFalce	Serrano
Danner	Lantos	Skaggs
de la Garza	Levin	Spratt
DeFazio	Lewis (GA)	Stark
DeLauro	Lofgren	Stokes
Dellums	Lowey	Studds
Deutsch	Maloney	Stupak
Dicks	Manton	Taylor (MS)
Dingell	Markey	Tejeda
Dixon	Martinez	Thompson
Doggett	Mascara	Thornton
Doyle	Matsui	Torres
Durbin	McCarthy	Torricelli
Edwards	McDermott	Towns
Engel	McHale	Traficant
Eshoo	McKinney	Tucker
Evans	Meehan	Velazquez
Farr	Meek	Vento
Fattah	Menendez	Visclosky
Fawell	Mfume	Ward
Fazio	Miller (CA)	Waters
Filner	Mineta	Watt (NC)
Flake	Minge	Waxman
Foglietta	Mink	Williams
Ford	Moakley	Wilson
Frank (MA)	Mollohan	Wise
Frost	Moran	Woolsey
Furse	Murtha	Wyden
Gejdenson	Nadler	Wynn
Gephardt	Neal	Yates

NOES—259

Allard	Brownback	Crane
Andrews	Bryant (TN)	Crapo
Archer	Bunn	Cremeans
Armey	Bunning	Cubin
Bachus	Burr	Cunningham
Baesler	Buyer	Davis
Baker (CA)	Callahan	Deal
Baker (LA)	Calvert	DeLay
Ballenger	Camp	Diaz-Balart
Barr	Canady	Dickey
Barrett (NE)	Castle	Dooley
Bartlett	Chabot	Doolittle
Barton	Chambliss	Dornan
Bass	Chapman	Dreier
Bateman	Chenoweth	Duncan
Bereuter	Christensen	Dunn
Bevill	Chrysler	Ehlers
Bilbray	Clinger	Ehrlich
Bilirakis	Coble	Emerson
Bliley	Coburn	English
Blute	Collins (GA)	Ensign
Boehlert	Combest	Everett
Boehner	Condit	Ewing
Bonilla	Cooley	Fields (TX)
Bono	Costello	Flanagan
Brewster	Cox	Foley
Browder	Cramer	Forbes

Fowler	Laughlin	Ros-Lehtinen
Fox	Lazio	Roth
Franks (CT)	Leach	Roukema
Franks (NJ)	Lewis (CA)	Royce
Frelinghuysen	Lewis (KY)	Salmon
Frisa	Lightfoot	Sanford
Funderburk	Lincoln	Saxton
Gallegly	Linder	Scarborough
Ganske	Lipinski	Schaefer
Gekas	Livingston	Schiff
Geren	LoBiondo	Seastrand
Gilchrest	Longley	Sensenbrenner
Gillmor	Lucas	Shadegg
Gilman	Manzullo	Shaw
Goodlatte	Martini	Shays
Goodling	McCollum	Shuster
Goss	McCrery	Sisisky
Graham	McDade	Skeen
Greenwood	McHugh	Skelton
Gunderson	McInnis	Smith (MI)
Gutknecht	McIntosh	Smith (NJ)
Hall (TX)	McKeon	Smith (TX)
Hamilton	McNulty	Smith (WA)
Hancock	Metcalf	Solomon
Hansen	Meyers	Souder
Harman	Mica	Spence
Hastert	Molinari	Stearns
Hastings (WA)	Montgomery	Stenholm
Hayes	Morella	Stockman
Hayworth	Myers	Stump
Hefley	Myrick	Talent
Heineman	Nethercutt	Tanner
Herger	Neumann	Tate
Hilleary	Ney	Taylor (NC)
Hobson	Norwood	Thomas
Hoekstra	Nussle	Thornberry
Hoke	Orton	Thurman
Horn	Packard	Tiahrt
Hostettler	Parker	Torkildsen
Houghton	Paxon	Upton
Hunter	Payne (VA)	Volkmer
Hutchinson	Peterson (FL)	Vucanovich
Hyde	Peterson (MN)	Waldholtz
Inglis	Petri	Walker
Istook	Pickett	Walsh
Johnson (CT)	Pombo	Wamp
Johnson, Sam	Porter	Watts (OK)
Jones	Portman	Weldon (FL)
Kasich	Poshard	Weldon (PA)
Kelly	Pryce	Weller
Kim	Quillen	White
King	Quinn	Whitfield
Kingston	Radanovich	Wicker
Klug	Ramstad	Wolf
Knollenberg	Regula	Young (AK)
Kolbe	Riggs	Young (FL)
LaHood	Roberts	Zeliff
Largent	Roemer	Zimmer
Latham	Rogers	
LaTourette	Rohrabacher	

NOT VOTING—13

Baldacci	Kennedy (RI)	Rush
Bishop	Luther	Slaughter
Burton	Miller (FL)	Tauzin
Fields (LA)	Moorhead	
Kennedy (MA)	Oxley	

□ 1942

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Miller of Florida against.

Mrs. CHENOWETH changed her vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendments Nos. 107 and 108.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SANDERS:

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a mimimum wage, or establishment of minimum standards for occupational safety.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent that amendments Nos. 107 and 108 be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I offer this amendment along with my colleagues, Mr. CLAY from Missouri, and the gentleman from California [Mr. BECERRA].

Mr. Chairman, this amendment is simple and not controversial. It exempts Federal legislation that establishes minimum labor standards, including prohibition of child labor, establishment of a higher minimum wage, and establishment of minimum occupational safety standards. State and local governments are employers just like the private sector. So minimum labor standards are unfunded Federal mandates. This bill could have very serious consequences on the health, safety, and fair treatment of American workers.

Mr. Chairman, in the 102d, 103d, and in this Congress, I have introduced bills that increase the minimum wage. They provide for a moderate increase from the current $4.25 to $5.50 an hour and index future increases to the annual cost of living.

Mr. Chairman, today the minimum wage buys only 65 percent of what it did 10 years ago. At its current level, it is a hunger rate that results in full-time workers earning just $8,840 per year and falling well below the poverty level for a family of four. Any attempt to raise the minimum wage in this and future Congresses would be banned under this unfunded mandate legislation. This amendment protects hard-working Americans who deserve a livable wage.

□ 1950

Occupational safety and health standards that protect State and government employees, as well as private sector employees, are also considered as unfunded mandates that are banned by H.R. 5. This amendment would permit the establishment of minimum occupational safety and health standards that respond to newly discovered occupational hazards. Without this amendment, no minimum standard for indoor air quality relating to tobacco smoke, toxic dust, asbestos, radioactive and other cancer causing chemicals could be established for work areas. This amendment protects the safety of working America.

Mr. Chairman, more than 50 years ago, at the urging of President Franklin D. Roosevelt, the Congress established a basic minimum working age of 16 nationwide. This was done as a societal commitment that young Americans should be getting a good education in school rather than working in factories or sweatshops. Now the commercial exploitation of children in America is back with a vengeance in the 1990's, and this legislation would preclude the Congress from doing anything about it.

Consider these alarming facts:

Reported child labor violations are up more than 150 percent in the past decade,

There are fewer than 40 Federal investigators and compliance officers to enforce child labor laws and 50 other fair labor standards nationwide,

In the 1980's the average fine leveled on unscrupulous employers of minors who were killed on the job was all of $740.

In short, the scourge of child labor is spreading all across America again. If this amendment is not approved, this legislation would hamstring the Congress from doing anything to extend fundamental protection to young Americans in the workplace at a time when many of them are struggling to strike a good balance between getting a good education and gainful employment.

Mr. Chairman, every civil society on Earth has seen fit to extend fundamental rights and to establish minimum labor standards for working people. The United States and more than 160 other nations are legally obligated to adopt and enforce laws promoting respect for internationally recognized worker rights and labor standards. If this amendment does not pass, the United States would signal our wholesale retreat from fundamental worker rights and minimum international labor standards. It would be a serious scar on America's credibility if we do not set minimum Federal standards that affirm our commitment to treat American workers with the same fundamental dignity and respect that they deserve.

There is another aspect of H.R. 5 that I believe is ambiguous. As costs increase, the cost of States and localities to meet the same standards also increase. Thus, if it costs States more money to enforce the same occupational safety standards——

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Thus, if it costs States more money to enforce the same occupational safety standard, there is arguably a new unfunded mandate that can be banned. I am seriously concerned that current minimum labor standards are in serious jeopardy.

I offered this amendment during the committee markup. Many of my colleagues have voted against the adoption of the amendment, said that they did not want H.R. 5 to apply to minimum labor standards. They were in agreement. I find it disingenuous that these same colleagues claims to support my amendment, yet voted against it. Let us make it clear today that we value the safety and well-being of working Americans. I urge all Members to support this amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have to say once again the gentleman from Vermont, like other people, have offered amendments on the House floor, and the committee before him, have selected an important area of consideration. I would point out, first, however, that there is nothing in this bill that retroactively repeals any bill already enacted into law by Congress. This obviously would include present child labor laws. I think the meat of the amendment goes to the Occupational Safety and Health Administration, [OSHA] and future rulemaking that they might do or future legislation that Congress might make with respect to worker safety.

Giving a personal note, Mr. Chairman, I understand the importance of worker safety, as we all do, but close up because I was an OSHA inspector for the Air National Guard. For 6 years of my more than 20-year career in the New Mexico Air National Guard I was a ground safety officer, and among other duties with that responsibility was inspecting the facility for worker safety under the Air Force's version of OSHA. But I want to say that, although I understand the importance of labor standards and being concerned about worker safety, I have seen and heard my share of horror stories. Business after business has come to me since I was elected to Congress with regulations imposed by the Occupational Safety and Health Administration which appear to be imposed without any regard to how practical they are, how needed they are, what their costs are, oftentimes apparently by people who have never worked in the workplace themselves and hardly have the qualifications to be imposing that on either State government and its employer or anyone else, and therefore, what this comes down to is there is simply no reason why the issue of worker safety should be exempt from the consideration of this bill.

If the Congress upon due consideration, if this bill is enacted into law, decides that the cost of a particular new piece of legislation is warranted, and if Congress does not have the funds to pay for it, then by majority vote we can still enact it. Once again we are requiring accountability. We are not precluding any action on the part of the Congress.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman I am pleased to offer this amendment, along with my colleagues, the gentleman from Vermont and the gentleman from California.

The sponsors of the bill acknowledge in section 4 that some matters are of such fundamental Federal interests that they should be exempt from the bill. In my view laws protecting the health, safety, and welfare of American workers belong in that category, as well as laws covering the minimum wage, the Family and Medical Leave Act, OSHA, and the Employee Polygraph Protection Act.

H.R. 5 creates needless procedural hurdles to the ability of the Federal Government to regulate the conduct of State and local governments. There is no conceivable justification for treating State and local governments differently with respect to laws designated to protect our workers. Yet, if the proponents of this bill think that the Congress has not given due consideration to the impact of labor statutes on public employees, let me correct that faulty assumption.

Mr. Chairman, I was a member of the Committee on Education and Labor when the Congress extended the Fair Labor Standards Act to State and local governments. I was actively involved in the enactment of the Family and Medical Leave Act and the Employee Polygraph Protection Act, and in every instance throughout the entire legislative process the views of public employees were fully considered by the Congress. We do not need the unfunded mandate bill to force us to continue careful consideration of the impact of our decisions.

State and local public employees face the same pressures to provide for themselves and their families. The fact that one may work for a public employee does not lessen the need to earn a living wage. The public employee does not age differently than one in the private sector and should be accorded the same protection under the age discrimination law. Those working for a public employer are no more immune from occupational disease or accident than those who work for private employers and should be afforded the same protection under our worker safety laws. H.R. 5 could well force us to adopt inequitable workplace statutes.

Mr. Chairman, the Congress does not enact labor statutes in order to impose costs upon employers. The Congress enacts labor statutes because it has determined that the need to protect the American workers is a matter of great national interest, and I urge my colleagues to support this amendment.

□ 2000

Mr. DREIER. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I believe that my friends from Vermont and from Missouri and from California are very sincere in offering this amendment, and I think it is well-intentioned all the way around. But the fact of the matter is we once again have come to the point where we are imposing another mandate on State governments.

Before I was elected to the Congress and I had the privilege of serving here, the only elected office I ever held was that of student council officer in high school. But the fact of the matter is, there are very many distinguished former State legislators who serve here. I look at my friend, the gentleman from California [Mr. MARTINEZ], who had a distinguished career as a member of the California Legislature, and I have to say as I look at this amendment, we were basically saying to legislatures that you cannot make this kind of decision.

Well, on the issue of labor and minimum wage standards, 36 States have minimum wage laws which have a rate that is equal to or higher than the Federal minimum wage standard.

I happen to be one who has a great deal of confidence in those State legislatures. My State legislature out in California right now is going through more than its share of problems, but, nevertheless, I do believe very sincerely that those States should have the opportunity and really the power to make these kinds of decisions.

So while I congratulate my friends for offering this amendment, I believe that it once again moves in a very, very bad direction, jeopardizing the rights of States. For that reason I am opposed to it.

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

Mr. DREIER. I am very happy to yield to my friend from Monterey Park.

Mr. MARTINEZ. Mr. Chairman, as my colleague from California knows, I served on the local level in the State legislature, but I also served as a council member and mayor for the city of Monterey Park.

Now, let me tell you what happens with us and our budgets as a local elected official when we try to develop our priorities and how we are going to serve our constituents. Let me tell you something: There are certain things we have a responsibility to, but we will ignore them because we feel that the

higher priorities for that money are what is going to make our constituents happy to get us elected. All right, that is a simple fact of life at every level of government.

Mr. DREIER. Not here.

Mr. MARTINEZ. So what we are doing here, even here we are gaining votes on many of the actions we take. But even so, somebody has to determine, and I think it is the Federal Government's responsibility, the responsibilities that we have in regard to civil rights or in fact to the point where people, their rights are being violated and they are being treated in an abusive way.

Sometimes it is easier for us to make a decision because we are farther removed than those local elected officials are, and we have to live up to that responsibility.

I would say to my friend that there are certain things that we in the Federal Government are going to have to mandate, but we do not necessarily have to provide the money for, because actually they are the responsibility of the local governments and the State governments.

Mr. DREIER. If I could reclaim my time to respond to my friend, this legislation does not eliminate unfunded mandates. It simply creates a requirement that we be accountable for those decisions. I know my friend would be very supportive of that. We have to go on record here, rather than sneaking provisions that have been snuck in in the past into legislation, imposing unfunded mandates on State and local governments, we have to stand here and say yea or nay, which is I believe is what the American people want us to do.

Mr. MARTINEZ. If the gentleman will yield further, let us say that we could agree that there are certain things that the Federal Government does mandate to local governments, that since it is their idea, they ought to pay for them. There comes a question of us being able to raise the taxes. Now, if you have the supermajority that everybody is talking about passing, it is going to be very difficult for us to raise the taxes for it. So we are not going to be able to.

So when it comes to judging whether or not there is a cost involved, the idea of measuring the benefit versus the cost is going to be a very subjective thing, because there are people that do not see any value in a lot of things we do, like for example ombudsmen to take care of frail people and elderly people in nursing homes, and 20/20 just did an hour on that.

But we are not going to be able to do that if we say we are going to have to raise the taxes. So we have to say that the State governments have that responsibility and have to do it.

More than that, if we say that this is a Federal mandate, but you have to do it on the local basis, and we are going to say weigh the benefit in an objective way, not a subjective way, and I still maintain that will be done subjectively here, because in the first place the only reason you want an unfunded mandate law that says you have to weigh those benefits before you make that decision it is to be able to have some reason to deny. And that is the plain and simple truth.

The CHAIRMAN. The time of the gentleman from California [Mr. DREIER] has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 1 additional minute.)

Mr. DREIER. Mr. Chairman, I would simply respond to my friend by saying again that he had the privilege of serving as a city council member, a mayor of a great city in California, and as a member of the State legislature. The unfortunate thing for me is I, having not done that, I have so much confidence in your successors in those bodies that I believe we should give the right to make those decisions to them at the State and local level, and if we make the decision that they cannot handle it, we still can impose that unfunded mandate. We just have to be accountable in doing it.

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

Mr. DREIER. I yield to my friend, the gentleman from St. Louis.

Mr. CLAY. Will the gentleman cite for the RECORD which bills we sneaked through here?

Mr. DREIER. Well, sneaked through, I am thinking of a wide range of legislation in which, for example, the Clean Air Act——

Mr. CLAY. We sneaked that through, sir?

Mr. DREIER. I am talking about the unfunded mandate aspect.

The CHAIRMAN. The time of the gentleman from California [Mr. DREIER] has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for one-half additional minute.)

Mr. DREIER. Mr. Chairman, I would like to ask my friend from St. Louis if he knew that during this 5-year period that we would be imposing on States the responsibility of paying $3.6 billion to comply with the Clean Air Act? We did not know that. So all I am saying is that while many unfunded mandates have been included in legislation in the past, when I say "snuck in," it meant that we have not been accountable for them because we have not been required to have an up or down vote on whether or not that mandate should be imposed. And that is what I meant by that.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this evening in strong support of the amendment sponsored by the gentleman from Vermont [Mr. SANDERS]. I think this is an opportunity in which we in Congress define our role. Not too long ago we stood and raised our hands and took an oath, and the essence of that oath was that we would protect the national interests. That is the interests of all Americans. And I submit that in the areas of occupational safety, minimum wages, and, most importantly, child labor laws, that this is an appropriate area for national decisionmaking and that we have in fact an obligation to protect the Nation's best interests.

Let me say, it was interesting listening to the discussion a few moments ago, that I too served in the State legislature for 10 years. And in the State legislature I was a strong advocate for limiting unfunded mandates. I support the concept today, but I feel strongly that the bill can be improved, and that is why I am supporting this amendment.

Mr. Chairman, my colleagues on the other side have attempted to paint themselves as the advocates of the working class. Well, I will tell you, working class people are in trouble and the issue is wages. The bill in its current form makes this situation worse.

The current minimum wage of $4.25 an hour has only increased $4 since its creation under the Fair Labor Standards Act in 1938. At this rate the average family of two is just above the poverty level at $8,840. This minimum wage only buys 65 percent of what it could buy 10 years ago. The problems of homelessness, poverty, all go back to the question of wages.

I think when I listen to some of the opponents of this amendment that they would have us resort to the levels of under developed countries and eliminate all wage standards.

It was interesting, Mr. Chairman, in a recent show the question of the minimum wage was discussed. Opponents of the increase in the minimum wage said this would cause us to cut jobs. Then they talked to a seamstress who did piecework and asked her, you are a minimum wage worker, and if they increase the minimum wage, could this cost you a job? You know what she said? She was a mother with children. She said I will take my chances with the increase in the minimum wage. I think there are jobs out here, but I need a decent wage.

So we at the Federal level have a responsibility to respond to that seamstress. If we take on that responsibility, we should not have our intentions abrogated or intercepted by virtue of this bill.

I think it is very important, therefore, Mr. Chairman, that we support the gentleman's amendment. Similarly in the area of child labor laws, we got into the business of child labor laws about 50 years ago when someone said, you know, it might make sense for us to impose some national standards on

what age children should be allowed to work and under what conditions.

□ 2010

And I find it hard to believe that some of the Members in this Chamber would say we should turn back the clock 50 years and say the Federal Government has no role. Yes, as a State legislator, I, too, have a great deal of confidence in the judgment of State and local officials, but I feel when I stood up and took that oath, I said, I was going to look out for the national interest. I was going to make sure we had fair minimum standards for occupational safety and minimum wages and child labor laws, and I think, in order to keep my oath, I have to support this amendment. And I certainly urge my colleagues to do similarly.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a cosponsor of this amendment with the gentleman from Vermont [Mr. SANDERS] and the gentleman from Missouri [Mr. CLAY] to urge its adoption. I think we all know that we have one of our jobs here to protect those of our workers in America who are out there producing for America.

But let me focus my attention, if I may, on one particular aspect of our labor force. And that is our children, the most vulnerable group of people in our society that are out there sometimes working.

As currently drafted, H.R. 5 would pull the rug out from under these members of our society that are not yet prepared to go on and become as productive and fully participatory in our society as we would like. This unfunded mandate bill makes no effort to preserve our children's future health and safety through child labor laws. Under H.R. 5, any new child labor laws would be suspect.

This amendment that we are proposing here today would simply exclude child labor laws from the effects of this unfunded mandates bill. Across the country exploitation of child labor is unfortunately making a vicious comeback. From New York to California, employers are breaking the law by hiring children who put in long hard hours and often work in dangerous conditions.

In 1990, the Department of Labor detected over 42,000 child labor violations, an increase of over 340 percent since 1983. And that is just what was detected. Who knows how many child labor violations actually occurred during those years?

Rising injuries, lack of labor law enforcement, rampant child labor law violations in agriculture and elsewhere all contribute, if anything, to the need for a renewed Federal attention to child labor.

Let me give some quick examples: In Los Angeles, many children who should be in school are instead working in garment industry sweatshops that are dirty, crowded and often contain hazards like locked fire doors. In California and Texas, young children work beside their parents for up to 12 hours a day as migrant farmers. Augustino Nieves, at age 13, was picking olives and strawberries in California. He missed months of school that particular year, working from 6:30 a.m. until 8 p.m. with a 20-minute lunch break, 6 days a week at less than minimum wage.

This is not an anomaly. It happens all the time across the country.

Another situation that is becoming more common is the hiring of children for candy selling scams. Candy sellers hire children, sometimes as young as 7 years of age. They pile them into a van; then they drop them off in unfamiliar neighborhoods to go door to door. These children sell their candy for $5 and usually they get to keep about a dollar. Brandy, a girl who started selling candy at age 11, said, "On a good night, I could sell 10 boxes. Sometimes the kids drank in the van or used drugs. One time the driver left a boy in Napa," that is in California, "and he had to walk 15 miles home at night. Another night I waited for 2 hours on the corner to get picked up."

This is frankly embarrassing. It is disgraceful that in the United States of America, the model for developing countries, we have kids who should be on the playgrounds but who are instead waiting on the corners of some strange street for a stranger to remember to pick them up and take them home.

Since 1990, several States have updated their child labor laws, making significant advances in protecting minors. Unfortunately, the vast majority of States have not updated their laws in close to 50 and, in some cases, 80 years. It seems ironic that H.R. 5 would stymie Federal regulation of child labor laws, which were originally requested by the States themselves.

Walter Trattner wrote, in 1933, in his reform-oriented study called Crusade for Children.

> Sweatshops and fly-by-night plants were exploiting children for little or no pay, moving at will across State lines to take advantage of laws of nearby States. The individual States were unable to halt these abuses which had far-reaching effects, including the complete breakdown of wage scales.

Trattner then concludes by saying the following: "Everywhere people were looking to Washington for help and direction."

The massive illegal employment of children damages the United States in two major ways: First, it has a negative impact on the education and thus the future of our young people. Who are they but the Nation's future work force. And we should be doing what we can in this particular work force that we will be counting on so tremendously to be able to say that they will get educated. And second, this massive illegal employment has as a result, in many cases, the death and serious injury of many young workers.

According to the Children's Defense Fund, young people who work more than 20 hours a week have diminished investment in school.

The CHAIRMAN. The time of the gentleman from California [Mr. BECERRA] has expired.

(By unanimous consent, Mr. BECERRA was allowed to proceed for 1 additional minute.)

Mr. BECERRA. According to, as I was saying, the Children's Defense Fund, young people who work for more than 20 hours a week have diminished investment in school. They are more likely to be delinquent in school and are more likely to use drugs. Over one-third of working adolescents in a study said they took easier classes in order to manage their school work while they were employed.

In a hearing before the Committee on Government Relations or Government Operations last session, real life horror stories were relayed by the victims or survivors of accidents which occurred as a result of child labor violations, whether it was a pizza delivery young man who ends up dying because he is trying to drive around and he is lucky enough to have a license or unlucky enough to his life or whether we are talking about the boy who lost his leg because it was torn off by a dryer which did not have a safety lid, in which case the company paid a $400 fine, we find that there are violations that are occurring.

We must change this. The States have asked us to do this, and what we should do today is understand that in unfunded mandate legislation, we should not abandon our children.

Mr. FOX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make it clear in this body tonight that there are 170 unfunded mandates over the last 5 years, and this is according to the President's National Performance Review.

As a former State representative for 7 years and a county commissioner for 3 years, I can tell Members that they are looking to us for assistance in not sending more unfunded mandates.

The fact of the matter is, every Member of this Congress wants to make sure we have safe child labor laws. We have safe labor laws on the books now. This is only prospective in nature. We need to make sure that everyone who is voting on this will realize that section 4 of the bill does not in fact provide for emergency assistance relief and any other kind of presidential emergency legislation, should that be necessary. But we cannot have another vote for another unfunded mandate when in fact this matter should be handled separately. And the legislation

that we have here today that is going to protect America so we know that we have what the costs are upfront. And by making sure we have this bill passed we will know up front at any time in the future what the costs will be.

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

Mr. FOX. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I just wanted, since I did not want 5 minutes, I thank the gentleman for yielding.

I just want to rise and say that one of the things what has been fascinating about this debate is that we have learned a lot, I think, from each other during the course of the days that we have had what is truly an open rule. It is the first time in my time in Congress where we have actually had a give and take and a dialog between and among Members.

I just want to say to my colleagues that as someone who has a record of supporting environmental laws and health laws and safety laws and labor laws, including my intention, if it is a reasonable increase in minimum wage, to support the President, if he requests a rise in the minimum wage, if it is logical and meaningful.

I just make a point to my colleagues on the other side of the aisle, this mandate bill that was designed really by Members on both sides of the aisle, allows us the opportunity to have the full kind of debate we are having right now.

□ 2020

If a minimum wage is desired by more than a majority of the Members of Congress, or OSHA safety laws, we simply can override the point of order by a simple majority.

It seems to me, Mr. Chairman, that some of the dialog we have been having is a dialog that would legitimately happen when those particular bills come before us. However, at least then we know the cost of the legislation if we do not want to fund them.

I thank my colleague, the gentleman from Pennsylvania [Mr. FOX], for yielding to me, but I also oppose this amendment. This amendment, like any other amendment that has been offered, would really kind of gut the concept of the bill. If we have a mandate bill, a simple majority can override the mandate requirement point of order.

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

Mr. FOX. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would like to respond to the gentleman from Connecticut [Mr. SHAYS], because repeatedly this has been said this is prospective in nature. I think that is not with regard to reauthorization, which obviously could affect many laws that we have that have a term in terms of time.

However, in addition to that, on page 18 of the bill, and the gentleman is very familiar with it, this statement to accompany significant regulatory actions, here it goes through 13 separate steps. It says "Any final rule that indicates any Federal mandate that may result in expenditures of States", and here we are dealing with the rules that are promulgated by the agencies, "any rule that has an intergovernmental nature or any rule this has an effect of having $100,000."

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

Mr. FOX. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, it is just, in that instance, an assessment of cost. That is the point.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I would suggest that he look at this, and this section, section 202, is not prospective in nature. It is retroactive. It affects any new rule that is promulgated that deals with the types of labor law problems we are talking about here.

We are talking about any reauthorization. Therefore, at the very least I think this is what concerns many of the Members here. We are really putting in place a vehicle that we do not know how it will work.

Mr. FOX. Mr. Chairman, reclaiming my time, I yield further to the gentleman from Connecticut.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I just want to finish my statement.

Mr. FOX. Mr. Chairman, reclaiming my time, I yield further to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, we are new at this. We are learning the process.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman operating in good will, if he will continue to yield to me, just to finish my sentence.

Mr. FOX. I have lots of good will, Mr. Chairman, but I want to make sure that my colleague, the gentleman from Connecticut [Mr. SHAYS], could finish his thought.

I yield to the gentleman from Connecticut.

Mr. VENTO. I think this is not prospective. It is very significant. It is a vehicle we have not tried. It is untried. There are 13 separate steps here. Some are questions like how many angels can dance on the head of a pin.

I think as we look at this, they are much more complicated. The whole vehicle has never been tried. Show me an example.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOX] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. FOX was allowed to proceed for 1 additional minute.)

Mr. FOX. The fact of the matter, what people of America want us to do is, if we are going to pay for an additional item, we want to have it voted up or down in this Chamber. This bill allows us to do that. The fact is that we need to pass H.R. 5.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if it is the objective of the gentleman from Connecticut [Mr. SHAYS] to know the cost of the legislation, and not have any unintended effects, I believe he will have an opportunity later during the consideration of this bill to vote on the Moran bill which passed out of committee in the last Congress, which in fact does that without complications. It will be offered as a substitute.

Another gentleman rose earlier, Mr. Chairman, to talk about his experience in local government. I was a county commissioner in the early 1980's. There are a couple of ways to put burdens on local government.

One is unfunded mandates, and I believe we should address that problem. The second is to jerk funds out from underneath counties and local governments, which was done by President Reagan and the Congress when they killed revenue sharing and used the money for Star Wars.

We have to look out for both of those things. We have to get our priorities straight around here. Where is the money better spent?

Mr. Chairman, beyond that, during this last week I have heard a lot said about book deals here on the floor. However, if we fail to pass this amendment, Mr. Chairman, we are taking a page out of another book, a book by Dickens. We will be turning back the clock to an earlier and dark time when children were exploited and oppressed for their labor.

I know it is certainly not and could not be the objective of the authors of this bill to turn back the laws to the days of abuse of child labor or the days of Sinclair Lewis and The Jungle, with unsafe and unsanitary workplaces, or finally to prevent the imposition of a Federal minimum wage, where the various States, if we saw this new vision, could perhaps engage in a bidding war. Perhaps we could drive down wages to the level of Mexico, and then we would no longer have to fear the loss of our jobs under the NAFTA agreement.

Child labor, unsafe and unsantiary workplaces, sweatshops, subpoverty wages, those certainly could not be the objectives of the authors of this bill. I would urge them, Mr. Chairman, since that is not their objective, to adopt this amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our Democrat friends seem to have ignored one of the major factors that they have introduced into labor law in this Congress in the last

four years. It is called an earned income tax credit. It actually was invented by our friend, the gentleman from Wisconsin [Mr. PETRI], but they thought it was such a great idea that in this last session of Congress we put in the earned income tax credit.

The nice part about the earned income tax credit is the Federal Government pays the cost. If we take the minimum wage today and add to it what could be the additional income that the people at the bottom of the wage scale get, there is $1.21 an hour that people could add to the minimum wage right now because of the beneficence of this Congress, the Democrats and Republicans.

If they want to continue this and they want to help out local government without mandates, all they have to do is increase the earned income tax credit. The great part about that is the local government does not pay it, the State government does not pay it, the Federal Government pays it in an earned income tax credit.

This is a wonderful idea they have invented, and all of a sudden now the minimum wage has become the great wonderful thing. It does not get the aid to the people that need it, Mr. Chairman. The majority of people that earn the minimum wage are not poor people, they are a bunch of young kids working and getting into the whole labor market.

Mr. Chairman, when we increase the minimum wage, we increase the level of the beginning. The people that are really hurt there are people that are looking for jobs, the ones that cannot cut it anyhow. Why not put in the earned income tax credit?

The major idea is, the earned income tax credit is something that has been invented. It is a good idea and does a great deal more.

One other thing I would like to bring up: OSHA, which I am sure has been discussed already, OSHA, which is administered by 23 States at the present time on a voluntary effort on their part, has nothing to do with this bill at all. They have already voluntarily accepted OSHA, and nothing happens in this bill that is going to change that, unless the Federal Government forces some sort of new regulation and they give over $500 million more to bring that about. OSHA is safe. The earned income tax credit solves the problem they are speaking about.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate my colleague, the gentleman from North Carolina [Mr. BALLENGER], bringing up the earned income tax credit. Last session of Congress not one Republican Member voted for that earned income tax credit. To take credit for it tonight, maybe it was their idea, but to put it into existence, the people on this side of the aisle did that. That is why minimum wage is so important.

I appreciate my colleagues, the gentleman from Vermont [Mr. SANDERS], the chairman of the EEOC Committee, and my ranking member, introducing this amendment.

The case for minimum wage, and we hear that we are not talking about issues tonight, we are talking about unfunded mandates, but we are talking about issues, because to deal with safe drinking water, to deal with nuclear regulatory issues, to deal with minimum wage, we are putting up the roadblocks tonight to deal with those issues. To say we are not doing it, Members are casting aspersions and making the American people not realize what has actually happened. That is why this amendment is so important.

The case for minimum wage needs to be made tonight and hopefully, when we get a bill, here on the floor. We cannot raise a family on minimum wage, even with the earned income tax credit.

Many people in my district are required to live on that. At $4.25 an hour as a single person they make $8,840. It is barely above the poverty line for individuals. That is $7,360. If they have one child, the poverty line is $9,840. That puts them below the poverty level, even at minimum wage.

□ 2030

The purchasing power of the minimum wage measured in constant dollars is about the same as it was in the 1950's. Teenagers and young adults make up about half the minimum wage population. The gentleman from North Carolina [Mr. BALLENGER] was correct, according to the Economic Policy Institute. But the other half of hardworking adults, working Americans who need to have that increase, if we throw up another roadblock tonight for public employees not be paid a higher minimum wage, then that is doing a disservice to those people.

I also served many years in the Texas Legislature, 20 years in the legislature, so I know about unfunded mandates. I also know that in a minimum wage issue, it is a national issue and should not be dealt with on the State level.

Why should we be excluded from this bill? We have been discussing raising the threshold for passing the income tax. This Congress 2 weeks ago and maybe this week will make it a three-fifths requirement to require an income tax increase. Particularly in 1993 we raised taxes on the 2 percent of the wealthiest income earners. Yet we are going to make it even harder to pass a minimum wage on the people who are the lowest hardworking workers?

Why should we put procedural hurdles to raise the income of working Americans when we are putting a procedural hurdle to where it is harder to raise the taxes on the richest? We are protecting the people at one end of the earning scale but we are making it harder to help those at the other end.

It was a few years ago when I made minimum wage and I was glad Congress raised it then from $1.25 an hour. I remember where I come from. I hope that a lot of Members of Congress remember where we come from and recognize that we do not need to throw additional hurdles, particularly for public employees to make an increase in minimum wage.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Minnesota.

Mr. VENTO. I want to commend the gentleman for his statement and the point about minimum wage. I want to commend my colleague from North Carolina for his statement about the earned income credit. I would like to have had more support 2 years ago when we passed it, but that is no excuse.

We believe in the private enterprise system in providing some minimum opportunities for people to get adequate compensation. We should not have to unless there are unusual circumstances to rely on the Tax Code and the income transfers that go in that direction. In fact, we are going to be talking about those income transfers a little later this week. I thought maybe some of our colleagues were anticipating that debate.

The earned income tax credit is necessary, but it is limited in terms of what we can do. We want the private sector to pay adequate wages and compensation and benefits so that people can support their families.

I support the gentleman's statement and his concern, he is doing it with great aplomb, and I credit him for it.

Mr. GENE GREEN of Texas. I thank the gentleman.

Let me remind Members the earned income credit was a great bill and it passed in 1993. But that does not mean we should not also consider what we need to do with the minimum wage, and to separate out public employees, whether they work for cities, counties or States, to treat them separately from private individuals or private companies is wrong because they have to support families just like private employees have to.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I move today in support of the amendment of the gentleman from Vermont.

All of us believe that we must find ways to ease the budget burden on States and municipalities. That is not, however, what we are really debating today. We are not deciding whether we will make a serious effort to get our budget under control and legislate more reasonably. We are deciding

whether in a frantic, unreasonable rush to claim that we are not passing on costs to localities, whether the Congress of the United States will completely abandon its vital role in protecting American working people.

A vote for H.R. 5 without this amendment is an unconditional surrender, an unconditional surrender of our obligation to ensure that American workers earn a decent wage and that they work in decent conditions.

Is our drive to congratulate ourselves and pretend we are helping States and localities so great, so immense that we are willing to risk the safety of working people all across our Nation?

Is our desire to take credit for so-called accountability so great that we are willing to risk child labor and minimum wage standards?

If, Mr. Chairman, in this committee, in the People's House we will not stand up for American workers, stand up so that they are paid a decent salary, stand up so that their children will not be forced to work, stand up so that they can all work in safety, then, Mr. Chairman, who will stand up for the American working men and women?

We all want to help States and localities. I want to help the city of Chicago. But we should not do it by risking the health, the safety, and the protection of American workers.

This is not an abstract problem, Mr. Chairman. The dangers are real.

In 1990, there was a 177 percent increase in child labor violations. If we pass this bill ignoring this important amendment, we will not be able to take steps to remedy this growing crisis.

My friends, we do not have to say no to workers, especially on a day like today when we have seen tens of thousands of marchers for pro-life. Is it not pro-life to guarantee that a mother can raise and feed and clothe and educate a child? Is it not pro-life that once that child is here with us, that we guarantee that that child is able to work under some reasonable conditions of safety and not at a young and tender age?

Is it not pro-life, and I see my colleagues on the other side smiling. They deny a woman's right to choose and then say we will not protect the children once they are here with us. Is it not pro-life to guarantee that people can smell the air and drink decent water and that our environment is not contaminated? Is that not what life is really all about? That we can raise our children, educate them and live in peace.

Mr. SHAYS. Will the gentleman yield?

Mr. GUTIERREZ. Excuse me, I have not spoken on this House floor in 2 years and I am going to speak today.

It seems to me, Mr. Chairman, that if we are truly going to be about life and the sanctity of life, it should be at all phases, at all steps along the way, not merely here on a debate. And it seems incredulous to me that we will pass a law that will make it more difficult to guarantee minimum wage and the same proponents will say to the richest, the wealthiest Americans here in the United States of America, we are going to give you a tax cut on your capital gains, on your investments, but we are not going to make a real investment in American men and women in this country by affording them a decent salary.

Mr. Chairman, that is what this debate should be all about. We were sent here to do the people's work. I do not know, there may be young people, I see them, flipping hamburgers and trying to make a living in high school so they can help their parents and their economy of their household along. But I also see them early in the morning, Mr. Chairman, grown men and women working very hard.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. GENE GREEN of Texas and by unanimous consent, Mr. GUTIERREZ was allowed to proceed for 1 additional minute.)

Mr. GUTIERREZ. Mr. Chairman, if we are going to guarantee, if we are going to talk about fairness in this the People's House, then we should not say that while we have a deficit here in this country, that while we have a looming deficit that is going to affect the children of this country, that is going to affect the families of this country, that the only tax cut that we can give is a capital gains tax cut; that the only way that we can ensure that men and women earn more money, lift themselves from poverty, is the earned income tax credit.

Mr. Chairman, just to finish, we have been into striking words of Members when we do no like them here. We should probably have a new rule.

When we use the word "we" as I heard it expressed by one of my colleagues from Texas on the other side of the aisle in reference to the earned income tax credit, when the "we" on that side of the aisle, not a single "I" on that side of the aisle contributed to the "we" for the American men and women, I think that we should move to strike those kinds of words, also.

□ 2040

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment before us goes to the core of the proper role and responsibility of the Federal Government. Not that many years ago, industrial centers like New York City were notorious for sweatshops and deathtraps. Thousands of workers, many of them children, toiled before dangerous machinery and equipment for long hours, for little pay, and with few rests. Many were killed or injured. Those who complained were shown the door and tainted with a black mark that might prevent them from ever working again.

This body eventually assumed its responsibility to protect citizens and residents and enacted landmark legislation—what many would now criticize as unfunded mandates. Many of the most extreme abuses were reversed with the Fair Labor Standards Act, the National Labor Relations Act, and OSHA.

Things improved for working people. However, problems remain, and where there is abuse, there is a proper Federal rule. Indeed, many of the abuses that gave rise to our labor protection laws and regulations persist. The sweatshop, one of the most common symbols of abuse, persists in New York, Los Angeles, and elsewhere.

In 1989, the GAO documented a steady rise in sweatshops, which they defined as business that regularly violate both safety or health and wage or child labor laws. Three-fourths of the Federal officials interviewed at that time said that sweatshops were a serious problem in at least one industry in their geographic area. They found too few inspectors and inadequate penalties.

This past November, the GAO revisited the issue. They found that the sweatshop problem in the garment industry had not improved. In many cases it had worsened. It found deplorable working conditions when it accompanied Federal and State authorities on raids in New York and Los Angeles. It is estimated that there are between 2,000 and 2,500 illegal garment factories in my home city that operate outside of the law and its protections.

Our labor standards are being circumvented at an alarming and rising rate. The solution may be tougher regulations, or improved legislation. Without this amendment and similar ones offered this evening, the Federal Government puts itself into a straightjacket. The cumbersome procedures and points of order erected by this bill slow this body's ability to act swiftly, decisively, and effectively. In this time of rising competition, child labor is growing, minimum wages and maximum hours are being ignored, and occupational safety and health corners are being cut. Now is not the time to cut back on our ability to maintain minimum workplace standards. I urge my colleagues to support this crucial amendment.

Mr. FARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. However, I am advised that we should never amend a bad bill, and tonight I feel like a legislative cop on the highway of unfunded mandates. And I am asking my colleagues to slow down, stop, look, analyze even before they vote on this important bill.

The bill before Members is not, is not an unfunded mandates bill. It is a gridlock bill. It designs gridlock.

I do not think there is a Governor in the United States that if they had this bill before them would sign it.

Yes, there States and local governments want unfunded mandates legislation. But they do not want H.R. 5. California, the State I represent, has a constitutional requirement to fund unfunded mandates. The State has over 6,000 subunits of local government. Each keeps track of unfunded consequences of State action, and if it costs them money then the local government may make a claim for reimbursement. Unlike H.R. 5, the burden is not on the State legislatures to prove before they enact legislation that it will cost local governments money.

The legislature's job is to make good law and to pay for its consequences. This bill puts all of the burden on Federal agencies and on partisan congressional staff to determine the costs before they are incurred.

I would rather have cops on the beat, teachers in the classroom, nurses in the hospital determine the costs than people here in a partisan political arena.

The intent of this bill is to stop Federal legislation, to prevent having an equal playing field, to allow each State to go in their own direction on the environment, on job safety, and on many other social issues.

I ask the Governors of the States supporting this bill if they would sign such legislation in their own States. Look for example on page 18, line 9 which reads and I quote,

> Effects on the Private Sector.—Before establishing any regulatory requirements, agencies shall prepare estimates, based on available data, of the effect of Federal private sector mandates on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

If that does not swell the size of the Federal bureaucracy, what will?

Next time your Governors wonder why legislation enacted to help your State has not been implemented, it is because the studies of the regulations necessary to implement your legislation are tied up in trying to determine the effect of mandates on the national economy, on productivity, on economic growth, on full employment, on creation of productive jobs, and on international competitiveness of U.S. goods and services. Do not hold your breath while hired lawyers and economists dispute these issues over the draft of a simple regulation.

Yes, my colleagues, we need unfunded mandates legislation, the same legislation that California and other States have adopted. But not H.R. 5 as it is on the floor today.

How do we put a price tag on saluting the flag, on the value of military music, on the cost of leaving a stream unpolluted? Our role in Congress is not only understanding the cost, but also explaining the benefits.

Please, Mr. Chairman, do not turn this place into a Congress that knows the price of everything and the value of nothing.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the pending amendment.

It is interesting as we proceed to discuss many issues in this House, we talk about being family friendly, we talk about emphasizing the idea of allowing people to seek an opportunity. As we look to the future we realize that people are desperate for work, we realize as we talk about welfare reform that the cornerstone of the proposals is to put people to work.

If we are to send people out into the work force and then disallow the safety in the workplace, we are then throwing the whole issue in support of family friendly, the encouragement of welfare reform, to put people to work, we are abandoning the tenets of this House and commitment to make sure they are safely provided for.

I think as we go forward on unfunded mandates, many of us have different opinions. I come from local government and understand the burden that has been borne by cities and States alike. But I cannot offer and support welfare reform, encouraging people in to the workplace, realizing the children that are already in the workplace, and then take away the responsibility of a safe workplace.

Mr. Chairman, I think it is very important that as we seek to be responsible in this House that although we share viewpoints on not burdening our respective jurisdictions, we cannot allow them to move away from the clarity of the importance of assuring when the American people go into the workplace that it is a safe place.

□ 2050

And certainly as it relates to children, we must understand that it is important for statements to be made that do not allow for sidestepping of responsibility for child labor laws.

And so, Mr. Chairman, I think it is very important, as we look forward to resolving the unfunded-mandates issue in this House, that there are certain guidelines that must be kept and those guidelines must include the safety of our working men and women and certainly the protection of our children.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SANDERS. Mr. Chairman, I know something about unfunded mandates and municipal government. I was the mayor of the largest city in the State of Vermont for 8 years.

But I also know something about the responsibility of the Federal Government and the responsibility of the U.S. Congress to all the people in the United States.

There may be some people in this Chamber and there may be State legislatures in America who are not concerned that we have millions of Americans working for starvation wages. There may be no concern on that area. But it does seem to me to be appropriate that here, in the U.S. Congress, we stand by boldly and say that if you are going to work in the United States of America, you should be working for a wage that can provide adequately for your family.

A gentleman earlier talked about the earned-income tax credit. Well, you know what, I voted for that bill. But I will tell you something, I do not believe that the working people of America and the middle class through increased taxes should be subsidizing McDonald's and Burger King and other low-wage employers in America.

If somebody is going to employ somebody, they should be paying a living wage and not a starvation wage, and this Congress should not put roadblocks in the way of those of us who want to raise the minimum wage to a living wage.

Now, there may be some people here in Congress who are not concerned that in terms of worker safety we have one of the worst records in the industrialized world in terms of the number of accidents and the death that takes place for workers in America. There may be some mayors and State legislatures that are not concerned about that issue.

But we are in the U.S. Congress, and our job is to make laws which protect all of the people in America, and I think we should make sure that we have the highest standards for worker safety in the world, and not put roadblocks in the way of those of us who want to protect worker safety.

Several of my colleagues have already alluded to the fact that child labor exploitation is growing in America. This, colleagues, is not 1910 or 1870. We are talking about 1995 and children being exploited all over America. Some of us want to protect those children.

This issue, Mr. Chairman, really comes down to what those of us believe is the proper responsibility of the U.S. Government. We understand unfunded mandates. We are against unfunded mandates, but we are not going to take away the responsibility of this Chamber to protect those people who are hurting the most, those people who are the weakest, those people who are the most vulnerable.

I urge support for this very important amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No 27]

AYES—161

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—263

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

NOT VOTING—10

Bishop
Fields (LA)
Flake
Graham
Jefferson
Kennedy (MA)
Kennedy (RI)
Rangel
Rush
Slaughter

□ 2106

Mr. DEUTSCH and Mr. SPRATT changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the generation, transportation, storage, or disposal of toxic, hazardous, or radio-active substances.

Mr. SPRATT. Mr. Chairman, I offer this as a perfecting amendment so that H.R. 5 will not apply to the regulation, to any regulation, with respect to the generation, transportation, storage or disposal of toxic, hazardous or radioactive substances.

Mr. Chairman, 2 weeks ago some 1,800 containers of hazardous waste, waiting to be incinerated in my district, caught fire and burned out of control, burned so intensely that they virtually melted the metal building in which they were contained. This waste came to Rock Hill, South Carolina, from Fishkill, New York. Eighty to ninety percent of all the wastes that comes to this particular incinerator comes down the eastern seaboard or up the eastern seaboard from out of state to this location, and there is precious little South Carolina can do about regulating the inflow of that waste because virtually any regulation we try to impose pretty quickly runs into the interstate commerce clause or into Supreme Court decisions like New Jersey versus Philadelphia in a case called "Don't Dump on Washington."

There is very little we can do, and so in South Carolina we have hazardous waste landfill, one of the largest in the Southeast, two substantial commercial incinerators, a medical waste incinerator and landfill, a low-level, or two low-level, nuclear waste disposal facilities—at one time we would take in half or more of this Nation's low-level nuclear wastes—and several solid waste disposal facilities where garbage from out of state comes to our State. Much of this waste comes from private business, but a good part of it comes from city, and county, and State owned hospitals, burnt oils from city transit authorities. PCBs from municipal electrical distribution operations, low-level wastes from State universities and hospitals, and there is very little, as I said, a State like mine, a waste importing State against its will, can do about all this waste except look to the Federal Government.

Mr. Chairman, as I was saying, there is very little that a State like South Carolina can do about all this waste which comes from out of State except look to the Federal Government which has preemptive authority under the Constitution and the laws we have adopted, look to the Federal Government and hope that the Federal Government will be rigorous, and vigilant, and fair and firm, and now we have a bill which purports to help States, all States, but really breaks faith with States like mine because it sets up a double standard, and this amendment

goes to that standard and goes to a fundamental flaw in this bill which has been raised by other amendments that we have already considered. It goes to two basic problems in this bill:

First of all, many State and local governments, as I said, generate, transport and dispose of toxic waste, hazardous waste and radioactive substances. This amendment ensures that when Congress passes new laws that control the generation and disposal of hazardous, toxic and radioactive wastes, in the handling of these substances these laws will apply to the public and private sector alike equally, in the same manner to each. Without this amendment, Mr. Chairman, any bill in the future that steps up the regulation of these dangerous substances, many of which end up in States like mine, will be subject to a point of order unless, one, we exempted State and local government; or, two, we paid out of the Federal Treasury for the cost of complying with these new and additional regulatory mandates.

To my way of thinking, either option has problems. It would be a mistake to pass laws governing radioactive waste, in my opinion, but to exempt State and local governments. We would be saying it is all right to expose the public to dangers from radioactive wastes so long as the waste is publicly generated, and I think it would be a mistake, too, to give publicly owned facilities that generate the disposal of this type of waste a clear advantage over the private sector, which would be given if we allowed them to operate without these restrictions.

So, this simply tries to level the playing field. It says there are some matters, some dangers such as the disposal and handling of toxic and nuclear wastes, where State and local governments should be held to the same strict standards as anybody else who undertakes to operate in this area.

I urge my colleagues to recognize that this is not a weakened amendment. This is a perfecting amendment. It goes to a fundamental problem in this bill.

Join me in supporting this amendment to protect the public against the risk of hazardous, toxic and radioactive wastes regardless of whether they are generated and disposed of by public or private facilities.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Carolina [Mr. SPRATT] and would be very brief in my opposition.

Mr. Chairman, I am sympathetic to the problem the gentleman from South Carolina raises, and it is one we have discussed with him, but again this is an issue, an exemption, and the question we have to ask ourselves is:

Are any of the programs or statutes that have been suggested should be exempt from the provision of this law, do they rise to the level that there should not even be any discussion of the costs or the implications for State and local government?

□ 2120

I would point out that we have now dealt with about eight out of 50 proposed exemptions to the H.R. 5, eight out of 50. Every Member I think who has spoken on this matter, particularly those on the other side who have been introducing the amendments requesting exemptions, every Member has indicated they support unfunded mandates, that they support eliminating the opportunity for the Federal Government to pass through these things, and are in support of their local and State governments in opposition to unfunded mandates. Yet they are against them except for the program which they ask to be made exempt.

If we were to exempt all of the 50 or so that have been suggested here to rise to a level where they should not be allowed to even debate the cost that they would impose, we would basically have gutted the bill.

So I think, Mr. Chairman, the question is, is any program that has been suggested here so sacrosanct, so immune from consideration, so far above the pale, that we cannot even discuss or consider what the cost of that program will be, what the cost will be imposed into State and local governments?

I would stress again this is a bill that is only prospective in its operation. It will not in any way affect reauthorizations of existing programs, unless there are additional added mandates included in it, and it does not preclude us, after due consideration and debate, it would not preclude us from passing through that mandate without providing the funds. It just requires us to consider carefully what we are doing and making sure we are not going to impose unnecessary burdens on State and local governments.

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

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

Mr. WAXMAN. Mr. Chairman, in the bill itself you have some exemptions. The bill says if it is a statutory right that prohibits discrimination, we will not look at the cost of that. That, of course, involves civil rights laws and the Americans With Disabilities Act, which do involve costs.

The bill provides an exception where it is emergency assistance or relief at the request of any State or local government, or necessary for the national security or the ratification of implementation of international treaty obligations.

Why should an international treaty obligation not even be considered for the costs involved, but yet some of these interstate environmental problems, where the Federal Government has a clear responsibility, should be blocked by this legislation?

Mr. CLINGER. Reclaiming my time, we did indeed as the gentleman indicated provide certain exceptions. One very important one is those matters that do affect civil rights. I think the gentleman would agree that that has a constitutional implication that we should not be tampering with.

I think the reason for the exemption in terms of treaty obligations was that we would be extending perhaps the authority of this body to affect international authorities, and that would be an exemption we should not engage in.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are limits in this bill on the application of the legislation. I do not want to disagree with them. I think there are reasons why we ought to have exceptions for the application of the bill, enforcing constitutional rights of individuals, enforcing statutory rights that prohibit against discrimination, and requiring compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government. Now, that last one is sort of interesting. I could see the rationale for it. There are rationales for all of this.

But the amendment before us seems to me to have a very compelling rationale. If we are talking about an interstate problem of toxic pollution, why should a State be forced to look at the prospect of either not having the regulation in effect because it is an interstate problem, or that the Federal Government should have to pay for it? We are really talking about situations where there is a publicly run business versus a privately owned business. They ought to be treated the same. We ought not to say because it is publicly owned we are going to consider it something where the Government would have to and taxpayers would have to pay the costs.

I think that the argument by the gentleman from South Carolina [Mr. SPRATT] was a compelling one. I think this too ought to be made an exemption, along with others in the bill, and I rise in support of the amendment.

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

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I think it is important to clarify a statement made by the gentleman from South Carolina [Mr. SPRATT], and also by the gentleman from California [Mr. WAXMAN] with regard to the options we would be facing. The two options that the gentleman states and the option Mr. SPRATT stated, were, No. 1, to fully fund the mandate, and, No. 2, not to impose the mandate.

Again, to be very clear, there is also a third option. The third option is for

Congress to exercise its will on an issue of importance to the Nation, and that is to go ahead and impose the mandate. I think sometimes I feel as though we are not talking about the same legislation. But it is very clear in this bill, and I think it is very important in the context of Mr. SPRATT'S amendment.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, if I might respond, the gentleman is absolutely correct. There is the option of waiving the point of order and requiring a vote on the House floor. But that could have been the same application for the exception in section 4 on page 4 of the legislation. We could have said that if it requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government, that we could get the analysis, have a vote and a point of order, that it would have to be overcome by an affirmative vote of the majority. The same for emergency assistance or relief or national security or emergency legislation.

I do not disagree with the exceptions that are in the legislation. But it seems to me that since we have a publicly owned enterprise competing against a privately owned enterprise, unless we apply the same rules to both, we may well find ourselves in the situation where we might well vote to overcome the point of order, but we may not. In that case, a privately owned toxic waste facility would be treated much more harshly in terms of regulations than a publicly owned one.

Mr. PORTMAN. If the gentleman will yield further, not only will Congress have that issue before it and Congress will be able to debate that issue, much as we have debated the issues tonight, but the committees under this legislation are specifically required to consider the public-private ramifications of any new mandate legislation that comes through the process. In many respects, I would say to the gentleman from California, this bill strengthens existing law with regard to that public-private distinction.

Mr. WAXMAN. It does not prohibit existing law. It strengthens what would otherwise be in the legislation itself.

Mr. PORTMAN. If the gentleman would yield further, I would say it strengthens existing law to the extent that is not currently considered by the authorizing committees.

Mr. WAXMAN. It without this legislation becoming law does not make a distinction between privately and publicly owned. If there is a regulation to protect the consumers or environment or to protect public health, it would apply equally. There is no reason why we ought to even put them in a position where one ought to be regulated and the other not, if the reasoning for the regulation is sound.

Mr. PORTMAN. If the gentleman will continue to yield, I would say currently when an authorizing committee such as your own might consider new legislation, there is no requirement to consider the very issue that the gentleman from South Carolina [Mr. SPRATT] raises. Where this bill improves this process is that it specifically requires the committees for the first time to consider in passing new mandates the issue of the competition between the public and the private sector.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. Mr. Chairman. I would indicate this is not an improvement to have a committee have to consider public versus private owned operations to see whether they ought to be put in the same competitive situation. Except for this legislation, we would have never tried to put one against another. Specifically I cannot imagine that we would want to aid a publicly owned business, so-to-speak, in competition with a privately owned one. I do not think this legislation is an improvement in that regard. The improvement would be if we exempted these very clear Federal responsibilities of dealing with interstate environmental problems, especially one as serious as hazardous nuclear waste disposal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No 28]

AYES—161

Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—263

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon

Payne (VA)	Saxton	Tate
Peterson (MN)	Scarborough	Tauzin
Petri	Schaefer	Taylor (NC)
Pickett	Schiff	Thomas
Pombo	Seastrand	Thornberry
Porter	Sensenbrenner	Tiahrt
Portman	Shadegg	Torkildsen
Poshard	Shaw	Upton
Pryce	Shays	Vucanovich
Quillen	Shuster	Waldholtz
Quinn	Sisisky	Walker
Radanovich	Skeen	Walsh
Ramstad	Skelton	Wamp
Regula	Smith (MI)	Watts (OK)
Riggs	Smith (NJ)	Weldon (FL)
Roberts	Smith (TX)	Weldon (PA)
Roemer	Smith (WA)	Weller
Rogers	Solomon	White
Rohrabacher	Souder	Whitfield
Ros-Lehtinen	Spence	Wicker
Rose	Stearns	Wolf
Roth	Stenholm	Young (AK)
Roukema	Stockman	Young (FL)
Royce	Stump	Zeliff
Salmon	Talent	Zimmer
Sanford	Tanner	

NOT VOTING—10

Abercrombie	Kennedy (MA)	Rush
Bishop	Kennedy (RI)	Williams
Fields (LA)	Martinez	
Flake	Metcalf	

□ 2142

Mr. NEAL of Massachusetts changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

Mr. PACKARD. Mr. Speaker, just like old wild west outlaws dodging the law, the Federal Government uses unfunded mandates to dodge responsibility for their expensive regulatory schemes. But the American taxpayer voted in a new sheriff, and we have a new weapon to fight this sneaky crime. The Unfunded Mandate Reform Act will stop the Federal Government from riding off into the sunset, leaving expensive regulatory dust in their wake and passing the buck to State and local government.

In the State of California alone, mandates cost the taxpayer over $8 billion annually. Blanket, one size fits all mandates, eat up precious local and State resources, reducing flexibility and adaptability. State and local governments must sacrifice scarce funds to pay the Federal tab.

The people want control of their own lives—not Federal Government "Dos and Don'ts." Unfunded mandates rob Americans of prosperity and freedom. The Federal Government must stop these reckless acts of intrusion. Abolishing unfunded Federal mandates will restore trust and accountability in the Federal Government. I urge my colleagues to vote in favor of H.R. 5.

Mr. CLINGER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker pro tempore (Mr. THOMAS) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 25–27 this evening. Had I been present, I would have voted "yea" on rollcall votes 25, 26, and 27.

PERSONAL EXPLANATION

Mr. QUINN. Mr. Speaker, I am entering these remarks in response to rollcall vote 25 which took place Monday night, January 23. I have been recorded as not voting. This is due, however, to problems with my voting card rather than my absence from the floor.

My colleague from Illinois had offered an amendment to H.R. 5, the Unfunded Mandate Reform Act. This amendment would have exempted from the provisions of the bill my Federal mandate that protects aviation or airport security.

Mr. Speaker, had my vote been accurately recorded it would have reflected a nay vote. I believe that we can not exempt numerous programs from the provisions of H.R. 5.

H.R. 5 does not restrict mandates such as ones which aim to protect aviation or airport security. Rather it requires a cost-benefit analysis and strives to minimize the burden of unfunded mandates. We must thoroughly examine the mandates that we pass on to our States and localities. I do not find this unreasonable.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, during consideration of amendments to H.R. 5, the Unfunded Mandates Reform Act of 1995, I was recorded as voting aye on rollcall vote 26. This vote was on an en block amendment offered by Mr. GREEN (D–TX), and my vote should have been recorded as a nay in this instance. I would ask that the record reflect my opposition to the Green amendment numbered 26.

MOTION TO PERMIT COMMITTEES AND SUBCOMMITTEES TO MEET DURING THE 5-MINUTE RULE FOR THE BALANCE OF THE WEEK

Mr. ARMEY. Mr. Speaker, I move that all the committees of the House and their subcommittees may have permission to sit for today and the balance of the week while the House is meeting in the Committee of the Whole House on the State of the Union under the 5-minute rule.

The SPEAKER pro tempore. This is a privileged motion. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, I understand this motion is debatable for 1 hour. Will the gentleman from Texas [Mr. ARMEY] yield the customary time to the minority for the purpose of debate?

The SPEAKER pro tempore. It is the Speaker's understanding that the 1 hour is to be held in its entirety by the majority leader, the maker of the motion, and time will be sought from the majority leader.

Mr. BONIOR. Continuing my parliamentary inquiry, Mr. Speaker, will the gentleman be willing to yield half the time for the minority for a discussion of this issue?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The request will be made.

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

Mr. Speaker, as Members know, the House Republicans have an ambitious legislative agenda for Congress' first 100 days. In order for the House to complete the action on the contract items, the committees and subcommittees have their work cut out for them. The purpose of this resolution is to allow this important work to take place and to move legislation to the floor for further debate.

Mr. Speaker, this resolution allowing committees to meet during the 5-minute rule is not a new policy for the House. In the last Congress, blanket authority for committees to meet during the amendment process was standard procedure.

In this Congress, we have changed our rules, and therefore it is necessary within our rules for me to have sought this exception to our rules. It is not something that I expect will be a commonplace practice on the part of the majority, but during this contract period, for our committees and subcommittees to be able to carry out our work, I have made this request.

□ 2150

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. I thank my friend from Texas for yielding.

Mr. Speaker, just 2 weeks ago, the House approved a bipartisan package of sweeping reforms that the other side touted as major reform in this Congress on the first day. Now what we are finding this evening is that the Republicans are backtracking on that reform just 2 weeks into this session.

Mr. Speaker, Members cannot be in two places at one time. They cannot be on the floor voting while they are voting in committee and they should not have to run back and forth from committee to the Capitol every 5 minutes.

Now it would not be so laughable, Mr. Speaker, if this was not the centerpiece that we are going to be discussing next week, the balanced budget amendment, of their contract. While they are asking us to be here on the floor discussing the contract, they want to have the line-item veto in the Government Reform Committee. They want to deal with the Mexican loan bailout in the Banking Committee.

Mr. Speaker, we have over 160 amendments on this mandate bill, over 40 substitutes on the balanced budget amendment. We worked hard for those reforms that you were so proud of: ban proxy voting, eliminate the three committees, restrict the number of subcommittees.

All of a sudden we are into 2 weeks of the session and backtracking we go. I do not think the American people will agree with the reforms that you have put forward and the backtracking that you are about to undertake in this very first 2 weeks. Therefore, Mr. Speaker, I hope my colleagues will vote against this ill-conceived resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I disagree with the majority leader's statement that this last year and the year before was blanket permission.

As I understand the rule, unless the House granted such permission, any Member in a committee that was sitting in a markup could have objected. Any Member could have objected. If you sat during the 5-minute rule to mark up a bill in committee, the objection of a single Member in committee ended that meeting. You had to come to the floor, and any 10 Members could block it.

This is an arrogation to the majority far beyond what we had. I sit on the Banking Committee. I do not want to be forced to choose between debating safeguards for the American people on the Mexico loan and protecting Social Security in the balanced budget amendment.

What you have done is a brandnew procedure. The intolerance for debate is already starting to rise, shout them down, don't yield time. The gentleman has an hour.

May I ask the gentleman from Texas how much time he plans to allow us to debate this?

The SPEAKER pro tempore (Mr. THOMAS). The time of the gentleman from Michigan [Mr. BONIOR] has expired.

Mr. ARMEY. Mr. Speaker, once again I would say the people's business requires prompt attention to their work from the committees and the subcommittees.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

How much time of the hour did the gentleman from Texas consume?

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] consumed 5 minutes of his time and he yielded 3 minutes, which the gentleman from Michigan [Mr. BONIOR] consumed.

Mr. FRANK of Massachusetts. And yielded back 55 minutes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

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

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 17-minute vote maximum.

The vote was taken by electronic device, and there were—ayes 232, noes 187, not voting 15, as followings:

[Roll No. 29]

AYES—232

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

NOES—187

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

NOT VOTING—15

Abercrombie
Bishop
Fields (LA)
Flake
Ford
Hall (OH)

Kennedy (MA)	Martinez	Spratt
Kennedy (RI)	Metcalf	Wicker
Lantos	Rush	Zeliff

□ 2207

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 25 through 28. I would have voted "no" on rollcall vote 29.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, I was unavoidably detained in my return to Washington from my congressional district on Monday, January 23, 1995. I was therefore not available to vote for rollcall Nos. 25, 26, 27, 28, and 29.

Had I been present I would have voted "aye" on No. 25; "aye" on No. 26; "aye" on No. 27; "aye" on No. 28; and "aye" on No. 29.

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. WATTS of Oklahoma). 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.

STAND UP AND BE COUNTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, it is an honor to be part of a process where we can actually start talking about bringing about real reform and once again changing the relationship back between the Federal Government and the States and the individuals the way our Founding Fathers intended it to be over 200 years ago.

James Madison wrote 200 years ago as he was framing the Constitution, "We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the Ten Commandments of God." And Thomas Jefferson wrote that the Government that governs least governs best, and our own 10th amendment to the Constitution said, "All powers not specifically granted to the Federal Government are reserved to the States and individuals."

It feels great to be a part of this process where we can bring this new type of federalism back to Washington and to bring about real reforms, and one of the most important reforms is one of the most commonsense reforms, to make this Government do what middle-class citizens and businesses and States have had to do for over 40 years, and that is balance their checkbooks and spend only as much money as they take in.

Unfortunately, as we brought forward reforms on unfunded mandates, on balanced budget amendments, and on other important matters that the American people voted us in to take care of, we have been meeting with resistance from Members of the other side of this House who, instead of bringing forth positive proposals, are creating straw men and then knocking them down.

With children dying in our Nation's streets, liberal Democratic leaders lament a book deal that even the Washington Post calls proper, and while working men and women across the land struggle to survive until their next paycheck, liberal Democratic leaders ignore their plight and instead chatter incessantly over contrived imaginary scandals, and while conservatives on both sides of the aisle boldly forge, go ahead, into a new frontier of federalism, liberal Democratic leaders continue to engage in a desperate hamfisted attempt to create a crisis, change the subject, and obstruct the latest great piece of reform.

Mr. Speaker, it is time for all Members of Congress to step forward, stand up and be counted, and to debate real issues that will actually affect the lives of working men and women of this country who elected us to make real reforms in the 104th Congress.

RULES OF PROCEDURE FOR THE COMMITTEE ON AGRICULTURE FOR THE 104TH CONGRESS

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the committee on January 11, 1995.

Appendix A of the committee rules includes excerpts from the rules of the House relevant to the operation of the committee. Appendix B includes relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE

I. GENERAL PROVISIONS

a. Rules of the U.S. House of Representatives.—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. (See Appendix A for the applicable rules of the U.S. House of Representatives.)

b. Applicability to Subcommittees.—The following rules shall apply to meetings, hearings, and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. Regular and Additional Meetings.—The Committee shall meet on the first Tuesday of each month while Congress is in session. The Committee also shall meet at the call of the Chairman at such other times as the Chairman considers to be necessary, subject to advance notice to all Committee Members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee Member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by the chairman need not be held, the Chairman shall give all Members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI. e. for provisions which apply to meetings of Subcommittees.

b. Special Meetings.—If at least three Members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure or matter, the Chief of Staff shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the Members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure or matter. If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Chief of Staff shall notify all Members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure or matter. Only the measure or matter so specified in the meeting notice as filed by the majority of Committee Members and transmitted to all Committee Members may be considered at a special meeting.

c. Vice Chairman.—The Member of the majority party on the Committee ranking immediately after the Chairman of the Committee shall be the Vice Chairman of the Committee, and the Member of the majority party on each Subcommittee ranking immediately after the Chairman of the Subcommittee shall be the Vice Chairman of that Subcommittee.

d. Presiding Member.—If the Chairman is not present at any Committee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking Member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any Subcommittee meeting or hearing, the Vice Chairman

or, in the absence of the Vice Chairman, the ranking Member of the majority party who is present shall preside.

e. Open Business Meetings.—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public including to radio, television and still photography coverage, except as provided by House Rule XI, clause 3(f)(2), except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House. No person other than Members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public. This clause does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

f. Records and Roll Calls.—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a roll call is demanded. A roll call vote shall be ordered on demand by one-fifth of the Members present. The record of such action and the results of the roll call votes during each session of Congress shall be made available by the Committee, on request, for public inspection during regular office hours in the Committee offices and on telephone request. The information so available on roll call votes shall include a brief description of the amendment, motion, order, or other proposition; the name of each Member voting for and each Member voting against such amendment, motion, order, or other proposition; and the names of those Members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and thereafter may be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, other than roll call votes, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee.

g. Quorum For Reporting Measures.—No measure or recommendation shall be reported from the Committee or Subcommittee unless a majority of the committee is actually present.

h. Quorums—General.—A majority of the Members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided*, That the Chairman of the Committee may determine that one-third of the Members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if the Chairman gives written notice to that effect to the Members prior to the meeting.

i. Prohibition on Certain Committee Meetings.—Without special leave, neither the Committee nor any Subcommittee may sit while the House is reading a measure for amendment under the five-minute rule. (See Appendix A, House Rule XI clause 2(i).)

The Committee or Subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

j. Prohibition on Proxy Voting.—No vote by any Member of the Committee or Subcommittee with respect to any measure or matter may be cast by proxy.

k. Location of Persons at Meetings.—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area during a meeting of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

l. Consideration of Amendments and Motions.—A Member, upon request, may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present: *Provided*. That such amendment shall remain pending before the Committee or Subcommittee and may not be voted on until the requirements of this section have been met.

m. Submission of Motions or Amendments in Advance of Business Meetings.—The Committee and Subcommittee Chairman may request and Committee and Subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member twenty-four hours before a Committee or Subcommittee business meeting.

n. Points of Order.—No point of order against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. See Rule VI. e. for provisions relating to Subcommittee hearings and meetings.

b. Announcement of Hearings.—The Chairman of the Committee or Subcommittee shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Chief of Staff shall notify the office of the House Daily Digest for publication of the notice of the hearing in the Congressional Record, and the office of the Official Reports to the House Committees relating to such notice as soon as possible after such public announcement has been made and enter the announcement onto the Committee scheduling service of the House Information systems.

c. Power to Subpoena.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a roll call vote of the majority of the Members of the Committee, a majority being present. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other member of the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all Members of the full Committee by 5 p.m. of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. Scheduling of Hearings and Witnesses.—Except as otherwise provided in this clause, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee on any measure or matter, the Committee's or Subcommittee's minority party Members shall be entitled, on request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of the hearing.

e. Witnesses' Statements in Advance.—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Chief of Staff a written statement of the witness's prepared testimony at least two working days in advance of the witness's appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee Members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee Members, staff, and the news media. The Committee or Subcommittee staff shall distribute such written statements to all Members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. Testimony of Witnesses.—The Chairman of the Committee or Subcommittee or any Member designated by the Chairman may administer an oath to any witness. Each witness who has been subpoenaed, on the completion of the witness's testimony, may report in person or in writing to the Chief of Staff and sign appropriate vouchers, if any, for the cost of travel-related expenses as authorized by the Rules of the House and other relevant laws. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time

allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the testimony and the length of time available.

g. Questioning of Witnesses.—Committee or Subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each Member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise, no person shall interrogate witnesses other than Members and Committee or Subcommittee staff.

h. Open Hearings.—Each hearing conducted by the Committee or Subcommittee shall be open to the public including to radio, television and still photography coverage except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public, because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives: *Provided*, That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate Rule III. k., or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to Members by means of the above procedure.

i. Quorum.—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. Record of Hearing.—The Committee shall keep a complete record of all committee action which shall include—

(A) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(B) a record of the votes on any question on which a roll call vote is demanded. Any public witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may examine the transcript of his or her own testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff the Chairman designates, and the Chairman of the Committee or Subcommittee or the Chairman's designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. Investigative Hearings.—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of Clause 2 of Rule XI of the house Rules, regarding investigative hearing procedures, a copy of which appears in Appendix A) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of profressional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of Rule III. h., if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; or

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee or Subcommittee, a majority begin present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee or Subcommittee shall afford such person any opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

l. Broadcasting and Photography.—Television, radio and still photography coverage of all or part of any Committee or Subcommittee hearing or meeting shall be permitted, except as provided in House Rule XI clause 3(f)(2): *Provided*, That when such radio coverage is conducted, written notice to that effect shall be placed on the desk of each Member. No Committee or Subcommittee Chairman shall limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized). Any television, radio, or still photography coverage of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI, clause 3(f), which appear in Appendix A.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Chief of Staff of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Chief of Staff of the Committee shall notify the Chairman immediately when such a request is filed.

b. Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of each roll call vote on any amendment in the Committee or Subcommittee and on the motion to report such bill or resolution, including the total number of votes cast for and the total number of votes cast against such amendment or motion;

(4) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in

connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Reform and Oversight or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year or reporting, whichever period is less, together with a comparison these estimates with those made and submitted to the Committee by any Government agency (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(b) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. Supplemental, Minority, or Additional Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Chief of Staff of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee on that measure or matter shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of clause 2(l)(3) of House Rule XI are included as part of the report.

This clause shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this clause or the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

d. Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearing printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its Subcommittees shall include a record of the attendance of the Members.

e. Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

V. OTHER COMMITTEE ACTIVITIES

a. Oversight Reform.—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight. In developing such plans the Committee shall, to the maximum extent feasible—

(A) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committee in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(C) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

The Committee shall include in the report filed pursuant to House Rule XI clause 1(d) a summary of the oversight plans submitted by the Committee under House Rule X clause 2(d), a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendation made or actions taken thereon.

b. Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

c. Budget Act Compliance: Views and Estimates (See Appendix B).—The Committee shall, within 6 weeks after the President submits a budget under section 1105(a) of title 31, United States Code, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

d. Budget Act Compliance: Recommended Changes (See Appendix B).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those Members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority Members to minority party Members on the Committee. In making recommendations of minority party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. Committee Records.—All Committee or Subcommittee hearing materials, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Chief of Staff shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

g. Archiving of Committee Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decisions, pursuant to clause 3(b)(3) or clause 4(b) of the Rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

VI. SUBCOMMITTEES

a. Number and Composition.—There shall be such Subcommittees as specified in clause b. of this rule. Each of such Subcommittees shall be composed of the number of Members set forth in clause b., including ex officio Members.[1] The Chairman may create additional Subcommittees of an ad hoc nature as the Chairman determines to be appropriate.

b. Jurisdiction.—The Subcommittees shall have the following general jurisdiction and number of Members.

[1] The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See clause d. of this Rule).

COMMODITY SUBCOMMITTEES

General Farm Commodities (20 Members, 11 majority and 9 minority):

Wheat, feed grains, soybeans, oilseeds, cotton, cottonseed, rice, dry beans, peas, and lentils, Commodity Credit Corporation, and trade matters related to such commodities, generally.

Livestock, Dairy, and Poultry (14 Members, 8 majority and 6 minority):

General livestock, dairy, poultry, meat, seafood, and seafood products, and the inspection of those commodities, aquaculture, animal welfare, and domestic and foreign marketing related to assigned commodities, including dairy marketing orders and trade matters related to such commodities, generally.

Risk Management and Specialty Crops (18 Members, 10 majority and 8 minority):

Commodity futures, crop insurance, peanuts, tobacco, sugar, honey and bees, family farming, fruits and vegetables, domestic and foreign marketing related to assigned commodities, and related marketing orders, generally.

OPERATIONAL SUBCOMMITTEES

Department Operations, Nutrition, and Foreign Agriculture (24 Members, 13 majority and 11 minority):

Agency review and analysis, special investigations, pesticides, nutrition, food stamps, hunger, consumer programs, and trade matters not otherwise assigned, including foreign agriculture assistance programs, generally.

Resource Conservation, Research, and Forestry (24 Members, 13 majority and 11 minority):

Water, soil and natural resource conservation, small watershed program, research, agriculture credit, rural development, forestry and energy matters, generally.

c. Referral of Legislation.—In the case of any measure or matter not specifically described above, or that includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by the Chairman for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks, except that the Chairman of the Committee, after consultation with the Ranking Minority Member of the Committee, may determine that consideration of the legislation or other matter is to be by the Committee.

d. Service on Subcommittees.—The Chairman and the Ranking Minority Member shall serve as ex officio Members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearing or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such Member is a Member of such Subcommittee.

e. Subcommittee Hearings and Meetings.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Chief of Staff. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the dates for hearings and meetings of the Subcommittee during the period between the date of vacancy and the date the vacancy is filled. The provisions of Rule II. a. regarding notice and agenda of Committee meetings and of Rule II. b. regarding special meetings shall apply as well to Subcommittee meetings.

f. Subcommittee Action.—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee Member authorized to do so by the Subcommittee. Upon receipt of such report, the Chief of Staff shall promptly advise all Members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. Subcommittee Investigations.—No investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. Committee Budget.—The Chairman, in consultation with the majority Members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittees thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. Committee Staff.—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee Members seeking assistance from the staff shall make their request through the Chairman or Ranking Minority Member. The chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. Committee Travel.—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purposes of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(1) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

RULES OF PROCEDURE FOR THE COMMITTEE ON RULES FOR THE 104TH CONGRESS

(Mr. SOLOMON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SOLOMON. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Rules for the 104th Congress as approved by the committee on January 5, 1995.

RULES OF THE COMMITTEE ON RULES

Rule XI, 1(a)(1) of the House of Representatives provides:

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

Each standing committee of the House shall adopt written rules governing its procedure.* * *

In accordance with the foregoing, the Committee on Rules adopted the following Rules of Procedure on January 5, 1995.

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Rules (hereafter in these rules referred to as the "Committee") so far as applicable, together with the rules contained herein.

RULE 2—SCHEDULING AND NOTICE OF MEETINGS AND HEARINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A Tuesday meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair or by the filing of a written request, signed by a majority of the Members of the Committee, with the Chief of Staff of the Committee.

Notice for regular meetings

(b) The Chair shall notify each Member of the Committee of the agenda of each regular meeting or hearing of the Committee at least 48 hours before the time of the meeting or hearing and shall provide to each such Member, at least 24 hours before the time of each regular meeting or hearing—

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of (A) the bill or resolution, (B) any committee reports thereon, and (C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda, a copy of (A) the bill, resolution, report, or materials relating to the other matter in question, and (B) any report on the bill, resolution, report, or other matter made by any subcommittee of the Committee.

Emergency meetings and hearings

(c)(1) The Chair may call an emergency meeting or hearing of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the Ranking Minority Member, or, in such Member's absence, the next ranking minority party Member of the Committee.

(2) As soon as possible after calling an emergency meeting or hearing of the Committee, the Chair shall notify each Member of the Committee of the time and location of the meeting or hearing.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting or hearing and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting or hearing was a regular meeting or hearing.

RULE 3—MEETING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the Member designated by the Chair as the Vice Chair of the Committee, or by the Ranking Majority Member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each Member of the Committee has had an opportunity to question the witness.

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each Member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Voting

(b)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the Members of the Committee is actually present, except as otherwise specified in these rules.

(2) A rollcall vote of the Committee shall be provide on any question before the Committee upon the request of any Member of the Committee.

(3) A record of the vote of each Member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any rollcall vote on any motion to amend or report, shall be included in the report of the Committee on the bill or resolution.

(4) The Members of the Committee, or one of its subcommittees, present at a meeting or hearing of the committee or the subcommittee, respectively, may, by majority vote, limit the duration of debate, testimony, or Committee or subcommittee consideration with respect to any measure or matter before the Committee or subcommittee, respectively, or provide for such debate, testimony, or consideration to end at a time certain.

Media coverage of committee and subcommittee proceedings

(c) Any meeting or hearing of the Committee or any of its subcommittees that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of the House rule XI (which are incorporated by reference as part of these rules).

Quorum

(d)(1) For the purpose of hearing testimony on requests for rules, five Members of the Committee shall constitute a quorum.

(2) For the purpose of hearing and taking testimony on measures or matters of original jurisdiction before the Committee, three Members of the Committee shall constitute a quorum.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any Member designated by the Committee, and may be served by any person designated by the Chair or such Member.

(4) The Chair, or any Member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

General oversight responsibility

(f)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(2) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

Application of House and committee rules

(a)(1) As provided by clause 1(a)(2) of rule XI of the Rules of the House of Representatives, subcommittees of the Committee are a part of the Committee and are subject to its authority and direction.

(2) Subcommittees of the Committee shall be subject (insofar as applicable) to the Rules of the House of Representatives and, except as provided in this rule, the rules of the Committee.

Establishment and responsibilities of subcommittees

(b)(1) There shall be two subcommittees of the Committee as follows:

(A) *Subcommittee on the Legislative Process*, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) *Subcommittee on Rules of the House*, which shall have general responsibility for measures or matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(2) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Reference of measures and matters to subcommittees

(c)(1) In view of the unique procedural responsibilities of the Committee—

(A) no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee, and

(B) all other measures or matters shall be subject to consideration by the full Committee except for those measures or matters referred by the Chair to one or both subcommittees of the Committee.

(2) The Chair may refer a measure or matter, which is within the general responsibility of one of the subcommittees of the Committee, jointly or exclusively to the other subcommittee of the Committee where the Chair deems it appropriate.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair or the Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(d) The size and ratio of each subcommittee shall be determined by the Committee at

its organizational meeting at the beginning of each Congress, and Members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses.

Subcommittee Meetings and Hearings

(e)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may, without the Chair's approval, meet or hold a hearing on the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

(4) A Member of the Committee who is not a Member of a particular subcommittee of the Committee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

Quorum

(f)(1) For the purpose of taking testimony, two Members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the Members of a subcommittee, except as otherwise specified in these rules.

(3) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining Members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—BUDGET AND TRAVEL

Budget

(a) The Chair, in consultation with other Members of the Committee, shall prepare for each session of Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any Member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of Members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Oversight.

RULE 6—STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and investigative staff of the Committee shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) All professional, and any investigative, staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee and shall work under the general supervision and direction of such Member.

Associate Staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the Ranking Minority Member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House rule XI.

Subcommittee Staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 5(d) of House rule XI, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the Ranking Minority Member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of Staff

(d) The Chair shall fix the compensation of all professional and investigative staff of the Committee, after consultation with the Ranking Minority Member regarding any minority party staff.

Certification of Staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that Member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the Member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's supervision and direction.

RULE 7—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or Acting Chair shall report it to the House or designate a Member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any Member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing.

Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The minutes of each executive meeting of the Committee shall be available to all Members of the House of Representatives in compliance with clause 2(e)(2) of rule XI of the Rules of the House of Representatives.

(3) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chair shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any Member of the Committee.

Calendars

(c)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other Committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each Member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a Member of such committee authorized to act on

the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(d) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees.

RULE 8—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. BISHOP (at the request of Mr. GEPHARDT), for today, on account of family illness.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for Monday, January 23, on account of a death in the family.

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. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. LINCOLN, for 5 minutes, today.

(The following Member (at the request of Ms. PELOSI) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. ROBERTS, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, on January 27.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. MENENDEZ, 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. WATT of North Carolina) and to include extraneous matter:)

Mr. DIXON.

Ms. PELOSI.

Ms. KAPTUR.

(The following Members (at the request of Mr. CHRISTENSEN) and to include extraneous matter:)

Mr. DAVIS.

Mr. BEREUTER.

Mr. HORN.

Mr. LATHAM.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. PACKARD.

Mr. SOLOMON.

Mr. FRANKS of New Jersey.

Mr. KILDEE.

Mr. ANDREWS.

Mr. THOMPSON.

Mr. BECERRA.

Mr. WAXMAN.

Mr. ROSE.

BILL APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following date he had approved and signed a bill of the following title:

On December 8, 1994

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

ADJOURNMENT

Mr. WELDON of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 24, 1995, at 9:30 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of January 2, 1995]

Mr. ROSE: Committee on House Administration. Report on the Activities of the Committee on House Administration During the 103d Congress (Rept. 103-893). Referred to the Committee of the Whole House on the State of the Union.

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. HORN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. FATTAH, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FROST, Mr. PETE GEREN of Texas, Mrs. JOHNSON of Connecticut, Mr. KING, Mr. LEACH, Mr. NEY, Mr. POSHARD, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Texas, Mr. TUCKER, Mr. WALSH, Ms. PELOSI, and Ms. ESHOO):

H.R. 628. A bill to amend title 18, United States Code, to extend certain protections now accorded various Federal officials to the staffs of those officials; to the Committee on the Judiciary.

By Mr. ALLARD:

H.R. 629. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Mr. BURTON of Indiana:

H.R. 630. A bill to amend title 18, United States Code, to provide the death penalty for the intentional transmission of the Human Immunodeficiency Virus to an innocent victim of a Federal offense; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself, Mr. DORNAN, Mr. SOLOMON, Mr. BAKER of Louisiana, Mr. HANSEN, Ms. DUNN, Mr. HANCOCK, Mr. BALLENGER, Mr. NEY, Mr. FUNDERBURK, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. COOLEY, Mrs. VUCANOVICH, Mr. STUMP, Mr. CREMEANS, Mr. HALL of Texas, Mr. HOKE, Mr. FOX, Mr. SCARBOROUGH, Mr. SENSENBRENNER, Mr. POMBO, Mr. ROYCE, Mr. WILSON, and Mr. GRAHAM):

H.R. 631. A bill to impose limitations on the placing of U.S. Armed Forces under the operational control of a foreign national acting on behalf of the United Nations; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FROST:

H.R. 632. A bill to enhance fairness in compensating owners of patents used by the United States; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 633. A bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself and Mr. PASTOR):

H.R. 634. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, and Mr. HANCOCK and Ms. DUNN):

H.R. 635. A bill to amend the Internal Revenue Code of 1986 to expand the excise tax exemption for air transportation for the purpose of providing medical care; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 636. A bill to amend section 207(m) of the Fair Labor Standards Act of 1938 to eliminate the partial overtime exemption for employees that perform services necessary and incidental to the sale and processing of green and cigar leaf tobacco; to the Committee on Economic and Educational Opportunities.

By Mr. KIM:

H.R. 637. A bill to limit eligibility of aliens for public welfare assistance to aliens permanently and lawfully in the United States; to the Committee on Commerce, and in addition to the Committees on Economic and

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Educational Opportunities, Agriculture, Ways and Means, Banking and Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. STARK, Mr. SHAYS, Mr. GONZALEZ, Mrs. COLLINS of Illinois, Mr. MEEHAN, Mr. TORRICELLI, Mr. YATES, Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. CLAY, Mr. NADLER, Mr. FOGLIETTA, Ms. ESHOO, Ms. WOOLSEY, Mr. EVANS, and Ms. VELAZQUEZ):

H.R. 638. A bill to abolish the National Board for the Promotion of Rifle Practice and to eliminate the promotion of civilian marksmanship by the Department of Defense; to the Committee on National Security.

By Mr. RAHALL:

H.R. 639. A bill to make technical amendments relating to three units of the National Park System in the State of West Virginia; to the Committee on Resources.

H.R. 640. A bill to modify the boundaries of three units of the National Park System in the State of West Virginia; to the Committee on Resources.

By Mrs. SCHROEDER (for herself, Mr. SHAYS, Mrs. LOWEY, Mrs. MORELLA, Mr. WAXMAN, and Mr. TORKILDSEN):

H.R. 641. A bill to amend the Civil Rights Act of 1964 to protect first amendment rights, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP:

H.R. 642. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to an amount equivalent to a $1 million exclusion; to the Committee on Ways and Means.

Mr. THOMPSON:

H.R. 643. A bill to extend the effectiveness of an exemption from the requirements of the Depository Institution Management Interlocks Act; to the Committee on Banking and Financial Services.

H.R. 644. A bill to amend the Appalachian Regional Development Act of 1965 to include additional counties in the State of Mississippi as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. DORNAN (for himself, Mr. BURTON of Indiana, and Mr. CALLAHAN):

H.J. Res. 61. Joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*; to the Committee on National Security.

By Mr. FRANKS of New Jersey (for himself, Mr. CONDIT, and Mr. GILLMOR).

H.J. Res. 62. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 16. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union; considered and agreed to.

By Mr. FLANAGAN (for himself, Mr. HAYWORTH, Mr. DREIER, Mr. LAHOOD, Mr. EWING, Mr. PAXON, Ms. MOLINARI, Mr. LARGENT, Mr. BARR, Mr. TALENT, Mr. WATTS of Oklahoma, Mr. LATHAM, Mr. LATOURETTE, Mr. FRISA, Mr. WAMP, Mr. ENGLISH of Pennsylvania, Mr. HOSTETTLER, Mr. HASTERT, Mr. MCINTOSH, Mr. ENSIGN, Mr. NETHERCUTT, Mr. CRANE, Mr. DELAY, Mr. ROHRABACHER, Mr. MOORHEAD, Mr. HANCOCK, Mr. EHRLICH, Mr. FUNDERBURK, Mr. NEY, Mr. WELLER, Mr. CAMP, Mr. FORBES, Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. BOEHNER, Mr. SCHIFF, Mr. BRYANT of Tennessee, Mr. MARTINI, Mr. HASTINGS of Washington, Mr. DAVIS, Mr. HYDE, Mr. LEACH, Mr. CHABOT, Mr. BROWNBACK, Mr. HILLEARY, Mr. MCCOLLUM, Mr. WALKER, Mr. SOLOMON, Mr. ARMEY, Mr. GRAHAM, Mr. GANSKE, Mr. LONGLEY, Mr. CHAMBLISS, Mr. NORWOOD, Mr. HEINEMAN, Mrs. CUBIN, and Mr. CHRYSLER):

H. Con. Res. 17. Concurrent resolution relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget; to the Committee on Rules.

By Mr. SOLOMON:

H. Res. 43. Resolution to amend clause 2(g)(3) of House rule XI to permit committee chairman to schedule hearings; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BAKER of Louisiana, Mr. CHABOT, Mr. CONDIT, Mr. LIVINGSTON, Mr. LUCAS, Mr. MEEHAN, Mr. MOORHEAD, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. RAMSTAD, Mrs. SEASTRAND, Mr. SOUDER, Mr. WALKER, and Mr. KLUG.

H.R. 5: Mr. MILLER of Florida.

H.R. 8: Mr. DREIER, Mr. ROBERTS, and Mr. POMBO.

H.R. 13: Mr. WELDON of Florida and Mr. WELLER.

H.R. 28: Mr. MCKEON.

H.R. 42: Mr. JEFFERSON, Mr. HINCHEY, Mr. MCDERMOTT, and Mr. KLECZKA.

H.R. 47: Mr. DELAY, Mr. DOOLITTLE, Mr. FORBES, Mr. NEY, Mr. JONES, Mr. LAUGHLIN, Mr. ROYCE, Mr. SAXTON, and Mr. FOX.

H.R. 65: Mr. GEJDENSON and Mr. LATOURETTE.

H.R. 103: Mr. HASTINGS of Florida, Mr. JOHNSTON of Florida, and Mr. MARTINEZ.

H.R. 104: Mr. SENSENBRENNER and Mr. KINGSTON.

H.R. 109: Mr. LIPINSKI, Mr. JOHNSTON of Florida, Mr. LATOURETTE, Mr. HEFNER, Mr. SKELTON, and Mr. GRAHAM.

H.R. 127: Mr. KNOLLENBERG, Mr. FROST, and Mr. SAWYER.

H.R. 139: Mr. BUNNING of Kentucky and Mr. EVANS.

H.R. 142: Mr. PETERSON of Florida, Mr. BUNNING of Kentucky, Mr. SKELTON, and Mr. STUMP.

H.R. 201: Mr. FROST, Mr. BALLENGER, Ms. DANNER, Mr. NEY, Mr. SOLOMON, Mr. PETE GEREN of Texas, Mr. FORBES, Mr. PACKARD, Mr. HALL of Texas, and Mr. BLUTE.

H.R. 217: Mr. MOORHEAD.

H.R. 218: Mr. LATOURETTE.

H.R. 303: Mr. LATOURETTE.

H.R. 325: Mr. HOSTETTLER, Mr. NEUMANN, and Mr. DAVIS.

H.R. 326: Mr. MARTINEZ.

H.R. 359: Mr. SERRANO, Mr. CHRYSLER, Mr. LATOURETTE, and Mr. RICHARDSON.

H.R. 393: Mr. SMITH of New Jersey.

H.R. 449: Mr. FATTAH.

H.R. 450: Mr. MARTINEZ and Mr. HOEKSTRA.

H.R. 452: Mr. EVANS.

H.R. 483: Mr. GEJDENSON, Mr. PORTMAN, Mr. CRANE, Mr. BARTON of Texas, Mr. FIELDS of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DE LA GARZA, Mr. HANCOCK, Ms. PRYCE, Mr. STEARNS, Mr. PETE GEREN of Texas, Mr. SENSENBRENNER, Ms. ESHOO, Mr. GENE GREEN of Texas, Mrs. LOWEY, and Mr. LAZIO of New York.

H.R. 485: Mr. COX and Mr. BILBRAY.

H.R. 489: Mr. CALVERT and Mr. HEFLEY.

H.R. 490: Mr. CALVERT, Mr. LUCAS, and Mr. ROBERTS.

H.R. 512: Mr. LIPINSKI.

H.R. 519: Mr. STUMP.

H.R. 521: Mr. WELLER.

H.R. 558: Mr. BALDACCI and Mr. LONGLEY.

H.R. 587: Mr. BERMAN.

H.R. 599: Mrs. SMITH of Washington and Ms. FURSE.

H.R. 613: Mr. STARK.

H.J. Res. 24: Mr. GOSS, Mr. SOLOMON, and Mr. CHRISTENSEN.

H.J. Res. 28: Mr. BACHUS, Mr. BILBRAY, Mr. BUNNING of Kentucky, Mrs. JOHNSON of Connecticut, Mr. LEWIS of California, Mr. SHAW, Mrs. SMITH of Washington, Mr. UPTON, and Mrs. WALDHOLTZ.

H. Res. 33: Mr. EVANS, Mr. BERMAN, and Mr. BOUCHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. LEVIN OF MICHIGAN

AMENDMENT NO. 162: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) relates to controlling, deterring, preventing, prohibiting, punishing, or otherwise mitigating child pornography.

H.R. 5

OFFERED BY: MR. LEVIN OF MICHIGAN

AMENDMENT NO. 163: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) relates to controlling, deterring, preventing, prohibiting, punishing, or otherwise mitigating child pornography.

H.R. 5

OFFERED BY: MR. PALLONE

AMENDMENT NO. 164: (1) In Sec. 301, in the proposed Section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the coastal waters of the United States.

H.R. 5

OFFERED BY: MR. PETERSON OF MINNESOTA

AMENDMENT NO. 165: In section 301, in the proposed section 424(a)(2)(A) of the Congressional Budget Act of 1974, strike "$100,000,000" and insert "$50,000,000".

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 166: In section 301, in the proposed part B of the Congressional Budget Act of 1974, strike section 425 (and revise the subsequent proposed sections and references thereto accordingly).

H.J. RES. 1

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 45: At the end of section 4 add the following:

"Total receipts shall not include receipts (including attributable interest) of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund, or any successor funds."

H.J. RES 1

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 46: At the end of Section 4 add the following:

"No legislation to enforce or implement this Article may impair any payment or other benefit under the Medicaid program."

EXTENSIONS OF REMARKS

PROPOSED HISTORY STANDARDS CRITICIZED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. BEREUTER. Mr. Speaker, there has been much controversy surrounding the national history standards proposed by the National Center for History in the schools at the University of California, Los Angeles. As many others have pointed out, these proposed standards contain many obvious omissions and present a slanted view of American history. This Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on January 19, 1995.

HISTORY STANDARDS ARE FAR OFF THE MARK

The academic committee that produced national standards for teaching history will take another look at its work. Certainly another look is in order. A number of historians and teachers have condemned the standards as anti-European and anti-American.

Two sets of standards were produced, one for American history and one for world history. Both have been widely criticized. Gary Nash, a University of California at Los Angeles history professor who was involved in both projects, said, "We will look for examples of ideological bias or imbalance and will make appropriate changes."

The group shouldn't have to look far. Liberal academics in the project snuffed attempts by others on the committee to include time-honored mileposts in U.S. history and world history. The resulting standards consist of a dizzying list of politically correct concepts, including detailed attention to marginal events and people who seem to have been included mainly as examples of white, European, male imperialism.

A gathering of early feminists in Seneca Falls, N.Y., is mentioned nine times in the U.S. history standards. Nowhere do the standards acknowledge the first meeting of Congress. The Ku Klux Klan is mentioned more frequently than George Washington. Sen. Joseph McCarthy, whose memory is hated because of his often-imprecise charges of communist infiltration in American institutions, receives more attention than Thomas Paine and other early leaders whose words continue to inspire freedom fighters around the world.

However, other societies escape the harsh criticism directed at the United States. In the world history standards, the Aztec culture is praised for its achievements in astronomy and agriculture. But the historians give the Aztecs a free pass on the subject of their practice of human sacrifice. It isn't mentioned.

The world history standards focus disproportionately on long-dead cultures that contributed little to life as it is currently lived in most parts of the world. But the standards treat almost as an afterthought the main sweep of civilization that stretched from the Fertile Crescent through Greece and Rome, through the Middle Ages and the Renaissance and the Enlightenment to the ultimate flowering of democracy across much of the globe.

Defenders of the standards say that they are only a guide. Even if adopted by President Clinton's Goals 2000 program, the defenders say, the standards are merely advisory.

But "advisory" standards have a way of becoming mandatory. They need to be reviewed before they take effect.

Eliminating anti-Western and anti-American bias, even if the original authors were able to do that, wouldn't solve all the problems. The standards also sneer at the traditional process of learning facts about important people, ideas and events. Rather, a sloppy, game-playing approach is encouraged. Students are to "learn" by making up imaginary conversations among historical figures. Or they are to speculate about what it was like to be a member of an oppressed group in the Middle Ages. One suggestion is to conduct a mock trial of John D. Rockefeller.

It is absurd to suggest that accurate historical insights can be achieved by people who don't have their facts straight.

Indeed, as one critic suggested, the standards appear to be "seriously flawed in concept, in tone and in content throughout." The drafters of the standards have far to go in addressing the serious concerns that have arisen.

TRIBUTE TO NEWTON AND ROCHELLE BECKER

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. WAXMAN. Mr. Speaker, we ask our colleagues to join us in recognizing Newton and Rochelle Becker for their generous support of the House of Justice, Bet Tzedek Legal Services in Los Angeles.

Newton and Rochelle Becker have made the largest single private contribution to Bet Tzedek in its 20-year history. They have specifically earmarked this gift for the purchase of state-of-the-art computer equipment and software to bring Bet Tzedek's quality legal services to an even higher level of excellence. In honor of their profound commitment and generosity, Bet Tzedek is naming its library in their honor.

Newton and Rochelle Becker have a tremendous devotion to quality legal representation for the disadvantaged and have played a significant role in providing legal services for tenants, consumers, employees, and victims of fraud. They believe that equality before the law is an empty slogan as long as access to quality legal services is denied those without financial means. Their work for Bet Tzedek has advanced in a most tangible way the ideal of equal representation under the law.

We ask our collcagues to join us in thanking the Beckers for their great contribution to our community and in wishing them great success in all future endeavors.

IN HONOR OF CHIUNE AND YUKIKO SUGIHARA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Ms. PELOSI. Mr. Speaker, I rise today to bring to the attention of the Congress the work of an extraordinary couple, Chiune and Yukiko Sugihara, who against their own government and amid a sea of hostility, saved the lives of thousands of Jewish men, women, and children from the horrors of the Holocaust. Together, they will be remembered, as Raoul Wallenberg and Oskar Schindler are, for their isolated acts of defiance and extraordinary courage and resistance against the Nazi horrors.

In the summer of 1940, Chiune Sugihara, a minor official in Japan's Foreign Ministry, was stationed in the Japanese Consulate in Kaunas, Lithuania. After the Nazi blitzkreig of Poland, thousands of Jewish refugees fled to that tiny country. In Kaunas, rumors began that the Consulate was issuing transit visas, and crowds of hopeful applicants gathered outside the consulate gates. At this time, it is unclear what the Sugiharas were feeling. According to the Holocaust Oral History Project, it is possible that Sugihara was introduced to the brutality of the Nazi regime and to the plight of the Jewish refugees in Lithuania after befriending a young Jewish boy, named Solly Ganor, who had gone to the consulate asking for stamps. Whatever the motivation, the need for action, in the Sugiharas' mind, was clear: without action, many of the Jewish refugees would die.

Chiune Sugihara cabled his government three times, asking permission to grant visas. Each time, permission was denied. After consulting with his wife, Sugihara simply chose to issue the visas on his own authority. His wife recollects: "He told me, 'Yukiko', I'm going to issue the visas. I'm going to go against the Foreign Ministry. On this, my husband and I were one." The record of his actions is undeniable: the records of the Japanese Foreign Ministry show that Sugihara issued 2,139 visas in the time between July 9 and August 31, 1940. Each visa was for a household, and it is estimated that between 6 to 10 thousand people may have received passage out of the path of the darkness befalling other Jewish populations throughout Europe. Those who received the precious paper left Lithuania by way of the Trans-Siberian Railway, then by ship to Japan, where most stayed only briefly before leaving, via China, to other destinations.

When the Soviets invaded Lithuania, all the consulates were ordered closed, yet Sugihara obtained an extension to continue his work. He issued visas from a nearby hotel. His wife massaged his hands to enable him to continue writing each handwritten visa. Even as he and his wife were finally forced to leave Kaunas, he continued writing visas on the train platform. His wife remembers: "Even as the train

started going, he continued writing, leaning out of the window. Finally, he said 'Forgive me. I cannot write any more. I pray for your good luck.' People started to run alongside the train, and one of them shouted, 'Sugihara, we will not forget about you. We are going to see you again.'"

It was not until 1968, however, before this would happen. After the war, he was fired from his post with the Foreign Ministry, and worked at odd jobs before working in Moscow for a Japanese trading company. Finally, he was tracked down by one of the refugees whose life he had saved. Finally, nearly 30 years later, he was honored in Israel as a righteous gentile, an honor bestowed upon those who had worked to save Jews from the Holocaust. Though Sugihara died in 1986, his wife, Yukiko, has been honored in Japan by Jewish-Americans who benefitted from his visas, as well as by surviving members of the famed Japanese-American combat battalions who liberated Dachau and, finally, by the Japanese Government. On Sunday, January 22, Yukiko Sugihara will be honored in San Francisco for the bravery, compassion, and humanity exhibited by her and her husband.

Mr. Speaker, it is difficult to truly express the legacy of the Sugiharas. But the best legacy cannot be expressed in words, but seen in their good works: the lives of the people they saved. Their continued presence, and their families' presence, gives inspiration and hope to future generations of humanity.

AMENDING HOUSE RULES TO PERMIT CHAIRMEN TO SCHEDULE COMMITTEE HEARINGS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. SOLOMON. Mr. Speaker, today I am introducing a change in House rules designed to restore what has been the practice in this House for as long as I have been here, and that is to allow committee, and by implication, subcommittee, chairmen to schedule hearings of their committees and subcommittees.

Clause 2(g)(3) of House rule XI requires each committee to announce hearings a week in advance unless the committee determines there is good cause to schedule a hearing sooner. While it has been the standing practice of committees to defer to the discretion of their chairmen to make this decision in setting hearings, according to the Parliamentarian's Office, committee should mean committee. Under clause 2(g)(5) of rule XI, if a point of order is made against any improper hearing procedure in a timely manner in committee, and is improperly overruled or not considered, then it may be renewed on the floor against consideration of the bill that was the subject of the improper hearing.

Such an instance has arisen already in this Congress, and, as far as we can determine, is the first time that a chairman's authority to schedule hearings has been challenged. As a result, we will have to waive that point of order to consider the bill in question.

Mr. Speaker, in checking on the legislative history behind this rule, there is no explanation as to why the word "committee" is used regarding the announcement of hearings as opposed to "chairman." The fact is that clause 2(c)(1) of rule XI already authorizes committee chairmen to call committee meetings without any prescribed advance notice. Certainly committee meetings, at which bills are marked-up and reported, are far more important than hearings.

Finally, Mr. Speaker, I would think that Members would want to encourage chairmen to hold hearings as opposed to not doing so for fear of inviting points of order; or, in the alternative, of having to convene a committee meeting with a quorum present to first authorize any hearing.

It would be my expectation that committee chairmen would not abuse this new rule by calling spur of the moment hearings under their authority to give less than a week's notice, and that this will only be done in the most urgent of circumstances.

But I do think it is important that we allow committees to proceed with hearings on measures whenever possible, and that we not put obstacles in the way of chairmen who want to hold hearings prior to marking-up and reporting legislation.

I intend to hold a markup on this rule change later this week so that we can proceed in an orderly fashion with hearings in this Congress.

The text of the resolution follows:

H. RES. 43

That, in rule XI of the Rules of the House of Representatives, clause 2(g)(3) is amended clause to read as follows:

"(3) The chairman of each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the chairman of the committee determines that there is good cause to begin the hearing sooner, the chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.".

THE STAFF PROTECTION ACT OF 1995

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. HORN. Mr. Speaker, today I have introduced, on behalf of myself and 18 of my colleagues from both sides of the aisle, the Staff Protection Act of 1995, H.R. 628.

This title speaks directly to the nature of this legislation. Currently, under the United States Criminal Code, our staff members are not protected from assault, threats, or violence caused to them while performing their official duties.

I learned of this breach in the law through personal experience. In 1993, I and members of my District office staff, were threatened repeatedly by a person with a record of violence. Several staff members were forced to endure this harassment on a daily basis and became fearful of their physical safety. After making direct threats on the lives of staff members, this person was indicted by the U.S. attorney and arrested. I was subpoenaed to testify in Federal court in Los Angeles about the threats made against me and members of the staff. Due to my appearance in court, I missed five important votes.

Unfortunately, the only attainable evidence was of this person physically threatening my district director and not me personally. Since the United States Code does not protect members of one's official staff, the judge dismissed the case. As a result, this individual was released, and the staff's safety and peace of mind have continued to be placed in jeopardy.

My staff is not the only one to suffer from this kind of harassment. Many of us know of other offices where violence to the staff has been threatened and/or acted upon. This measure will ensure that congressional staff and their families have the same legal protection afforded to Members of Congress and their families. There is no reason why Federal law should not protect members of our staffs while they are serving in an official capacity.

Mr. Speaker, this proposal has received broad, bipartisan support. It costs nothing to change the law. The benefit is the safety of those who serve this institution and our constituents with immeasurable dedication and loyalty.

I enclose the text of H.R. 628:

H.R. 628

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 "Staff Protection Act of 1995".

SEC. 2. PROTECTIONS FOR STAFF OF CERTAIN OFFICIALS.

Section 115 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting "a member of the staff or" before "a member of the immediate family";

(2) in subsection (a)(1)(B), by inserting "or a member of the staff of such an official, judge, or law enforcement officer;" after "under such section,";

(3) in the matter following subparagraph (B) in subsection (a)(1), by striking "or law enforcement officer" each place it appears and inserting "law enforcement officer, or member of the staff"; and

(4) in subsection (c)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) 'member of the staff' includes any person acting in a staff capacity, whether on a paid or unpaid basis.".

SAUDI ARABIA'S UNFAIR TREATMENT OF GIBBS & HILL, INC.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to express my continued disappointment and frustration with the Government of Saudi Arabia and its ongoing unfair treatment of the American company Gibbs & Hill, Inc. [GHI]. In the late 1970's and 1980's GHI was decimated by financial losses incurred on the design of a desalination project in Saudi Arabia as a result of the kingdom's failure to honor its contractual obligations. In an effort to bring

about a fair and expeditious settlement for GHI and other American companies with claims against Saudi Arabia, Congress established a special claims process following hearings before the House Foreign Affairs Committee. GHI is the last remaining company whose claim has not been paid by the Saudi Arabian Government under this process.

For more than a year, a bipartisan coalition in both the House and Senate, as well as the administration, have worked to fairly resolve the GHI claim. At several points during this process, Saudi Ambassador Bandar and other high-ranking Saudi officials made commitments to Congress and the administration that the GHI claim would be resolved in a fair and expeditious manner and that no effort would be spared in resolving the GHI claim. During this time, Congress and the administration have been lead to believe that the Saudi Government was committed to working toward a fair settlement of the GHI claim. As recent as 3 months ago, Ambassador Bandar meet with, and gave assurances to, Senator FRANK LAUTENBERG and GHI's chairman that a shared commitment existed to achieve a prompt and fair resolution of the claim. This was followed by explicit commitments from high-level Saudi officials in both Washington and Riyadh that this claim would be paid. Unfortunately, in a recent communication to GHI, the Saudi Embassy contradicts these explicit commitments.

I am dismayed by the delaying tactics of the Saudi Embassy. It is my belief that what should have been an open and closed issue is beginning to grow into a significant strain on United States-Saudi relations. The Saudi Government's disregard for this American company that has provided services to the kingdom is unacceptable.

The time is now for the Saudi Government to live up to its commitments to me, my colleagues, the administration, and GHI. My colleagues and I require a full and prompt payment of this claim to successfully conclude this important claim issue.

TRIBUTE TO SAM IRMEN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Ms. KAPTUR. Mr. Speaker, today I rise in tribute to a man who for 46 years has represented the very best traditions of citizenship, corporate involvement, and support for his community.

Sam Irmen began his career at a time when employers and companies were truly involved in their communities and served as a base of support and stability for their communities.

Sam began his career with the Andersons of Maumee, OH, 46 years ago, and rose to the position of vice president and group manager of the grain division. And for those 46 years, he sought to share with his community and advantages his position gave him and the resources that his company could utilize to better his community.

To Sam and his wife Charlee and their seven children, both his company and his community, Maumee, OH, were there home. Sam never stopped contributing. He served on the elementary school board, as president of the church's parish council, and as president of the school board at St. John's High School. He also served as a member and past vice president of the Maumee Chamber of Commerce.

Good men and women can contribute endlessly when their companies encourage participation. Over the course of his 46 years with the Andersons, Sam's business participation stretched throughout the business community. He is a member of the board of directors at Mid Am National Bank & Trust Co., a member and past president of the National Grain and Feed Association and past chairman of the Grain Grades and Weights Committee, a member and past international president of the Grain Elevator and Processing Society, and a member of distinction of the Grain Elevator and Processing Society.

In addition to these contributions and responsibilities, Sam has led numerous government and trade task forces, served three terms as president of the Toledo Board of Trade, and was a designated representative of agriculture on Ohio Governor Celeste's 1984 Ohio Trade Mission to the Far East.

Simply put, Sam Irmen's career and contributions to his community deeply reflect the bonds that should join every company to its community.

I would like all my distinguished colleagues to join me in congratulating Sam, his wife Charlee, and their wonderful family for 46 years of service and contributions to his company and his community. My fervent hope is that his career will become a lesson for future employees and their companies. His is an example we should all emulate.

INTRODUCTION OF A JOINT RESOLUTION PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce, with Representatives CONDIT and GILLMOR, a joint resolution proposing a balanced budget amendment to the Constitution. I plan to offer this legislation as an amendment in the nature of a substitute to House Joint Resolution 1, when the House considers that bill later this week.

Mr. Speaker, this legislation is substantially similar to House Joint Resolution 1, but with two crucial differences. First, this legislation strikes the three-fifths provision to raise taxes contained in section 2 of House Joint Resolution 1. While I am steadfastly opposed to raising taxes, the controversy surrounding this provision could hamper passage in the Senate and make it more difficult to achieve the requisite two-thirds vote in the House of Representatives.

Second, this legislation includes a provision prohibiting new unfunded Federal mandates. We strongly believe that a ban on unfunded mandates is essential to prevent a future Congress from balancing the Federal budget merely by shifting costs and responsibilities to State and local governments.

The supporters of the other versions of the balanced budget amendment contend that there are only two ways to balance the budget—either by cutting spending or increasing taxes. But the truth is there's a third, more insidious option where the Congress would mandate expensive Federal programs onto State and local governments and require local taxpayers to pick up the tab. Judging from the past, it is clear that Congress will use any means available to avoid hard budget choices. I believe that closing the unfunded mandates loophole is imperative to preserve the integrity of the balanced budget amendment and ensure protection for local taxpayers.

Mr. Speaker, including an unfunded Federal mandates provision as part of the balanced budget amendment is the only ironclad way to protect local taxpayers. Although I welcome and support efforts to solve the unfunded mandates issue by passing a statute, the sorry fact is that Congress is adept at finding ways to circumvent statutory law in order to escape from fiscal accountability.

Additionally, it is important to note that Republicans and Democratic Governors have rightly expressed their reluctance to encourage their State legislatures to ratify a balanced budget amendment without a provision specifically prohibiting new unfunded Federal mandates. Inclusion of a provision to ban unfunded Federal mandates will markedly improve chances of ratification by the States.

Mr. Speaker, this legislation has the support of the National League of Cities and the National Conference of State Legislatures [NCSL]. The support of NCSL is especially noteworthy, as it is their members who will be ultimately deciding the fate of the balanced budget amendment.

Consideration of the balanced budget amendment presents Congress with a unique and historic opportunity to permanently resolve the issue of unfunded Federal mandates. Moreover, it provides assurance that Congress will not meet its obligations under the balanced budget amendment by imposing unfunded mandates on State and local governments. I urge my colleagues to support the Franks-Condit-Gillmor balanced budget amendment, which I believe represents the version of the balanced budget amendment that will be most enthusiastically ratified by three-fourths of the States.

HONORING THE RETIREMENT OF WILLIAM BEHAN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to honor Mr. William (Bill) Behan, a resident of Woodbridge, VA, a dedicated American and outstanding public servant. Mr. Behan has officially announced his retirement from the Federal Aviation Administration, and will retire on February 3, 1995.

Mr. Behan will have accumulated over 33 years of combined Federal service, starting with the U.S. Marine Corps in 1961 and 24 years with the FAA beginning in 1971. In his 24 years with the FAA Mr. Behan has held many different positions in numerous States. During the past 4 years, Mr. Behan has been assigned to FAA headquarters in Washington, DC, as Manager of the Air Traffic Plans and

Programs Division, where he has done an outstanding job.

Over the years Mr. Behan has received many awards and recognition for his services to the flying public. He was recently recognized by the Secretary of Transportation for accomplishments on the Level I Contract Tower Management Team and received the FAA Administrator's Superior Accomplishment Award in 1994 for excellence for increasing representation of women and minorities in GS–13 and above positions from 10 percent to more than 60 percent. Mr. Behan is regarded by his friends and coworkers alike as a public servant dedicated to ensuring the flying public the highest quality of safety and service. His dedication and devotion to duty will be sorely missed.

Mr. Speaker, I know the rest of my colleagues join me in recognizing Mr. Behan for his many years of selfless public service and wish him well in his retirement.

TRIBUTE TO THE WEST ANGELES COMMUNITY DEVELOPMENT CORP. AND ITS EXECUTIVE DIRECTOR, LULA BAILEY BALLTON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. DIXON. Mr. Speaker, I rise today to recognize and salute the West Angeles Community Development Corp. [West Angeles CDC] and its executive director, Mrs. Lula Bailey Ballton. Under Mrs. Ballton's outstanding and innovative leadership, West Angeles CDC is working to empower residents of the Los Angeles community. Located in my congressional district, the West Angeles CDC was established for the purpose of promoting, developing, and fostering economic development, social justice, and community transformation opportunities in and around the Crenshaw community.

West Angeles CDC's approach to economic development is simple: to attain and maintain local control of capital and management of community assets. Progeny of the West Angeles Church of God in Christ and its spiritual leader—Bishop Charles E. Blake—West Angeles CDC understands that the key to an economically secure future rests in achieving economic parity. To help residents of the community accomplish this goal, West Angeles CDC forms new partnership arrangements with the private sector to create new jobs and stimulate economic activity in the community.

West Angeles CDC offers several important training initiatives to help the community prepare for the new jobs that come into the area as a result of the organization's outreach. Through its Adult Learning Center, classes are offered in computer applications, clerical training, English as a second language, and business skills critical to enhancing employment opportunities for residents. Nearly 100 trained tutors, operating under the auspices of the West Angeles Literacy Empowerment Team [WALET], work to improve the reading and comprehension skills of students.

West Angeles CDC's executive director, Mrs. Lula Bailey Ballton, has been instrumental in steering the organization toward its goals. Under her leadership, a program is being developed to rehabilitate low-income, mixed-income, and affordable housing in communities surrounding the West Angeles Church. Future plans call for the development of a senior low-income housing project and providing comprehensive services such as housing rehabilitation mortgage counselling, and housing development.

Educator, businesswoman, and attorney, Lula Bailey Ballton brings a wealth of experience to her position. She has served on the faculties of several colleges and universities, including city colleges of Chicago, Los Angeles City College, and El Camino College. She also served as director of education for the Chicago Urban League, and founded the Whitney M. Young Scholarship and the Edwin Berry Loan Fund. In 1984, she founded SCHOOL SEARCH, Inc., a school finders service. She chairs the corporation's board of directors.

Mrs. Ballton received a juris doctorate in 1990 from the UCLA School of Law. She served as an attorney in the civil rights division of the California Department of Justice, and prior to joining West Angeles CDC, was with the law firm of Bryan, Cave, McPheeters, and McRoberts.

Residents in and around the Crenshaw community are indeed fortunate to have an individual of Mrs. Ballton's statute at the helm of West Angeles CDC. Her skills are formidable and will be a tremendous asset to the organization as it moves to launch several other programs, all designed to bring self-sufficiency and economic parity to the community.

Mr. Speaker, I am very pleased to have this opportunity to salute the fine work being done by the West Angeles Community Development Corp. and Mrs. Lula Bailey Ballton. I ask my colleagues to join me in extending to them best wishes for continued success as they persevere to fulfill a commitment to community empowerment.

TRIBUTE TO COL. GEORGE M. MATTINGLEY, JR., USAF

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. FIELDS of Texas. Mr. Speaker, I rise today to pay tribute to Col. George M. "Matt" Mattingley, Jr., as he retires after more than 24 years of distinguished service with the U.S. Air Force.

Colonel Mattingley is retiring from his position as the Chief of the Inquiry Division, Office of the Secretary of the Air Force. In this capacity, he was responsible for the preparation of replies in behalf of the Secretary of the Air Force to constituent inquiries from all Members of this Chamber as well as our colleagues in the Senate. Equally significant was his responsibility to the White House and the Office of the Vice President for similar constituent services.

As a spokesman for the Secretary of the Air Force, he made numerous visits to Capitol Hill to confer personally with Members of Congress on a broad range of topics—personnel management, entitlements eligibility, health care administration, and military justice. He established and fostered positive working relations with our district military caseworkers, enabling us to work on sensitive constituent issues in a timely manner.

Many Members have traveled with Matt, who led numerous delegations worldwide. Matt and his subordinates went to great lengths to make them comfortable, frequently working long hours to accommodate their changes in itinerary and unique travel requirements.

The freshman of the 103d Congress got to know Matt particularly well as Matt was the Department of Defense and Department of the Air Force representative who provided the logistics and protocol support for their orientation here in Washington and at Harvard University.

Mr. Speaker, I join my colleagues in expressing our sincere appreciation not only for outstanding service to the legislative and executive branches, but also as one of the consummate executives of the Air Force.

TRIBUTE TO DALE LAURANCE

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. WAXMAN. Mr. Speaker, we ask our colleagues to join us in saluting Dale Laurance, executive vice president of Occidental Petroleum Corp., for the great contribution he has made to the nonprofit "House of Justice," Bet Tzedek Legal Services of Los Angeles.

Dale Laurance became deeply involved in the work of Bet Tzedek through his close friends, Jerry Coben and Jerry Stern. He has brought tremendous energy and an abundance of talent and creativity to this work. He has also enlisted the assistance of a vast circle of businesses and professionals, who were drawn to Bet Tzedek by his persuasive presentation of its goals, accomplishments, and effectiveness. A great amount of the service that Bet Tzedek is able to provide the poor and the elderly in Los Angeles can be traced directly to Mr. Laurance's tireless efforts on Bet Tzedek's behalf.

Mr. Laurance also deserves our recognition for a distinguished career in petroleum engineering, and for his signal contributions to the arts as a major sponsor of the Armand Hammer Museum and Cultural Center and as managing director of the Joffrey Ballet.

We ask our colleagues to join us in expressing our great appreciation to Mr. Laurance for putting valuable time and effort into the work of Bet Tzedek and in congratulating for the honor that Bet Tzedek is conferring on him.

HONORING CONGRESSIONAL PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served

so diligently in the House of Representatives during the 103d and 104th Congresses.

We all recognize the important role that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

The Fall 1994 class of pages witnessed many important and historical events and debates, including the approval of the General Agreement on Trade and tariffs, President Clinton's address to Congress and the Nation on his health care reform proposal. The pages also were present for the historic speech by President Nelson Mandela of South Africa to the joint session of Congress, and had the opportunity to meet and speak with President Mandela. The pages also witnessed the orderly transfer of power in the House from the Democrats to the Republicans—a tribute to the strength of American democracy.

I am sure the departing pages will consider their time spent in Washington, DC to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

DEPARTING PAGES: FALL 1994–1995

Amy E. Accavitti, Seth A.G. Andrew, Matthew D. Atkinson, Bart M. Bartlett, Robecca H. Berkun, Jacqueline A. Bethea, Joanna L. Bowen, Jessica Brater, Allison Burdick, Erin C. Carney, Michael A. Carter, Krista Clarkson, Keyundah Coleman, Janey C. Crawford, Amy J. Crocker, Robert Cuthbert, Anastasios C. Drankus, Kathleen K. Duffy, Michael D. Ellison, Cathryn Caroline Fayard, Michael P. Fierro, Kristin M. Francis, Janine D. Geraigery, Jennifer C. Gerard, Melissa, A. Hayes, Joseph R. Hill, Derek J. Johns, La Toya Johnson, Julia C. Kelly, Lisa N. Konitzer, Marcos A. Lopez, Ross C. Maradian, Sabrina M. Meier, Ryan D. Offutt, Neil A. Reyes, Hannah R. Riordan, Claudia V. Rocha, Michael J. Ryan, Estevan O. Sanchez, Tarik D. Scarlata, James D. Stone, Rosalind V. Thompson, Corey S. Tucker, Lakisha M. Vaughn, Emily J. Waldon, Brian R. Wellman, Hubert E. Wells, Vincent G. Wilhelm, John C. Williams, Aaron B. Willimson.

TRIBUTE TO WILLIAM "W.C." GORDEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. THOMPSON. Mr. Speaker, I stand today to recognize the outstanding achievements of William "W.C." Gorden of Jackson, MS. Gorden, a long-time instructor, coach and athletic administrator at Jackson State University, is an outstanding educator, civic leader, and mentor to many young people. He has a national reputation for his athletic accomplishments and community involvement.

During his extensive professional career, he has been recognized by his peers as one of the top football coaches in the National Collegiate Athletic Association [NCAA] Division 1–AA. When he retired from coaching in 1991, he ranked third among active NCAA Division 1–AA football coaches in winning percentage. During the decade of the 1980's, he led Jackson State University to eight Southwestern Athletic Conference [SWAC] football championships. He has been named "Coach-of-the-Year" by the Clarion Ledger newspaper, the Sheridan Broadcasting Network and the National Sports Foundation.

During his tenure as Head Football Coach, many players have been drafted into the national Football League. Another measure of his success is the fact that several members of his former coaching staff are currently serving as Head Football Coaches at other universities.

Under his leadership of the Athletic Department, all of Jackson State University's sports programs have been strengthened, the football program has led the nation in home attendance among NCAA Division 1–AA teams, and the university has received several awards from the SWAC conference for its outstanding athletic programs.

Coach Gorden's community involvement is very extensive. He lectures at numerous youth clubs and organizations and elementary and secondary schools. He has also been active in the local Easter Seal telethon and has organized free football clinics for underprivileged youths. He has also encouraged JSU athletes to register to vote and become active in civic affairs. I salute Coach Gorden for his outstanding accomplishments at Jackson State University and in the Jackson community.

TRIBUTE TO GOOD CITIZEN SCHOLARSHIP WINNER MARY ELLEN GREER

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. ROSE. Mr. Speaker, I rise today to recognize a great achievement by a young person from North Carolina's 7th Congressional District, Ms. Mary Ellen Greer.

On Saturday January 21, I had the pleasure of attending a luncheon in Southport, North Carolina, sponsored by the National Society of the Daughters of the American Revolution. This purpose of this luncheon was to honor the winners of the Good Citizens Scholarship Competition. I cannot tell you how encouraging it was to see so many patriotic young people with such a clear understanding of the responsibilities of citizenship.

The winner from District IX was a young lady named Mary Ellen Greer, of Whiteville, North Carolina. Ms. Greer wrote an extraordinary essay entitled "Our American Heritage and Our Responsibility to Preserve It." Mr. Speaker, I would like to share this essay with all of my colleagues, and, therefore, ask that it be printed in the RECORD.

OUR AMERICAN HERITAGE AND OUR RESPONSIBILITY TO PRESERVE IT

(By Mary Ellen Greer)

In the early sixteenth century, a group of weary British pilgrims landed on the Eastern shore of the New World. The voyage had been a difficult one, the first of a long series of hardships that would define the establishment of these people as inhabitants of the New World. Starvation, Indian attacks, and disease wreaked havoc on the lives of these settlers. Nevertheless, they pressed on, inspired by the promises of this new land. They wanted to have a fresh start, to create a way of life for themselves free of religious persecution and oppressive royal rule. And they did survive, sowing the seeds of a nation that would come to represent throughout the world freedom, optimism, and equality.

Well over three centuries have passed since these pilgrims, full of hopes and dreams for the future, settled this new land. During this time, a nation has emerged, larger and more complex than its early settlements, but with the same dreams. The United States of America has been built upon a foundation of hard work, optimism, and trust in God. Its citizens are valued as individuals, but it is cooperation that has made it great. And now it has survived the test of time, standing as a testament to the power of its dreams for all to see.

Americans today not only have the responsibility to preserve this rich heritage, but to learn from it also. Unfortunately, as the nation has grown larger, so have its problems. Today's Americans do not necessarily possess the concern, hard work, and optimism of their forefathers. Many have become apathetic, concerned only about their own lives and believing that they cannot aid in the solutions to bigger problems. The government has begun to lose touch with the people, creating feelings of hostility and distrust between citizens and their leaders. Persecution, too, exists here. Americans are judged and treated unfairly by their fellow Americans because of their religion, their color, or their economic status. It seems as if, in some ways, America has become just the thing from which its forefathers wished to escape.

There is hope, however, for there is one thing that this nation cannot lose. And that is its heritage. This "heritage" is not just a group of historical events. It is not about wars, or presidential terms, or laws passed. Yes, these events, good and bad, are important. They have shaped this nation. But it is something much deeper, much more timeless, that has really created this nation and kept it alive through the centuries, and that is the American spirit. The American spirit is a desire and a commitment to improve, it encompasses qualities such as determination, cooperation, integrity, and most of all, hope. It was alive in the hearts of those first settlers even before they landed on this continent, for the American spirit is not about the land, or about the government and the historical events. It is about the people, and that is the heritage of the United States of America—the people.

It is each person's realization of his or her individual importance to this nation that will preserve this heritage and enable the spirit of America to live on. Therefore, it is every American's duty to support and aid in the institutions that instill this heritage and responsibility—families, schools, churches, civic groups, and the government itself.

However, learning from the past does not mean living in the past. Changes may be needed as the United States enters into the twenty-first century, individual changes, and perhaps more widespread changes also. Americans will not be abandoning the past by considering small or even radical changes, for that is exactly what its forefathers did when they created this nation. It is by applying the attitudes and dreams of our forefathers to ourselves today that we can truly preserve the American heritage.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 24, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 25

9:30 a.m.
Budget
To hold hearings to review the Congressional Budget Office annual report.
SD-608

Finance
To hold hearings to examine the national economic outlook.
SD-215

Governmental Affairs
To hold hearings to examine Federal Government reform issues, focusing on welfare reform.
SD-342

Rules and Administration
Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business.
SR-301

10:00 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings on S.J. Res. 19, proposing an amendment to the Constitution of the United States relative to limiting congressional terms.
SD-226

2:00 p.m.
Foreign Relations
To continue hearings on the United States-North Korea Nuclear Agreement.
SD-419

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

JANUARY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
SR-332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To resume hearings to examine the management and budgetary situation at the Department of Housing and Urban Development.
SD-192

Armed Services
To hold hearings on the security implications of the Nuclear Non-Proliferation Agreement with North Korea.
SR-222

Budget
To hold hearings on the nation's economic and budget outlook.
SD-608

Finance
To hold hearings to examine the Federal budget outlook.
SD-215

Labor and Human Resources
To hold hearings on activities of the National Endowment for the Arts.
SD-430

10:30 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Commerce, Science, and Transportation
To hold oversight hearings on activities of the National Railroad Passenger Corporation (Amtrak).
SR-253

Foreign Relations
To continue hearings to examine the Mexico economic situation and U.S. efforts to stabilize the peso.
SD-419

JANUARY 27

9:30 a.m.
Budget
To hold hearings to examine government restructuring proposals.
SD-608

FEBRUARY 1

9:30 a.m.
Governmental Affairs
To continue hearings to examine Federal Government reform issues, focusing on information management systems.
SD-342

MARCH 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.
SD-192

MARCH 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.
SD-192

MARCH 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.
SD-192

MARCH 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD-192

MARCH 30

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD-192

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD-192

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD-192

CANCELLATIONS

JANUARY 26

10:00 a.m.
Foreign Relations
To hold hearings to examine the Mexico economic situation and U.S. efforts to stabilize the peso.
SD-419