HOUSE OF REPRESENTATIVES—*Thursday, November 9, 1995*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 9, 1995.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

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

THE JOURNAL

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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

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

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

Mr. HEFLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The point of no quorum is considered as withdrawn.

PLEDGE OF ALLEGIANCE

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

Ms. DELAURO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

NO UNITED STATES GROUND TROOPS TO BOSNIA

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

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

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

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

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

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

RAIDING OF PENSION PLANS

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

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to address a provision that was included in budget reconciliation. This provision would allow corporations to remove excess funds from overfunded pension plans for any reason. There is only one way to describe this provision and that is the raiding of pension plans.

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

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

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

TIME FOR PRESIDENT TO SIGN A BALANCED BUDGET

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

Mr. BALLENGER. Mr. Speaker, the President gives new meaning to the term AWOL—absent without leadership. We are in the process of doing

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

something that the Democrat majority could never accomplish—balancing the Federal budget. Republicans are keeping their promise to move forward with a certified and honest balanced budget.

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

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

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

REPUBLICANS' NEW YEAR'S CARD TO AMERICA

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

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

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

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

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

A BRIGHT FUTURE FOR AMERICA'S CHILDREN

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

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

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

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

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

VOTERS REJECT GINGRICH REVOLUTION

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

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

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

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

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

SNOOPING, CHEATING, AND COVERUPS HAVE TO STOP NOW

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

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

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

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

TUESDAY'S MESSAGE FROM VOTERS: SLOW DOWN

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

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

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

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

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

AMERICAN DREAM, NOT THE AMERICAN DEBT

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

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

In a recent speech Alan Greenspan warned:

> If for some unknown reason, the political process fails, and agreement is not reached, it would signal that the United States is not capable of putting its fiscal house in order,

with serious, adverse consequences for financial markets and economic growth.

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

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

RAIDING WORKERS' PENSIONS

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

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

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

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

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

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

□ 1015

ENERGY SECRETARY O'LEARY

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

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

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

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

PENSION REVERSION

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

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

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

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

THE NATIONAL DEBT

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

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

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

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

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

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

MORE ON PENSION RAID

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

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

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

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

REPUBLICAN RESPONSE ON PENSIONS

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

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

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

PENSION RAID

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

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

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

TUESDAY'S ELECTION

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

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

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

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

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

THE BIGGEST PENSION RAID EVER

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

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

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

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

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

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

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

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

BALANCING THE BUDGET

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

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

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

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

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

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

PARLIAMENTARY INQUIRY

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

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

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

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

Mr. WILLIAMS. I am sorry.

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

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

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

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

ON PENSION FUND REVERSIONS

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

Ms. BROWN of Florida. Mr. Speaker, once again, the party of the rich and famous is up to their old tricks. The recently passed Republican budget reconciliation plan includes a provision that would allow corporations to raid $40 billion from pension funds and use it for whatever reason they see fit.

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

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

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

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

BUDGET RECONCILIATION

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

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

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

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

REMEMBERING YITZHAK RABIN

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

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

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

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

□ 1030

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

WHAT A BALANCED BUDGET MEANS TO THE AMERICAN FAMILY

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

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

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

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

DO NOT INCREASE THE BURDEN ON SENIORS

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

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

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

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

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

WE MUST BALANCE THE BUDGET

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

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

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

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

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

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

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

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DIXON

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

The Clerk read as follows:

> Mr. DIXON moves that in resolving the differences between the House and Senate, the managers of the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2546, be instructed to insist on the House position relating to technical corrections to the Financial Responsibility and Management Assistance Act.

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

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

Mr. DIXON. Mr. Speaker, this motion to instruct conferees on H.R. 2546, the Fiscal Year 1996 District of Columbia Appropriations Act, is very straightforward. This motion would simply instruct the House conferees to insist on

the House position related to technical corrections to the District of Columbia Financial Responsibility and Management Assistance Act, Public Law 104–8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

The motion to instruct was agreed to.

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

There was no objection.

GENERAL LEAVE

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

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

There was no objection.

THE JOURNAL

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

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

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

Mr. RIGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 338, nays 66, answered "present" 1, not voting 27, as follows:

[Roll No. 776]

YEAS—338

Ackerman	Christensen	Fattah
Allard	Chrysler	Fawell
Andrews	Clayton	Fields (TX)
Archer	Clement	Flake
Bachus	Clinger	Flanagan
Baesler	Coble	Foley
Baker (CA)	Collins (GA)	Forbes
Baker (LA)	Collins (MI)	Ford
Baldacci	Combest	Fowler
Ballenger	Condit	Fox
Barcia	Conyers	Frank (MA)
Barr	Cooley	Franks (CT)
Barrett (NE)	Costello	Franks (NJ)
Barrett (WI)	Cox	Frelinghuysen
Bartlett	Coyne	Frisa
Barton	Cramer	Frost
Bass	Crapo	Funderburk
Beilenson	Cremeans	Gallegly
Bentsen	Cubin	Ganske
Bereuter	Cunningham	Gejdenson
Berman	Danner	Gekas
Bevill	de la Garza	Geren
Bilbray	Deal	Gilchrest
Bilirakis	DeFazio	Gillmor
Bishop	DeLauro	Gilman
Bliley	DeLay	Gonzalez
Blute	Dellums	Goodlatte
Boehlert	Deutsch	Goodling
Bonilla	Diaz-Balart	Gordon
Bonior	Dickey	Goss
Bono	Dicks	Graham
Boucher	Dingell	Green
Brewster	Dixon	Greenwood
Browder	Doggett	Gunderson
Brown (OH)	Dooley	Hall (OH)
Brownback	Doolittle	Hall (TX)
Bryant (TN)	Doyle	Hamilton
Bryant (TX)	Dreier	Hancock
Bunn	Duncan	Hansen
Bunning	Dunn	Hastert
Burton	Edwards	Hastings (WA)
Buyer	Ehlers	Hayes
Callahan	Ehrlich	Hayworth
Calvert	Emerson	Herger
Camp	Engel	Hobson
Canady	English	Hoekstra
Castle	Eshoo	Hoke
Chabot	Evans	Holden
Chambliss	Ewing	Horn
Chenoweth	Farr	Hostettler

Houghton	Meek	Schaefer
Hoyer	Metcalf	Schiff
Hutchinson	Meyers	Schumer
Hyde	Mica	Seastrand
Inglis	Miller (FL)	Sensenbrenner
Istook	Minge	Serrano
Jackson-Lee	Mink	Shadegg
Johnson (CT)	Moakley	Shaw
Johnson (SD)	Molinari	Shays
Johnson, Sam	Mollohan	Shuster
Johnston	Montgomery	Sisisky
Jones	Moorhead	Skeen
Kanjorski	Morella	Skelton
Kasich	Murtha	Slaughter
Kelly	Myers	Smith (MI)
Kennedy (MA)	Myrick	Smith (NJ)
Kennedy (RI)	Nadler	Smith (TX)
Kennelly	Nethercutt	Smith (WA)
Kildee	Neumann	Solomon
Kim	Norwood	Souder
King	Nussle	Spence
Kingston	Obey	Spratt
Kleczka	Olver	Stark
Klink	Ortiz	Stearns
Klug	Oxley	Stenholm
Knollenberg	Packard	Stokes
Kolbe	Pallone	Studds
LaHood	Parker	Stump
Largent	Pastor	Stupak
LaTourette	Paxon	Talent
Laughlin	Payne (VA)	Tanner
Lazio	Pelosi	Tate
Leach	Peterson (MN)	Tauzin
Lewis (CA)	Petri	Taylor (NC)
Lewis (KY)	Pomeroy	Tejeda
Lightfoot	Porter	Thomas
Lincoln	Portman	Thornberry
Lipinski	Poshard	Tiahrt
Livingston	Pryce	Torres
LoBiondo	Quillen	Torricelli
Lofgren	Quinn	Towns
Lowey	Radanovich	Traficant
Lucas	Rahall	Upton
Luther	Ramstad	Vucanovich
Maloney	Reed	Walker
Manton	Regula	Walsh
Manzullo	Richardson	Wamp
Markey	Riggs	Ward
Martini	Rivers	Watt (NC)
Mascara	Roberts	Watts (OK)
Matsui	Roemer	Waxman
McCarthy	Rogers	Weldon (FL)
McCollum	Rohrabacher	Weller
McCrery	Ros-Lehtinen	White
McDade	Rose	Whitfield
McHale	Roukema	Wicker
McHugh	Roybal-Allard	Williams
McInnis	Royce	Wolf
McIntosh	Salmon	Wyden
McKeon	Sanders	Wynn
McKinney	Sawyer	Young (FL)
McNulty	Saxton	Zeliff
Meehan	Scarborough	

NAYS—66

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

ANSWERED "PRESENT"—1

Harman

NOT VOTING—27

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

□ 1102

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

So the Journal was approved.

The result of the vote was announced as above recorded.

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

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

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

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. CONYERS

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

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

Mr. DINGELL. Mr. Speaker, I urge my colleagues to support the motion to instruct. I have long supported product liability reform legislation. However, I was compelled to vote against the so-called common sense product liability and legal reform bill passed by the House early this year because it had little to do with either product liability reform or common sense. Due in great part to extreme amendments added during floor debate, the bill passed by the House became a Christmas tree for special interest groups that makes radical changes to the Nation's legal system that go far beyond fair and balanced product liability reform.

For example, the bill creates numerous and varying standards for preemption of State laws that would create confusion rather than uniformity. It abolishes joint liability for noneconomic damages in all civil cases—not just product liability actions—and limits noneconomic damages in medical malpractice cases to only $250,000. These provisions fail

to recognize that pain and suffering, disfigurement, loss of limb, sight, or reproductive capacity are very real harms and that they have the effect of treating low-income workers, retirees, women, children, and disabled persons less favorably than corporate executives and others who have large economic losses. And floor amendments to the bill deleted important provisions that would ensure that foreign corporations who sell defective products here will not be treated more favorably than our own companies.

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

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

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

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

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

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

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

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

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

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

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

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

□ 1115

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

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

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

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

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

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

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

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

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

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

That is what this bill does.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1130

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

Mr. Speaker, I wonder if I might respond to the gentlewoman from California [Ms. LOFGREN], who is one of the very serious and pro-active members of our committee. I want to agree with her that the matters she mentioned, it seems to me, are not adequately dealt

with in our bill, and it is my intention in conference to carve out of the exceptions in this bill crimes of violence, drunk driving, criminal activity that she mentioned as being inadequately compensated, child molestation, and I do agree with her.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, that is why we need the plaintiffs' attorneys, because without the plaintiffs' attorneys who is it that is going to bring his case to the bar of justice? Who is going to take this case and bring it to the bar of justice? Who is going to get these people who worked all their lives in that asbestos company in my district the kind of recovery they need based upon their

wages? Their wages were spit compared to the injury to them, and their families, and their premature death. Yes, you can calculate it out. They worked for not very good wages at all, and that is the reward we are going to give them.

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

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

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

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

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

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

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

□ 1145

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1200

Ms. PELOSI. Mr. Speaker, I rise today to oppose the legislation before us and to support the motion to instruct offered by the gentleman from Michigan, Mr. CONYERS. H.R. 956 is an undisguised attack on the safety of the American people that will result in more unsafe products, more injuries, and less compensation for those who are injured by corporate misconduct and negligence.

The motion offered by Representative CONYERS would instruct the conferees not to agree to any provision that would limit total damages for injuries to women, children, or elderly individuals to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Mr. Speaker, during the debate earlier this year on H.R. 956, it was demonstrated that our current State-based products liability system works well. It allows our citizens to seek redress when they have been injured by corporate negligence and it provides ample incentives to correct defective products when they cause harm.

My colleagues, this bill favors powerful corporations at the expense of women, the elderly, and all working Americans by limiting damages for noneconomic losses which represent a larger proportion of damages for these groups.

I urge a "no" vote on the ill-advised reforms contained in H.R. 956 and a "yes" vote on the Conyers motion to instruct conferees.

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

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

There was no objection.

99-059 O—97 Vol. 141 (Pt. 22) 27

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

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 190, nays 231, not voting 11, as follows:

[Roll No. 777]

YEAS—190

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

NAYS—231

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

NOT VOTING—11

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

□ 1220

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

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

So the motion to instruct was not agreed to.

The result of the vote was announced as above recorded.

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

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

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

There was no objection.

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

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

The Clerk read the resolution, as follows:

H. RES. 258

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

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

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

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

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

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

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

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

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

Mr. Speaker, in addition to those four amendments, the rule makes in order consideration of a regulatory reform amendment to be offered by the gentleman from Pennsylvania [Mr. WALKER]. That amendment, which is debatable for 40 minutes, is a compromise between already passed House and Senate regulatory bills that are aimed at bringing commonsense relief to American businesses that are so saddled with bureaucratic red tape and needless regulations.

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

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

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

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

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

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

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

□ 1230

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

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

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

[As of November 8, 1995]

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

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

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

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

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

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 8, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H.Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	

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

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

1. Provides a modified closed rule.

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

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

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

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

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

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

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

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

(Considered as adopted by the adoption of the rule)

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

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

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

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

AMENDMENT MADE IN ORDER BY THE RULE FOR SEPARATE CONSIDERATION

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

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

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

There was no objection.

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

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

Under this modified closed rule, only two amendments may be offered. One amendment, to be offered by Mr. WALKER of Pennsylvania, changes and standardizes the way Federal agencies analyze the effect of their regulations. In addition, the chairman of the Committee on Ways and Means may offer any germane amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Let us go further than that, and let us talk about the balanced budget. This Government is eating its debt at a rate of about $37 million an hour. That

is what we spend more than we bring in, and, no, I am not going to yield. Is it not about time that this Government stood up to the plate and said "We can't do that anymore"? Do my colleagues think we are going to get this through if we do not have some tough negotiating sessions?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The gentleman is here.

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

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

□ 1245

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

The material referred to is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WASHINGTON, DC,
May 4, 1995.

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

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

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

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

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

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

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

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

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

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

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

Again, I urge you to hold hearings on this new rule in light of the interpretation of April 5. The ruling of April 5 establishes a narrow interpretation of the applicability of clause 5(c) of rule XXI. The narrow approach is directly contrary to the expansive rhetoric

that accompanied House passage of the rules change; the discussion on opening day focussed on how this change would inhibit any tax increase and the illustrative lists included in the Record contained a wide range of tax increases, most of which would have been excluded by this ruling. In one of its first tests, the intent of the rules change appears to be undermined.

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

Sincerely,

JOHN JOSEPH MOAKLEY,
Ranking Minority Member.

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

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

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

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

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

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

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

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

Sincerely,

RICHARD GEPHARDT,
Minority Leader.

SAM GIBBONS,
Ranking Minority Member, Ways and Means.

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

RICHARD GEPHARDT,
Minority Leader.

SAM GIBBONS,
Ranking Minority Member, Ways and Means.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

GERALD B. SOLOMON,
Chairman.

Enclosures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The more difficult question, as posed by Mr. Kies in both of his letters, is whether

section 1(h) of the current Code is not a rate of tax on income, but rather "a formula derived cap on total tax liability." The provision reads as follows:

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

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

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

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

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

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

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

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

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

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

Sincerely,

CHARLES W. JOHNSON.

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

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

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

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

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

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

A further factor impacting our view that the repeal of section 1(h) does not constitute an income tax rate increase relates to the nature of section 1(h). That provision operates as a cap on the maximum amount of tax liability imposed by the Internal Revenue Code which is determined by reference to a formula which includes a hypothetical 28% tax rate. Thus, section 1(h) itself may not constitute an income tax rate. Thus, even if the continued existence of section 1(h) were to have a practical effect as relates to the liability determined under current law, we have some doubt as to whether its repeal would constitute an income tax rate increase under the House Rules. In light of the fact, as indicated above, that we have concluded that the provision would not impact the calculation of tax liability as relates to current law, we have concluded that the provision's repeal is neither within the spirit nor the letter of the House Rule in question.

Sincerely,

KENNETH J. KIES.

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

Sincerely,

KENNETH J. KIES.

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

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

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

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

After reviewing the material contained in your letter, the language in H.R. 1215 dealing with the capital gains treatment of certain small business stock, the follow-up letter from Joint Taxation, and the response from the Parliamentarian, I can see how confusing the situation was and how the Chair's ruling itself did not seem either satisfactory or overly compelling at the time of issuance. However, based upon the circumstances, I believe the Parliamentarian's guidance and subsequent ruling by the Chair were objective.

Yours very truly,

NEWT GINGRICH,
Speaker.

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

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

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

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

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

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

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

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

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

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

Mr. WISE. Mr. Speaker, the gentleman from Colorado and others keep

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1300

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

Mr. KASICH. Mr. Speaker, to look at the debt ceiling like an individual goes to the banker and says to the banker, I would like to have a loan. And the banker says, well, do you have any collateral? The person says, well, no, I do not have any collateral. The banker says, well, I do not have a loan.

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

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

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

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

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

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

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

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

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

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

If the Republican leadership were serious about this proposal, they would not join it in this fashion with time spooned out in limited debate; they would bring it to the floor under an open rule subject to amendment and subject to adequate debate before the American public and air the issue, its merits, its demerits. But no, they want to hide this thing under their bushel and bring it here to the floor and abolish programs like the Economic Development Administration, which has survived numbers of administrations,

numbers of attempts to abolish EDA, and on a bipartisan basis, by three- and four-to-one votes in this Chamber. EDA has been preserved because this is a program that creates jobs, that returns more in tax dollars every year than all of the money that has been invested in EDA over its entire period of time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to defeat the rule.

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

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

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

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

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

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

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

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

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

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

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

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

The failure to pass this six-page bill will have a dramatic impact on every family in America, particularly those who happen to have something called

an ARM, an adjusted rate mortgage. If the Gingrich Republicans are successful, if they force America into default for some political strategy, it will force interest rates up on every American homeowner paying an ARM, an adjusted rate mortgage. So, for the Gingrich Republican strategy, there is a tax on homeowners.

□ 1315

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

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

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

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

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

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

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

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

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

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

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

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

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

For 30 years, these good intentions have driven us into the poorhouse. And here we are, we could take the money and pay for the entire country's Medicaid with this; $67 billion is 74 percent of all the money we spend for every Medicaid recipient in the country, that is what we are going into debt for in the next 34 days. We only reorganize one department, the Department of Commerce, one department, 36,000 employees, 21,000 within 50 miles of where I am standing, 21,000. We will eliminate over 7 years, 11,000 positions. Why do we need that many people?

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, the gentlewoman from Colorado [Mrs. SCHROEDER], my colleague, talks about show and tell. How

much cooperation has the gentlewoman given us on this budget? How many balance budgets has the gentlewoman voted for during her career? Now very many, if we take a look at it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, I reserve the balance of my time

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

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

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

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

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the gentlewoman from Colorado, my colleague, resents the fact that I have the courage to stand up and debate with her? Sometimes people will not stand up to the gentlewoman. Mr. Speaker, It is about time some of the facts of the gentlewoman be called to order.

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

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

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

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

PARLIAMENTARY INQUIRY

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

Mr. MCINNIS. Regular order, Mr. Speaker.

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

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

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

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

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

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

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

□ 1330

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

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

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

debt ceiling extension clear of these partisan distractions.

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

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

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

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

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

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

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

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Rescissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 0f rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority..	N/A.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	*RULE AMENDED* Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl. 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives sections 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the manager's amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a manager's amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl. 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl. 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open; waives cl. 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; pre-printing gets priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl. 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl. 5(c) of rule XXI (⅗ requirement on votes raising taxes).	1D

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491 H. Con. Res. 109	7-Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl. 5(c) of rule XXI (⅔ requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cls. 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amendment (40 min.) on regulatory reform.	5R

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

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

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

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

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

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

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

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

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

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

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

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

I urge support for the rule.

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

The previous question was ordered.

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

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

Mr. MCINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 200, not voting 12, as follows:

[Roll No. 778]

YEAS—220

Allard	Crapo	Hansen
Armey	Cremeans	Hastert
Bachus	Cubin	Hastings (WA)
Baker (CA)	Cunningham	Hayworth
Baker (LA)	Deal	Hefley
Ballenger	DeLay	Heineman
Barr	Diaz-Balart	Herger
Barrett (NE)	Dickey	Hilleary
Bartlett	Doolittle	Hobson
Barton	Dornan	Hoekstra
Bass	Dreier	Hoke
Bereuter	Duncan	Horn
Bilbray	Dunn	Hostettler
Bilirakis	Ehlers	Houghton
Bliley	Ehrlich	Hutchinson
Blute	Emerson	Hyde
Boehlert	English	Inglis
Boehner	Ensign	Istook
Bonilla	Everett	Johnson (CT)
Bono	Ewing	Johnson, Sam
Brownback	Fawell	Jones
Bryant (TN)	Fields (TX)	Kelly
Bunn	Flanagan	Kim
Bunning	Foley	King
Burr	Fowler	Kingston
Burton	Fox	Klug
Buyer	Franks (CT)	Knollenberg
Callahan	Franks (NJ)	Kolbe
Calvert	Frelinghuysen	LaHood
Camp	Frisa	Largent
Canady	Funderburk	Latham
Castle	Gallegly	LaTourette
Chabot	Ganske	Laughlin
Chambliss	Gekas	Lazio
Chenoweth	Gilchrest	Leach
Christensen	Gillmor	Lewis (CA)
Chrysler	Gilman	Lewis (KY)
Clinger	Goodlatte	Lightfoot
Coble	Goodling	Linder
Coburn	Goss	Livingston
Collins (GA)	Graham	LoBiondo
Combest	Greenwood	Longley
Cooley	Gunderson	Lucas
Cox	Gutknecht	Manzullo
Crane	Hancock	Martini

McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—200

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

NOT VOTING—12

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

□ 1355

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

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

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

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

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

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

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

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

□ 1400

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

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

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

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

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

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

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

Mr. BONIOR. I thank my colleague.

GENERAL LEAVE

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2586, the bill about to be considered.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the

request of the gentleman from Louisiana?

There was no objection.

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. McCRERY. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the gentleman from Louisiana [Mr. McCRERY] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. McCRERY].

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

Mr. Speaker, the subject of this bill, of course, is a short-term extension of the Nation's debt limit. This short-term extension is intended to provide an orderly process, with sufficient time for the Congress and the President to consider the balanced budget bill that will shortly be sent to the President. It is now clear that some type of pressure must be applied to bring the differing views together and to resolve this problem.

Mr. Speaker, H.R. 2586 would temporarily increase the statutory limit on the public debt to $4.967 trillion. It would do so until December 12, 1995. Under the bill, the limit would then revert to $4.8 trillion. H.R. 2586 also ensures the financial integrity of Government trust funds invested in Government debt obligations subject to the debt limit.

Mr. Speaker, this bill today is necessary because the Congress, the legislative branch, under our Constitution, is responsible for authorizing any debt to be incurred by the U.S. Government. That is an obligation which we must take very seriously, and consider very carefully. Some in this Chamber are reluctant to increase the Nation's debt limit at all. I understand that, Mr. Speaker.

However, we all recognize that this Government has made commitments and entered into obligations that must eventually be paid, so in an effort to accommodate those obligations and in an effort to accommodate this body and the executive branch with time to deliberate matters of great importance to the country, including balancing this Nation's budget in 7 years, this bill comes to us today. We believe this bill is not only necessary, but entirely appropriate, and we will get into more of the details as the debate continues.

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

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

Mr. Speaker, my fine and much-admired friend, the gentleman from Louisiana, has stated some of this bill, but perhaps he knows more about it than I do. He says that it is just a temporary legislation. The first page or so is temporary, but the other 400-and-some pages in this bill, and the pages that will perhaps be adopted here by additional amendments, are not temporary legislation. They are very permanent legislation. They do drastic things to this U.S. Government. They do it without debate, without consideration, or anything else.

The only reason we are here at this late hour and under this kind of confusing circumstances is because the Republicans have not been able to get their act together, to get their majority control together, and to do the things that should have been done. We are here on November 9 to do the work that should have been done in July of this same year.

The Republicans keep howling and screaming that the President will not bargain with them, but how, Mr. Speaker, can the President bargain with them? They have no budget bill. They have not even had a meeting on their budget bill in 2 weeks. I know. I am a conferee. I have not even gotten a notice, or, as one Member said, a postcard about a meeting of the conferees to iron out the differences in the budget resolution. We are about 4 months behind on the budget, the Congress is, because the Republicans cannot muster a majority on their side to get anything done.

We are here at this late hour attempting to blackmail the President into signing something that he will never sign. The President is not subject to blackmail. He has enough sense not to give in to that kind of treatment. He is not going to sign this ridiculous trash here, most of which is only put together, as the gentleman from Louisiana said, temporarily, so they can get enough votes together to get this thing through the House. They are going to drop all these amendments. Their Members ought to understand that. None of this is ever going to become law. It is only here so that the Republicans can be coerced or bribed or twisted their arms or whatever you want to call it to vote for this thing. It is not going to happen.

It is a terrible way to run the Government. It is a terrible reflection upon the Republican Party that they cannot do a simple thing, which is strike out one figure in a piece of legislation and add another figure. That is all that is here. We have done it hundreds of times in the years that I have been here without all of this rankle, all of this other garbage that has been added to it.

Mr. Speaker, this is a very, very poor and disastrous way to run the Government. It is a terrible reflection upon the Republican Party. We Democrats do not have control of this body. We do not set the agenda. We do not have the ability to produce a majority vote. It is all within their power. It is all within their ability. It is all within their responsibility. They cannot get up here and pretend that it is anybody's responsibility except theirs.

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

Mr. McCRERY. Mr. Speaker, it is with a great deal of pleasure that I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER], one of the most distinguished Members of the Chamber, and chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Speaker, I thank the gentleman very much for yielding time to me.

I guess we will have to put the gentleman from Florida [Mr. GIBBONS] as undecided on this matter.

Mr. Speaker, this bill is more, really, much more than an increase in the debt limit. It is really a down payment on the promise that we have made to make government smaller and more responsive to the American people. It is crucial that we refocus government on those essential functions that it must perform, and reconsider whether government should be involved in any activity which it cannot do well.

We presently are involved in a great many activities, Mr. Speaker, that we do not do well. The reason we have to raise the debt ceiling again is that the bureaucracy in Washington has grown unchecked for far too long. Endlessly we have added, bloated, and enlarged the Federal Government, so today we are going to continue to reverse that trend by voting for a second time, Mr. Speaker, to eliminate the Department of Commerce. This has been debated, has been considered before with this body, and we have decided in our wisdom to eliminate the Department of Commerce as part of the reconciliation discussions.

In my view, the Department of Commerce is one bureaucracy that, frankly, is not necessary. Functions of the Department overlap with 71 independent agencies of the Government. True, there are, indeed, vital functions performed by Commerce involving trade, weather services, statistical information, and essential components will be retained in a more appropriate home. Other functions will be privatized, sent to the States and localities, or terminated.

Mr. Speaker, it has been suggested that we are doing this just to put a scalp on our belt. That is absolutely not true. We have really taken a very close look at how this Department can be dismantled, how the functions of that Department can be consolidated and made to work much more efficiently, much more productively than they have in the past.

Specifically, the commerce title in the debt ceiling bill highlights the importance of a strong trade policy, consolidates the various activities that are now spread all over the Federal Government dealing with trade, presents a cohesive approach to trade promotion. We consolidate the Department of Scientific and Environmental Functions of the National Oceanic and Atmospheric Administration, we privatize or eliminate 40 agencies and programs, and we establish a citizens commission on 21st century government to evaluate the entire Federal Government, and determine how we can make this government, yes, smaller, more productive, more efficient, and more responsive to the American people.

Let me be clear, however, that we are not cutting just for the sake of saving dollars. If that was the only objective, I do not think it would be worth doing. In fact, we will be saving a great deal of dollars as a result of this exercise. The CBO has recently revised their estimate. We are going to save $6 billion by the elimination or the dismantlement of the Department of Commerce. The other side suggests we are just bloating up other parts of the government. That could not possibly be the case if we are going to save $6 billion. Clearly we are reducing, not enlarging the government.

□ 1415

So, Mr. Speaker, I would urge support for this debt limit extension, and for the elimination of the Department of Commerce. It is long overdue.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, the issue here today is not a balanced budget and it is not a short-term extension to achieve it. Democrats favor an extension to help achieve a balanced budget. Most of us are willing to vote for a clean, short-term extension. Now, why are the Republicans not proposing it? Why is this layered with all of these additional proposals?

There are two reasons, Mr. Speaker. First of all, leverage on the President. Now, look, I am in favor of pressure. But this goes beyond pressure to try to create a pistol, and I suggest it will not work, it will backfire. The second reason there is not a clean extension is to satisfy some internal pressures within the Republican House Caucus. So they have added a provision on the Department of Commerce and one on regulatory language, a huge bill that few, if any, have read. Why are they doing this?

The Senate Republican leadership has made clear that they will not buy the Commerce Department provision, so you are doing this to have some satisfaction internally within the Republican House Caucus.

The Senate is working on regulatory reform. So what the Republicans are really doing here today is to play games, but going beyond it and playing with fire. What they are going to do through this, if it were ever to succeed, is to limit the management ability of the President to manage, to manage this situation, to manage this debt.

Secretary Rubin has said very clearly, this legislation severely limits options the Secretary has under current law to relieve pressure and to avert default.

Let us stop playing with fire with the debt. It would increase the interest rates. It would increase the interest rates for people with variable mortgages, with credit card debt. Look, what you are doing through this kind of proposal is linking chaos in this House with crassness. It will not work.

What you should be doing here today is joining on a bipartisan basis to pass a short-term extension of the debt period. That is going to happen sooner or later; let us do it now. I urge defeat of this. Let us get to our senses and work on a bipartisan basis.

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

Mr. Speaker, just in response to the gentleman's comments, it might be good to know that the day after the Committee on Ways and Means took the action to bring this bill to the floor, the stock market went up some 55 points and interest rates went down. So I think the fact that we have established a drop-dead date for negotiations to take place between the executive and legislative branches has, in fact, had a salutary effect on the markets and we hope to continue this.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM], the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

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

Mr. Speaker, I want to talk about one of those extra things that are on this bill, that really is not controversial in the broad sense, because it has passed the House a number of times, including this Congress, by overwhelming margins. It is something that really should be enacted into law, and we have an opportunity on this debt ceiling bill to get it down to the President in a timely fashion, which we have not had before, and that is the reform of what is known as habeas corpus laws to try to end the seemingly endless appeals that death row inmates have.

Mr. Speaker, I can assure anybody who has paid attention to the death row situation, where people have committed heinous crimes and have been convicted and sentenced to death, that that is an abomination that people can carry out the sentence for as much as 15 or 20 years by procedural gimmicks.

What happens, of course, is that they get convicted, they go through a State court appeal posture after they get sentenced to death, they go all the way to the Supreme Court of the United States, and a court says, the conviction is fine, the sentence is fine. They come back and they have an opportunity to go into Federal district court and file what is known as a habeas corpus petition and seek to get out on a procedural matter; for example, they did not have a lawyer who represented them properly at trial.

They then take that appeal and go all the way back to the Supreme Court, which takes a considerable amount of time, and after the Supreme Court denies that appeal, they can go back into Federal district court again on some other procedural ground and appeal that, and it could go on and on and on.

What we do in this and what the House did earlier this year, and what is part of this bill, if we pass it today and send it to the President and maybe get it enacted into law, we say that after your finish your Federal appeal you can go into Federal court only one time. You have to put all of your apples in that basket, all of your procedural complaints and issues, and let it be decided and get on with the carrying out of the sentence if you do not have any grounds for those. Obviously, anybody who can provide that they are really innocent of the crime, they are not going to have the death penalty carried out.

We have been waiting for a long, long time, years battling over this issue. This is a perfect bill, one the President really has to face and sign, a short-term debt extension, to finally get it enacted into law, the reform of habeas corpus, to end this process of staying and keeping staying, again and again and again, the death penalties in the State courts of this Nation. It is time to act now, and I urge the adoption of this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in opposition to H.R. 2586. As a Member who has consistently been responsible and voted to increase the debt ceiling, it saddens me to stand here in opposition.

We have heard all sorts of obfuscation from the majority. But let there be no mistake, raising the debt ceiling has nothing to do with the current level of government spending, and everything to do with financing our prior obligations—living up to our commitments. There is no doubt that the debt ceiling will be raised in the long run. What we should be doing here today is passing a clean temporary debt ceiling as an interim measure to prevent default while a balanced budget agreement can be hammered out.

The bill before us today purports to protect trust funds but it has the practical effect of ensuring that Medicare

claims won't be paid, tax refund checks can't be cashed and our Armed Forces won't be paid. It also strips the Secretary of the Treasury of all cash management tools—tools that were provided Republican Secretaries of the Treasury by Democratic Congresses. It is nothing more than an attempt to blackmail the President and to ultimately push us closer to default. It is irresponsible and unacceptable.

We stand here today and listen to the majority try to blame the President for delay. But, let's look at the facts. It is November 9th, 5 weeks after the start of the fiscal year and congressional Republicans have yet to even send their plan to the President. In 1993, the Clinton budget plan was enacted by August. The majority talks about getting their budget done on time, yet, they've only sent the President 3 of the 13 required appropriations bills. So let us be clear now who is responsible for delay.

When all is said and done, the debt ceiling will be increased. We shouldn't hold the economy or average American families hostage to a partisan debate on a balanced budget. We should enact a clean extension in the debt ceiling immediately.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I rise in support of H.R. 2586 as chairman of the Subcommittee on Civil Service. This bill provides important protections for active and retired Federal workers. It protects the integrity of the civil service retirement and disability fund and the government securities investment fund.

Under this bill, the administration will not be able to raid these funds in order to pretend that our national debt does not exceed the debt limit. The civil service retirement and disability fund provides authority to fund annuities paid under the Civil Service Retirement System and the Federal Employees Retirement System. It is a tempting target for the administration to raid, Mr. Speaker. In fact, it contains about 374 billion dollars' worth of special nonmarketable government securities that are subject to the debt limit.

Many current Federal employees invest their money in the government securities investment fund. This is one of the three funds in which employees can invest under the thrift savings plan. Their money is also invested in special nonmarketable government securities subject to the debt limit. In the past, Mr. Speaker, administrations have raided the civil service retirement and disability fund in order to stay under the debt limit. They have refused to invest the dollars coming into the fund. The administration could even just tear up existing nonmarketable securities in the fund. It has been done before.

It is also clear, Mr. Speaker, that the administration intends to raid the civil service retirement and disability fund. I have here a set of administration talking points that make that clear.

Mr. Speaker, the civil service retirement disability fund is already woefully underfunded to the tune of $540 billion. Yes, Mr. Speaker, there is already an unfunded liability of half a trillion dollars. Our learned colleagues on the other side of the aisle screamed and hollered when the private employers asked to be able to withdraw their excess contributions from their employee retirement funds that were more than 125 percent funded. Yes, Mr. Speaker, they did not even want private employers to reach into expensively funded plans. These same people now have the gall to give the administration a free reign to raid the retirement fund that is so woefully underfunded.

Mr. Speaker, we need to manage our public debt and to work hard to reduce it, but allowing the administration to dip into these funds would just be a gimmick. It is a charade. It is time to inject some fiscal responsibility in managing the Government accounts.

I support H.R. 2586, Mr. Speaker, because it prevents the administration from raiding the funds behind our employee retirement systems and behind their backs, and it makes sure their annuities are paid.

Mr. Speaker, I insert the following information in support of my statement.

EXCERPT FROM DEPARTMENT OF TREASURY TALKING POINTS, NOV. 7, 1995

Finally, by repealing the debt management features of the law relating to the Civil Service Retirement and Disability Fund, the bill would increase the risk of default by severely limiting the ability of the Secretary of the Treasury to assure that crucial government payments—including benefit payments such as Social Security, as well as payments on the public debt—could be made in a time of debt limit crisis. These provisions were enacted in a Republican Administration and reflect the widely held view that the Secretary should have options to relieve pressure and avert default.

Mr. GIBBONS. Mr. Speaker, before this debate gets too rough, I yield 1 minute to the gentleman from Virginia [Mr. MORAN] who knows something about the subject that was just discussed.

Mr. MORAN. Mr. Speaker, in fact, I have my money in that very retirement fund.

Mr. Speaker, first of all, it must be said that this legislation plays politics with people's lives. It is deliberately designed to force a default of Federal debt obligations, and specifically ties the President's hands from being able to avert a debt ceiling crisis under the excuse that this is supposed to save Civil Service retirees. That provision was put in during the Reagan administration precisely to protect the Civil Service Retirement Trust Fund. That is why it was put there. Now it is being repealed.

Mr. Speaker, I have a letter from the Federal Retirement Thrift Investment Board, dated today. This is a nonpartisan board designed to oversee the Federal Thrift Savings Plan. This letter says that this provision, if this bill is passed, will cost Federal retirees' $3.5 million per day, an amount that once lost, will never be recaptured. Do not do this to Federal retirees, do not do it to Social Security retirees. I urge defeat of this legislation.

Mr. Speaker, the letter referred to follows:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD,
Washington, DC, November 9, 1995.

Hon. JAMES P. MORAN, Jr.,
Ranking Member, Subcommittee on Civil Service, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MORAN: I have reviewed H.R. 2586 which provides for a temporary extension of the Federal debt limit. The proposed legislation provides for the repeal, inter alia, of 5 U.S.C. §8438(g), which was enacted on May 22, 1987, to prevent harming Federal employees with investments in the Thrift Savings Plan's G Fund. It was foreseen at that time that, during periods of constraint on the issuance of Treasury securities brought about by the debt limit, the moneys of Federal employees in the G Fund would irretrievably lose interest (since they could not be invested) but for this carefully drafted, bipartisan "make-whole" provision. (The enclosed letter from former Executive Director Francis Cavanaugh forwarded the proposed legislation (not included) to Congress in April 1987, and it was quickly enacted.)

A repeal of this provision at this time would cost Federal employees invested in the G Fund more than $3.5 million per day of debt limit constraint, an amount that, once lost, will never be recaptured. That Federal employees' retirement funds might be thus diminished is a matter of great concern to me and my fellow fiduciaries, as I am sure it is to you.

All of the provisions of the proposed legislation can be enacted without harm to Federal employees' retirement funds except for the repeal of §8438(g) (and its administrative concomitant, §8438(h). That is, the purpose of the proposed draft legislation can be fully met, as set forth in its accompanying two-page explanation, with the deletion of the words ", and subsections (g) and (h) of section 8438 of such title" on page 6, lines 7 and 8. (The other provisions to be repealed pertain to the Civil Service Trust fund; because that fund is not owned by employees directly, their ultimate benefit levels as derived therefrom are unaffected.)

If the bill were passed in its present form, the fiduciaries of the Thrift Savings Plan would be obligated to point out the needless and costly removal by Congress of a protection for Federal employees intended to prevent debt limit politics from impairing the integrity of their retirement funds. (The "make-whole" provision of §8438(g) has been employed on four separate occasions in the past to restore interest otherwise lost to Federal employees from debt limit hiatuses.)

I have sent a similar letter to Congressman John Mica. I am asking your and his cooperation in preventing any repeal of

§8438(g) in order to safeguard Federal employees' retirement moneys and ensure their confidence in the G Fund, which, at $21.5 billion currently, comprises approximately ⅔ of total Thrift Savings Plan investments.

Sincerely,

ROGER W. MEHLE,
Executive Director.

Enclosure.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD,
Washington, DC, April 30, 1987.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Federal Retirement Thrift Investment Board respectfully submits the enclosed draft bill to prevent the loss of interest earnings to federal employees in the Thrift Savings Plan (Plan) which would otherwise result from a temporary suspension of the authority of the Secretary of the Treasury to issue public debt obligations to the Plan.

The Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8401–8479) established a tax-deferred Thrift Savings Plan for federal employees. Effective April 1, 1987, all government and employee contributions to the Plan must be invested in Treasury securities issued to the Government Securities Investment Fund (GSIF) of the Plan. Since such securities, like other Treasury debt issues, are subject to the statutory limit on the amount of public debt outstanding, the Secretary will be unable to issue such securities to the GSIF after May 15 unless Congress acts on debt limit legislation by that date.

The present temporary public debt limit of $2.3 trillion is due to expire on May 15, 1987, on which date the debt limit will revert to the permanent statutory ceiling of $2.1 trillion.

We understand that the Treasury Department advised Congress today, in testimony before the House Ways and Means Committee that the Department expects to have sufficient cash on May 15 so that an increase in the debt ceiling would not be necessary until May 28. Nevertheless, beginning May 16 the Treasury will be unable to issue any securities subject to the debt limit, including securities issued to the GSIF. Thus, if Congress does not act on debt limit legislation prior to May 16, the GSIF will lose interest; there is no authority for the Treasury to pay such interest at a later date to make up for such losses.

The proposed legislation would provide the same treatment to the Thrift Savings Plan as is now provided by law (P.L. 99–509) to the Civil Service Retirement Fund. This treatment requires the Treasury to make up any loss of earnings to the Fund created by a suspension of Treasury borrowing authority.

Although the bill seeks parity of treatment with the Civil Service Retirement Fund, it is important to note that the Thrift Savings Plan is different from the Civil Service Retirement System (CSRS) in that the Thrift Savings Plan is a wholly voluntary, defined contribution plan; whereas CSRS is a mandatory, defined benefit plan. CSRS plan benefits do not depend directly on the amount of the Fund's interest earnings. The employer-employee contributions to the Thrift Savings Plan, although held in the custody of the Treasury Department, actually belong to the individual employees. Accordingly, Congress intended that the Thrift Investment Board be a financially independent agency and exempted the Board from the appropriations process, the budget, and the controls of the Executive Office of the President which apply to other federal agencies. Yet, perhaps inadvertently, Congress did not insulate the Board or the Plan from the constraints of the public debt limit.

The Board believes that obligations issued to the GSIF should clearly be exempt from the public debt limit constraints. Yet, in view of the urgent need for timely legislative action before May 15, we are requesting only that the Plan be accorded the same treatment as the Civil Service Retirement Fund.

Federal employees have been urged to deposit their funds in the Thrift Savings Plan upon the representation that such funds will be safely invested in government securities with a guaranteed rate of return based on a prescribed statutory interest rate formula. The Board has an obligation to federal employees to make every effort to see that this commitment is honored. Now, at the very beginning of the Plan, it is especially important that there be no question as to the integrity of the government's representation as to such investments. In order to prevent unnecessary fear and confusion on this point, we urge Congress to act on the enclosed bill as soon as possible and before any suspension of Treasury borrowing authority occurs.

We are sending a similar letter to the President of the Senate. Copies have been sent to the Director of the Office of Management and Budget.

Sincerely,

FRANCIS X. CAVANAUGH,
Executive Director.

Enclosure.

SUMMARY OF THE BILL

The purpose of the bill is to ensure that the federal employees' Thrift Savings Plan (Plan) does not suffer a loss of earnings in its Government Securities Investment Fund in the event of a temporary suspension of borrowing authority of the United States Treasury Department, due to the statutory public debt limit.

The bill provides that, in the event the Secretary of the Treasury suspends additional issuance of Treasury securities to the Government Securities Investment Fund because such issuance would exceed the debt limit, immediately upon lifting of the borrowing suspension, the Secretary of the Treasury shall issue securities to the Plan at interest rates and maturities which will replicate the obligations that would have been held by the Plan if the suspension had not occurred. This "make-whole" relief will include the payment of any interest the Plan loses as a result of the suspension. Both the obligations and the interest will be determined in accordance with the daily investment decisions made by the Federal Retirement Thrift Investment Board during the suspension period which would have been effective were it not for the suspension.

The treatment accorded to the Plan by the bill is similar to that accorded to the Civil Service Retirement and Disability Fund in Section 6002 of the Omnibus Budget Reconciliation Act of 1986, except that the bill recognizes the statutory responsibility of the Executive Director (5 U.S.C. 8438(f)(2)(A)), rather than the Secretary of the Treasury, to determine the amounts and maturities of the investments in the Government Securities Investment Fund.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in support of this bill, but obviously, like many, I do so with some reluctance. While I have often opposed raising the debt ceiling, because of our efforts this bill includes a pledge to achieve a CBO-scored balanced budget in 7 years. I call attention to my colleagues on both sides of the aisle, this pledge is in the rule committing the President and Congress to enact in the year 1995, the calendar year, legislation for a balanced budget by the year 2002. It affirms the intent of Congress and the President to do so, and it is in black and white, and it is part of this package that we are voting on.

This, my friends, is the crux of our Contract With America. This is why we have the responsibility today to be responsible. Do I like raising the debt? Obviously I do not. But, for this reason, and for this language, I intend to vote for this raising of the debt to ultimately balance the budget. However, Mr. Speaker, what is also a concern of mine is that without certain provisions in this bill, that Chairman ARCHER made sure were in this bill, the Clinton administration could dip into supposedly safe trust funds such as the Social Security Trust Fund, the Medicare Trust Fund, and the Federal Retiree Trust Fund.

□ 1430

I find this totally unacceptable and, frankly, so do the American taxpayers. Yet the President is threatening to veto this bill because we refuse to let the administration raid the Social Security, Medicare, and Federal retiree trust funds. That is what the people on the other side are saying. These trust funds should not see their assets reduced even temporarily. It sets a bad precedent of encouraging the Treasury Department to raid these funds. Without this amendment in the bill, the money paid into these funds would be diverted to pay for other services.

Mr. Speaker, this is not the American way, and this should not be done. The American people have placed their trust in us to manage their funds, to protect their investments. We cannot let them down.

I urge my colleagues, it is time to be responsible to pass this bill and to pass a balanced budget amendment that will eliminate the need after almost 40 years of Democrat control for such legislation in the future.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, we should vote this bill down. We should be passing a clean continuing resolution or a clean debt limit extension for a reasonable time.

Why are we here today? We are here because this is the most mismanaged legislative session I have seen in 35 years serving in legislative office. It is

November 9. The fiscal year began October 1. I fully expected we would need a continuing resolution because the majority would have passed appropriation bills, they would have been vetoed in some cases, and the Congress and administration would be negotiating. Instead, 9 of 13 bills have not passed the Congress. So we need a continuing resolution.

Why do we need this bill on the debt ceiling? Because it is now November. The Congress is doing what it should have been doing in July, should have been passing its budget bill, sending it to the President, probably vetoed, then serious negotiations occurring.

Instead, we have drifted along all session doing what was not crucial; and here, a month and a half into the fiscal year, the House and Senate is still dealing with the conference report. Shame on us. If we had done our work, this bill would have been on the President's desk before the August recess as it was 2 years ago, negotiations could have occurred in September, maybe into mid-October, and had a solution. Instead, total mismanagement. Mid-November, no budget bill, most of the appropriation bills still hung up in the Congress. Instead, we find ourselves with a debt ceiling extension, with habeas corpus and Commerce and I do not know what all else is in here.

Mr. Speaker, we should defeat this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, I said yesterday that we started this Congress with the Contract With America. There were 10 items essentially. Two out of the first three talked about responsibility. The first item talked about responsibility. The third item talked about personal responsibility. I tell my friends on the Republican side of the aisle that this bill is neither fiscally responsible nor it is personally responsible; and, yes, we ought to be ashamed of playing with the credit of the United States of America as we are doing.

This is not a serious attempt at responsible Government. It contains extraneous matters unrelated to the critical issue of making sure America pays it bills. Every American thinks its Government ought to do that.

But that's not what we're doing today. This bill is loaded down with unrelated provisions that have nothing to do with the problem before us and will cause the President to veto this legislation.

Just like yesterday's continuing resolution, which the President has also indicated he will veto, this is not a serious attempt at responsible Government.

I am afraid that the message to Federal employees is: Don't consider this a holiday weekend because you may not have a job next week.

The Republican leadership seems determined to close down Government operations.

They are taking the CR and the debt limit extension down the path to the same fate as many of the appropriations bills—stuck in the mud of political partisanship.

This Government is not put at risk by this irresponsibility with which we are confronted today. They want to up Social Security and Medicare payments by $151 per recipient in this bill. That ought to be debated fully. Habeas corpus, that may be a good bill, but it is not subject to having an impact on the debt of the United States. Eliminate the Commerce Department, a 200-page bill that the President disagrees with. You put at risk the credit of the United States.

This debt limit extension measure also limits the Secretary of the Treasury's ability to manage Federal employee investments in the thrift savings plan as well as their retirement fund.

These provisions have nothing to do with allowing the Treasury Department to continue to borrow money.

Auctions have already been canceled because of the Republican leadership's failure to act.

I am gravely concerned about the impact of not passing a CR and debt limit extension on Federal employees. They have been attacked again and again in this Congress and now the leadership is threatening to send them home on furlough.

Those in the Congress who claim to be Federal employee advocates and then vote for these extreme measures are, in my opinion, undermining the security of those Federal employees whom they claim to represent.

This is not a rhetorical issue. This is real fear for civil servants who have families to feed and mortgages to pay. The lives of Federal employees are once again being thrown into chaos as the Republicans pursue their extreme agenda.

Ladies and gentlemen of this House, ladies and gentlemen of America, this bill is a patently petty political terrorist tactic. That is what it is. An attempt to force the President of the United States to adopt things that you cannot get through your own Senate, not just the Congress. This bill adopts tactics that put America as a hostage to an extremist agenda.

Mr. HASTERT. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. HOBSON). The Clerk will report the words.

□ 1445

Mr. HOYER. I would be glad to repeat them if you would like just so they are clear on the RECORD.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman shall refrain from speaking.

The Clerk will report the words.

The Clerk read as follows:

Ladies and gentlemen of this House, ladies and gentlemen of America, this bill is a patently petty political terrorist tactic, that is what it is, an attempt to force the President of the United States to adopt things that you cannot get through your own Senate, not just the Congress. This bill adopts tactics that put America as a hostage to an extremist agenda.

The SPEAKER pro tempore. The Chair rules that since this is not a reference to an individual Member, that the remarks are in order.

However, the Chair would observe that there is a civility within the House in addressing bills and Members that should be observed, and it would be hoped that in the future that would be observed by all Members.

Mr. HOYER. I thank the Speaker for his ruling.

The SPEAKER. The time of the gentleman from Maryland [Mr. HOYER] has expired.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe that there is a legitimate concern about the use of trust funds that has been mentioned earlier, and that the reason why some who are coming to the floor are suggesting that they want to give the administration total latitude on these issues is because, I think, they are probably aware that the administration intends to use the civil service retirement trust funds, the Government securities investment fund, other cash, and perhaps even the Social Security trust fund as the way of financing our debt into the future.

Now, we have heard discussion on the floor about the fact that we do not want to default for the first time in history. The fact is we have never used the Social Security trust fund for anything other than Social Security payments at any time in history, either, and yet what we are being told by this administration and by those defending the administration on the floor, they are prepared, in pursuit of their political agenda, to allow the Social Security trust fund to at some point in the future be invaded for the purposes of paying the bills.

Now, our direction has been to try to balance the budget. We realize that that takes a lot of hard work. We realize it has been an uphill fight, with those who are opposed to that agenda fighting us every step of the way to see to it these bills do not get passed. We realize there has been a concerted effort to try to stop bills in other places in the Capitol Building so that, in fact, the work cannot get completed, and now we come down to the point where there is no longer an ability to pay the debts that have been incurred over the last several years.

Now we are being told that the Social Security trust fund should be put in jeopardy in the future. I would suggest that we ought to pass the bill that is

before us. Yes, it does contain a number of items in it that we think are good for the country, such as regulatory reform, we hope, after that amendment is adopted, habeas corpus reform, and a number of other things. Fundamentally, what it does is allow the President to borrow temporarily, and does so in a way that assures protection of the trust funds.

Why do I say that we believe all this is happening? We have heard it directly from the Department of the Treasury.

I have before me materials that indicate that the Department of the Treasury is prepared in fact to begin using the civil service retirement and disability fund. At a press briefing yesterday, they outlined about $28 billion of money they are going to use, first out of the Government securities investment fund, then out of civil service retirement, then out of other petty cash amounts, and the next step down the line, my friends, is the Social Security trust fund.

That is, I think, a very grave danger for us all. the way that you can prevent that kind of problem from occurring is to vote for the bill brought to you by the gentleman from Texas [Mr. ARCHER], assure that we do protect the Social Security trust fund now and into the future, assure we do have the ability to raise the debt limit enough to pay our bills and, oh, by the way, get a couple of things done good for America, such as eliminating a Cabinet department and giving this Nation regulatory reform.

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

Mr. Speaker, I am placing in the RECORD at this point a statement made by the Secretary of the Treasury on the subject matter under debate.

The referenced material is as follows:

STATEMENT OF TREASURY SECRETARY ROBERT E. RUBIN AND SOCIAL SECURITY COMMISSIONER SHIRLEY S. CHATER

As Trustees of the Social Security Trust Funds we want to assure the American people that the resources of the Funds are preserved and protected for the benefit of every American who is now, or will in the future become, entitled to receive Social Security benefits.

Questions have arisen recently whether, because of the failure by Congress to increase the national debt limit, the resources of the Funds might be used to provide funds for governmental purposes unrelated to the payment of Social Security benefits. This is our reply: The Social Security Trust Funds will not be used for any purpose other than to assure the payment of benefits to Social Security recipients. We will continue to protect Social Security.

Furthermore, Congress should increase the statutory debt limit in a manner so all of the government's obligations will be paid on time. The Ways and Means Committee's bill, however, leaves Medicare, Medicaid, Food Stamps, Supplemental Security Income, veterans and military personnel, and obligations such as the principal and interest on the public debt all at risk. This is simply not acceptable.

In sum: this Administration will not use Social Security Trust Funds for any purpose other than to assure the payment of benefits to Social Security recipients.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise in opposition to the resolution, and in particular the provision involving death row appeals.

Mr. Speaker, the provisions in this bill are different from the provisions in the House-passed bill, and these provisions have been sprung on us in the last 24 hours.

Mr. Speaker, the provisions of this will do nothing to reduce crime. Death row inmates are not the ones out there robbing, raping and murdering in the streets. There is not even anecdotal evidence these inmates are the cause of crime in our community.

Mr. Speaker, we have not addressed the problem of innocent people being put to death. It was reported in the New York Times this Sunday that a man who had been on death row for 11 years in Illinois was released after being acquitted when a subsequent trial disclosed that a police officer had lied in the first trial.

What have we done about the police officer lying? Yesterday we had a hearing on a bill that would limit the civil liability of the police officer who lied, and today we consider legislation that will put the defendant to death quicker so it will be less likely we ever could have found out the truth.

Mr. Speaker, if we are going to do something about crime, we need to do something different than what we have done so far this year, such as cut funding for attorneys and death row appeals, which will create more complications and more appeals. We have cut funding for crime prevention and cops on the beat; cut funding for summer jobs, putting more youth out on the streets; cut funding for college scholarships and Head Start. All of that will increase crime.

If we really wanted to do something about crime, we would increase the money for Head Start, summer jobs, college scholarships, crime prevention and cops on the beat, and not insert these useless sound bites in essential legislation.

Mr. Speaker, we should focus on the financial crisis before us and not sneak provisions such as this through a debt ceiling resolution.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS], a member of the Committee on Ways and Means.

Mr. COLLINS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the resolution by the chairman to increase the debt limit, but I do so with some reluctance.

I hate to see us increase the debt that the taxpayers of this country owe and that I know that our children will someday have to pay. But I also know that if we are going to reach a balanced budget over the 7 years, as we have planned and as we have passed in both bodies, that we will have to extend that debt limit. I understand that there is a lot of confusion and controversy about how we are going to do that, and it will take a couple, 2, 3 more weeks to really rectify those differences.

So, therefore, we must increase the funding and the borrowing power of our Government.

The thing that I like about this bill or this proposal is it will restrict the use of trust funds. But, Mr. Speaker, you have heard the old saying, "A day late and a dollar short." Well, sir, I think we are years late and several billon dollars short, because out of the $4.9 trillion that we currently owe as the debt, the debt that is owed by the taxpayers that has been created by the Congress, $1.25 trillion of it is actually owed to trust funds, trust funds that people have contributed to that they expect someday to receive in return.

Let me give you some of those amounts, Mr. Speaker. The Federal employee's trust fund, some $375 billion owed by Treasury to that trust fund; the Medicare part A trust fund, $130 billion owed by Treasury to that trust fund; VA retirement, over $112 billion owed to that trust fund by the Treasury; and Social Security, Mr. Speaker, some $483 billion of old age pension, part of my old age pension, owed to the trust fund by the Treasury.

Mr. Speaker, I am including at this point in the RECORD a table concerning the trust fund impact on budget results and investment holdings as of September 30, 1995:

TABLE 8.—TRUST FUND IMPACT ON BUDGET RESULTS AND INVESTMENT HOLDINGS AS OF SEPT. 30, 1995

[In millions of dollars]

Classification	This month			Fiscal year to date			Securities held as investments, current fiscal year		
							Beginning of		Close of this month
	Receipts	Outlays	Excess	Receipts	Outlays	Excess	This year	This month	
Trust receipts, outlays, and investments held:									
Airport	333	777	−445	6,125	7,242	−1,117	12,206	11,547	11,145
Black lung disability	416	426	−46	987	987	(**)	(*)	(*)	(*)
Federal disability insurance	4,749	3,606	1,143	70,215	41,380	28,835	6,100	34,146	35,225
Federal employees life and health	(*)	−145	145	(*)	−1,240	1,240	22,503	23,601	23,729
Federal employees retirement	24,375	3,268	21,108	66,821	38,899	27,923	346,317	353,081	374,219
Federal hospital insurance	9,150	10,271	−1,121	114,847	114,883	−36	128,716	180,931	129,864
Federal old-age and survivors insurance	26,560	24,569	1,991	326,084	294,474	31,611	403,425	445,944	147,947
Federal supplementary medical insurance	1,746	5,903	−4,157	58,169	65,213	−7,044	21,489	17,675	13,513
Highways	2,115	2,340	−226	23,613	22,688	925	17,694	8,846	8,531
Military advances	967	1,314	−347	12,469	13,417	−948	(*)	(*)	(*)
Railroad retirement	451	675	−224	9,093	7,924	1,169	12,203	14,063	14,440
Military retirement	918	2,386	−1,468	34,624	27,797	6,827	105,367	114,320	112,963
Unemployment	336	1,801	−1,465	32,820	25,282	7,539	39,788	48,660	47,141
Veterans life insurance	23	110	−86	1,356	1,231	126	13,477	13,690	13,606
All other trust	525	555	−30	6,056	4,346	1,710	12,317	14,180	14,060
Total trust fund receipts and outlays and investments held from Table 6–D	72,665	57,893	14,772	763,281	664,521	98,760	1,151,601	1,240,682	1,256,385
Less Interfund transactions	27,150	27,150		212,849	212,849	(*)			
Trust fund receipts and outlays on the basis of Tables 4 and 5	45,515	30,742	14,772	550,432	451,671	98,760			
Total Federal fund receipts and outlays	100,994	108,480	−7,486	835,221	1,097,794	262,573			
Less Interfund transactions	443	443	(*)	975	975	(*)			
Federal fund receipts and outlays on the basis of Tables 4 and 5	100,551	108,037	−7,486	834,245	1,096,819	−262,573			
Less: Offsetting proprietary receipts	2,846	2,846	(*)	34,101	34,101	(*)			
Net budget receipts and outlays	143,219	135,933	7,286	1,350,576	1,514,389	−163,813			

*No transactions.

Note: Interfund receipts and outlays are transactions between Federal funds and trust funds such as Federal payments and contributions, and interest and profits on investments in Federal securities. They have no net effect on overall budget receipts and outlays since the receipts side of such transactions is offset against budget outlays. In this table, Interfund receipts are shown as an adjustment to arrive at total receipts and outlays of trust funds respectively. Details may not add to totals due to rounding.

Source: U.S. Treasury, final monthly Treasury statement of receipts and outlays, September 1995.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, first, my thanks to the gentleman from Florida [Mr. GIBBONS] for his courtesies and tenacity in this debate.

Members of the committee, it is pathetic that in a several hundred page bill that was delivered to the Democrats on the Judiciary at 10:45 a.m. this morning, 27 pages of habeas corpus reform of the Senate's that we have never seen, never read, never discussed, never debated, never.

Why? This is the short-term debt ceiling limitation bill. What in God's name is habeas corpus doing in this provision? You can pass it, Republicans, anyway separately, I guess. You have been rolling all the votes here for 10 months. But why stick it in overnight? Is there some logic that this could be happening here in the most democratic forum, the most democratic, fairest parliamentary system that we have in the Federal Government?

But worse than that, this provision limits review in other habeas cases. And my colleagues who have been so concerned about civil rights violations by Federal law enforcement, read Ruby Ridge and Waco, that now they want to leave Federal law enforcement and judges with no way to protect against overzealous Federal law officers who may not have acted lawfully.

It is pathetic that habeas reform has been tucked away in the debt ceiling package. Habeas reform has absolutely nothing to do with short-term debt and I cannot help but wonder why the Republicans, who control both Houses of Congress need to attempt to pass habeas reform in this underhanded manner.

My colleagues should make no mistake, this so-called habeas reform bill does not reform habeas corpus law, it all but eliminates Federal appeals in death penalty cases.

This bill will also limit review in other habeas cases. My colleagues on the right who have been so concerned about civil rights violations by Federal law enforcement officers may find that they are left with no remedy when a lower court judge finds that those overzealous Federal officers acted lawfully.

There are some particularly egregious elements in this habeas bill. The worst provision is that all condemned inmates will be limited to only one appeal in Federal court and this appeal must be within 1 year of conviction. In addition, if a State agrees to compensate attorneys who represent defendants in habeas cases, that time period is reduced to 6 months with Federal courts directed to review habeas cases with undue haste.

The bill also says that no Federal court may grant habeas corpus to a State prisoner if State courts had decided his or her claim on the merits—unless the State decision was "contrary to, or involved an unreasonable application of" Federal constitutional law as determined by the Supreme Court.

This means that Federal judges must overlook even incorrect State rulings on constitutional law claims so long as they are not "unreasonably" incorrect. It is a new and remarkable concept that mere wrongness in a constitutional decision is to be ignored.

The habeas bill has numerous other provisions, all designed to further the goal of reaching finality in death penalty cases. It includes a "rule of deference" to State court determinations of Federal constitutional law. This means that contrary to logic and precedence, State courts, not Federal courts, are the final arbiters of Federal constitutional law.

The bill also places new restrictions upon the availability of hearings by allowing hearings only when there is new, retroactive law or facts that could not have been presented earlier. Moreover, those facts must establish by clear and convincing evidence that the petitioner would not be found guilty of the underlying offense.

Finally, the bill provides that claims litigated, even constitutional violations are barred from second or successive applications and new claims can be heard on their merits only if they rely upon a new retroactive Supreme Court decision or upon facts that could not have previously been discovered, but only if the petitioner shows by clear and convincing evidence that but for the constitutional error, no reasonable jury would have voted to convict.

These provisions make clear that the desire to ensure finality has not been counterweighted by any provisions designed to ensure fairness or correct decisions.

The terrible legal representation that many death row prisoners receive in their initial trials is a key cause of delays, appeals, and reversals in capital cases. Federal courts have found constitutional errors warranting reversal or retrial in about 40 percent of death row cases since the reinstatement of capital punishment. Yet this bill does nothing to address the critical problem. It provides no standards for lawyers who represent habeas defendants.

This habeas reform proposal will leave habeas corpus in a shambles and leave Federal

judges confused and overworked. If my colleagues are not persuaded solely by the substantive arguments against his bill, they should at least consider why the Republicans—who control both the House and the Senate—have bypassed the standard procedures and instead included this provision in the totally unrelated debt ceiling package.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, through you to the chairman and the ranking member of the Committee on Ways and Means, would not it be interesting if the President decides to go into these trust funds for disinvestment, and the people of the United States find out that there is no money in these trust funds, that they are void of the kind of cash that a lot of people imagine, and it is only a bookkeeping, an accounting entry?

You know, I think if all the people of the United States knew that in these trust funds there was little, if any, money, they would say, "Hey, Congress, enough is enough. Get on the ball. Balance the budget, do not wait 7 years, do it in much less time, because our future is at stake."

You know, we hear comments about all of the add-ons on this bill. I for one do not think those add-ons should be on this bill. But is it not interesting, for the last 12 years the Democrats have had the Gephardt rule, rule 41, so they did not have to vote directly on increasing the debt ceiling and said, "Look, we are just going to automatically increase that every time we pass a budget resolution that is greater than the amount that we have coming in in revenues; therefore it goes up automatically."

I am concerned that we do not have a reconciliation bill before the President. Let us get that reconciliation bill to the President as quickly as we can. Let us work this weekend, but I took to the Committee on Rules last night language that says let us stop borrowing marketable debt after 2002. We owe it to future generations, our kids and our grandkids.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, the resolution that is brought before us today again tries to carry out the extreme ideology of the new majority in this Congress; not enough to attack education and the ability of young people to get a college education, not enough to go after Medicare and Medicaid, but an attempt to cripple our economy by undermining the Commerce Department.

Yes, ideology says we have to shrink Government, so that every other nation has a leading cabinet level, powerful individual to deal with commerce that keeps the economy alive. But, no, this extreme ideology says we are getting rid of that.

The United States spends 3 cents out of every $1,000 of GDP on export promotion. Japan spends 12 cents, France, 18, and England, 25.

American workers are going to be left behind. American workers are going to be left behind if we shut down the Commerce Department, not to save money in the process, no; this is simply an ideological drill to test if you are willing to follow every dictum of this new extreme ideology: Get rid of the Commerce Department, cripple our export policy, take away the ability of American corporations to compete, more unemployment at the end of the day and a higher deficit.

Yes, let us not have a debate on this issue. Let us just sneak it through when we are doing the debt limit. This is the wrong kind of policy. It is the wrong kind of politics. It is a long-term damage to the American worker, and we ought to oppose it for that alone.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I appreciate this opportunity.

I have sat and listened to an awful lot of this debate. I have listened about the bad Government that is happening here. I think the only bad Government that happened is the 40 years before I got here.

The President, you know, has supported all or parts of this package in whatever speech he was giving on that particular day over the last 10 months.

When it comes to, you know, worrying about this media-manufactured train wreck, we hear from market people all over this country, and they say do not blink. The most important thing that this Congress can do is to balance the budget, and part of that balancing of the budget is dismantling the Department of Commerce.

□ 1500

The Commerce Department is the Government's attic. It is where you throw everything when you do not have any place else to put it. In fact, 60 percent of the Department of Commerce has absolutely nothing to do with commerce at all. It is the Weather Service, it is the Census Bureau and the Patents and Trademarks.

If the Department of Commerce was in fact the voice for business that the previous speaker just talked about, then it would be supporting a balanced budget, it would be supporting a capital gains tax cut, it would be supporting tort reform, and it would be supporting regulatory reform. In fact, it is diametrically opposed to all of those things. In fact, in a Business Week magazine poll that was taken just a few months ago, two out of the three business executives in that poll were in favor of dismantling the Department of Commerce.

We have taken a very logical and methodical plan forward that takes about 30 months. We said we are going to eliminate the programs that are unnecessary, we are going to privatize the programs that can be better done by the private sector, and we are going to streamline the beneficial programs, the ones we need to keep, and we are going to consolidate the duplicative programs.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking Member for yielding me time.

Mr. Speaker, this bill makes draconian cuts in NOAA's budget which would effectively shut down crucial operations in many areas of the country. The cuts made in this bill jeopardize NOAA's ability to provide accurate and timely weather prediction, thereby putting all our lives in danger. If these cuts are enacted we will not be giving NOAA the money it needs to function properly and hundreds of lives and billions of dollars will be needlessly lost.

Floridians, having survived some of the most brutal storms in the world, are dependent on weather information and strongly support efforts to improve operational weather and forecast services. I do not understand why this Congress wants to endanger the lives of people in my home State by closing 62 of the 118 weather forecast offices, such as those in Miami, Melbourne, Tampa, Jacksonville, and Tallahassee, FL.

In addition to fewer offices, NOAA will lose one-half of its satellite capability, thus increasing the chance of a total satellite blackout. This bill would also decrease the number of storm surge models, resulting in chaotic evacuation procedures in large areas and a greater risk of fatalities. To make matters worse, the bill terminates funding for NOAA's P-3 hurricane aircraft, thereby reducing the accuracy of hurricane landfall predictions.

It is ludicrous that the majority would advocate an arbitrary reduction in funding for NOAA in the name of change. Mr. Speaker, some things, like the Government's responsibility for the health and safety of its citizens, should not be subject to political posturing. Change is good if it helps. But these cuts do not serve the public interest. And after all, is that not why we are here?

Mr. Speaker, let me ask the gentleman from Texas [Mr. ARCHER], for example, are the provisions in this bill we are considering today the same as the provisions considered 2 weeks ago in the reconciliation bill? Is it not true that 2 weeks ago the House approved 25-percent reductions in this Nation's weather programs, and in this bill, in section 2206, you have upped the ante to 35 percent? What is the impact of an additional 10-percent reduction in severe weather forecasting for this country? All of this is absurd.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, let me just say as a member of the Florida delegation who has had two hurricanes tear through my area in the past few months and devastate the beaches and the homes there, the last thing I would ever do is vote for anything that would have an impact, a negative impact, on NOAA. I have looked over the bill. I have worked with DICK CHRYSLER on the Commerce bill. That simply is not the case.

Also, I hear people coming up, beating their chests in self-righteous indignation, saying how we are going to hurt the American worker and the American people because we have the courage to say no to the last great bastion of corporate welfare in America and that is the Commerce Department. The Democrats come to us and say, "Yes, we want to be part of a balanced budget process, but we do not even have the courage, we do not have the courage to say no to runaway corporate welfare. We do not even have the courage to reinvent government."

We always hear this talk about reinventing Government. CHRYSLER has a good idea. Let us go ahead and consolidate and have all science-related agencies put together. We do not do away with it; we truly do reinvent it. We have the courage to make a difference.

We are not trying to make political points. It makes sense. If you want to help the American worker, you do it by getting the Federal Government out of the way.

We also have language in this bill that says we will balance the budget in 7 years. More importantly than that, we have language that may be added, and this is not terrorism. This makes good sense. We have language that is going to be added that will bring about true regulatory reform.

You want to talk about money? You want to talk about real dollars? Regulatory burdens on American businesses, small businesses, cost over $500 billion a year, and we are doing something today to make a difference.

I am very proud to be part of that process. I am proud to say no to the Commerce Department corporate welfare plan that Ron Brown has been supporting, I am proud to say yes to real regulatory reform, and I am proud to say for the first time in a generation we are going to balance this budget.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this debate is not about the Commerce Department. It is not about habeas corpus. It is not about any of the other dangles that have been suspended from the debt ceiling bill. This is about a game of chicken, a very dangerous game of chicken, where irresponsible people are saying, "We are going to put what we want on here, and we hope that you will blink so this country doesn't default."

That is like playing with fire. The markets are waking up to this irresponsible game. Today, bonds are down half a point because of news that the other side is playing with the issue of default. Now, this not only affects the bond markets and the bondholders, it affects all Americans.

I called up five leading economists. They estimated that permanently interest rates would go up a quarter to a half a percent if we defaulted. That says to the average homeowner on an ARM, you pay more than $600 a year. That says to the average student loan holder, you pay $850 more a year. That says to the U.S. Government, your debt is increased more than $90 billion a year.

The budget game that Republicans are playing, this game of chicken, could well hurt seniors, students, and homeowners. Let us separate the budget debate from the debt ceiling debate and be responsible and stop playing games.

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

Mr. MICA. Mr. Speaker, I have to address the issue that my colleague from Florida brought up about the dismantling and how it would affect NOAA, the Weather Bureau. There are 36,000 employees in the Department of Commerce, of which 17,000 are in the Weather Service, 17,000 employees. Get some handle on that. In addition, with FAA that has a Weather Bureau, we have DOD with a Weather Bureau. We are recommending some consolidation.

This is not the day when you stick your finger out and get the weather with 17,000 people around the country. You get it from satellites and new technology and savings.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, the clock is ticking and we still have not increased the debt ceiling. It is time to act responsibly. We should not play chicken with our financial markets and more importantly the good name of our country. We do not want to remember November 15, 1995, or December 13, 1995, as the day the United States defaults. Instead we want to remember November 9, 1995, as the day the 104th Congress came together and acted for the best of the country.

We can end this game of chicken today. We can end the threat of default. This is very simple. All we need to do is pass a clean short-term extension of the debt ceiling. Better yet, we could take the most responsible choice and increase the debt limit to $5.5 trillion and this should keep the Government running well into 1997. Almost every House Republican has improved increasing the debt ceiling to $5.5 trillion three times.

We have no choice but to increase the debt limit. Even if this short term extension passes, we will still need a long-term increase. Mr. Speaker, why don't we enact a long-term increase now? What are you waiting for?

If we fail to increase the debt limit, the Social Security trust funds will not be used for any purpose other than to assure the payment of benefits to Social Security recipients. Social Security has been protected and will continue to be protected. No additional legislation is needed to protect Social Security payments.

The legislation before us adopts a payment priority system for benefits due to various Government trust funds. This type of scheme would not be made effective for many months. Any such prioritization scheme would cause other obligations to be defaulted.

This type of scheme would put Medicare at risk. We would no longer have the funds to make Medicare payments.

Repeatedly, we have heard the debt ceiling should not be increased until we have a balanced budget in place. We all agree deficit reduction is a number one priority. However, we differ on how to do it.

Increasing the debt ceiling should not be held hostage to the budget. Raising the debt ceiling does not increase the deficit. Raising the debt ceiling allows the United States to pay obligations that are due. The debt ceiling is unrelated to the current budget debate. No good comes from failing to increase the debt ceiling.

Let us get over the hurdle of the debt ceiling and pass a clean extension. Then, we can work on a budget to decrease the deficit.

I just do not understand why we want to risk the good name of our country just so we can play a game of political blackmail. Congress should not resort to these types of tactics. This is serious business. We need to stop the rhetoric. We must act responsibly.

Mr. ARCHER. Mr. Speaker, I yield 10 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, my good colleague from West Springfield should realize under the Reagan-Bush years, his party shut the Government down nine times, and his party had 17 continuing resolutions. So for him to go on and on like this is something new, it is not true.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the gentleman from Florida for the time.

Mr. Speaker, I am going to speak very briefly about the process involved

here, at least as it involves the Walker amendment.

Last night, the gentleman from Pennsylvania [Mr. WALKER] appeared before the Committee on Rules late in the evening and offered his amendment in one version. A different version is printed in the RECORD today. I was not notified that he was proposing to do that, nor was any of the minority staff.

The gentleman from Pennsylvania [Mr. WALKER] represented at that time, and I think I have his statement before me, that he asked on behalf of the House leadership for this amendment, which is a good-faith combination of the House and Senate bills. Based upon that, the chairman of the Committee on Rules this morning said, describing the amendment, a compromise between the House and Senate already passed regulatory reform.

The fact is, the Senate has not passed any bills. They do not know about this compromise language. They have assured me they are not about to pass it. The 58 votes referred to was a vote on cloture, not on the bill.

I would suggest that in addition to the slight involved to the minority, the procedural slight, that the statement made by Mr. WALKER before the Committee on Rules would at the best be described as a lack of truth in advertising when he describes a procedural vote as implying that it actually passed the Senate by that number of votes and apparently convinced the chairman of the Committee on Rules that that was the case.

Now, this is not the way to conduct business in this institution. We are not engaged in obstructionism, as Mr. WALKER charged. We are asking for our rights as the minority, and I think we are entitled to receive those rights.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time to close.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, let me say, to begin with, I cannot speak for the last 40 years. I was not around 40 years ago, and I cannot speak for the time that my ranking member has been in the House or even the time that my good colleague from Texas has been in the House, who I recall first got elected when I was in grade school.

What I can speak to is experience that I brought to this House from the private sector. What we are doing here today is playing a dangerous game of blackmail for legislation, for votes which you do not have.

We are endangering America's credibility in the financial markets which could render us as uncreditworthy as Orange County, CA.

If we default, the markets will never forget. The markets will never forget, but the people of this country will pay forever and ever. If we were a city, a county or a State, this legislation would cause us to be downgraded, which would raise the cost to every citizen of those interests.

This is bad legislation. It is a bad way to do business. It is bad practice. Put this other legislation aside. Bring it to the floor separately. If you do not have the votes, you cannot pass it. But do not blackmail America's credibility and its creditworthiness. That is bad business. It is bad for the country.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

□ 1515

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS] for yielding me time.

Ladies and gentlemen, let us stop the crocodile tears over the Social Security trust fund. The fact of the matter is and everyover knows it here, there will not be a balanced budget in 2002. The balanced budget that is being put forward very simply steals $636 billion from the Social Security trust fund, a so-called surplus. If it really was a surplus then give it back.

I understand that is the program of the majority party. Give back the $636 billion. If nothing went wrong, if nothing went wrong with the budget proposals coming from the Republican Party, in the year 2002 they could announce that there was a budget surplus paid for by $636 billion in Social Security funds.

The young people of this country are saying they do not believe Social Security is going to be there when they need it, and it will not be. The day that this comes out, the Republicans are going to own $636 billion, and now they cry crocodile tears in this debt extension about the trust fund and what the Democrats are doing.

I defy anyone on the other side to deny my allegations. They should read their own budget bill, and they will see that they are going to take the $636 billion out of a so-called surplus.

Finally, may I add, Mr. Speaker, for those who seem confused as to why the habeas corpus bill has been attached to this particular legislation, it is a message. I do not see how the gentleman from Michigan, [Mr. CONYERS] and other people can fail to get it. General Powell is getting a message about his ability to broaden the text in the context of the Republican Party with the habeas corpus attachment to this bill. A message has been sent to the General.

Mr. GIBBONS. Mr. Speaker, may I inquire how much time is remaining on this side?

Mr. SPEAKER pro tempore (Mr. HOBSON). The gentleman from Florida [Mr. GIBBONS] has 1½ minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, we are here today because of mismanagement by the Speaker of the House of Representatives and by the Republican Party. We are conducting business that should have been conducted in a routine manner back in July, but today it is being used as an attempt to blackmail the President into signing something that he is not going to sign and it is being used as an attempt to get enough votes together, arm twist.

We have heard the Republicans, Mr. Speaker, explain to their constituents why this is such a wonderful bill. Well, this is a debt ceiling bill and they want to disguise their vote so they put all this other material in here, about 400 pages of garbage, just so they can explain to their voters why they are going to vote for a $67 billion increase in the debt.

Now, every one of them on that side has voted three times this year on the record to increase the debt to $5.5 trillion. Why do they need to get up and hoodwink their voters about why they are going to vote for this with all this other garbage? They know that that is never going to become law.

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

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

The SPEAKER pro tempore. The gentleman from Texas is recognized for 6 minutes.

Mr. ARCHER. Mr. Speaker, let us see if we can clear the air about this bill. Next week, on November 15, if there is not settlement on a new issue of Treasury securities, this country will not be able to pay its bills. If we do not pass this measure today, the Treasury will be put in a position to where it cannot pay our bills.

If we pass this measure today, the Treasury will be able to orderly manage our debt and the payment of our bills until December 12. That is what the core of this legislation is all about. It is not about default. If it were about default, the Democrats in our committee on Tuesday evening put all of that issue before the American public. They attempted to scare the markets and to scare the people. And what happened yesterday? The stock market had a booming day, to set an all-time new record, and bonds went up, not down, immediately on the heels of the reporting out of this bill by the Committee on Ways and Means.

Again, they are here today, Mr. Speaker, to try to scare the markets, to try to scare the American people, but it will not work because it is not reality. What is reality, and what has brought down interests rates this year on home mortgages by almost 2 percent, the equivalent of over $2,000 savings for every hundred thousand dollar mortgage, has been because this new Congress has stated to the American people that we will get to a balanced budget.

It is the balanced budget that drives interest rates. The credibility of that

effort. And this bill is a downpayment on the effort to balance this budget. When we balance the budget, I say to my colleagues, then we will truly see another decline in the long-term interest rates and more affordable homes for Americans who want to have their dream realized, to get into their own home.

That is what this debate is about. It is about a future for our children. My grandson, who was born last week, came into this world with a debt on his shoulders, a responsibility to pay $187,000 during his lifetime, just for the interest on the debt that has already been accumulated. Not for the increased debt that the Democrats and the President would like to put on his shoulders. We must stop that.

Yes, this bill draws the line on December 12 and says to the President and to the Congress that there will be no more manipulation, there will be no more game playing. We must go to the bargaining table. Both sides must feel the pressure to get to a balanced budget.

My colleagues, I say to the President of the United States, come forward, be a leader, come and meet with the Congress and agree with us before December 12 that we will get to a balanced budget in 7 years by Congressional Budget Office numbers. And we say to the President again, he said CBO was the proper vehicle for us to settle our differences when he stood in this Chamber on February 17, 1993, and to a standing ovation said no longer would OMB numbers be the standard, but the realistic CBO numbers would be the standard. The President sent his first budget to this Congress based on CBO numbers. But they are not a rosy enough scenario for him today, and so he has put Rosy Scenario back on the stage and refused to respect the realistic CBO numbers.

We are ready to negotiate with the President, and we must negotiate, because December 12 will be a drop-dead date. It is that important to force the leverage for a balanced budget. These are not easy decisions, and that is why it is essential that that tool be in this short-term extension.

Now, let me also speak to the question of the trust funds that are vital to the retirement of so many Americans, Social Security recipients, Federal military retirees, Federal civilian retirees, railroad retirees. Their benefits need to be paid and their trust funds need to be protected. That is why we have written into this bill legal protections of those trust funds so that they cannot be disinvested or invaded.

The administration says it has no intention of using the assets of Social Security funds to help the Government to operate during this debt limit interruption, yet Democrats in the Committee on Ways and Means offered amendment, after amendment, endorsed by the Treasury, to strike our trust fund protections. We need these protections to assure the Social Security recipients and Federal retirees that they will not be manipulated by this administration, which intends to do so when it vetoes this debt ceiling bill.

Vote for this debt ceiling bill.

Mr. ORTON. Mr. Speaker, I rise in opposition to the House version of a debt limit extension.

There is not a more serious issue facing this country than a possible default on the full faith and credit of the U.S. Treasury. Our economy and the entire world economy relies on international confidence that we can conduct our fiscal affairs in a responsible manner. The long-term borrowing costs on Treasury securities are directly impacted by investors' confidence that principal and interest will always be paid on time. The stability of our financial markets, interest rates, international exchange rates, and stock markets are all connected to the stability of Treasury securities.

I strongly support a clean extension of the debt limit, which will expire in the next week. During debate on this bill, I will support the motion to recommit, to be offered by Rep. L.F. PAYNE of Virginia. This recommit motion would amend the bill to remove extraneous provisions and simply extend the debt limit temporarily in a manner that accomplishes everything that the majority in the House claims it wants. This motion would extend the debt ceiling for a full 30 days after the Congress presents a balanced budget reconciliation bill to the President. This would provide a fair opportunity for a bipartisan budget agreement, without unnecessarily risking default on U.S. Treasury obligations.

However, I must oppose this badly drafted debt limit extension being offered today, and I call on the House leadership to send back a clean bill.

It is improper to politicize the credit of the United States by including unrelated provisions, which obviously are being attached because they cannot be passed separately through the normal legislative process. The debt extension is too important to condition its passage on support of extraneous measures.

However, the most egregious provisions of this particular resolution are those which would tie the hands of the Secretary of the Treasury, and thereby increase the risk of default. If we were to pass this resolution, we would remove the ability of the President to use cash management techniques to avoid default in the event of short-term debt limit problems. These are the same cash management techniques that have been used by previous Presidents, including Ronald Reagan.

If we pass this resolution, and Congress and the President are unable to reach accommodation next month, the removal of these management techniques would mean almost certain default of the United States of America. This would be a tragedy that would cost the taxpayers billions of dollars over the next decade, and would permanently damage the credit of the United States. We cannot take this risk. We should be doing everything possible to prevent default, not playing this political game of chicken which actually increases the likelihood of default.

Finally, some of my colleagues have attempted to make the case that limitations on our debt limit are critically tied to deficit reduction and balancing our budget. This is simply not the case. The bipartisan Congressional Budget Office's "Economic and Budget Outlook" from August 1995, states that, "Limiting the Treasury's borrowing authority is not a productive method of achieving deficit reduction. Significant deficit reduction can only be accomplished by legislative decisions that reduce outlays or increase revenues."

I agree with CBO. That is why I have consistently supported and voted for a constitutional amendment to balance the budget. That is why I recently offered a comprehensive budget reconciliation alternative on the House floor which would have made real spending cuts sufficient to balance the budget by 2002.

We should not play partisan games with an explosive issue like the extension of the debt limit. We should not pass a resolution which makes it more likely that we will default on our debt in early December. Instead, we should focus our legislative energies on working together to pass a bipartisan budget reconciliation bill that reaches balance in 7 years.

I urge my colleagues to vote down this convoluted resolution, and immediately bring back a clean debt limit extension which the President stands ready to sign. I urge my colleagues to put the interests of our country ahead of partisan consideration.

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to H.R. 2586 because it includes legislation to dismantle the Commerce Department. This bill is extremely shortsighted. Frankly, I'm surprised that my colleagues are so willing to throw the baby out with the bath water.

Commerce has a proven track record of providing the maximum bang for the buck. Although Commerce has the smallest budget of any Cabinet department, its services have contributed enormously to our Nation's economic well-being.

For example, for an investment of $250 million in trade promotion programs, Commerce advocated successfully in 1994 for foreign contracts with U.S. export content of almost $20 billion. In addition, our economy is getting a return of 8 to 1 from Commerce's manufacturing extension centers. Similar examples can be found in other programs, from facilitating exports by reducing export control burdens, to spurring investments in telecommunications infrastructure and economic development through matching grants.

This proposal would also eliminate Commerce's minority business development agency [MBDA], the only Federal agency created specifically to foster the establishment and growth of minority owned businesses in America. MBDA provides funding for approximately 100 minority business development centers [MBDC's] located throughout the country in areas with the largest minority populations including Jacksonville and Orlando.

The centers provide minority entrepreneurs with management and technical assistance services to start, expand, or manage a business. They are staffed by business specialists who have the knowledge and practical experience needed to run successful, profitable business. Minority business development centers

are making a difference, they should not be eliminated.

While the Republicans propose to terminate a few agencies that are making a difference, the bulk of Commerce's programs would continue but be dispersed to the President, other agencies, and be re-created as Commissions at considerable cost to the taxpayer. Rather than diluted through dispersal, these functions important for American businesses should remain unified at the Commerce Department.

We should not destroy the Commerce Department and all the good that it does for our businesses. That's why the Commerce Department is supported by the U.S. Chamber of Commerce. Let's use common sense. Vote against this antibusiness bill.

Mr. DELAY. Mr. Speaker, I rise in strong support of the Walker amendment,

Earlier this year, the House passed a number of bills which made much needed fundamental changes to the way the Federal Government promulgates regulations. We passed unfunded mandates reform, the Paperwork Reduction Act, and an improved Reg Flex Act so that agencies can be taken to court if they don't take into account the impact of regulations on small businesses, among other reforms.

All of these bills passed with strong bipartisan majorities, and two of these—unfunded mandates and paperwork reduction—have even been signed into law.

The biggest and most fundamental reform the House passed, however, is a requirement that agencies conduct risk assessment and cost-benefit analysis based on sound science prior to promulgating regulations.

Too often regulatory decisions are made without any consideration for the impact they will have or even for whether they will address the problem effectively. The Federal Government must set priorities on how to spend its limited resources. Risk assessment and cost-benefit analysis will both help us focus on those areas that are the greatest threat to the public, and provide the data needed to make those tough budgetary choices.

Unfortunately, the other body has yet to act on these key provisions. That is why we are including this package in this bill—the provisions that make up this package are widely supported by a majority of both Houses, and signify a return to common sense, sound science, regulatory flexibility, and a more effective regulatory system.

Because this regulatory reform package restores balance to our Federal regulatory system, it is being considered a key vote by a large number of organizations. They include: National Federation of Independent Business; U.S. Chamber of Commerce; National Restaurant Association; Americans for Tax Reform; National Association of Home Builders; and National American Wholesale Grocers Association.

The Walker amendment is also strongly supported by Project Relief, the Alliance for Reasonable Regulation, Citizens for a Sound Economy, the American Farm Bureau Federation, the Grocery Manufacturers of America, and the National Mining Association, among many others. These groups represent tens of thousands of businesses and individuals that have become involved at the grassroots level to achieve regulatory reform.

Regulatory reform will improve the average American's life in measurable ways—greater consumer choice, lower prices of goods and services, additional job opportunities, along with better economic growth.

I urge my colleagues to help relieve some of the burden placed on the American family by the Federal Government. Support the Walker amendment.

Mr. POMEROY. Mr. Speaker, I rise today to oppose the way this bill is being handled. This is truly a perversion of the process. Rather than bring to the floor a clean debt limit extension, the majority is playing games with the full faith and credit of the U.S. Government. If we don't act quickly, the United States is in danger of default.

Legislation to extend the debt limit should not be a Christmas tree for items that can't make it through the normal legislative process. While I strongly believe the American people could use a good dose of regulatory relief, and my votes on that issue have shown that I support providing that, this is neither the time nor the place for the Walker amendment. Further, the Walker amendment was being drafted this morning and I have not had the opportunity to review the text. While I may be in conceptual agreement with some of the provisions, this is not an appropriate vehicle.

Passage of a clean debt limit extension bill is critical to the American people. It should not be weighed down with extraneous provisions, no matter what the subject. Speaker GINGRICH may think he's playing this game with President Clinton, but he is really playing it with ordinary Americans. Working Americans are the one who will suffer if the Nation defaults on its debt.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the so-called Habeas Corpus Reform provisions of H.R. 2586, the Short-term Debt Limit Extension Act of 1995. Let me state from the beginning that I have consistently, throughout my career, believed in and fought for the protection of all Americans rights under habeas corpus. As Chief Justice Salmon P. Chase described it in ex parte Yerger U.S. (1868), habeas corpus is "The most important human right in the Constitution" and "The best and only sufficient defense of personal freedom."

Therefore, I cannot support this measure before us today because the very belief upon which our judicial system was created—the protection of an individual's fundamental constitutional rights balanced with society's right to be free from harm—is at risk if these oppressive provisions are included in this necessary debt limit extension. I cannot and will not support the anti-human rights and anti-Constitution provisions the Republican majority is attempting to attach to H.R. 2586.

It is my belief that our judicial system's major focus should be to protect its citizens' fundamental constitutional rights. As a Nation, we cannot afford to compromise the cherished habeas corpus protections guaranteed each of us in the U.S. Constitution. Rooted in the Magna Carta (1215), the writ of habeas corpus is as Justice Brennan pointed out in Fay versus Noia (1963),

> Inextricably intertwined with the growth of fundamental rights of personal liberty * * * its root principle is that in a civilized society, Government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release.

Mr. Speaker, the arbitrary 1-year limitation on the filing of general Federal habeas corpus appeals after all State remedies have been exhausted entirely fails to address the true cause of any delay in the capital punishment system. The lack of competent counsel at the trial level and on direct appeal constitutes the primary basis for the delay of many appeals. Provision of competent counsel at the trial and appellate stages of capital litigation would eliminate the need for many of the habeas appeals currently in our court system. Despite the fact that this is the case, the habeas corpus provisions of this bill do not make any effort whatsoever to provide counsel for State post-conviction proceedings.

It is no secret that I am opposed to the death penalty. This legislation fails to include any provisions to end the repugnant practice of the disproportionate application of the death penalty on minorities. In fact, this bill specifically makes it easier to impose the death penalty by limiting citizens rights to challenge the legality of their convictions. While I agree that strong measures must be taken to curb the crime epidemic, I do not believe that any actions should be taken to the detriment of an individual's basic rights and constitutional liberties.

When closely examined, the sentencing history of the death penalty has generally been arbitrary, inconsistent and racially biased. It is my belief that the Federal death penalty is overly harsh, particularly because it fails to address the economic and social basis of crime in our most troubled communities. The fact is that there has always been a racial double-standard in the imposition of capital punishment in the United States. Even after the black codes of the 1860's were abolished, blacks were more severely punished than whites for the same offenses in our penal system. By the time the U.S. Supreme Court deemed the existing process for imposing the ultimate penalty unconstitutional in 1972, more than half of the persons condemned or executed were African-American—even though they were never more than 15 percent of the population. The advances in statistical analysis of the last 20 years have allowed numerous experts to test the raw data with disturbingly consistent results.

Mr. Speaker, in 1990, after 29 studies from various jurisdictions were reviewed, the General Accounting Office confirmed that there is a consistent pattern of disparity in the imposition of the death penalty in the United States and that race is often a crucial factor that determines the outcome. Since the resumption of executions in 1977, of the 236 persons who have been executed, 200 persons, or an alarming 85 percent, were executed for the murder of white victims. In fact, statistics show that blacks convicted of killing whites are 63 times more likely to be executed than whites who kill blacks.

In 1991, the United States Justice Department's Bureau of Justice Statistics reported

that African-Americans accounted for 40 percent of prisoners serving death penalty sentences. These statistics reflect how the African-American community is disproportionately affected by the death penalty. Furthermore, in a Nation where the number one leading cause of death for young African-American males is homicide, further disproportionate application of the death penalty will not resolve the epidemic of violence of our Nation.

Mr. Speaker, it is my belief that we cannot afford to compromise our fundamental rights in exchange for excessive discriminatory tactics. We all have an obligation to uphold the Constitution and protect the rights of all Americans to be free from unjustified imprisonment. I urge my colleagues to uphold our fundamental rights, protect the American people, and vote down this unconscionable invasion upon one of our most important guarantees.

Mr. STOKES. Mr. Speaker, I rise in opposition to H.R. 2586, referred to as "The Short-term Debt Limit Extension bill." The Republican bill before us today provides a temporary increase of $67 billion—raising the debt limit from $4.9 to $4.967 trillion. However, to force the President's hand in budget negotiations, the Republicans' bill lowers the debt limit to $4.8 trillion on December 13. The Government has never defaulted on its principal and interest payments, so why now.

The Republicans have decided that they will only increase the debt limit if the President agrees to their reconciliation and appropriation budget measures that would devastate the well-being of children, seniors, and families.

Mr. Speaker, the President has said that he will veto such measures. The President's veto is the only hope that the children of this country have against the Republicans taking away their school lunches or their immunizations. It is the only hope that seniors have against having their health care premiums double, or their heating assistance taken away. And, it is the only hope that families have against having to use their mortgage payment to pay for nursing home care of their elderly parents, or to pay for their childrens' college tuition.

Mr. Speaker, what H.R. 2586 really is—is the Republicans' primary assault weapon in their attack on children, seniors, and families. Can the Republicans' tax cut for the wealthy justify the need to hold the country—the children, seniors, and families hostage.

It's time for the Republicans to be up front with the American people. Just tell the American people that you will not increase the debt limit unless the President agrees to gutting Medicare, destroying Medicaid, denying college students financial aid, and reducing nutrition programs for children.

There is no good faith in H.R. 2586. It includes provisions that cannot stand the scrutiny of hearings and real legislative debate from balancing the budget on the backs of the most vulnerable, to repealing habeas corpus, to dismantling the Department of Commerce.

Mr. Speaker, I urge my colleagues to stand up for the rights of the American people, push for a clean debt limit measure. Vote "no" on H.R. 2586.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 258, the amendment recommended by the Committee on Ways and Means printed in the bill and the amendments specified in House Report 104–328 are adopted.

The text of H.R. 2586, as amended, is as follows:

H.R. 2586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by adding at the end the following new sentence: "During the period after the date of the enactment of this sentence, the preceding sentence shall be applied by substituting for the dollar amount contained therein—

"(1) '$4,967,000,000,000' for the portion of such period before December 13, 1995, and

"(2) '$4,800,000,000,000' after December 12, 1995."

SEC. 2. APPLICABILITY OF PUBLIC DEBT LIMIT TO FEDERAL TRUST FUNDS AND OTHER FEDERAL ACCOUNTS.

(a) PROTECTION OF FEDERAL FUNDS.—Notwithstanding any other provision of law—

(1) no officer or employee of the United States may—

(A) delay the deposit of any amount into (or delay the credit of any amount to) any Federal fund or otherwise vary from the normal terms, procedures, or timing for making such deposits or credits, or

(B) refrain from the investment in public debt obligations of amounts in any Federal fund,

if a purpose of such action or inaction is to not increase the amount of outstanding public debt obligations, and

(2) no officer or employee of the United States may disinvest amounts in any Federal fund which are invested in public debt obligations if a purpose of the disinvestment is to reduce the amount of outstanding public debt obligations.

(b) PROTECTION OF BENEFITS AND EXPENDITURES FOR ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Notwithstanding subsection (a), during any period for which cash benefits or administrative expenses would not otherwise be payable from a covered benefits fund by reason of an inability to issue further public debt obligations because of the applicable public debt limit, public debt obligations held by such covered benefits fund shall be sold or redeemed only for the purpose of making payment of such benefits or administrative expenses and only to the extent cash assets of the covered benefits fund are not available from month to month for making payment of such benefits or administrative expenses.

(2) ISSUANCE OF CORRESPONDING DEBT.—For purposes of undertaking the sale or redemption of public debt obligations held by a covered benefits fund pursuant to paragraph (1), the Secretary of the Treasury may issue corresponding public debt obligations to the public, in order to obtain the cash necessary for payment of benefits or administrative expenses from such covered benefits fund, notwithstanding the public debt limit.

(3) ADVANCE NOTICE OF SALE OR REDEMPTION.—Not less than 3 days prior to the date on which, by reason of the public debt limit, the Secretary of the Treasury expects to undertake a sale or redemption authorized under paragraph (1), the Secretary of the Treasury shall report to each House of the Congress and to the Comptroller General of the United States regarding the expected sale or redemption. Upon receipt of such report, the Comptroller General shall review the extent of compliance with subsection (a) and paragraphs (1) and (2) of this subsection and shall issue such findings and recommendations to each House of the Congress as the Comptroller General considers necessary and appropriate.

(c) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term "public debt obligation" means any obligation subject to the public debt limit established under section 3101 of title 31, United States Code.

(d) FEDERAL FUND.—For purposes of this section, the term "Federal fund" means any Federal trust fund or Government account established pursuant to Federal law to which the Secretary of the Treasury has issued or is expressly authorized by law directly to issue obligations under chapter 31 of title 31, United States Code, in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.

(e) COVERED BENEFITS FUND.—For purposes of subsection (b), the term "covered benefits fund" means any Federal fund from which cash benefits are payable by law in the form of retirement benefits, separation payments, life or disability insurance benefits, or dependent's or survivor's benefits, including (but not limited to) the following:

(1) the Federal Old-Age and Survivors Insurance Trust Fund;

(2) the Federal Disability Insurance Trust Fund;

(3) the Civil Service Retirement and Disability Fund;

(4) the Government Securities Investment Fund;

(5) the Department of Defense Military Retirement Fund;

(6) the Unemployment Trust Fund;

(7) each of the railroad retirement funds and accounts;

(8) the Department of Defense Education Benefits Fund and the Post-Vietnam Era Veterans Education Fund; and

(9) the Black Lung Disability Trust Fund.

SEC. 3. CONFORMING AMENDMENTS.

Subsections (j), (k), and (l) of section 8348 of title 5, United States Code, and subsections (g) and (h) of section 8438 of such title are hereby repealed.

SEC. 4. COMMITMENT TO A SEVEN-YEAR BALANCED BUDGET.

(a) With the enactment of this Act the President and the Congress commit to enacting legislation in calendar year 1995 to achieve a balanced budget, as scored by the non-partisan Congressional Budget Office, not later than the fiscal year 2002.

(b) The Congress affirms that it will not enact legislation providing for a further increase in the permanent statutory limit on the public debt unless the President signs into law the balanced budget legislation referred to in subsection (a).

SEC. 5. MEDICARE COVERAGE OF CERTAIN ANTI-CANCER DRUG TREATMENTS.

(a) COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS.—Section 1861(s)(2)(Q) of the Social Security Act (42 U.S.C. 1395x(s)(2)(Q)) is amended—

(1) by striking "(Q)" and inserting "(Q)(i)"; and

(2) by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following:

"(ii) an oral drug (which is approved by the Federal Food and Drug Administration) prescribed for use as an anticancer nonsteroidal antiestrogen for the treatment of breast cancer or nonsteroidal antiandrogen agent for the treatment of prostate cancer;".

(b) UNIFORM COVERAGE OF ANTICANCER DRUGS IN ALL SETTINGS.—Section 1861(t)(2)(A) of such Act (42 U.S.C. 1395x(t)(2)(A)) is amended by adding "(including a nonsteroidal antiestrogen or nonsteroidal antiandrogen regimen)" after "regimen".

(c) CONFORMING AMENDMENT.—Section 1834(j)(5)(F)(iv) of such Act (42 U.S.C. 1395m(j)(5)(F)(iv)) is amended by striking "prescribed for use" and all that follows through "1861(s)(2)(Q))" and inserting "described in section 1861(s)(2)(Q))".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of the enactment of this section.

TITLE I—HABEAS CORPUS REFORM

SEC. 101. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

"(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

"(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.".

SEC. 102. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

"(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

"(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

"(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

SEC. 103. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.".

SEC. 104. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

"(A) the applicant has exhausted the remedies available in the courts of the State; or

"(B)(i) there is an absence of available State corrective process; or

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

"(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

"(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

"(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

"(A) the claim relies on—

"(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

"(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."; and

(5) by adding at the end the following new subsections:

"(h) Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 105. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme

Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 106. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 107. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2263. Filing of habeas corpus application; time requirements; tolling rules.
"2264. Scope of Federal review; district court adjudications.
"2265. Application to State unitary review procedure.
"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would

have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item

relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases ..... 2261.".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 108. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

"(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.".

SEC. 109. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

SEC. 2001. SHORT TITLE.

This title may be cited as the "Department of Commerce Dismantling Act".

SEC. 2002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

Sec. 2001. Short title.
Sec. 2002. Table of contents.

Subtitle A—Abolishment of Department of Commerce

Sec. 2101. Abolishment of Department of Commerce.
Sec. 2102. Resolution and termination of Department functions.
Sec. 2103. Responsibilities of the Director of the Office of Management and Budget.
Sec. 2104. Personnel.
Sec. 2105. Plans and reports.
Sec. 2106. GAO audit and access to records.
Sec. 2107. Conforming amendments.
Sec. 2108. Privatization framework.
Sec. 2109. Priority placement programs for Federal employees affected by a reduction in force attributable to this title.
Sec. 2110. Funding reductions for transferred functions.
Sec. 2111. Definitions.

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

Sec. 2201. Abolishment of Economic Development Administration and transfer of functions.
Sec. 2202. Technology Administration.
Sec. 2203. Reorganization of the Bureau of the Census and the Bureau of Economic Analysis.
Sec. 2204. Terminated functions of NTIA.
Sec. 2205. National Oceanic and Atmospheric Administration.
Sec. 2206. National Scientific, Oceanic, and Atmospheric Administration.
Sec. 2207. Miscellaneous terminations; moratorium on program activities.
Sec. 2208. Effective date.

Subtitle C—Office of United States Trade Representative

CHAPTER 1—GENERAL PROVISIONS

Sec. 2301. Definitions.

CHAPTER 2—OFFICE OF UNITED STATES TRADE REPRESENTATIVE

SUBCHAPTER A—ESTABLISHMENT

Sec. 2311. Establishment of the Office.
Sec. 2312. Functions of the USTR.

SUBCHAPTER B—OFFICERS

Sec. 2321. Deputy Administrator of the Office.
Sec. 2322. Deputy United States Trade Representatives.
Sec. 2323. Assistant administrators.
Sec. 2324. Director General for Export Promotion.
Sec. 2325. General Counsel.
Sec. 2326. Inspector General.
Sec. 2327. Chief Financial Officer.

SUBCHAPTER C—TRANSFERS TO THE OFFICE

Sec. 2331. Office of the United States Trade Representative.
Sec. 2332. Transfers from the Department of Commerce.
Sec. 2333. Trade and Development Agency.
Sec. 2334. Export-Import Bank.
Sec. 2335. Overseas Private Investment Corporation.
Sec. 2336. Consolidation of export promotion and financing activities.
Sec. 2337. Additional trade functions.

SUBCHAPTER D—ADMINISTRATIVE PROVISIONS

Sec. 2341. Personnel provisions.
Sec. 2342. Delegation and assignment.
Sec. 2343. Succession.
Sec. 2344. Reorganization.
Sec. 2345. Rules.
Sec. 2346. Funds transfer.
Sec. 2347. Contracts, grants, and cooperative agreements.
Sec. 2348. Use of facilities.
Sec. 2349. Gifts and bequests.
Sec. 2350. Working capital fund.
Sec. 2351. Service charges.
Sec. 2352. Seal of office.

SUBCHAPTER E—RELATED AGENCIES

Sec. 2361. Interagency Trade Organization.
Sec. 2362. National Security Council.
Sec. 2363. International Monetary Fund.

SUBCHAPTER F—CONFORMING AMENDMENTS

Sec. 2371. Amendments to general provisions.
Sec. 2372. Repeals.
Sec. 2373. Conforming amendments relating to Executive Schedule positions.

SUBCHAPTER G—MISCELLANEOUS

Sec. 2381. Effective date.
Sec. 2382. Interim appointments.
Sec. 2383. Funding reductions resulting from reorganization.

Subtitle D—Patent and Trademark Office Corporation

Sec. 2401. Short title.

CHAPTER 1—PATENT AND TRADEMARK OFFICE

Sec. 2411. Establishment of Patent and Trademark Office as a Corporation.
Sec. 2412. Powers and duties.
Sec. 2413. Organization and management.
Sec. 2414. Management Advisory Board.
Sec. 2415. Independence from Department of Commerce.
Sec. 2416. Trademark Trial and Appeal Board.
Sec. 2417. Board of Patent Appeals and Interferences.
Sec. 2418. Suits by and against the Corporation.
Sec. 2419. Annual report of Commissioner.
Sec. 2420. Suspension or exclusion from practice.
Sec. 2421. Funding.
Sec. 2422. Audits.
Sec. 2423. Transfers.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 2431. Effective date.
Sec. 2432. Technical and conforming amendments.

Subtitle E—Miscellaneous Provisions

Sec. 2501. References.
Sec. 2502. Exercise of authorities.
Sec. 2503. Savings provisions.
Sec. 2504. Transfer of assets.
Sec. 2505. Delegation and assignment.
Sec. 2506. Authority of Director of the Office of Management and Budget with respect to functions transferred.
Sec. 2507. Certain vesting of functions considered transfers.
Sec. 2508. Availability of existing funds.
Sec. 2509. Definitions.

Subtitle F—Citizens Commission on 21st Century Government

Sec. 2601. Short title and purpose.
Sec. 2602. Citizens Commission on 21st Century Government.
Sec. 2603. Department and agency cooperation.
Sec. 2604. Hearings.
Sec. 2605. Commission procedures.
Sec. 2606. Framework for the Federal Government in the 21st century.
Sec. 2607. Proposal for reorganizing the executive branch.
Sec. 2608. Procedures for making recommendations.
Sec. 2609. Congressional consideration of reform proposals.
Sec. 2610. Distribution of assets.
Sec. 2611. Agency defined.

Subtitle A—Abolishment of Department of Commerce

SEC. 2101. ABOLISHMENT OF DEPARTMENT OF COMMERCE.

(a) ABOLISHMENT OF DEPARTMENT.—The Department of Commerce is abolished effective on the abolishment date specified in subsection (c).

(b) TRANSFER OF DEPARTMENT FUNCTIONS TO OMB.—Except as otherwise provided in this title, all functions that immediately before the abolishment date specified in subsection (c) are authorized to be performed by the Secretary of Commerce, any other officer or employee of the Department acting in that capacity, or any agency or office of the Department, are transferred to the Director of the Office of Management and Budget effective on that abolishment date.

(c) ABOLISHMENT DATE.—The abolishment date referred to in subsections (a) and (b) is the earlier of—

(1) the last day of the 6-month period beginning on the date of the enactment of this Act; or

(2) September 30, 1996.

SEC. 2102. RESOLUTION AND TERMINATION OF DEPARTMENT FUNCTIONS.

(a) RESOLUTION OF FUNCTIONS.—During the period beginning on the date of enactment of this Act and ending on the functions termination date specified in subsection (c)—

(1) the disposition and resolution of functions of the Department of Commerce shall be completed in accordance with this title; and

(2) the Director shall resolve all functions that are transferred to the Director under section 2101(b) and are not otherwise continued under this title.

(b) TERMINATION OF FUNCTIONS.—All functions that are transferred to the Director under section 2101(b) that are not otherwise continued by this title shall terminate on the functions termination date specified in subsection (c).

(c) FUNCTIONS TERMINATION DATE.—The functions termination date referred to in subsections (a) and (b) is the last day of the 3-year period beginning on the date of the enactment of this Act.

SEC. 2103. RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for the implementation of this subtitle, including—

(1) the administration and wind-up, during the wind-up period, of all functions transferred to the Director under section 2101(b);

(2) the administration and wind-up, during the wind-up period, of any outstanding obligations of the Federal Government under any programs terminated by this title; and

(3) taking such other actions as may be necessary to wind-up any outstanding affairs of the Department of Commerce before the end of the wind-up period.

(b) DELEGATION OF FUNCTIONS.—The Director may delegate to any officer of the Office of Management and Budget or to any other Federal department or agency head the performance of the Director's functions under this subtitle, except the Director's planning and reporting responsibilities under section 2105, to the extent that the Director determines that such delegation would further the purposes of this subtitle.

(c) TRANSFER OF ASSETS AND PERSONNEL.—In connection with any delegation of functions under subsection (b), the Director may transfer within the Office or to the department or agency concerned such assets, funds, personnel, records, and other property relating to the delegated function as the Director determines to be appropriate.

(d) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under this subtitle and subject to the availability of appropriations, the Director may—

(1) enter into contracts;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(3) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

SEC. 2104. PERSONNEL.

Effective on the abolishment date specified in section 2101(c), there are transferred to the Office all individuals who—

(1) immediately before the abolishment date, were officers or employees of the Department of Commerce; and

(2) in their capacity as such an officer or employee, performed functions that are transferred to the Director under section 2101(b).

SEC. 2105. PLANS AND REPORTS.

(a) INITIAL IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress specifying those actions taken and necessary to be taken—

(A) to resolve those programs and functions terminated on the date of enactment of this Act; and

(B) to implement the additional transfers and other program dispositions provided for in this title.

(2) CONTENTS.—The report shall include—

(A) recommendations for additional legislation, if any, needed to reflect or otherwise to implement the abolishments, transfers, terminations, and other dispositions of programs and functions under this title; and

(B) a description of actions planned and taken to comply with limitations imposed by this Act on future spending for continued functions.

(b) ANNUAL STATUS REPORTS.—At the end of each of the first, second, and third years following the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress which—

(1) specifies the status and progress of actions taken to implement this title and to wind-up the affairs of the Department of Commerce by the functions termination date specified in section 2102(c);

(2) includes any recommendations the Director may have for additional legislation; and

(3) describes actions taken to comply with limitations imposed by this Act on future spending for continued functions.

(c) GAO REPORTS.—Not later than 60 days after issuance of each report under subsections (a) and (b), the Comptroller General of the United States shall submit to the Congress a report which—

(1) evaluates the report under that subsection; and

(2) includes any recommendations the Comptroller General considers appropriate.

SEC. 2106. GAO AUDIT AND ACCESS TO RECORDS.

(a) AUDIT OF PERSONS PERFORMING FUNCTIONS PURSUANT TO THIS ACT.—All agencies, corporations, organizations, and other persons of any description which under the authority of the United States perform any function or activity pursuant to this title shall be subject to audit by the Comptroller General of the United States with respect to such function or activity.

(b) AUDIT OF PERSONS PROVIDING CERTAIN GOODS OR SERVICES.—All persons and organizations which, by contract, grant, or otherwise, provide goods or services to, or receive financial assistance from, any agency or other person performing functions or activities under or referred to by this title shall be subject to audit by the Comptroller General of the United States with respect to such provision of goods or services or receipt of financial assistance.

(c) PROVISIONS APPLICABLE TO AUDITS UNDER THIS SECTION.—

(1) NATURE AND SCOPE OF AUDIT.—The Comptroller General of the United States shall determine the nature, scope, terms, and conditions of audits conducted under this section.

(2) COORDINATION WITH OTHER PROVISIONS OF LAW.—The authority of the Comptroller General of the United States under this section shall be in addition to any audit authority available to the Comptroller General under other provisions of this title or any other law.

(3) RIGHTS OF ACCESS, EXAMINATION, AND COPYING.—The Comptroller General of the United States, and any duly authorized representative of the Comptroller General, shall have access to, and the right to examine and copy, all records and other recorded information in any form, and to examine any property within the possession or control of any agency or person which is subject to audit under this section, which the Comptroller General considers relevant to an audit conducted under this section.

(4) ENFORCEMENT OF RIGHT OF ACCESS.—The right of access of the Comptroller General of the United States to information under this section shall be enforceable under section 716 of title 31, United States Code.

(5) MAINTENANCE OF CONFIDENTIAL RECORDS.—Section 716(e) of title 31, United States Code, shall apply to information obtained by the Comptroller General under this section.

SEC. 2107. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by striking "Secretary of Commerce,".

(b) EXECUTIVE DEPARTMENTS.—Section 101 of title 5, United States Code, is amended by striking the following item: "The Department of Commerce.".

(c) SECRETARY'S COMPENSATION.—Section 5312 of title 5, United States Code, is amended by striking the following item: "Secretary of Commerce.".

(d) COMPENSATION FOR POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended—

(1) by striking the following item:

"Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration and Under Secretary of Commerce for Travel and Tourism.";

(2) by striking the following item:

"Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration."; and

(3) by striking the following item:

"Under Secretary of Commerce for Technology.".

(e) COMPENSATION FOR POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following item:

"Assistant Secretaries of Commerce (11).";

(2) by striking the following item:

"General Counsel of the Department of Commerce.";

(3) by striking the following item:

"Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.";

(4) by striking the following item:

"Director, National Institute of Standards and Technology, Department of Commerce.";

(5) by striking the following item:

"Inspector General, Department of Commerce.";

(6) by striking the following item:

"Chief Financial Officer, Department of Commerce."; and

(7) in the item relating to the Bureau of the Census, by striking ", Department of Commerce".

(f) COMPENSATION FOR POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended—

(1) by striking the following item:

"Director, United States Travel Service, Department of Commerce."; and

(2) by striking the following item:

"National Export Expansion Coordinator, Department of Commerce.".

(g) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 9(a)(1), by striking subparagraph (B);

(2) in section 11(1), by striking "Commerce,"; and

(3) in section 11(2), by striking "Commerce,".

(h) EFFECTIVE DATE.—The amendments made by this section shall be effective on the abolishment date specified in section 2101(c).

SEC. 2108. PRIVATIZATION FRAMEWORK.

(a) IN GENERAL.—The Office of Management and Budget shall privatize each function designated for privatization under subtitle B within 18 months of the date of the transfer of such function to the Office. The Office shall pursue such forms of privatization arrangements as the Office considers appropriate to best serve the interests of the United States. If the Office is unable to privatize a function within 18 months, the Office shall report its inability to the Congress with its recommendations as to the appropriate disposition of the function and its assets.

(b) ROLE OF THE FEDERAL GOVERNMENT.—No privatization arrangement made under subsection (a) shall include any future role for, or accountability to, the Federal Government unless it is necessary to assure the continued accomplishment of a specific Federal objective. The Federal role should be the minimum necessary to accomplish Federal objectives.

(c) ASSETS.—In privatizing a function, the Office of Management and Budget shall take any action necessary to preserve the value of the assets of a function during the period the Office holds such assets and to continue the performance of the function to the extent necessary to preserve the value of the assets or to accomplish core Federal objectives.

SEC. 2109. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY A REDUCTION IN FORCE ATTRIBUTABLE TO THIS TITLE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act

"(a)(1) For the purpose of this section, the term 'affected agency'—

"(A) except as provided in subparagraph (B), means an Executive agency to which personnel are transferred in connection with a transfer of function under the Department of Commerce Dismantling Act, and

"(B) with respect to employees of the Department of Commerce in general administration, the Inspector General's office, or the General Counsel's office, or who provided overhead support to other components of the Department on a reimbursable basis, means all agencies to which functions of those employees are transferred under the Department of Commerce Dismantling Act.

"(2) This section applies with respect to any reduction in force that—

"(A) occurs within 12 months after the date of the enactment of this section; and

"(B) is due to—

"(i) the termination of any function of the Department of Commerce; or

"(ii) the agency's having excess personnel as a result of a transfer of function described in paragraph (1), as determined by—

"(I) the Director of the Office of Management and Budget, in the case of a function transferred to the Office of Management and Budget; or

"(II) the head of the agency, in the case of any other function.

"(b) As soon as practicable after the date of the enactment of this section, each affected agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

"(1) are scheduled to be separated from service due to a reduction in force described in subsection (a)(2); or

"(2) are separated from service due to such a reduction in force.

"(c)(1) Each agencywide priority placement program shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of that agency if—

"(A) there is then available any individual described in paragraph (2) who is qualified for the position; and

"(B) the position—

"(i) is at the same grade (or pay level) or not more than 1 grade (or pay level) below that of the position last held by such individual before placement in the new position; and

"(ii) is within the same commuting area as the individual's last-held position (as referred to in clause (i)) or residence.

"(2) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this paragraph if such individual's most recent performance evaluation was at least fully successful (or the equivalent), and such individual is either—

"(A) an employee of such agency who is scheduled to be separated, as described in subsection (b)(1); or

"(B) an individual who became a former employee of such agency as a result of a separation, as described in subsection (b)(2).

"(d)(1) Nothing in this section shall affect any priority placement program of the Department of Defense which is in operation as of the date of the enactment of this section.

"(2) Nothing in this section shall impair placement programs within agencies subject to reductions in force resulting from causes other than the Department of Commerce Dismantling Act.

"(e) An individual shall cease to be eligible to participate in a program under this section on the earlier of—

"(1) the conclusion of the 12-month period beginning on the date on which that individual first became eligible to participate under subsection (c)(2); or

"(2) the date on which the individual declines a bona fide offer (or if the individual does not act on the offer, the last day for accepting such offer) from the affected agency of a position described in subsection (c)(1)(B).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended by redesignating the second section which is designated as section 3329 as section 3329a.

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to the second section which is designated as section 3329 and inserting the following:

"3329a. Government-wide list of vacant positions.

"3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act.".

SEC. 2110. FUNDING REDUCTIONS FOR TRANSFERRED FUNCTIONS.

(a) FUNDING REDUCTIONS.—Except as provided in subsection (b), the total amount obligated or expended by the United States in performing functions transferred under this title to the Director or to the Office from the Department of Commerce, or any of its officers or components, shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995.

(b) EXCEPTION.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) RULE OF CONSTRUCTION.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(1) ensure compliance with the requirements of this section; and

(2) include in each report under sections 2105(a) and (b) a description of actions taken to comply with such requirements.

SEC. 2111. DEFINITIONS.

For purposes of this subtitle, the following definitions apply:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) OFFICE.—The term "Office" means the Office of Management and Budget.

(3) WIND-UP PERIOD.—The term "wind-up period" means the period beginning on the date of the enactment of this Act and ending on the functions termination date specified in section 2102(c).

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

SEC. 2201. ABOLISHMENT OF ECONOMIC DEVELOPMENT ADMINISTRATION AND TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—The Public Works and Economic Development Act of 1965 (40 U.S.C. 3131 et seq.) is amended by striking all after the first section and inserting the following:

"SEC. 2. ADMINISTRATOR DEFINED.

"In this Act, the term 'Administrator' means the Administrator of the Small Business Administration.

"TITLE I—STATEMENT OF PURPOSE

"SEC. 101. FINDINGS AND DECLARATION.

"(a) FINDINGS.—Congress finds that—

"(1) the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment that cause hardship to many individuals and their families, and waste invaluable human resources;

"(2) to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development;

"(3) Federal financial assistance, including grants for public works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies and improved local conditions, if such assistance is preceded by and consistent with sound, long-range economic planning; and

"(4) under the provisions of this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

"(b) DECLARATION.—Congress declares that, in furtherance of maintaining the national economy at a high level—

"(1) the assistance authorized by this Act should be made available to both rural and urban areas;

"(2) such assistance should be made available for planning for economic development prior to the actual occurrences of economic distress in order to avoid such condition; and

"(3) such assistance should be used for long-term economic rehabilitation in areas where long-term economic deterioration has occurred or is taking place.

"TITLE II—GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES

"SEC. 201. DIRECT AND SUPPLEMENTARY GRANTS.

"(a) IN GENERAL.—Upon the application of any eligible recipient, the Administrator may—

"(1) make direct grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, within an area described in section 502(a), if the Administrator finds that—

"(A) the project for which financial assistance is sought will directly or indirectly—

"(i) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

"(ii) otherwise assist in the creation of additional long-term employment opportunities for such area; or

"(iii) primarily benefit the long-term unemployed and members of low-income families;

"(B) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located; and

"(C) the area for which a project is to be undertaken has an approved investment strategy as provided by section 503 and such project is consistent with such strategy;

"(2) make supplementary grants in order to enable the States and other entities within areas described in section 502(a) to take maximum advantage of designated Federal grant-in-aid programs (as defined in subsection (c)(4)), direct grants-in-aid authorized under this section, and Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act (68 Stat. 666), and the 11 watersheds authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887), for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share.

"(b) COST SHARING.—Subject to subsection (c), the amount of any direct grant under this subsection for any project shall not exceed 50 percent of the cost of such project.

"(c) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

"(1) AMOUNT OF SUPPLEMENTARY GRANTS.—

"(A) IN GENERAL.—Except as provided by subparagraph (B), the amount of any supplementary grant under this section for any project shall not exceed the applicable percentage established by regulations promulgated by the Administrator, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 percent of such cost.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), in the case of an Indian tribe, a State (or a political subdivision of the State), or a community development corporation which the Administrator determines has exhausted its effective taxing and borrowing capacity, the Administrator shall reduce the non-Federal share below the percentage specified in subparagraph (A) or shall waive the non-Federal share in the case of such a grant for a project in an area described in section 502(a)(4).

"(2) FORM OF SUPPLEMENTARY GRANTS.—Supplementary grants shall be made by the Administrator, in accordance with such regulations as the Administrator may prescribe, by increasing the amounts of direct grants authorized under this section or by the payment of funds appropriated under this Act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs.

"(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection shall be used for the sole purpose of increasing the Federal contribution to specific projects in areas described in section 502(a) under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law.

"(4) DESIGNATED FEDERAL GRANT-IN-AID PROGRAMS DEFINED.—In this subsection, the term 'designated Federal grant-in-aid programs' means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Administrator may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section.

"(5) CONSIDERATION OF RELATIVE NEED IN DETERMINING AMOUNT.—In determining the amount of any supplementary grant available to any project under this section, the Administrator shall take into consideration the relative needs of the area and the nature of the projects to be assisted.

"(d) REGULATIONS.—The Administrator shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures the Administrator shall consider among other relevant factors—

"(1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment; and

"(2) the income levels of families and the extent of underemployment in eligible areas.

"(e) REVIEW AND COMMENT UPON PROJECTS BY LOCAL GOVERNMENTAL AUTHORITIES.—The Administrator shall prescribe regulations which will assure that appropriate local governmental authorities have been given a reasonable opportunity to review and comment upon proposed projects under this section.

"SEC. 202. CONSTRUCTION COST INCREASES.

"In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has been increased because of increases in costs, the amount of such grant may be increased by an amount equal to the percentage increase, as determined by the Administrator, in such costs, but in no event shall the percentage of the Federal share of such project exceed that originally provided for in such grant.

"SEC. 203. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

"In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has decreased because of decreases in costs, such underrun funds may be used to improve the project either directly or indirectly as determined by the Administrator.

"SEC. 204. CHANGED PROJECT CIRCUMSTANCES.

"In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the purpose or scope of such project based upon the designs and specifications which were the basis of the grant has changed, the Administrator may approve the use of grant funds on such changed project if the Administrator determines that such changed project meets the requirements of this title and that such changes are necessary to enhance economic development in the area.

"TITLE III—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE

"SEC. 301. STATEMENT OF PURPOSE.

"The purpose of this title to provide special economic development and adjustment assistance programs to help State and local areas meet special needs arising from actual or threatened severe unemployment arising from economic dislocation (including unemployment arising from actions of the Federal Government, from defense base closures and realignments, and from compliance with environmental requirements which remove economic activities from a locality) and economic adjustment problems resulting from severe changes in economic conditions (including long-term economic deterioration), and to encourage cooperative intergovernmental action to prevent or solve economic adjustment problems. Nothing in this title is intended to replace the efforts of the economic adjustment program of the Department of Defense.

"SEC. 302. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE.

"(a) IN GENERAL.—The Administrator is authorized to make grants directly to any eligible recipient in an area which the Administrator determines, in accordance with criteria to be established by the Administrator by regulation—

"(1) has experienced, or may reasonably be foreseen to be about to experience, a special

need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government); or

"(2) has demonstrated long-term economic deterioration.

"(b) PURPOSES.—Amounts from grants under subsection (a) shall be used by an eligible recipient to carry out or develop an investment strategy which—

"(1) meets the requirements of section 503; and

"(2) is approved by the Administrator.

"(c) TYPES OF ASSISTANCE.—In carrying out an investment strategy using amounts from grants under subsection (a), an eligible recipient may provide assistance for any of the following:

"(1) Public facilities.

"(2) Public services.

"(3) Business development.

"(4) Planning.

"(5) Research and technical assistance.

"(6) Administrative expenses.

"(7) Training.

"(8) Relocation of individuals and businesses.

"(9) Other assistance which demonstrably furthers the economic adjustment objectives of this title.

"(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—Amounts from grants under subsection (a) may be used in direct expenditures by the eligible recipient or through redistribution by the eligible recipient to public and private entities in grants, loans, loan guarantees, payments to reduce interest on loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profit-making entity.

"(e) COORDINATION.—The Administrator to the extent practicable shall coordinate the activities relating to the requirements for investment strategies and making grants and loans under this title with other Federal programs, States, economic development districts, and other appropriate planning and development organizations.

"(f) BASE CLOSINGS AND REALIGNMENTS.—

"(1) LOCATION OF PROJECTS.—In any case in which the Administrator determines a need for assistance under subsection (a) due to the closure or realignment of a military installation, the Administrator may make such assistance available for projects to be carried out on the military installation and for projects to be carried out in communities adversely affected by the closure or realignment.

"(2) INTEREST IN PROPERTY.—Notwithstanding any other provision of law, the Administrator may provide to an eligible recipient any assistance available under this Act for a project to be carried out on a military installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

"SEC. 303. ANNUAL REPORTS BY RECIPIENT.

"Each eligible recipient which receives assistance under this title from the Administrator shall annually during the period such assistance continue to make a full and complete report to the Administrator, in such manner as the Administrator shall prescribe, and such report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need it was designed to alleviate and the purposes of this title.

"SEC. 304. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

"Any loan, loan guarantee, equity, or other financial instrument in the portfolio of a revolving loan fund, including any financial instrument made available using amounts from a grant made before the effective date specified in section 802, may be sold, encumbered, or pledged at the discretion of the grantee of the Fund, to a third party provided that the net proceeds of the transaction—

"(1) shall be deposited into the Fund and may only be used for activities which are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

"SEC. 305. TREATMENT OF REVOLVING LOAN FUNDS.

"(a) IN GENERAL.—Amounts from grants made under this title which are used by an eligible recipient to establish a revolving loan fund shall not be treated, except as provided by subsection (b), as amounts derived from Federal funds for the purposes of any Federal law after such amounts are loaned from the fund to a borrower and repaid to the fund.

"(b) EXCEPTIONS.—Amounts described in subsection (a) which are loaned from a revolving loan fund to a borrower and repaid to the fund—

"(1) may only be used for activities which are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

"(c) REGULATIONS.—Not later than 30 days after the effective date specified in section 802, the Administrator shall issue regulations to carry out subsection (a).

"(d) PUBLIC REVIEW AND COMMENT.—Before issuing any final guidelines or administrative manuals governing the operation of revolving loan funds established using amounts from grants under this title, the Administrator shall provide reasonable opportunity for public review of and comment on such guidelines and administrative manuals.

"(e) APPLICABILITY TO PAST GRANTS.—The requirements of this section applicable to amounts from grants made under this title shall also apply to amounts from grants made, before the effective date specified in section 802, under title I of this Act, as in effect on the day before such effective date.

"TITLE IV—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

"SEC. 401. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—In carrying out its duties under this Act, the Administrator may provide technical assistance which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment to areas which the Administrator finds have substantial need for such assistance. Such assistance shall include project planning and feasibility studies, management and operational assistance, establishment of business outreach centers, and studies evaluating the needs of, and development potentialities for, economic growth of such areas.

"(b) PROCEDURES AND TERMS.—

"(1) MANNER OF PROVIDING ASSISTANCE.—Assistance may be provided by the Administrator through—

"(A) members of the Administrator's staff;

"(B) the payment of funds authorized for this section to departments or agencies of the Federal Government;

"(C) the employment of private individuals, partnerships, firms, corporations, or suitable institutions under contracts entered into for such purposes; or

"(D) grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations.

"(2) REPAYMENT TERMS.—The Administrator, in the Administrator's discretion, may require the repayment of assistance provided under this subsection and prescribe the terms and conditions of such repayment.

"(c) GRANTS COVERING ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Administrator may make grants to defray not to exceed 50 percent of the administrative expenses of organizations which the Administrator determines to be qualified to receive grants-in-aid under subsections (a) and (b); except that in the case of a grant under this subsection to an Indian tribe, the Administrator is authorized to defray up to 100 percent of such expenses.

"(2) DETERMINATION OF NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of such costs or expenses, the Administrator shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including contributions of space, equipment, and services.

"(3) USE OF GRANTS WITH PLANNING GRANTS.—Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants to assure adequate and effective planning and economical use of funds.

"(d) AVAILABILITY OF TECHNICAL INFORMATION; FEDERAL PROCUREMENT.—The Administrator shall aid areas described in section 502(a) and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas. The Administrator may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas described in section 502(a) and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

"SEC. 402. ECONOMIC DEVELOPMENT PLANNING.

"(a) DIRECT GRANTS.—

"(1) IN GENERAL.—The Administrator may make, upon application of any State, or city, or other political subdivision of a State, or sub-State planning and development organization (including an area described in section 502(a) or an economic development district), direct grants to such State, city, or other political subdivision, or organization to pay up to 50 percent of the cost for economic development planning.

"(2) PLANNING PROJECTS SPECIFICALLY INCLUDED.—The planning for cities, other political subdivisions, and sub-State planning and development organizations (including areas described in section 502(a) and economic development districts) assisted under this section shall include systematic efforts to reduce unemployment and increase incomes.

"(3) PLANNING PROCESS.—The planning shall be a continuous process involving public officials and private citizens in analyzing

local economies, defining development goals, determining project opportunities, and formulating and implementing a development program.

"(4) COORDINATION OF ASSISTANCE UNDER SECTION 401(c).—The assistance available under this section may be provided in addition to assistance available under section 401(c) but shall not supplant such assistance.

"(b) COMPLIANCE WITH REVIEW PROCEDURE.—The planning assistance authorized under this title shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds.

"TITLE V—ELIGIBILITY AND INVESTMENT STRATEGIES

"PART A—ELIGIBILITY

"SEC. 501. ELIGIBLE RECIPIENT DEFINED.

"In this Act, the term 'eligible recipient' means an area described in section 502(a), an economic development district designated under section 510, an Indian tribe, a State, a city or other political subdivision of a State, or a consortium of such political subdivisions, or a public or private nonprofit organization or association acting in cooperation with officials of such political subdivisions.

"SEC. 502. AREA ELIGIBILITY.

"(a) CERTIFICATION.—In order to be eligible for assistance under title II, an applicant seeking assistance to undertake a project in an area shall certify, as part of an application for such assistance, that the area on the date of submission of such application meets 1 or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available.

"(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(4) The area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) which the Administrator determines has one or more of the following conditions:

"(A) A large concentration of low-income persons.

"(B) Rural areas having substantial outmigration.

"(C) Substantial unemployment.

"(b) DOCUMENTATION.—A certification made under subsection (a) shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Administrator unless it is determined to be inaccurate. The most recent statistics available shall be used.

"(c) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date specified in section 802 shall not be effective after such effective date.

"SEC. 503. INVESTMENT STRATEGY.

"The Administrator may provide assistance under titles II and III to an applicant for a project only if the applicant submits to the Administrator, as part of an application for such assistance, and the Administrator approves an investment strategy which—

"(1) identifies the economic development problems to be addressed using such assistance;

"(2) identifies past, present, and projected future economic development investments in the area receiving such assistance and public and private participants and sources of funding for such investments;

"(3) sets forth a strategy for addressing the economic problems identified pursuant to paragraph (1) and describes how the strategy will solve such problems;

"(4) provides a description of the project necessary to implement the strategy, estimates of costs, and timetables; and

"(5) provides a summary of public and private resources expected to be available for the project.

"SEC. 504. APPROVAL OF PROJECTS.

"Only applications for grants or other assistance under this Act for specific projects shall be approved which are certified by the State representing such applicant and determined by the Administrator—

"(1) to be included in a State investment strategy;

"(2) to have adequate assurance that the project will be properly administered, operated, and maintained; and

"(3) to otherwise meet the requirements for assistance under this Act.

"PART B—ECONOMIC DEVELOPMENT DISTRICTS

"SEC. 510. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS AND ECONOMIC DEVELOPMENT CENTERS.

"(a) IN GENERAL.—In order that economic development projects of broader geographic significance may be planned and carried out, the Administrator may—

"(1) designate appropriate 'economic development districts' within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

"(A) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 502(a);

"(B) the proposed district contains at least 1 area described in section 502(a);

"(C) the proposed district contains 1 or more areas described in section 502(a) or economic development centers identified in an approved district investment strategy as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the areas described in section 502(a) within the district; and

"(D) the proposed district has a district investment strategy which includes adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Administrator;

"(2) designate as 'economic development centers', in accordance with such regulations as the Administrator shall prescribe, such areas as the Administrator may deem appropriate, if—

"(A) the proposed center has been identified and included in an approved district investment strategy and recommended by the State or States affected for such special designation;

"(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the areas described in section 502(a) of the district; and

"(C) the proposed center does not have a population in excess of 250,000 according to the most recent Federal census.

"(3) provide financial assistance in accordance with the criteria of this Act, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2), if—

"(A) the project will further the objectives of the investment strategy of the district in which it is to be located;

"(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

"(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district;

"(4) subject to the 50 percent non-Federal share required for any project by section 201(c), increase the amount of grant assistance authorized by section 201 for projects within areas described in section 502(a), by an amount not to exceed 10 percent of the aggregate cost of any such project, in accordance with such regulations as the Administrator shall prescribe if—

"(A) the area described in section 502(a) is situated within a designated economic development district and is actively participating in the economic development activities of the district; and

"(B) the project is consistent with an approved investment strategy.

"(b) AUTHORITIES.—In designating economic development districts and approving district investment strategies under subsection (a), the Administrator may, under regulations prescribed by the Administrator—

"(1) invite the several States to draw up proposed district boundaries and to identify potential economic development centers;

"(2) cooperate with the several States—

"(A) in sponsoring and assisting district economic planning and development groups; and

"(B) in assisting such district groups to formulate district investment strategies; and

"(3) encourage participation by appropriate local governmental authorities in such economic development districts.

"(c) TERMINATION OR MODIFICATION OF DESIGNATIONS.—The Administrator shall by regulation prescribe standards for the termination or modification of economic development districts and economic development centers designated under the authority of this section.

"(d) DEFINITIONS.—In this Act, the following definitions apply:

"(1) ECONOMIC DEVELOPMENT DISTRICT.—The term 'economic development district' refers to any area within the United States composed of cooperating areas described in section 502(a) and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Administrator as an economic development district. Such term includes any economic development district designated under section 403 of this Act, as in effect on the day before the effective date specified in section 802.

"(2) ECONOMIC DEVELOPMENT CENTER.—The term 'economic development center' refers to any area within the United States which has been identified as an economic development center in an approved investment strategy and which has been designated by the Administrator as eligible for financial assistance under this Act in accordance with the provisions of this section.

"(3) LOCAL GOVERNMENT.—The term 'local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(e) PARTS OF ECONOMIC DEVELOPMENT DISTRICTS NOT WITHIN AREAS DESCRIBED IN SECTION 502(a).—The Administrator is authorized to provide the financial assistance which is available to an area described in section 502(a) under this Act to those parts of an economic development district which are not within an area described in section 502(a), when such assistance will be of a substantial direct benefit to an area described in section 502(a) within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for an area described in section 502(a); except that nothing in this subsection shall be construed to permit such parts to receive the increase in the amount of grant assistance authorized in subsection (a)(4).

"TITLE VI—ADMINISTRATION

"SEC. 601. APPOINTMENT OF ASSOCIATE ADMINISTRATOR; FULL TIME EQUIVALENT EMPLOYEES.

"(a) APPOINTMENT.—The Administrator shall carry out the duties vested in the Administrator by this Act acting through an Associate Administrator of the Small Business Administration, who shall be appointed by the President by and with the advice and consent of the Senate.

"(b) PAY.—The Associate Administrator shall be compensated by the Federal Government at the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(c) FULL TIME EQUIVALENT EMPLOYEES.—The Administrator shall assign not to exceed 25 full time equivalent employees of the Small Business Administration (excluding the Associate Administrator) to assist the Administrator in the carrying out the duties vested in the Administrator by this Act.

"SEC. 602. REGIONAL COOPERATIVE AGREEMENTS.

"(a) IN GENERAL.—The Administrator shall make grants and carry out such other functions under this Act as the Administrator considers appropriate by entering into cooperative agreements with 1 or more States on a regional basis. Each State entering into such an agreement shall be represented by the chief executive officer of the State.

"(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall include such terms and conditions as the Administrator determines are necessary to carry out the provisions of this Act. Such terms and conditions at a minimum shall provide that no decision concerning regional policies or approval of project or grant applications may be made without the consent of the Administrator and a majority of the States participating in the cooperative agreement.

"(c) PARTICIPATION NOT REQUIRED.—No State shall be required to enter into a cooperative agreement under this section or to participate in any program established by this Act.

"SEC. 603. ADMINISTRATIVE EXPENSES.

"(a) PAYMENT BY STATES.—Fifty percent of the administrative expenses incurred by States in participating in a cooperative agreement entered into under section 602 shall be paid by such States and the remaining 50 percent of such expenses shall be paid by the Federal Government.

"(b) DETERMINATION OF STATE SHARE.—The share of the administrative expenses to be paid by each State participating in a cooperative agreement shall be determined by a majority vote of such States. The Administrator may not participate or vote in such determination.

"(c) DELINQUENT PAYMENTS.—No assistance authorized by this Act shall be furnished to any State or to any political subdivision or resident of a State, nor shall the State participate or vote in any decision described in section 602(b), while such State is delinquent in the payment of such State's share of the administrative expenses described in subsection (a).

"SEC. 604. FEDERAL SHARE.

"Except as otherwise expressly provided by this Act, the Federal share of the cost of any project funded with amounts made available under this Act shall not exceed 50 percent of such cost.

"SEC. 605. COOPERATION OF FEDERAL AGENCIES.

"Each Federal department and agency, in accordance with applicable laws and within the limits of available funds, shall cooperate with the Administrator in order to assist the Administrator in carrying out the functions of the Administrator.

"SEC. 606. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

"(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Administrator is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

"(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Administrator may make provisions for such consultation with interested departments and agencies as the Administrator may deem appropriate in the performance of the functions vested in the Administrator by this Act.

"SEC. 607. ADMINISTRATION, OPERATION, AND MAINTENANCE.

"No Federal assistance shall be approved under this Act unless the Administrator is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"TITLE VII—MISCELLANEOUS

"SEC. 701. POWERS OF ADMINISTRATOR.

"(a) IN GENERAL.—In performing the Administrator's duties under this Act, the Administrator is authorized to—

"(1) adopt, alter, and use a seal, which shall be judicially noticed;

"(2) subject to the civil-service and classification laws, select, employ, appoint, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

"(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Administrator may deem advisable;

"(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Administrator;

"(5) under regulations prescribed by the Administrator, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Administrator's discretion and upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Administrator in connection with assistance extended under this Act, and collect or compromise all obligations assigned to or held by the Administrator in connection with such assistance until such time as such obligations may be referred to the Attorney General for suit or collection;

"(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any real or personal property conveyed to, or otherwise acquired by the Administrator in connection with assistance extended under this Act;

"(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to the Administrator in connection with assistance extended this Act;

"(8) acquire, in any lawful manner and in accordance with the requirements of the Federal Property and Administrative Services Act of 1949, any property (real, personal, or mixed, tangible or intangible), whenever necessary or appropriate to the conduct of the activities authorized under this Act;

"(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Administrator, take any action, including the procurement of the services of attorneys by contract, determined by the Administrator to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance extended under this Act;

"(10) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

"(11) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Administrator or the Administrator's property;

"(12) make discretionary grants, pursuant to authorities otherwise available to the Administrator under this Act and without regard to the requirements of section 504, to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in a region from the funds withheld from distribution by the Administrator; except that the aggregate amount of such discretionary grants in any fiscal year may not exceed 10 percent of the amounts appropriated under title VIII for such fiscal year;

"(13) allow a State to use not to exceed 5 percent of the total of amounts received by the State in a fiscal year in grants under this Act for reasonable expenses incurred by the State in administering such amounts; and

"(14) establish such rules, regulations, and procedures as the Administrator considers

appropriate in carrying out the provisions of this Act.

"(b) DEFICIENCY JUDGMENTS.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Administrator.

"(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—Section 3709 of the Revised Statutes of the United States shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Administrator as a result of assistance extended under this Act if the premium for the insurance or the amount of the insurance does not exceed $1,000.

"(d) POWERS OF CONVEYANCE AND EXECUTION.—The power to convey and to execute, in the name of the Administrator, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Administrator pursuant to the provisions of this Act may be exercised by the Administrator, or by any officer or agent appointed by the Administrator for such purpose, without the execution of any express delegation of power or power of attorney.

"SEC. 702. ESTABLISHMENT OF CLEARINGHOUSE.

"In carrying out the Administrator's duties under this Act, the Administrator shall ensure that the Small Business Administration—

"(1) serves as a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States; and

"(2) helps potential and actual applicants for economic development, economic adjustment, disaster recovery, and defense conversion assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance.

"SEC. 703. PERFORMANCE MEASURES.

"The Administrator shall establish performance measures for grants and other assistance provided under this Act. Such performance measures shall be used to evaluate project proposals and conduct evaluations of projects receiving such assistance.

"SEC. 704. MAINTENANCE OF STANDARDS.

"The Administrator shall continue to implement and enforce the provisions of section 712 of this Act, as in effect on the day before the effective date specified in section 802.

"SEC. 705. TRANSFER OF FUNCTIONS.

"The functions, powers, duties, and authorities and the assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records which are vested in or authorized to be transferred to the Secretary of the Treasury under section 29(b) of the Area Redevelopment Act, and all functions, powers, duties, and authorities under section 29(c) of such Act are hereby vested in the Administrator.

"SEC. 706. DEFINITION OF STATE.

"In this Act, the terms 'State', 'States', and 'United States' include the several States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Marshall Islands, Micronesia, and the Northern Mariana Islands.

"SEC. 707. ANNUAL REPORT TO CONGRESS.

"The Administrator shall transmit to Congress a comprehensive and detailed annual report of the Administrator's operations under this Act for each fiscal year beginning with the fiscal year ending September 30, 1996. Such report shall be printed and shall be transmitted to Congress not later than April 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 708. USE OF OTHER FACILITIES.

"(a) DELEGATION OF FUNCTIONS TO OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Administrator may delegate to the heads of other departments and agencies of the Federal Government any of the Administrator's functions, powers, and duties under this Act as the Administrator may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) DEPARTMENT AND AGENCY EXECUTION OF DELEGATED AUTHORITY.—Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act.

"(c) TRANSFER BETWEEN DEPARTMENTS.—Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

"(d) FUNDS TRANSFERRED FROM OTHER DEPARTMENTS AND AGENCIES.—In order to carry out the objectives of this Act, the Administrator may accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Such transferred funds shall remain available until expended, and may be transferred to and merged with the appropriations under the heading 'salaries and expenses' by the Administrator to the extent necessary to administer the program.

"SEC. 709. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

"No financial assistance shall be extended by the Administrator under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise—

"(1) certify to the Administrator the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Administrator for assistance of any sort, under this Act, and the fees paid or to be paid to any such person; and

"(2) execute an agreement binding such business enterprise, for a period of 2 years after such assistance is rendered by the Administrator to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within the 1-year period ending on such date, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which the Administrator determines involves discretion with respect to the granting of assistance under this Act.

"SEC. 710. MAINTENANCE OF RECORDS OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE; PUBLIC INSPECTION.

"(a) MAINTENANCE OF RECORD REQUIRED.—The Administrator shall maintain as a permanent part of the records of the Small Business Administration a list of applications approved for financial assistance under this Act, which shall be kept available for public inspection during the regular business hours of the Small Business Administration.

"(b) POSTING TO LIST.—The following information shall be posted in such list as soon as each application is approved:

"(1) The name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof.

"(2) The amount and duration of the financial assistance for which application is made.

"(3) The purposes for which the proceeds of the financial assistance are to be used.

"SEC. 711. RECORDS AND AUDIT.

"(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"SEC. 712. PROHIBITION AGAINST A STATUTORY CONSTRUCTION WHICH MIGHT CAUSE DIMINUTION IN OTHER FEDERAL ASSISTANCE.

"All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision of this Act shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

"SEC. 713. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

"The Administrator may accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

"TITLE VIII—FUNDING; EFFECTIVE DATE

"SEC. 801. AUTHORIZATION OF APPROPRIATIONS

"There is authorized to be appropriated to carry out this Act $340,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000. Such sums shall remain available until expended.

"SEC. 802. EFFECTIVE DATE.

"The effective date specified in this section is the abolishment date specified in section 2101(c) of the Department of Commerce Dismantling Act.".

(b) CONFORMING AMENDMENTS TO TITLE 5.—Section 5316 of title 5, United States Code, is amended—

(1) by striking "Associate Administrators of the Small Business Administration (4)" and inserting "Associate Administrators of the Small Business Administration (5)"; and

(2) by striking "Administrator for Economic Development.".

(c) GAO STUDY.—On or before December 30, 1996, the Comptroller General shall submit to Congress a plan or plans for consolidating economic development programs throughout the Federal Government. The plan or plans shall focus on, but not be limited to, consolidating programs included in the Catalogue of

Federal Domestic Assistance with similar purposes and target populations. The plan or plans shall detail how consolidation can lead to improved grant or program management, improvements in achieving program goals, and reduced costs.

SEC. 2202. TECHNOLOGY ADMINISTRATION.

(a) TECHNOLOGY ADMINISTRATION.—

(1) GENERAL RULE.—Except as otherwise provided in this section, the Technology Administration is terminated.

(2) OFFICE OF TECHNOLOGY POLICY.—The Office of Technology Policy is terminated.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) REDESIGNATION.—The National Institute of Standards and Technology is hereby redesignated as the National Bureau of Standards, and all references to the National Institute of Standards and Technology in Federal law or regulations are deemed to be references to the National Bureau of Standards.

(2) GENERAL RULE.—The National Bureau of Standards (in this subsection referred to as the "Bureau") is transferred to the National Scientific, Oceanic, and Atmospheric Administration, established under section 2206.

(3) FUNCTIONS OF DIRECTOR.—Except as otherwise provided in this section or section 2207, upon the transfer under paragraph (2), the Director of the Bureau shall perform all functions relating to the Bureau that, immediately before the effective date specified in section 2208(a), were functions of the Secretary of Commerce or the Under Secretary of Commerce for Technology.

(c) NATIONAL TECHNICAL INFORMATION SERVICE.—

(1) PRIVATIZATION.—All functions of the National Technical Information Service are transferred to the Director of Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the National Technical Information Service shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) GOVERNMENT CORPORATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the Director of the Office of Management and Budget shall, within 6 months after the end of such period, submit to Congress a proposal for legislation to establish the National Technical Information Service as a wholly owned Government corporation. The proposal should provide for the corporation to perform substantially the same functions that, as of the date of enactment of this Act, are performed by the National Technical Information Service.

(4) FUNDING.—No funds are authorized to be appropriated for the National Technical Information Service or any successor corporation established pursuant to a proposal under paragraph (3).

(d) AMENDMENTS.—

(1) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(A) in section 2(b), by striking paragraph (1) and redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively;

(B) in section 2(d), by striking ", including the programs established under sections 25, 26, and 28 of this Act";

(C) in section 10, by striking "Advanced" in both the section heading and subsection (a), and inserting in lieu thereof "Standards and"; and

(D) by striking sections 24, 25, 26, and 28.

(2) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(A) in section 3, by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(B) in section 4, by striking paragraphs (1), (4), and (13) and redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (10), respectively;

(C) by striking sections 5, 6, 7, 8, 9, and 10;

(D) in section 11—

(i) by striking ", the Federal Laboratory Consortium for Technology Transfer," in subsection (c)(3);

(ii) by striking "and the Federal Laboratory Consortium for Technology Transfer" in subsection (d)(2);

(iii) by striking ", and refer such requests" and all that follows through "available to the Service" in subsection (d)(3); and

(iv) by striking subsection (e); and

(E) in section 17—

(i) by striking "Subject to paragraph (2), separate" in subsection (c)(1) and inserting in lieu thereof "Separate";

(ii) by striking paragraph (2) of subsection (c) and redesignating paragraph (3) as paragraph (2);

(iii) by striking "funds to carry out" in subsection (f), and inserting in lieu thereof "funds only to pay the salary of the Director of the Office of Quality Programs, who shall be responsible for carrying out"; and

(iv) by adding at the end the following new subsection:

"(h) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director of the Office of Quality Programs may accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.".

(3) MISCELLANEOUS AMENDMENTS.—Section 3 of Public Law 94-168 (15 U.S.C. 205b) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3), as so redesignated by subparagraph (B) of this paragraph, by striking "in nonbusiness activities".

SEC. 2203. REORGANIZATION OF THE BUREAU OF THE CENSUS AND THE BUREAU OF ECONOMIC ANALYSIS.

(a) TRANSFER OF FUNCTIONS.—All functions of the Secretary of Commerce relating to the Bureau of the Census and the Bureau of Economic Analysis of the Department of Commerce are transferred to the Secretary of Labor.

(b) TRANSFER OF BUREAUS.—The Bureau of the Census and Bureau of Economic Analysis of the Department of Commerce are transferred to the Department of Labor.

(c) CONSOLIDATION WITH THE BUREAU OF LABOR STATISTICS.—The Secretary of Labor shall consolidate the Bureaus transferred under subsection (b) with the Bureau of Labor Statistics within the Department of Labor.

(d) REFERENCES TO SECRETARY.—Section 1(2) of the title 13, United States Code, is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Labor".

(e) REFERENCES TO DEPARTMENT.—Section 2 of title 13, United States Code, is amended by striking out "Department of Commerce" and inserting in lieu thereof "Department of Labor".

(f) GENERAL REFERENCES TO SECRETARY AND DEPARTMENT.—The provisions of title 13, United States Code, are further amended—

(1) by striking out "Secretary of Commerce" each place such term appears and insert in lieu thereof "Secretary of Labor"; and

(2) by striking out "Department of Commerce" each place such term appears and inserting in lieu thereof "Department of Labor".

(g) SUBMISSION OF PLAN.—Within 180 days after the date of enactment of this Act, the President shall transmit to the Congress—

(1) a determination of the feasibility and potential savings resulting from the further consolidation of statistical functions throughout the Government into a single agency; and

(2) draft legislation under which the provisions of title 13, United States Code, relating to confidentiality (including offenses and penalties) shall be applied after the consolidation under subsection (c) has been effected.

(h) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Bureau of the Census or the agency established as a result of the consolidation under subsection (c) should—

(1) make appropriate use of any authority afforded to it by the Census Address List Improvement Act of 1994 (Public Law 103-430; 108 Stat. 4393), and take measures to ensure the timely implementation of such Act; and

(2) streamline census questionnaires to promote savings in the collection and tabulation of data.

SEC. 2204. TERMINATED FUNCTIONS OF NTIA.

(a) REPEALS.—The following provisions of law are repealed:

(1) Subpart A of part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.), relating to assistance for public telecommunications facilities.

(2) Subpart B of part IV of title III of the Communications Act of 1934 (47 U.S.C. 394 et seq.), relating to the Endowment for Children's Educational Television.

(3) Subpart C of part IV of title III of the Communications Act of 1934 (47 U.S.C. 395 et seq.), relating to Telecommunications Demonstration grants.

(b) DISPOSAL OF NTIA LABORATORIES.—

(1) PRIVATIZATION.—All laboratories of the National Telecommunications and Information Administration are transferred to the Director of the Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the laboratories of the National Telecommunications and Information Administration under paragraph (1) has not been made before the end of the period described in that paragraph, the laboratories of the National Telecommunications and Information Administration shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) TRANSFER OF FUNCTIONS.—The functions of the National Telecommunications and Information Administration concerning research and analysis of the electromagnetic spectrum described in section 5112(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 1532) are transferred to the Director of the National Bureau of Standards.

(c) TRANSFER OF NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FUNCTIONS.—

(1) TRANSFER TO USTR.—Except as provided in subsection (b)(2), the functions of the National Telecommunications and Information Administration, and of the Secretary of Commerce and the Assistant Secretary for Communications and Information of the Department of Commerce with respect to the National Telecommunications and Information Administration, are transferred to the United States Trade Representative. The functions transferred by this paragraph shall be placed in an organizational component that is independent from all USTR functions directly related to the negotiation of trade agreements. Such functions shall be supervised by an individual whose principal professional expertise is in the area of telecommunications. The position to which such individual is appointed shall be graded at a level sufficiently high to attract a highly qualified individual, while ensuring autonomy in the conduct of such functions from all activities and influences associated with trade negotiations.

(2) REFERENCES.—References in any provision of law (including the National Telecommunications and Information Administration Organization Act) to the Secretary of Commerce or the Assistant Secretary for Communications and Information of the Department of Commerce—

(A) with respect to a function vested pursuant to this section in the United States Trade Representative shall be deemed to refer to the United States Trade Representative; and

(B) with respect to a function vested pursuant to this section in the Director of the National Bureau of Standards shall be deemed to refer to the Director of the National Bureau of Standards.

(3) TERMINATION OF NTIA.—Effective on the abolishment date specified in section 2101(c), the National Telecommunications and Information Administration is abolished.

SEC. 2205. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) TERMINATION OF MISCELLANEOUS RESEARCH PROGRAMS AND ACCOUNTS.—

(1) IN GENERAL.—No funds may be appropriated in any fiscal year for the following programs and accounts of the National Scientific, Oceanic, and Atmospheric Administration:

(A) The National Undersea Research Program.

(B) The Fleet Modernization Program.

(C) The Charleston, South Carolina, Special Management Plan.

(D) Chesapeake Bay Observation Buoys (as of September 30, 1996).

(E) Federal/State Weather Modification Grants.

(F) The Southeast Storm Research Account.

(G) The Southeast United States Caribbean Fisheries Oceanographic Coordinated Investigations Program.

(H) National Institute for Environmental Renewal.

(I) The Lake Champlain Study.

(J) The Maine Marine Research Center.

(K) The South Carolina Cooperative Geodetic Survey Account.

(L) Pacific Island Technical Assistance.

(M) Sea Grant Oyster Disease Account.

(N) Sea Grant Zebra Mussel Account.

(O) VENTS program.

(P) National Weather Service non-Federal, non-wildfire Weather Service.

(Q) National Weather Service Regional Climate Centers.

(R) National Weather Service Samoa Weather Forecast Office Repair and Upgrade Account.

(S) Dissemination of Weather Charts (Marine Facsimile Service).

(T) The Climate and Global Change Account.

(U) The Global Learning and Observations to Benefit the Environment Program.

(V) Great Lakes nearshore research.

(W) Mussel watch.

(2) REPEALS.—The following provisions of law are repealed:

(A) The Ocean Thermal Conversion Act of 1980 (42 U.S.C. 9101 et seq.).

(B) Title IV of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447 et seq.).

(C) Title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.).

(D) The Great Lakes Shoreline Mapping Act of 1987 (33 U.S.C. 883a note).

(E) The Great Lakes Fish and Wildlife Tissue Bank Act (16 U.S.C. 943 et seq.).

(F) The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), except for those provisions affecting the Assistant Secretary of the Army (civil works) and the Secretary of the department in which the Coast Guard is operating.

(G) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a).

(H) Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)).

(I) Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is repealed effective October 1, 1998.

(J) The NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.).

(K) Public Law 85–342 (72 Stat. 35; 16 U.S.C. 778 et seq.), relating to fish research and experimentation.

(L) The first section of the Act of August 8, 1956 (70 Stat. 1126; 16 U.S.C. 760d), relating to grants for commercial fishing education.

(M) Public Law 86–359 (16 U.S.C. 760e et seq.), relating to the study of migratory marine gamefish.

(N) The Act of August 15, 1914 (Chapter 253; 38 Stat. 692; 16 U.S.C. 781 et seq.), prohibiting the taking of sponges in the Gulf of Mexico and the Straits of Florida.

(b) AERONAUTICAL MAPPING AND CHARTING.—

(1) IN GENERAL.—The aeronautical mapping and charting functions of the National Oceanic and Atmospheric Administration are transferred to the Defense Mapping Agency.

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Defense Mapping Agency shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(3) FUNCTIONS REQUESTED BY FEDERAL AVIATION ADMINISTRATION.—(A) Notwithstanding paragraph (2), the Director of the Defense Mapping Agency shall carry out such aeronautical charting functions as may be requested by the Administrator of the Federal Aviation Administration.

(B) In carrying out aeronautical mapping functions requested by the Administrator under subparagraph (A), the Director shall—

(i) publish and distribute to the public and to the Administrator any aeronautical charts requested by the Administrator; and

(ii) provide to the Administrator such other air traffic control products and services as may be requested by the Administrator,

in such manner and including such information as the Administrator determines is necessary for, or will promote, the safe and efficient movement of aircraft in air commerce.

(4) CONTINUING APPLICABILITY.—The requirements of section 1307 of title 44, United States Code, shall continue to apply with respect to all aeronautical products created or published by the Director of the Defense Mapping Agency in carrying out the functions transferred to the Director under this paragraph; except that the prices for such products shall be established jointly by the Director and the Secretary of Transportation on an annual basis.

(c) TRANSFER OF MAPPING, CHARTING, AND GEODESY FUNCTIONS TO THE UNITED STATES GEOLOGICAL SURVEY.—

(1) IN GENERAL.—Except as provided in subsection (b), there are hereby transferred to the Director of the United States Geological Survey the functions relating to mapping, charting, and geodesy authorized under the Act of August 7, 1947 (61 Stat. 787; 33 U.S.C. 883a).

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Director of the United States Geological Survey shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(d) NESDIS.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Environmental Satellite, Data, and Information System.

(e) OAR.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration (including global programs) that on the date immediately before the effective date of this section were authorized to be performed by the Office of Oceanic and Atmospheric Research.

(f) NWS.—

(1) IN GENERAL.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Weather Service.

(2) DUTIES.—To protect life and property and enhance the national economy, the Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, except as outlined in paragraph (3), shall be responsible for the following:

(A) Forecasts. The Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, shall serve as the sole official source of severe weather warnings.

(B) Issuance of storm warnings.

(C) The collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information.

(D) The preparation of hydro-meteorological guidance and core forecast information.

(3) LIMITATIONS ON COMPETITION.—The National Weather Service may not compete, or

assist other entities to compete, with the private sector to provide a service when that service is currently provided or can be provided by a commercial enterprise unless—

(A) the Administrator of Science, Oceans, and the Atmosphere finds that the private sector is unwilling or unable to provide the service; or

(B) the Administrator of Science, Oceans, and the Atmosphere finds that the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(4) ORGANIC ACT AMENDMENTS.—

(A) AMENDMENTS.—The Act of 1890 is amended—

(i) by striking section 3 (15 U.S.C. 313); and

(ii) in section 9 (15 U.S.C. 317), by striking "Department of" and all that follows thereafter and inserting "National Scientific, Oceanic, and Atmospheric Administration.".

(B) DEFINITION.—For purposes of this paragraph, the term "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653).

(5) REPEAL.—Sections 706 and 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) are repealed.

(6) CONFORMING AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(A) in section 702, by striking paragraph (3) and redesignating paragraphs (4) through (10) as paragraphs (3) through (9), respectively; and

(B) in section 703—

(i) by striking "(a) NATIONAL IMPLEMENTATION PLAN.—";

(ii) by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(iii) by striking subsections (b) and (c).

(g) TERMINATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CORPS OF COMMISSIONED OFFICERS.—

(1) NUMBER OF OFFICERS.—Notwithstanding section 8 of the Act of June 3, 1948 (33 U.S.C. 853g), the total number of commissioned officers on the active list of the National Scientific, Oceanic, and Atmospheric Administration shall not exceed—

(A) 358 as of September 30, 1996;

(B) 180 as of September 30, 1997; and

(C) 0 for any fiscal year beginning after September 30, 1998.

(2) SEPARATION PAY.—(A) Commissioned officers may be separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration. Any officer so separated because of paragraph (1) shall, subject to subparagraph (B) and the availability of appropriations, be eligible for separation pay under section 9 of the Act of June 3, 1948 (33 U.S.C. 853h) to the same extent as if such officer had been separated under section 8 of such Act (33 U.S.C. 853g).

(B) Any officer who, under paragraph (4), transfers to another of the uniformed services or becomes employed in a civil service position shall not be eligible for separation pay under this paragraph.

(C)(i) Any officer who receives separation pay under this paragraph shall be required to repay the amount received if, within 1 year after the date of the separation on which the payment is based, such officer is reemployed in a civil service position in the National Scientific, Oceanic, and Atmospheric Administration, the duties of which position would formerly have been performed by a commissioned officer, as determined by the Administrator of Science, Oceans, and the Atmosphere.

(ii) A repayment under this subparagraph shall be made in a lump sum or in such installments as the Administrator may specify.

(D) In the case of any officer who makes a repayment under subparagraph (C)—

(i) the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Civil Service Retirement and Disability Fund, on such officer's behalf, any deposit required under section 8422(e)(1) of title 5, United States Code, with respect to any prior service performed by that individual as such an officer; and

(ii) if the amount paid under clause (i) is less than the amount of the repayment under subparagraph (C), the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Government Securities Investment Fund (established under section 8438(b)(1)(A) of title 5, United States Code), on such individual's behalf, an amount equal to the difference.

The provisions of paragraph (5)(C)(iv) shall apply with respect to any contribution to the Thrift Savings Plan made under clause (ii).

(3) PRIORITY PLACEMENT PROGRAM.—A priority placement program similar to the programs described in section 3329b of title 5, United States Code, as amended by section 2109, shall be established by the National Scientific, Oceanic, and Atmospheric Administration to assist commissioned officers who are separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration because of paragraph (1).

(4) TRANSFER.—(A) Subject to the approval of the Secretary of Defense and under terms and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the Armed Forces under section 716 of title 10, United States Code.

(B) Subject to the approval of the Secretary of Transportation and under terms and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the United States Coast Guard under section 716 of title 10, United States Code.

(C) Subject to the approval of the Administrator of Science, Oceans, and the Atmosphere and under terms and conditions specified by that Administrator, commissioned officers subject to paragraph (1) may be employed by the National Scientific, Oceanic, and Atmospheric Administration as members of the civil service.

(5) RETIREMENT PROVISIONS.—(A) For commissioned officers who transfer under paragraph (4)(A) to the Armed Forces, the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Department of Defense Military Retirement Fund an amount, to be calculated by the Secretary of Defense in consultation with the Secretary of the Treasury, equal to the actuarial present value of any retired or retainer pay they will draw upon retirement, including full credit for service in the NOAA Corps. Any payment under this subparagraph shall, for purposes of paragraph (2) of section 2206(g), be considered to be an expenditure described in such paragraph.

(B) For commissioned officers who transfer under paragraph (4)(B) to the United States Coast Guard, full credit for service in the NOAA Corps shall be given for purposes of any annuity or other similar benefit under the retirement system for members of the United States Coast Guard, entitlement to which is based on the separation of such officer.

(C)(i) For a commissioned officer who becomes employed in a civil service position pursuant to paragraph (4)(C) and thereupon becomes subject to the Federal Employees' Retirement System, the National Scientific, Oceanic, and Atmospheric Administration shall pay, on such officer's behalf—

(I) into the Civil Service Retirement and Disability Fund, the amounts required under clause (ii); and

(II) into the Government Securities Investment Fund, the amount required under clause (iii).

(ii)(I) The amount required under this subclause is the amount of any deposit required under section 8422(e)(1) of such title 5 with respect to any prior service performed by the individual as a commissioned officer of the National Oceanic and Atmospheric Administration.

(II) To determine the amount required under this subclause, first determine, for each year of service with respect to which the deposit under subclause (I) relates, the product of the normal-cost percentage for such year (as determined under the last sentence of this subclause) multiplied by basic pay received by the individual for any such service performed in such year. Second, take the sum of the amounts determined for the respective years under the first sentence. Finally, subtract from such sum the amount of the deposit under subclause (I). For purposes of the first sentence, the normal-cost percentage for any year shall be as determined for such year under the provisions of section 8423(a)(1) of title 5, United States Code, except that, in the case of any year before the first year for which any normal-cost percentage was determined under such provisions, the normal-cost percentage for such first year shall be used.

(iii) The amount required under this clause is the amount by which the separation pay to which the officer would have been entitled under the second sentence of paragraph (2)(A) (assuming the conditions for receiving such separation pay have been met) exceeds the amount of the deposit under clause (ii)(I), if at all.

(iv)(I) Any contribution made under this subparagraph to the Thrift Savings Plan shall not be subject to any otherwise applicable limitation on contributions contained in the Internal Revenue Code of 1986, and shall not be taken into account in applying any such limitation to other contributions or benefits under the Thrift Savings Plan, with respect to the year in which the contribution is made.

(II) Such plan shall not be treated as failing to meet any nondiscrimination requirement by reason of the making of such contribution.

(6) REPEALS.—(A) The following provisions of law are repealed:

(i) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a–853o, 853p–853u).

(ii) The Act of February 16, 1929 (Chapter 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

(iii) The Act of January 19, 1942 (Chapter 6; 56 Stat. 6).

(iv) Section 9 of Public Law 87–649 (76 Stat. 495).

(v) The Act of May 22, 1917 (Chapter 20, section 16; 40 Stat. 87; 33 U.S.C. 854 et seq.).

(vi) The Act of December 3, 1942 (Chapter 670; 56 Stat. 1038.

(vii) Sections 1 through 5 of Public Law 91–621 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

(viii) The Act of August 10, 1956 (Chapter 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

(ix) The Act of May 18, 1920 (Chapter 190, section 11; 41 Stat. 603; 33 U.S.C. 864).

(x) The Act of July 22, 1947 (Chapter 286; 61 Stat. 400; 33 U.S.C. 873, 874).

(xi) The Act of August 3, 1956 (Chapter 932; 70 Stat. 988; 33 U.S.C. 875, 876).

(xii) All other Acts inconsistent with this subsection.

No repeal under this subparagraph shall affect any annuity or other similar benefit payable, under any provision of law so repealed, based on the separation of any individual from the NOAA Corps or its successor on or before September 30, 1998. Any authority exercised by the Secretary of Commerce or his designee with respect to any such benefits shall be exercised by the Administrator of Science, Oceans, and the Atmosphere, and any authorization of appropriations relating to those benefits, which is in effect as of September 30, 1998, shall be considered to have remained in effect.

(B) The effective date of the repeals under subparagraph (A) shall be October 1, 1998.

(C)(i) All laws relating to the retirement of commissioned officers of the Navy shall apply to commissioned officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors.

(ii) Active service of officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors who have retired from the Commissioned Officers Corps shall be deemed to be active military service in the United States Navy for purposes of all rights, privileges, immunities, and benefits provided to retired commissioned officers of the Navy by the laws and regulations of the United States and any agency thereof. In the Administration of those laws and regulations with respect to retired officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors, the authority of the Secretary of the Navy shall be exercised by the Administrator of Science, Oceans, and the Atmosphere.

(iii) For purposes of this subparagraph, the term "its predecessors" means the former Commissioned Officers Corps of the Environmental Science Services Administration and the former Commissioned Officers Corps of the Coast and Geodetic Survey.

(7) CREDITABILITY OF NOAA SERVICE FOR PURPOSES RELATING TO REDUCTIONS IN FORCE.—A commissioned officer who is separated from the active list of the National Oceanic and Atmospheric Administration or its successor because of paragraph (1) shall, for purposes of any subsequent reduction in force, receive credit for any period of service performed as such an officer before separation from such list to the same extent and in the same manner as if it had been a period of active service in the Armed Forces.

(8) ABOLITION.—The Office of the National Oceanic and Atmospheric Administration Corps of Operations or its successor and the Commissioned Personnel Center are abolished effective September 30, 1998.

(h) NOAA FLEET.—

(1) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Administrator of Science, Oceans, and the Atmosphere shall enter into contracts, including multiyear contracts, subject to paragraph (3), for the use of vessels to conduct oceanographic research and fisheries research, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Scientific, Oceanic, and Atmospheric Administration. The Administrator of Science, Oceans, and the Atmosphere shall enter into these contracts unless—

(A) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Scientific, Oceanic, and Atmospheric Administration of obtaining those services on vessels of the National Scientific, Oceanic, and Atmospheric Administration;

(B) the contract is for more than 7 years; or

(C) the data is acquired through a vessel agreement pursuant to paragraph (4).

(2) VESSELS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(3) MULTIYEAR CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), and notwithstanding section 1341 of title 31, United States Code, and section 11 of title 41, United States Code, the Administrator of Science, Oceans, and the Atmosphere may acquire data under multiyear contracts.

(B) REQUIRED FINDINGS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless such Administrator finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Administrator will request from Congress funding for the contract at the level required to avoid contract termination.

(C) REQUIRED PROVISIONS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless the contract includes—

(i) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(ii) a provision that specifies the term of effectiveness of the contract; and

(iii) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to clause (ii), the United States shall only be liable for the lesser of—

(I) an amount specified in the contract for such a termination; or

(II) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

(4) VESSEL AGREEMENTS.—The Administrator of Science, Oceans, and the Atmosphere shall use excess capacity of University National Oceanographic Laboratory System vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

(5) TRANSFER OF EXCESS VESSELS.—The Administrator of Science, Oceans, and the Atmosphere shall transfer any vessels over 1,500 gross tons that are excess to the needs of the National Scientific, Oceanic, and Atmospheric Administration to the National Defense Reserve Fleet. Notwithstanding any other provision of law, these vessels may be scrapped in accordance with section 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(i)).

(i) NATIONAL MARINE FISHERIES SERVICE.—(1) There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions that on the day before the effective date of this section were authorized by law to be performed by the National Marine Fisheries Service.

(2) Notwithstanding any other provision of law, the National Marine Fisheries Service may not affect on-land activities under the Endangered Species Act of 1973 for salmon recovery in the State of Idaho (16 U.S.C. 1531 et seq.).

(j) NATIONAL OCEAN SERVICE.—Except as otherwise provided in this title, there are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Ocean Service (including the Coastal Ocean Program).

(k) TRANSFER OF COASTAL NONPOINT POLLUTION CONTROL FUNCTIONS.—There are transferred to the Administrator of the Environmental Protection Agency the functions under section 6217 of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b) that on the day before the effective date of this section were vested in the Secretary of Commerce.

SEC. 2206. NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.

(a) ESTABLISHMENT.—There is established as an independent agency in the Executive Branch the National Scientific, Oceanic, and Atmospheric Administration (in this section referred to as the "NSOAA"). The NSOAA, and all functions and offices transferred to it under this title, shall be administered under the supervision and direction of an Administrator of Science, Oceans, and the Atmosphere. The Administrator of Science, Oceans, and the Atmosphere shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive basic pay at the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code. The Administrator of Science, Oceans, and the Atmosphere shall additionally perform the functions previously performed by the Administrator of the National Oceanic and Atmospheric Administration.

(b) PRINCIPAL OFFICER.—There shall be in the NSOAA, on the transfer of functions and offices under this title, a Director of the National Bureau of Standards, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) ADDITIONAL OFFICERS.—There shall be in the NSOAA—

(1) a Chief Financial Officer of the NSOAA, to be appointed by the President, by and with the advice and consent of the Senate;

(2) a Chief of External Affairs, to be appointed by the President, by and with the advice and consent of the Senate;

(3) a General Counsel, to be appointed by the President, by and with the advice and consent of the Senate; and

(4) an Inspector General, to be appointed in accordance with the Inspector General Act of 1978.

Each Officer appointed under this subsection shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) TRANSFER OF FUNCTIONS AND OFFICES.—Except as otherwise provided in this title, there are transferred to the NSOAA—

(1) the functions and offices of the National Oceanic and Atmospheric Administration, as provided in section 2205;

(2) the National Bureau of Standards, along with its functions and offices, as provided in section 2202; and

(3) the Office of Space Commerce, along with its functions and offices.

(e) ELIMINATION OF POSITIONS.—The Administrator of Science, Oceans, and the Atmosphere may eliminate positions that are no longer necessary because of the termination of functions under this section, section 2202, and section 2205.

(f) AGENCY TERMINATIONS.—

(1) TERMINATIONS.—On the date specified in section 2208(a), the following shall terminate:

(A) The Office of the Deputy Administrator and Assistant Secretary of the National Oceanic and Atmospheric Administration.

(B) The Office of the Deputy Under Secretary of the National Oceanic and Atmospheric Administration.

(C) The Office of the Chief Scientist of the National Oceanic and Atmospheric Administration.

(D) The position of Deputy Assistant Secretary for Oceans and Atmosphere.

(E) The position of Deputy Assistant Secretary for International Affairs.

(F) Any office of the National Oceanic and Atmospheric Administration or the National Bureau of Standards whose primary purpose is to perform high performance computing communications, legislative, personnel, public relations, budget, constituent, intergovernmental, international, policy and strategic planning, sustainable development, administrative, financial, educational, legal and coordination functions. These functions shall, as necessary, be performed only by officers described in subsection (c).

(G) The position of Associate Director of the National Institute of Standards and Technology.

(2) TERMINATION OF EXECUTIVE SCHEDULE POSITIONS.—Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for levels I through V of the Executive Schedule under sections 5312 through 5315 of title 5, United States Code, in an office terminated pursuant to this section, section 2202, and section 2205 shall also terminate.

(g) FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.—

(1) FUNDING REDUCTIONS.—Notwithstanding the transfer of functions under this subtitle, the total amount obligated or expended by the United States in performing all functions vested in the National Scientific, Oceanic, and Atmospheric Administration pursuant to this subtitle shall not exceed—

(A) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 2205 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration; and

(B) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 22045 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration.

(2) EXCEPTION.—Paragraph (1) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in paragraph (1) pursuant to this subtitle.

(3) RULE OF CONSTRUCTION.—This subsection shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(4) RESPONSIBILITY OF NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—The National Scientific, Oceanic, and Atmospheric Administration, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in subparagraphs (A) and (B) of paragraph (1).

(5) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall include in each report under sections 2105 (a) and (b) a description of actions taken to comply with the requirements of this subsection.

SEC. 2207. MISCELLANEOUS TERMINATIONS; MORATORIUM ON PROGRAM ACTIVITIES.

(a) TERMINATIONS.—The following agencies and programs of the Department of Commerce are terminated:

(1) The Minority Business Development Administration.

(2) The United States Travel and Tourism Administration.

(3) The programs and activities of the National Telecommunications and Information Administration referred to in section 2204(a).

(4) The Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n).

(5) The Manufacturing Extension Programs under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(6) The National Institute of Standards and Technology Metric Program.

(b) MORATORIUM ON PROGRAM ACTIVITIES.—The authority to make grants, enter into contracts, provide assistance, incur obligations, or provide commitments (including any enlargement of existing obligations or commitments, except if required by law) with respect to the agencies and programs described in subsection (a) is terminated effective on the date of the enactment of this title.

SEC. 2208. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle shall take effect on the abolishment date specified in section 2101(c).

(b) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—The following provisions of this subtitle shall take effect on the date of the enactment of this Act:

(1) Section 2201.

(2) Section 2205(g), except as otherwise provided in that section.

(3) Section 2207(b).

(4) This section.

Subtitle C—Office of United States Trade Representative

CHAPTER 1—GENERAL PROVISIONS

SEC. 2301. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Office" means the Office of the United States Trade Representative;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code; and

(3) the term "USTR" means the United States Trade Representative as provided for under section 2311.

CHAPTER 2—OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Subchapter A—Establishment

SEC. 2311. ESTABLISHMENT OF THE OFFICE.

(a) IN GENERAL.—The Office of the United States Trade Representative is established as an independent establishment in the executive branch of Government as defined under section 104 of title 5, United States Code. The United States Trade Representative shall be the head of the Office and shall be appointed by the President, by and with the advice and consent of the Senate.

(b) AMBASSADOR STATUS.—The USTR shall have the rank and status of Ambassador and shall represent the United States in all trade negotiations conducted by the Office.

(c) CONTINUED SERVICE OF CURRENT USTR.—The individual serving as United States Trade Representative on the date immediately preceding the effective date of this subtitle may continue to serve as USTR under subsection (a).

(d) SUCCESSOR TO THE DEPARTMENT OF COMMERCE.—The Office shall be the successor to the Department of Commerce for purposes of protocol.

SEC. 2312. FUNCTIONS OF THE USTR.

(a) IN GENERAL.—In addition to the functions transferred to the USTR by this subtitle, such other functions as the President may assign or delegate to the USTR, and such other functions as the USTR may, after the effective date of this subtitle, be required to carry out by law, the USTR shall—

(1) serve as the principal advisor to the President on international trade policy and advise the President on the impact of other policies of the United States Government on international trade;

(2) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, for developing and implementing international trade policy, including commodity matters and, to the extent related to international trade policy, direct investment matters and, in exercising such responsibility, advance and implement, as the primary mandate of the Office, the goals of the United States to—

(A) maintain United States leadership in international trade liberalization and expansion efforts;

(B) reinvigorate the ability of the United States economy to compete in international markets and to respond flexibly to changes in international competition; and

(C) expand United States participation in international trade through aggressive promotion and marketing of goods and services that are products of the United States;

(3) exercise lead responsibility for the conduct of international trade negotiations, including negotiations relating to commodity matters and, to the extent that such negotiations are related to international trade, direct investment negotiations;

(4) exercise lead responsibility for the establishment of a national export strategy, including policies designed to implement such strategy;

(5) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, issue policy

guidance to other Federal agencies on international trade, commodity, and direct investment functions to the extent necessary to assure the coordination of international trade policy;

(6) seek and promote new opportunities for United States products and services to compete in the world marketplace;

(7) assist small businesses in developing export markets;

(8) enforce the laws of the United States relating to trade;

(9) analyze economic trends and developments;

(10) report directly to the Congress—

(A) on the administration of, and matters pertaining to, the trade agreements program under the Omnibus Trade and Competitiveness Act of 1988, the Trade Act of 1974, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after this Act; and

(B) with respect to other important issues pertaining to international trade;

(11) keep each official adviser to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements who is appointed from the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives under section 161 of the Trade Act of 1974 currently informed on United States negotiating objectives with respect to trade agreements, the status of negotiations in progress with respect to such agreements, and the nature of any changes in domestic law or the administration thereof which the USTR may recommend to the Congress to carry out any trade agreement;

(12) consult and cooperate with State and local governments and other interested parties on international trade matters of interest to such governments and parties, and to the extent related to international trade matters, on investment matters, and, when appropriate, hold informal public hearings;

(13) serve as the principal advisor to the President on Government policies designed to contribute to enhancing the ability of United States industry and services to compete in international markets;

(14) develop recommendations for national strategies and specific policies intended to enhance the productivity and international competitiveness of United States industries;

(15) serve as the principal advisor to the President in identifying and assessing the consequences of any Government policies that adversely affect, or have the potential to adversely affect, the international competitiveness of United States industries and services;

(16) promote cooperation between business, labor, and Government to improve industrial performance and the ability of United States industries to compete in international markets and to facilitate consultation and communication between the Government and the private sector about domestic industrial performance and prospects and the performance and prospects of foreign competitors; and

(17) monitor and enforce foreign government compliance with international trade agreements to protect United States interests.

(b) INTERAGENCY ORGANIZATION.—The USTR shall be the chairperson of the interagency organization established under section 242 of the Trade Expansion Act of 1962.

(c) NATIONAL SECURITY COUNCIL.—The USTR shall be a member of the National Security Council.

(d) ADVISORY COUNCIL.—The USTR shall be Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies established under Executive Order 11269, issued February 14, 1966.

(e) AGRICULTURE.—(1) The USTR shall consult with the Secretary of Agriculture or the designee of the Secretary of Agriculture on all matters that potentially involve international trade in agricultural products.

(2) If an international meeting for negotiation or consultation includes discussion of international trade in agricultural products, the USTR or the designee of the USTR shall be Chairman of the United States delegation to such meeting and the Secretary of Agriculture or the designee of such Secretary shall be Vice Chairman. The provisions of this paragraph shall not limit the authority of the USTR under subsection (h) to assign to the Secretary of Agriculture responsibility for the conduct of, or participation in, any trade negotiation or meeting.

(f) TRADE PROMOTION.—The USTR shall be the chairperson of the Trade Promotion Coordinating Committee.

(g) NATIONAL ECONOMIC COUNCIL.—The USTR shall be a member of the National Economic Council established under Executive Order No. 12835, issued January 25, 1993.

(h) INTERNATIONAL TRADE NEGOTIATIONS.—Except where expressly prohibited by law, the USTR, at the request or with the concurrence of the head of any other Federal agency, may assign the responsibility for conducting or participating in any specific international trade negotiation or meeting to the head of such agency whenever the USTR determines that the subject matter of such international trade negotiation is related to the functions carried out by such agency.

Subchapter B—Officers

SEC. 2321. DEPUTY ADMINISTRATOR OF THE OFFICE.

(a) ESTABLISHMENT.—There shall be in the Office the Deputy Administrator of the Office of the United States Trade Representative, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) ABSENCE, DISABILITY, OR VACANCY OF USTR.—The Deputy Administrator of the Office of the United States Trade Representative shall act for and exercise the functions of the USTR during the absence or disability of the USTR or in the event the office of the USTR becomes vacant. The Deputy Administrator shall act for and exercise the functions of the USTR until the absence or disability of the USTR no longer exists or a successor to the USTR has been appointed by the President and confirmed by the Senate.

(c) FUNCTIONS OF DEPUTY ADMINISTRATOR.—The Deputy Administrator of the Office of the United States Trade Representative shall exercise all functions, under the direction of the USTR, transferred to or established in the Office, except those functions exercised by the Deputy United States Trade Representatives, the Director General for Export Promotion, the Inspector General, and the General Counsel of the Office, as provided by this subtitle.

SEC. 2322. DEPUTY UNITED STATES TRADE REPRESENTATIVES.

(a) ESTABLISHMENT.—There shall be in the Office 2 Deputy United States Trade Representatives, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy United States Trade Representatives shall exercise all functions under the direction of the USTR, and shall include—

(1) the Deputy United States Trade Representative for Negotiations; and

(2) the Deputy United States Trade Representative to the World Trade Organization.

(b) FUNCTIONS OF DEPUTY UNITED STATES TRADE REPRESENTATIVES.—(1) The Deputy United States Trade Representative for Negotiations shall exercise all functions transferred under section 2331 and shall have the rank and status of Ambassador.

(2) The Deputy United States Trade Representative to the World Trade Organization shall exercise all functions relating to representation to the World Trade Organization and shall have the rank and status of Ambassador.

SEC. 2323. ASSISTANT ADMINISTRATORS.

(a) ESTABLISHMENT.—There shall be in the Office 3 Assistant Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Administrators shall exercise all functions under the direction of the Deputy Administrator of the Office of the United States Trade Representative and include—

(1) the Assistant Administrator for Export Administration;

(2) the Assistant Administrator for Import Administration; and

(3) the Assistant Administrator for Trade and Policy Analysis.

(b) FUNCTIONS OF ASSISTANT ADMINISTRATORS.—(1) The Assistant Administrator for Export Administration shall exercise all functions transferred under section 2332(1)(C).

(2) The Assistant Administrator for Import Administration shall exercise all functions transferred under section 2332(1)(D).

(3) The Assistant Administrator for Trade and Policy Analysis shall exercise all functions transferred under section 2332(1)(B) and all functions transferred under section 2332(2).

SEC. 2324. DIRECTOR GENERAL FOR EXPORT PROMOTION.

(a) ESTABLISHMENT.—There shall be a Director General for Export Promotion, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The Director General for Export Promotion shall exercise, under the direction of the USTR, all functions transferred under sections 2332(1)(A) (relating to functions of the United States and Foreign Commercial Service) and 2333 and shall have the rank and status of Ambassador.

SEC. 2325. GENERAL COUNSEL.

There shall be in the Office a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the USTR concerning the activities, programs, and policies of the Office.

SEC. 2326. INSPECTOR GENERAL.

There shall be in the Office an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by section 2371(b) of this Act.

SEC. 2327. CHIEF FINANCIAL OFFICER.

There shall be in the Office a Chief Financial Officer who shall be appointed in accordance with section 901 of title 31, United States Code, as amended by section 2371(e) of this Act. The Chief Financial Officer shall perform all functions prescribed by the Deputy Administrator of the Office of the United States Trade Representative, under the direction of the Deputy Administrator.

Subchapter C—Transfers to the Office

SEC. 2331. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

There are transferred to the USTR all functions of the United States Trade Representative and the Office of the United

States Trade Representative in the Executive Office of the President and all functions of any officer or employee of such Office.

SEC. 2332. TRANSFERS FROM THE DEPARTMENT OF COMMERCE.

There are transferred to the USTR the following functions:

(1) All functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(A) The Under Secretary of Commerce for International Trade, and the Director General of the United States and Foreign Commercial Service, relating to all functions exercised by the Service.

(B) The Assistant Secretary of Commerce for International Economic Policy and the Assistant Secretary of Commerce for Trade Development.

(C) The Under Secretary of Commerce for Export Administration.

(D) The Assistant Secretary of Commerce for Import Administration.

(2) All functions of the Secretary of Commerce relating to the National Trade Data Bank.

(3) All functions of the Secretary of Commerce under the Tariff Act of 1930, the Uruguay Round Agreements Act, the Trade Act of 1974, and other trade-related Acts for which responsibility is not otherwise assigned under this subtitle.

SEC. 2333. TRADE AND DEVELOPMENT AGENCY.

There are transferred to the Director General for Export Promotion all functions of the Director of the Trade and Development Agency. There are transferred to the Office of the Director General for Export Promotion all functions of the Trade and Development Agency.

SEC. 2334. EXPORT-IMPORT BANK.

(a) IN GENERAL.—(1) There are transferred to the USTR all functions of the Secretary of Commerce relating to the Export-Import Bank of the United States.

(2) Section 3(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as follows:

"(c)(1) There shall be a Board of Directors of the Bank consisting of the United States Trade Representative (who shall serve as Chairman), the President of the Export-Import Bank of the United States (who shall serve as Vice Chairman), the first Vice President, and 2 additional persons appointed by the President of the United States, by and with the advice and consent of the Senate.".

(b) EX OFFICIO MEMBER OF EXPORT-IMPORT BANK BOARD OF DIRECTORS.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Export-Import Bank.

(c) AMENDMENTS TO RELATED BANKING AND TRADE ACTS.—Section 2301(h) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended to read as follows:

"(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The Commercial Service shall provide such services as the Director General for Export Promotion of the Office of the United States Trade Representative determines necessary to assist the Export-Import Bank of the United States to carry out the lending, loan guarantee, insurance, and other activities of the Bank.".

SEC. 2335. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) BOARD OF DIRECTORS.—The second and third sentences of section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) are amended to read as follows: "The United States Trade Representative shall be the Chairman of the Board. The Administrator of the Agency for International Development (who shall serve as Vice Chairman) shall serve on the Board.".

(b) EX OFFICIO MEMBER OF OVERSEAS PRIVATE INVESTMENT CORPORATION BOARD OF DIRECTORS.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Overseas Private Investment Corporation.

SEC. 2336. CONSOLIDATION OF EXPORT PROMOTION AND FINANCING ACTIVITIES.

(a) SUBMISSION OF PLAN.—Within 180 days after the date of the enactment of this Act, the President shall transmit to the Congress a comprehensive plan to consolidate Federal nonagricultural export promotion activities and export financing activities and to transfer those functions to the Office. The plan shall provide for—

(1) the elimination of the overlap and duplication among all Federal nonagricultural export promotion activities and export financing activities;

(2) a unified budget for Federal nonagricultural export promotion activities which eliminates funding for the areas of overlap and duplication identified under paragraph (1); and

(3) a long-term agenda for developing better cooperation between local, State and Federal programs and activities designed to stimulate or assist United States businesses in exporting nonagricultural goods or services that are products of the United States, including sharing of facilities, costs, and export market research data.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) place all Federal nonagricultural export promotion activities and export financing activities within the Office;

(2) provide clear authority for the USTR to use the expertise and assistance of other United States Government agencies;

(3) achieve an overall 25 percent reduction in the amount of funding for all Federal nonagricultural export promotion activities within 2 years after the enactment of this Act;

(4) include any functions of the Department of Commerce not transferred by this subtitle, or of other Federal departments the transfer of which to the Office would be necessary to the competitiveness of the United States in international trade; and

(5) assess the feasibility and potential savings resulting from—

(A) the consolidation of the Export-Import Bank of the United States and the Overseas Private Investment Corporation;

(B) the consolidation of the Boards of Directors of the Export-Import Bank and the Overseas Private Investment Corporation; and

(C) the consolidation of the Trade and Development Agency with the consolidations under subparagraphs (A) and (B).

(c) DEFINITION.—As used in this section, the term "Federal nonagricultural export promotion activities" means all programs or activities of any department or agency of the Federal Government (including, but not limited to, departments and agencies with representatives on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727)) that are designed to stimulate or assist United States businesses in exporting nonagricultural goods or services that are products of the United States, including trade missions.

SEC. 2337. ADDITIONAL TRADE FUNCTIONS.

(a) TERMINATION OF AUTHORIZATIONS OF APPROPRIATIONS.—

(1) NAFTA SECRETARIAT.—Section 105(b) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3315(b)) is amended by striking "each fiscal year after fiscal year 1993" and inserting "each of fiscal years 1994 and 1995".

(2) BORDER ENVIRONMENT COOPERATION COMMISSION.—Section 533(a)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473(a)(2)) is amended by striking "and each fiscal year thereafter" and inserting "fiscal year 1995".

(b) FUNCTIONS RELATED TO TEXTILE AGREEMENTS.—

(1) FUNCTIONS OF CITA.—(A) Subject to subparagraph (B), those functions delegated to the Committee for the Implementation of Textile Agreements established under Executive Order 11651 (7 U.S.C. 1854 note) (hereafter in this subsection referred to as "CITA") are transferred to the USTR.

(B) Those functions delegated to CITA that relate to the assessment of the impact of textile imports on domestic industry are transferred to the International Trade Commission. The International Trade Commission shall make a determination pursuant to the preceding sentence within 60 days after receiving a complaint or request for an investigation.

(2) ABOLITION OF CITA.—CITA is abolished.

Subchapter D—Administrative Provisions

SEC. 2341. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The USTR may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the functions of the USTR and the Office. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) POSITIONS ABOVE GS-15.—(1) At the request of the USTR, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in a grade level above GS-15 of the General Service, and in the Senior Executive Service, of a number of positions in the Office equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred by this subtitle and which were assigned and filled on the day before the effective date of this subtitle.

(2) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this subtitle and, on the day before the effective date of this subtitle, holds a position and has duties comparable to those of the position to which appointed under this subsection.

(3) The authority under this subsection with respect to any position established at a grade level above GS-15 shall terminate when the person first appointed to fill such position ceases to hold such position.

(4) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day before the effective date of this subtitle.

(c) EXPERTS AND CONSULTANTS.—The USTR may obtain the services of experts and consultants in accordance with section 3109 of

title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the maximum rate of pay for a position above GS-15 of the General Schedule under section 5332 of such title. The USTR may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(d) VOLUNTARY SERVICES.—(1)(A) The USTR is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The USTR is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The USTR is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for individuals who provide voluntary services under subparagraph (A) or (B) of paragraph (1).

(3) An individual who provides voluntary services under paragraph (1)(A) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(e) FOREIGN SERVICE POSITIONS.—In order to assure United States representation in trade matters at a level commensurate with the level of representation maintained by industrial nations which are major trade competitors of the United States, the Secretary of State shall classify certain positions at Foreign Service posts as commercial minister positions and shall assign members of the Foreign Service performing functions of the Office, with the concurrence of the USTR, to such positions in nations which are major trade competitors of the United States. The Secretary of State shall obtain and use the recommendations of the USTR with respect to the number of positions to be so classified under this subsection.

SEC. 2342. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this subtitle, the USTR may delegate any of the functions transferred to the USTR by this subtitle and any function transferred or granted to the USTR after the effective date of this subtitle to such officers and employees of the Office as the USTR may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the USTR under this section or under any other provision of this subtitle shall relieve the USTR of responsibility for the administration of such functions.

SEC. 2343. SUCCESSION.

(a) ORDER OF SUCCESSION.—Subject to the authority of the President, and except as provided in section 2321(b), the USTR shall prescribe the order by which officers of the Office who are appointed by the President, by and with the advice and consent of the Senate, shall act for, and perform the functions of, the USTR or any other officer of the Office appointed by the President, by and with the advice and consent of the Senate, during the absence or disability of the USTR or such other officer, or in the event of a vacancy in the office of the USTR or such other officer.

(b) CONTINUATION.—Notwithstanding any other provision of law, and unless the President directs otherwise, an individual acting for the USTR or another officer of the Office pursuant to subsection (a) shall continue to serve in that capacity until the absence or disability of the USTR or such other officer no longer exists or a successor to the USTR or such other officer has been appointed by the President and confirmed by the Senate.

SEC. 2344. REORGANIZATION.

(a) IN GENERAL.—Subject to subsection (b), the USTR is authorized to allocate or reallocate functions among the officers of the Office, and to establish, consolidate, alter, or discontinue such organizational entities in the Office as may be necessary or appropriate.

(b) EXCEPTION.—The USTR may not exercise the authority under subsection (a) to establish, consolidate, alter, or discontinue any organizational entity in the Office or allocate or reallocate any function of an officer or employee of the Office that is inconsistent with any specific provision of this subtitle.

SEC. 2345. RULES.

The USTR is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the USTR determines necessary or appropriate to administer and manage the functions of the USTR or the Office.

SEC. 2346. FUNDS TRANSFER.

The USTR may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Office, except that no appropriation for any fiscal year shall be either increased or decreased by more than 10 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

SEC. 2347. CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the USTR may make, enter into, and perform such contracts, leases, cooperative agreements, grants, or other similar transactions with public agencies, private organizations, and persons, and make payments (in lump sum or installments, and by way of advance or reimbursement, and, in the case of any grant, with necessary adjustments on account of overpayments and underpayments) as the USTR considers necessary or appropriate to carry out the functions of the USTR or the Office.

(b) EXCEPTION.—Notwithstanding any other provision of this subtitle, the authority to enter into contracts or to make payments under this subchapter shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. This subsection does not apply with respect to the authority granted under section 2349.

SEC. 2348. USE OF FACILITIES.

(a) USE BY USTR.—With their consent, the USTR, with or without reimbursement, may use the research, services, equipment, and facilities of—

(1) an individual,

(2) any public or private nonprofit agency or organization, including any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States,

(3) any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or

(4) any foreign government,

in carrying out any function of the USTR or the Office.

(b) USE OF USTR FACILITIES.—The USTR, under terms, at rates, and for periods that the USTR considers to be in the public interest, may permit the use by public and private agencies, corporations, associations or other organizations, or individuals, of any real property, or any facility, structure or other improvement thereon, under the custody of the USTR. The USTR may require permittees under this section to maintain or recondition, at their own expense, the real property, facilities, structures, and improvements used by such permittees.

SEC. 2349. GIFTS AND BEQUESTS.

(a) IN GENERAL.—The USTR is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed on order of the USTR. Property accepted pursuant to this subsection, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(b) TAX TREATMENT.—For the purpose of Federal income, estate, and gift taxes, and State taxes, property accepted under subsection (a) shall be considered a gift or bequest to or for the use of the United States.

(c) INVESTMENT.—Upon the request of the USTR, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in subsection (a). Income accruing from such securities, and from any other property held by the USTR pursuant to subsection (a), shall be deposited to the credit of the fund, and shall be disbursed upon order of the USTR.

SEC. 2350. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—The USTR is authorized to establish for the Office a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the USTR shall find to be desirable in the interest of economy and efficiency, including—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Office and its components;

(2) central messenger, mail, and telephone service and other communications services;

(3) office space and central services for document reproduction and for graphics and visual aids;

(4) a central library service; and

(5) such other services as may be approved by the Director of the Office of Management and Budget.

(b) OPERATION OF FUND.—The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the USTR may transfer to the fund, less the related liabilities and unpaid obligations. The fund shall be reimbursed in advance from

available funds of agencies and offices in the Office, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain the fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the USTR determines will be performed.

SEC. 2351. SERVICE CHARGES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the USTR may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance administered by the Office, and the USTR may change and abolish such fees and commissions. Before establishing, changing, or abolishing any schedule of fees or commissions under this section, the USTR may submit such schedule to the Congress.

(b) DEPOSITS.—The USTR is authorized to require a deposit before the USTR provides any item, information, service, or assistance for which a fee or commission is required under this section.

(c) DEPOSIT OF MONEYS.—Moneys received under this section shall be deposited in the Treasury in a special account for use by the USTR and are authorized to be appropriated and made available until expended.

(d) FACTORS IN ESTABLISHING FEES AND COMMISSIONS.—In establishing reasonable fees or commissions under this section, the USTR may take into account—

(1) the actual costs which will be incurred in providing the items, information, services, or assistance concerned;

(2) the efficiency of the Government in providing such items, information, services, or assistance;

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public rather than exclusively for the person to whom the items, information, services, or assistance is provided;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the USTR considers appropriate.

(e) REFUNDS OF EXCESS PAYMENTS.—In any case in which the USTR determines that any person has made a payment which is not required under this section or has made a payment which is in excess of the amount required under this section, the USTR, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 2352. SEAL OF OFFICE.

The USTR shall cause a seal of office to be made for the Office of such design as the USTR shall approve. Judicial notice shall be taken of such seal.

Subchapter E—Related Agencies

SEC. 2361. INTERAGENCY TRADE ORGANIZATION.

Section 242(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)(3)) is amended to read as follows:

"(3)(A) The interagency organization established under subsection (a) shall be composed of—

"(i) the United States Trade Representative, who shall be the chairperson,

"(ii) the Secretary of Agriculture,

"(iii) the Secretary of the Treasury,

"(iv) the Secretary of Labor,

"(v) the Secretary of State, and

"(vi) the representatives of such other departments and agencies as the United States Trade Representative shall designate.

"(B) The United States Trade Representative may invite representatives from other agencies, as appropriate, to attend particular meetings if subject matters of specific functional interest to such agencies are under consideration. It shall meet at such times and with respect to such matters as the President or the chairperson shall direct.".

SEC. 2362. NATIONAL SECURITY COUNCIL.

The fourth paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively; and

(2) by inserting after clause (4) the following new clause:

"(5) the United States Trade Representative;".

SEC. 2363. INTERNATIONAL MONETARY FUND.

Section 3 of the Bretton Woods Agreement Act is amended by adding at the end the following new subsection:

"(e) The United States executive director of the Fund shall consult with the United States Trade Representative with respect to matters under consideration by the Fund which relate to trade.".

Subchapter F—Conforming Amendments

SEC. 2371. AMENDMENTS TO GENERAL PROVISIONS.

(a) INSPECTOR GENERAL.—The Inspector General Act of 1978 is amended—

(1) in subsection 9(a)(1) by inserting after subparagraph (W) the following:

"(X) of the United States Trade Representative, all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of the Department of Commerce relating to the functions transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and"; and

(2) in section 11—

(A) in paragraph (1) by inserting "the United States Trade Representative;" after "the Attorney General;"; and

(B) in paragraph (2) by inserting "the Office of the United States Trade Representative," after "Treasury;".

(b) AMENDMENT TO THE TRADE ACT OF 1974.—(1) Chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"SEC. 141. FUNCTIONS OF THE UNITED STATES TRADE REPRESENTATIVE.

"The United States Trade Representative established under section 2311 of the Department of Commerce Dismantling Act shall—

"(1) be the chief representative of the United States for each trade negotiation under this title or chapter 1 of title III of this Act, or subtitle A of title I of the Omnibus Trade and Competitiveness Act of 1988, or any other provision of law enacted after the Department of Commerce Dismantling Act;

"(2) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agreements programs under this Act, the Omnibus Trade and Competitiveness Act of 1988, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after the Department of Commerce Dismantling Act;

"(3) advise the President and the Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs; and

"(4) be responsible for making reports to Congress with respect to the matters set forth in paragraphs (1) and (2).".

(2) The table of contents in the first section of the Trade Act of 1974 is amended by striking the items relating to chapter 4 and section 141 and inserting the following:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"Sec. 141. Functions of the United States Trade Representative.".

(d) FOREIGN SERVICE PERSONNEL.—The Foreign Service Act of 1980 is amended by striking paragraph (3) of section 202(a) (22 U.S.C. 3922(a)) and inserting the following:

"(3) The United States Trade Representative may utilize the Foreign Service personnel system in accordance with this Act—

"(A) with respect to the personnel performing functions—

"(i) which were transferred to the Department of Commerce from the Department of State by Reorganization Plan No. 3 of 1979; and

"(ii) which were subsequently transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and

"(B) with respect to other personnel of the Office of United States Trade Representative to the extent the President determines to be necessary in order to enable the Office of the United States Trade Representative to carry out functions which require service abroad.".

(e) CHIEF FINANCIAL OFFICERS.—Section 901(b)(1) of title 31, United States Code, is amended by adding at the end the following:

"(Q) The Office of the United States Trade Representative.".

SEC. 2372. REPEALS.

Sections 1 and 2 of the Act of June 5, 1939 (15 U.S.C. 1502 and 1503; 53 Stat. 808), relating to the Under Secretary of Commerce, are repealed.

SEC. 2373. CONFORMING AMENDMENTS RELATING TO EXECUTIVE SCHEDULE POSITIONS.

(a) POSITIONS AT LEVEL I.—Section 5312 of title 5, United States Code, is amended by amending the item relating to the United States Trade Representative to read as follows:

"United States Trade Representative, Office of the United States Trade Representative.".

(b) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Administrator of the Office of the United States Trade Representative.

"Deputy United States Trade Representatives, Office of the United States Trade Representative (2).".

(c) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Administrators, Office of the United States Trade Representative (3).

"Director General for Export Promotion, Office of the United States Trade Representative.".

(d) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Secretary of Commerce and Director

General of the United States and Foreign Commercial Service; and

(2) by adding at the end the following:

"General Counsel, Office of the United States Trade Representative.

"Inspector General, Office of the United States Trade Representative.

"Chief Financial Officer, Office of the United States Trade Representative.".

Subchapter G—Miscellaneous

SEC. 2381. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall take effect on the effective date specified in section 2208(a), except that—

(1) section 2336 shall take effect on the date of the enactment of this Act; and

(2) at any time after the date of the enactment of this Act the officers provided for in subchapter B may be nominated and appointed, as provided in such subchapter.

(b) INTERIM COMPENSATION AND EXPENSES.—Funds available to the Department of Commerce or the Office of the United States Trade Representative (or any official or component thereof), with respect to the functions transferred by this subtitle, may be used, with approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (a) who will carry out such functions until funds for that purpose are otherwise available.

SEC. 2382. INTERIM APPOINTMENTS.

(a) IN GENERAL.—If one or more officers required by this subtitle to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this subtitle and notwithstanding any other provision of law, the President may designate any officer who was appointed by and with the advice and consent of the Senate, and who was such an officer on the day before the effective date of this subtitle, to act in the office until it is filled as provided by this subtitle.

(b) COMPENSATION.—Any officer acting in an office pursuant to subsection (a) shall receive compensation at the rate prescribed by this subtitle for such office.

SEC. 2383. FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.

(a) FUNDING REDUCTIONS.—Notwithstanding the transfer of functions under this subtitle, and except as provided in subsection (b), the total amount appropriated by the United States in performing all functions vested in the USTR and the Office pursuant to this subtitle shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions.

(b) EXCEPTION.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) RULE OF CONSTRUCTION.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) RESPONSIBILITY OF USTR.—The USTR, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in paragraph (1) and (2) of subsection (a).

(e) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall include in each report under sections 2105(a) and (b) a description of actions taken to comply with the requirements of this section.

Subtitle D—Patent and Trademark Office Corporation

SEC. 2401. SHORT TITLE.

This subtitle may be cited as the "Patent and Trademark Office Corporation Act of 1995".

CHAPTER 1—PATENT AND TRADEMARK OFFICE

SEC. 2411. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE AS A CORPORATION.

Section 1 of title 35, United States Code, is amended to read as follows:

"§ 1. Establishment

"(a) ESTABLISHMENT.—The Patent and Trademark Office is established as a wholly owned Government corporation subject to chapter 91 of title 31, except as otherwise provided in this title.

"(b) OFFICES.—The Patent and Trademark Office shall maintain an office in the District of Columbia, or the metropolitan area thereof, for the service of process and papers and shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located. The Patent and Trademark Office may establish offices in such other places as it considers necessary or appropriate in the conduct of its business.

"(c) REFERENCE.—For purposes of this title, the Patent and Trademark Office shall also be referred to as the 'Office'.".

SEC. 2412. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

"§ 2. Powers and Duties

"(a) IN GENERAL.—The Patent and Trademark Office shall be responsible for—

"(1) the granting and issuing of patents and the registration of trademarks;

"(2) conducting studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law or the administration of the Office, including programs to recognize, identify, assess, and forecast the technology of patented inventions and their utility to industry;

"(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

"(4) disseminating to the public information with respect to patents and trademarks.

"(b) SPECIFIC POWERS.—The Office—

"(1) shall have perpetual succession;

"(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

"(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, subject to the provisions of section 8 of this title;

"(4) may indemnify the Commissioner of Patents and Trademarks, and other officers, attorneys, agents, and employees (including members of the Management Advisory Board established in section 5) of the Office for liabilities and expenses incurred within the scope of their employment;

"(5) may adopt, amend, and repeal bylaws, rules, and regulations, governing the manner in which its business will be conducted and the powers granted to it by law will be exercised;

"(6) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

"(7)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

"(8) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

"(9) may obtain from the Administrator of General Services such services as the Administrator is authorized to provide to other agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

"(10) may use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform functions on its behalf;

"(11) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946');

"(12) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office, in carrying out the functions of the Office, including for research and development and capital investment, subject to the provisions of section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note);

"(13) shall have the priority of the United States with respect to the payment of debts from bankrupt, insolvent, and decedents' estates;

"(14) may accept monetary gifts or donations of services, or of real, personal, or mixed property, in order to carry out the functions of the Office;

"(15) may execute, in accordance with its bylaws, rules, and regulations, all instruments necessary and appropriate in the exercise of any of its powers;

"(16) may provide for liability insurance and insurance against any loss in connection

with its property, other assets, or operations either by contract or by self-insurance; and

"(17) shall pay any settlement or judgment entered against it from the funds of the Office and not from amounts available under section 1304 of title 31.".

SEC. 2413. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

"§ 3. Officers and employees

"(a) COMMISSIONER.—

"(1) IN GENERAL.—The management of the Patent and Trademark Office shall be vested in a Commissioner of Patents and Trademarks (hereafter in this title referred to as the 'Commissioner'), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent and trademark law, is especially qualified to manage the Office.

"(2) DUTIES.—

"(A) IN GENERAL.—The Commissioner shall be responsible for the management and direction of the Office, including the issuance of patents and the registration of trademarks.

"(B) ADVISING THE PRESIDENT.—The Commissioner shall advise the President of all activities of the Patent and Trademark Office undertaken in response to obligations of the United States under treaties and executive agreements, or which relate to cooperative programs with those authorities of foreign governments that are responsible for granting patents or registering trademarks. The Commissioner shall also recommend to the President changes in law or policy which may improve the ability of United States citizens to secure and enforce patent rights or trademark rights in the United States or in foreign countries.

"(C) CONSULTING WITH THE MANAGEMENT ADVISORY BOARD.—The Commissioner shall consult with the Management Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Patent and Trademark Office, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations.

"(D) SECURITY CLEARANCES.—The Commissioner, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances.

"(3) TERM.—The Commissioner shall serve a term of 5 years, and may continue to serve after the expiration of the Commissioner's term until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

"(4) OATH.—The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Office.

"(5) COMPENSATION.—The Commissioner shall receive compensation at the rate of pay in effect for Level III of the Executive Schedule under section 5314 of title 5.

"(6) REMOVAL.—The Commissioner may be removed from office by the President only for cause.

"(7) DESIGNEE OF COMMISSIONER.—The Commissioner shall designate an officer of the Office who shall be vested with the authority to act in the capacity of the Commissioner in the event of the absence or incapacity of the Commissioner.

"(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

"(1) DEPUTY COMMISSIONERS.—The Commissioner shall appoint a Deputy Commissioner for Patents and a Deputy Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Deputy Commissioner for Patents shall be a person with demonstrated experience in patent law and the Deputy Commissioner for Trademarks shall be a person with demonstrated experience in trademark law. The Deputy Commissioner for Patents and the Deputy Commissioner for Trademarks shall be the principal policy advisors to the Commissioner on all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively.

"(2) OTHER OFFICERS AND EMPLOYEES.—The Commissioner shall—

"(A) appoint an Inspector General and such other officers, employees (including attorneys), and agents of the Office as the Commissioner considers necessary to carry out its functions;

"(B) fix the compensation of such officers and employees; and

"(C) define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Commissioner may determine.

The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation, except to the extent otherwise specifically provided by statute with respect to the Office.

"(c) LIMITS ON COMPENSATION.—Except as otherwise provided in this title or any other provision of law, the basic pay of an officer or employee of the Office for any calendar year may not exceed the annual rate of basic pay in effect for level IV of the Executive Schedule under section 5315 of title 5. The Commissioner shall by regulation establish a limitation on the total compensation payable to officers or employees of the Office, which may not exceed the annual rate of basic pay in effect for level I of the Executive Schedule under section 5312 of title 5.

"(d) INAPPLICABILITY OF TITLE 5 GENERALLY.—Except as otherwise provided in this section, officers and employees of the Office shall not be subject to the provisions of title 5 relating to Federal employees.

"(e) CONTINUED APPLICABILITY OF CERTAIN PROVISION OF TITLE 5.—The following provisions of title 5 shall apply to the Office and its officers and employees:

"(1) Section 3110 (relating to employment of relatives; restrictions).

"(2) Subchapter II of chapter 55 (relating to withholding pay).

"(3) Subchapter II of chapter 73 (relating to employment limitations).

"(f) PROVISIONS OF TITLE 5 RELATING TO CERTAIN BENEFITS.—

"(1) RETIREMENT.—(A)(i) Any individual who becomes an officer or employee of the Office pursuant to subsection (h) shall, if such individual has at least 3 years of creditable service (within the meaning of section 8332 or 8411 of title 5) as of the effective date of the Patent and Trademark Office Corporation Act of 1995, remain subject to subchapter III of chapter 83 or chapter 84 of such title, as the case may be, so long as such individual continues to hold an office or position in or under the Office without a break in service.

"(ii)(I) Except as provided in subclause (II), with respect to an individual described in clause (i), the Office shall make the appropriate withholding from pay and shall pay the contributions required of an employing agency into the Civil Service Retirement and Disability Fund and, if applicable, the Thrift Savings Fund in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, as the case may be.

"(II) In the case of an officer or employee who remains subject to subchapter III of chapter 83 of such title by virtue of this subparagraph, the Office shall, instead of the amount which would otherwise be required under the second sentence of section 8334(a)(1) of title 5, contribute an amount equal to the normal-cost percentage (determined with respect to officers and employees of the Office using dynamic assumptions, as defined by section 8401(9) of such title) of the individual's basic pay, minus the amount required to be withheld from such pay under such section 8334(a)(1).

"(B)(i) Notwithstanding subsection (d), the provisions of subchapter III of chapter 83 or chapter 84 of title 5 (as applicable) which relate to disability shall be considered to remain in effect, with respect to an individual who becomes an officer or employee of the Office pursuant to subsection (h), until the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 or, if earlier, until such individual satisfies the prerequisites for coverage under any program offered by the Office to replace the disability retirement program under chapter 83 or 84 of title 5.

"(ii) This clause applies with respect to any officer or employee of the Office who is receiving disability coverage under this subparagraph and has completed the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of title 5 (as applicable), but who is not described in subparagraph (A)(i). In the case of any individual to whom this clause applies, the Office shall pay into the Civil Service Retirement and Disability Fund an amount equal to that portion of the normal-cost percentage (determined in the same manner as under subparagraph (A)(ii)(II)) of the basic pay of such individual (for service performed during the period during which such individual is receiving such coverage) allocable to such coverage. Any amounts payable under this clause shall be paid at such time and in such manner as mutually agreed to by the Office and the Office of Personnel Management, and shall be in lieu of any individual or agency contributions otherwise required.

"(2) HEALTH BENEFITS.—(A) Officers and employees of the Office shall not become ineligible to participate in the health benefits program under chapter 89 of title 5 by reason of subsection (d) until the effective date of elections made during the first election period (under section 8905(f) of title 5) beginning after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(B)(i) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the eligibility of such individual to participate in such program as an annuitant (or of any other person to participate in such program as an annuitant based on the death of such individual) shall be determined disregarding the requirements of section 8905(b) of title 5. The preceding sentence shall not apply if the individual ceases to be an officer or employee of the Office for any period of time after becoming an officer or employee of the Office

pursuant to subsection (h) and before separation.

"(ii) The Government contributions authorized by section 8906 for health benefits for anyone participating in the health benefits program pursuant to this subparagraph shall be made by the Office in the same manner as provided under section 8906(g)(2) of title 5 with respect to the United States Postal Service for individuals associated therewith.

"(iii) For purposes of this subparagraph, the term 'annuitant' has the meaning given such term by section 8901(3) of title 5.

"(3) LIFE INSURANCE.—(A) Officers and employees of the Office shall not become ineligible to participate in the life insurance program under chapter 87 of title 5 by reason of subsection (d) until the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(B)(i) Eligibility for life insurance coverage after retirement or while in receipt of compensation under subchapter I of chapter 81 of title 5 shall be determined, in the case of any individual who becomes an officer or employee of the Office pursuant to subsection (h), without regard to the requirements of section 8706(b) (1) or (2), but subject to the condition specified in the last sentence of paragraph (2)(B)(i) of this subsection.

"(ii) Government contributions under section 8708(d) on behalf of any such individual shall be made by the Office in the same manner as provided under paragraph (3) thereof with respect to the United States Postal Service for individuals associated therewith.

"(4) EMPLOYEES' COMPENSATION FUND.—The Office shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, for compensation paid or payable after the effective date of the Patent and Trademark Office Corporation Act of 1995 in accordance with chapter 81 of title 5 with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

"(5) REQUIREMENT THAT THE OFFICE OFFER CERTAIN MINIMUM NUMBER OF LIFE AND HEALTH INSURANCE POLICIES.—The Office shall offer at least 1 life insurance policy and at least 3 health insurance policies to its officers and employees, comparable to existing Federal benefits, beginning on the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

"(g) LABOR-MANAGEMENT RELATIONS.—

"(1) LABOR RELATIONS AND EMPLOYEE RELATIONS PROGRAMS.—The Office shall develop labor relations and employee relations programs with the objective of improving productivity and efficiency, incorporating the following principles:

"(A) Such programs shall be consistent with the merit principles in section 2301(b) of title 5.

"(B) Such programs shall provide veterans preference protections equivalent to those established by sections 2801, 3308–3318, and 3320 of title 5.

"(C)(i) In order to maximize individual freedom of choice in the pursuit of employment and to encourage an economic climate conducive to economic growth, the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

"(ii) No person shall be required, as a condition of employment or continuation of employment:

"(I) To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization.

"(II) To become or remain a member of a labor organization.

"(III) To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization.

"(IV) To pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization.

"(V) To be recommended, approved, referred, or cleared by or through a labor organization.

"(iii) This subparagraph shall not apply to a person described in section 7103(a)(2)(v) of title 5 or a 'supervisor', 'management official', or 'confidential employee' as those terms are defined in 7103(a)(10), (11), and (13) of such title.

"(iv) Any labor organization recognized by the Office as the exclusive representative of a unit of employees of the Office shall represent the interests of all employees in that unit without discrimination and without regard to labor organization membership.

"(2) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, with respect to such Office (as then in effect). Each such agreement shall remain in effect for the 2-year period commencing on such date, unless the agreement provides for a shorter duration or the parties agree otherwise before such period ends.

"(h) CARRYOVER OF PERSONNEL.—

"(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Corporation Act of 1995, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office, without a break in service.

"(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office if—

"(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

"(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent's work time, as determined by the Secretary of Commerce; or

"(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Commissioner of Patents and Trademarks.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

"(3) ACCUMULATED LEAVE.—The amount of sick and annual leave and compensatory time accumulated under title 5 before the effective date described in paragraph (1), by officers or employees of the Patent and Trademark Office who so become officers or employees of the Office, are obligations of the Office.

"(4) TERMINATION RIGHTS.—Any employee referred to in paragraph (1) or (2) of this subsection whose employment with the Office is terminated during the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 shall be entitled to rights and benefits, to be afforded by the Office, similar to those such employee would have had under Federal law if termination had occurred immediately before such date. An employee who would have been entitled to appeal any such termination to the Merit Systems Protection Board, if such termination had occurred immediately before such effective date, may appeal any such termination occurring within this 2-year period to the Board under such procedures as it may prescribe.

"(5) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Commissioner of Patents and Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Commissioner until the earlier of 1 year after the effective date of that Act or the date on which a Commissioner is appointed under subsection (a).

"(B) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner for Patents until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Patents is appointed under subsection (b).

"(C) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner for Trademarks until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Trademarks is appointed under subsection (b).

"(i) COMPETITIVE STATUS.—For purposes of appointment to a position in the competitive service for which an officer or employee of the Office is qualified, such officer or employee shall not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Corporation Act of 1995, by reason of becoming an officer or employee of the Office pursuant to subsection (h).

"(j) SAVINGS PROVISIONS.—All orders, determinations, rules, and regulations regarding compensation and benefits and other terms and conditions of employment, in effect for the Office and its officers and employees immediately before the effective date of the Patent and Trademark Office Corporation Act of 1995, shall continue in effect with respect to the Office and its officers and employees until modified, superseded, or set aside by the Office or a court of appropriate jurisdiction or by operation of law.".

SEC. 2414. MANAGEMENT ADVISORY BOARD.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

"§ 5. Patent and Trademark Office Management Advisory Board

"(a) ESTABLISHMENT OF MANAGEMENT ADVISORY BOARD.—

"(1) APPOINTMENT.—The Patent and Trademark Office shall have a Management Advisory Board (hereafter in this title referred to as the 'Board') of 12 members, 4 of whom shall be appointed by the President, 4 of whom shall be appointed by the Speaker of the House of Representatives, and 4 of whom shall be appointed by the President pro tempore of the Senate. Not more than 3 of the 4

members appointed by each appointing authority shall be members of the same political party.

"(2) TERMS.—Members of the Board shall be appointed for a term of 4 years each, except that of the members first appointed by each appointing authority, 1 shall be for a term of 1 year, 1 shall be for a term of 2 years, and 1 shall be for a term of 3 years. No member may serve more than 1 term.

"(3) CHAIR.—The President shall designate the chair of the Board, whose term as chair shall be for 3 years.

"(4) TIMING OF APPOINTMENTS.—Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Corporation Act of 1995, and vacancies shall be filled within 3 months after they occur.

"(5) VACANCIES.—Vacancies shall be filled in the manner in which the original appointment was made under this subsection. Members appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor is appointed.

"(b) BASIS FOR APPOINTMENTS.—Members of the Board shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the Patent and Trademark Office, and shall include individuals with substantial background and achievement in corporate finance and management.

"(c) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of the Board shall be special Government employees within the meaning of section 202 of title 18.

"(d) MEETINGS.—The Board shall meet at the call of the chair to consider an agenda set by the chair.

"(e) DUTIES.—The Board shall—

"(1) review the policies, goals, performance, budget, and user fees of the Patent and Trademark Office, and advise the Commissioner on these matters; and

"(2) within 60 days after the end of each fiscal year, prepare an annual report on the matters referred to in paragraph (1), transmit the report to the President and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette.

"(f) STAFF.—The Board shall employ a staff of not more than 10 members and shall procure support services for the staff adequate to enable the Board to carry out its functions, using funds available to the Commissioner under section 42 of this title. The Board shall ensure that members of the staff, other than clerical staff, are especially qualified in the areas of patents, trademarks, or management of public agencies. Persons employed by the Board shall receive compensation as determined by the Board, which may not exceed the limitations set forth in section 3(c) of this title, shall serve in accordance with terms and conditions of employment established by the Board, and shall be subject solely to the direction of the Board, notwithstanding any other provision of law.

"(g) COMPENSATION.—Members of the Board shall be compensated for each day (including travel time) during which they are attending meetings or conferences of the Board or otherwise engaged in the business of the Board, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(h) ACCESS TO INFORMATION.—Members of the Board shall be provided access to records and information in the Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122 of this title.".

SEC. 2415. INDEPENDENCE FROM DEPARTMENT OF COMMERCE.

(a) DUTIES OF COMMISSIONER.—Section 6 of title 35, United States Code, is amended—

(1) by striking ", under the direction of the Secretary of Commerce," each place it appears; and

(2) by striking ", subject to the approval of the Secretary of Commerce,".

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, is amended by striking ", subject to the approval of the Secretary of Commerce,".

SEC. 2416. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067) is amended to read as follows:

"SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

"(b) The Trademark Trial and Appeal Board shall include the Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and members competent in trademark law who are appointed by the Commissioner.".

SEC. 2417. BOARD OF PATENT APPEALS AND INTERFERENCES.

Section 7 of title 35, United States Code, is amended to read as follows:

"§ 7. Board of Patent Appeals and Interferences

"(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Patent and Trademark Office a Board of Patent Appeals and Interferences. The Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

"(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title. Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.".

SEC. 2418. SUITS BY AND AGAINST THE CORPORATION.

Chapter 1 of part I of title 35, United States Code, is amended—

(1) by redesignating sections 8 through 14 as sections 9 through 15; and

(2) by inserting after section 7 the following new section:

"§ 8. Suits by and against the Corporation

"(a) IN GENERAL.—

"(1) ACTIONS UNDER UNITED STATES LAW.—Any civil action or proceeding to which the Patent and Trademark Office is a party is deemed to arise under the laws of the United States. The Federal courts shall have exclusive jurisdiction over all civil actions by or against the Office.

"(2) CONTRACT CLAIMS.—Any action or proceeding against the Office in which any claim is cognizable under the Contract Disputes Act of 1978 (41 U.S.C. 601 and following) shall be subject to that Act. For purposes of that Act, the Commissioner shall be deemed to be the agency head with respect to contract claims arising with respect to the Office. Any other action or proceeding against the Office founded upon contract may be brought in an appropriate district court, notwithstanding any provision of title 28.

"(3) TORT CLAIMS.—(A) Any action or proceeding against the Office in which any claim is cognizable under the provisions of section 1346(b) and chapter 171 of title 28, shall be governed by those provisions.

"(B) Any other action or proceeding against the Office founded upon tort may be brought in an appropriate district court without regard to the provisions of section 1346(b) and chapter 171 of title 28.

"(4) PROHIBITION ON ATTACHMENT, LIENS, ETC.—No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Office.

"(5) SUBSTITUTION OF OFFICE AS PARTY.—The Office shall be substituted as defendant in any civil action or proceeding against an officer or employee of the Office, if the Office determines that the officer or employee was acting within the scope of his or her employment with the Office. If the Office refuses to certify scope of employment, the officer or employee may at any time before trial petition the court to find and certify that the officer or employee was acting within the scope of his or her employment. Upon certification by the court, the Office shall be substituted as the party defendant. A copy of the petition shall be served upon the Office. In any such civil action or proceeding to which paragraph (3)(A) applies, the provisions of section 1346(b) and chapter 171 of title 28 shall apply in lieu of this paragraph.

"(b) RELATIONSHIP WITH JUSTICE DEPARTMENT.—

"(1) EXERCISE BY OFFICE OF ATTORNEY GENERAL'S AUTHORITIES.—Except as provided in this section, with respect to any action or proceeding in which the Office is a party or an officer or employee thereof is a party in his or her official capacity, the Office, officer, or employee may exercise, without prior authorization from the Attorney General, the authorities and duties that otherwise would be exercised by the Attorney General on behalf of the Office, officer, or employee under title 28 and other laws.

"(2) APPEARANCES BY ATTORNEY GENERAL.—Notwithstanding paragraph (1), at any time the Attorney General may, in any action or proceeding described in paragraph (1), file an appearance on behalf of the Office or the officer or employee involved, without the consent of the Office or the officer or employee. Upon such filing, the Attorney General shall represent the Office or such officer or employee with exclusive authority in the conduct, settlement, or compromise of that action or proceeding.

"(3) CONSULTATIONS WITH AND ASSISTANCE BY ATTORNEY GENERAL.—The Office may consult with the Attorney General concerning any legal matter, and the Attorney General

shall provide advice and assistance to the Office, including representing the Office in litigation, if requested by the Office.

"(4) REPRESENTATION BEFORE SUPREME COURT.—The Attorney General shall represent the Office in all cases before the United States Supreme Court.

"(5) QUALIFICATIONS OF ATTORNEYS.—An attorney admitted to practice to the bar of the highest court of at least one State in the United States or the District of Columbia and employed by the Office may represent the Office in any legal proceeding in which the Office or an officer or employee of the Office is a party or interested, regardless of whether the attorney is a resident of the jurisdiction in which the proceeding is held and notwithstanding any other prerequisites of qualification or appearance required by the court or administrative body before which the proceeding is conducted.".

SEC. 2419. ANNUAL REPORT OF COMMISSIONER.

Section 15 of title 35, United States Code, as redesignated by section 2418 of this Act, is amended to read as follows:

"§ 15. Annual report to Congress

"The Commissioner shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, and other information relating to the Office. The report under this section shall also meet the requirements of section 9106 of title 31, to the extent that such requirements are not inconsistent with the preceding sentence. The report required under this section shall be deemed to be the report of the Patent and Trademark Office under section 9106 of title 31, and the Commissioner shall not file a separate report under such section.".

SEC. 2420. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: "The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the Patent and Trademark Office to conduct the hearing required by this section.".

SEC. 2421. FUNDING.

Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Patent and Trademark Office funding

"(a) FEES PAYABLE TO THE OFFICE.—All fees for services performed by or materials furnished by the Patent and Trademark Office shall be payable to the Office.

"(b) USE OF MONEYS.—Moneys of the Patent and Trademark Office not otherwise used to carry out the functions of the Office shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed by the United States, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds. Fees available to the Commissioner under this title shall be used exclusively for the processing of patent applications and for other services and materials relating to patents. Fees available to the Commissioner under section 31 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1113), shall be used exclusively for the processing of trademark registrations and for other services and materials relating to trademarks.

"(c) BORROWING AUTHORITY.—The Patent and Trademark Office is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evidences of indebtedness (hereafter in this subsection referred to as 'obligations') to assist in financing its activities. Borrowing under this subsection shall be subject to prior approval in appropriation Acts. Such borrowing shall not exceed amounts approved in appropriation Acts. Any such borrowing shall be repaid only from fees paid to the Office and surcharges appropriated by the Congress. Such obligations shall be redeemable at the option of the Office before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Office with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Office issued under this subsection and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the purchase price of such obligations of the Patent and Trademark Office shall be treated as public debt transactions of the United States.".

SEC. 2422. AUDITS.

Chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new section:

"§ 43. Audits

"(a) IN GENERAL.—Financial statements of the Patent and Trademark Office shall be prepared on an annual basis in accordance with generally accepted accounting principles. Such statements shall be audited by an independent certified public accountant chosen by the Commissioner. The audit shall be conducted in accordance with standards that are consistent with generally accepted Government auditing standards and other standards established by the Comptroller General, and with the generally accepted auditing standards of the private sector, to the extent feasible. The Commissioner shall transmit to the Committees on the Judiciary of the House of Representatives and the Senate the results of each audit under this subsection.

"(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General may review any audit of the financial statement of the Patent and Trademark Office that is conducted under subsection (a). The Comptroller General shall report to the Congress and the Office the results of any such review and shall include in such report appropriate recommendations.

"(c) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General may audit the financial statements of the Office and such audit shall be in lieu of the audit required by subsection (a). The Office shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

"(d) ACCESS TO OFFICE RECORDS.—All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

"(e) APPLICABILITY IN LIEU OF TITLE 31 PROVISIONS.—This section applies to the Office in lieu of the provisions of section 9105 of title 31.".

SEC. 2423. TRANSFERS.

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this Act, there are transferred to, and vested in, the Patent and Trademark Office all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in the officers or components in the Department of Commerce with respect to the authority to grant patents and register trademarks, and in the Patent and Trademark Office, as in effect on the day before the effective date of this subtitle, and in the officers and components of such Office.

(b) TRANSFER OF FUNDS AND PROPERTY.—The Secretary of Commerce shall transfer to the Patent and Trademark Office, on the effective date of this subtitle, so much of the assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Commerce, including funds set aside for accounts receivable which are related to functions, powers, and duties which are vested in the Patent and Trademark Office by this subtitle.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

SEC. 2431. EFFECTIVE DATE.

This subtitle shall take effect 6 months after the date of the enactment of this Act.

SEC. 2432. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—

(1) The table of contents for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

"1. Establishment, Officers and Employees, Functions ..... 1."

(2) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

"Sec.
"1. Establishment.
"2. Powers and duties.
"3. Officers and employees.
"4. Restrictions on officers and employees as to interest in patents.
"5. Patent and Trademark Office Management Advisory Board.
"6. Duties of Commissioner.
"7. Board of Patent Appeals and Interferences.
"8. Suits by and against the Corporation.
"9. Library.
"10. Classification of patents.
"11. Certified copies of records.
"12. Publications.
"13. Exchange of copies of patents with foreign countries.
"14. Copies of patents for public libraries.
"15. Annual report to Congress.".

(3) The table of contents for chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new item:

"43. Audits.".

(b) OTHER PROVISIONS OF LAW.—

(1) Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(O) the Patent and Trademark Office.".

(2) Section 500(e) of title 5, United States Code, is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(3) Section 5102(c)(23) of title 5, United States Code, is amended by striking ", Department of Commerce".

(4) Section 5316 of title 5, United States Code, is amended by striking "Commissioner of Patents, Department of Commerce.", "Deputy Commissioner of Patents and Trademarks.", "Assistant Commissioner for Patents.", and "Assistant Commissioner for Trademarks.".

(5) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking "(d) Patent and Trademark Office;" and redesignating subsections (a) through (g) as paragraphs (1) through (6), respectively.

(6) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(7) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking "of the Department of Commerce".

(8) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(9) Section 1744 of title 28, United States Code is amended—

(A) by striking "Patent Office" each place it appears and inserting "Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(10) Section 1745 of title 28, United States Code, is amended by striking "United States Patent Office" and inserting "Patent and Trademark Office".

(11) Section 1928 of title 28, United States Code, is amended by striking "Patent Office" and inserting "Patent and Trademark Office".

(12) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended—

(A) by striking "United States Patent Office" and inserting "Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(13) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(14) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking "Commissioner of the Patent Office" and inserting "Commissioner of Patents and Trademarks".

(15) Section 1111 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(16) Section 1114 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(17) Section 1123 of title 44, United States Code, is amended by striking "the Patent Office,".

(18) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(19) Section 10(i) of the Trading With the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of Patents and Trademarks".

(20) Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the Patent and Trademark Office,", after "the Panama Canal Commission,".

Subtitle E—Miscellaneous Provisions

SEC. 2501. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this title—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

SEC. 2502. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this title may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this title.

SEC. 2503. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, the United States Trade Representative, any officer or employee of any office transferred by this title, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this title, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This title shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office transferred by this title, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS.—This title shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this title, shall abate by reason of the enactment of this title.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this title shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this title.

SEC. 2504. TRANSFER OF ASSETS.

Except as otherwise provided in this title, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this title shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 2505. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this title, an official to whom functions are transferred under this title (including the head of any office to which functions are transferred under this title) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this title shall relieve the official to whom a function is transferred under this title of responsibility for the administration of the function.

SEC. 2506. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) DETERMINATIONS.—If necessary, the Director shall make any determination of the functions that are transferred under this title.

(b) INCIDENTAL TRANSFERS.—The Director, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 2507. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this title, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 2508. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this title shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 2509. DEFINITIONS.

For purposes of this title—

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term 'office' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

Subtitle F—Citizens Commission on 21st Century Government

SEC. 2601. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the "21st Century Government Act".

(b) PURPOSE.—The purpose of this subtitle is to establish a bipartisan commission to—

(1) identify and analyze the current functions and missions of the Federal Government; and

(2) based on that analysis, develop recommendations to restructure the executive branch of the Federal Government, in order to—

(A) focus Federal efforts on those core functions and missions that the Federal Government must perform in the 21st Century;

(B) ensure that the Federal Government performs those functions as effectively and efficiently as possible;

(C) consolidate executive organizations around clear, specific missions reflecting current national priorities;

(D) eliminate functions that do not advance current national priorities;

(E) eliminate duplication of functions and activities within and among departments and agencies;

(F) streamline organizational hierarchy so as to reduce costs and increase accountability for performance; and

(G) provide a basis for—

(i) the subsequent implementation of operational reforms for Federal agencies, including administrative consolidation and the provision of 1-stop services for citizens; and

(ii) more detailed structural improvements within each agency.

SEC. 2602. CITIZENS COMMISSION ON 21ST CENTURY GOVERNMENT.

(a) ESTABLISHMENT.—There is established in the legislative branch an independent commission to be known as the Citizens Commission on 21st Century Government (in this subtitle referred to as the "Commission").

(b) APPOINTMENT OF COMMISSIONERS.—

(1) COMPOSITION.—The Commission shall be a bipartisan body composed of 11 members, who shall be appointed as follows:

(A) Three members shall be appointed by the Speaker of the House of Representatives.

(B) Three members shall be appointed by the majority leader of the Senate.

(C) Two members shall be appointed by the minority leader of the House of Representatives.

(D) Two members shall be appointed by the minority leader of the Senate.

(E) One member appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leaders of the House of Representatives and the Senate, who shall be the Chairman of the Commission.

(2) MEMBERSHIP QUALIFICATIONS.—Any citizen of the United States is eligible to be appointed as a member of the Commission, except an individual serving as a Member of Congress or an elected or appointed official of the executive branch of the Federal Government.

(3) CONFLICT OF INTERESTS.—For purposes of chapter 11 of title 18, United States Code, a member of the Commission shall be a special Government employee.

(4) DATE OF APPOINTMENTS.—All members of the Commission shall be appointed no later than 30 days after the date of the enactment of this Act.

(c) TERMS.—Each member of the Commission shall serve until the termination of the Commission.

(d) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(e) MEETINGS.—The Commission shall meet as necessary to carry out its responsibilities.

(f) TRAVEL EXPENSES.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) DIRECTOR.—

(1) APPOINTMENT.—The Chairman, in consultation with the other members of the Commission, shall appoint a Director of the Commission.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) STAFF.—

(1) APPOINTMENT.—The Director may, with the approval of the Chairman, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAIL.—(A) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle. Such details may be made with or without reimbursement, and shall be without interruption or loss of civil service status or privilege.

(B) Upon request of the Director, a Member of Congress or an officer who is the head of an office or committee of the Senate or House of Representatives or of an agency within the legislative branch may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this subtitle.

(i) SUPPORT SERVICES.—The Comptroller General of the United States shall provide support services to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITIES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission $1,250,000 for fiscal year 1996 to carry out its responsibilities under this subtitle, to remain available until December 31, 1996.

(l) TERMINATION.—The Commission shall terminate December 31, 1996.

SEC. 2603. DEPARTMENT AND AGENCY COOPERATION.

All Federal agencies and employees of all Federal agencies shall cooperate fully with all requests for information from the Commission and shall respond to any such request for information within 30 days or such other time as is agreed upon by the requesting and requested persons.

SEC. 2604. HEARINGS.

The Commission shall hold such hearings as it considers appropriate. The Chairman of the Commission shall designate a member of the Commission to preside at any hearing in the absence of the Chairman.

SEC. 2605. COMMISSION PROCEDURES.

(a) STARTUP.—The Commission may conduct business at any time after at least 6 of its members have been appointed in accordance with section 2602.

(b) VOTING.—A majority of those members of the Commission who have been appointed in accordance with section 2602 shall constitute a quorum for purposes of conducting Commission business. Any recommendation of the Commission shall require an affirmative vote of a majority of Commission members who have been appointed in accordance with section 2602. Members of the Commission may not vote by proxy.

SEC. 2606. FRAMEWORK FOR THE FEDERAL GOVERNMENT IN THE 21ST CENTURY.

(a) ANALYSIS OF CURRENT FEDERAL FUNCTIONS.—The Commission shall conduct a comprehensive review of the functions currently performed by the Federal Government, and shall analyze each such function under the following criteria:

(1) Does the function have clearly defined missions and objectives.

(2) Do those missions and objectives serve a currently valid and important Federal role, including analysis of whether—

(A) there is a need for governmental action;

(B) the Federal Government has exclusive constitutional authority to perform the function;

(C) the Federal Government is otherwise uniquely positioned to perform the function; and

(D) there is a clear need for or advantage to performing the function at the Federal level versus at the State or local level.

(3) Does the current Federal role constitute the most effective and efficient means of achieving the objectives of the function.

(4) Does the current Federal role constitute the least intrusive means of achieving the objectives with respect to individual liberty and principles of Federalism.

(5) Is there a need to enhance Federal performance of the function, including analysis of whether—

(A) the Federal Government requires greater resources or authority to perform that function;

(B) there are other ways of consolidating Federal resources and activities directed to the function; and

(C) there are opportunities for participation by the private sector or other levels of government.

(b) COMMISSION REPORTS AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Commission shall prepare and submit to the Congress a report or reports on the results of its analysis. Each report shall be made public and shall include—

(A) the Commission's findings and conclusions;

(B) the Commission's recommendations for the restructuring or termination of current functions;

(C) the reasons for such findings, conclusions, and recommendations; and

(D) a complete description of the Commission's deliberations, including a discussion of any major points on which the members had significant disagreements.

(2) REPORT ON MATTERS OF HIGHEST PRIORITY.—Not later than July 31, 1996, the Commission shall submit a report containing those findings, conclusions, and recommendations that the Commission considers to be of highest priority.

(3) ADDITIONAL REPORTS.—The Commission may submit such additional reports under this section as it considers appropriate, and at such times on or before December 31, 1996, as it considers appropriate.

SEC. 2607. PROPOSAL FOR REORGANIZING THE EXECUTIVE BRANCH.

(a) IN GENERAL.—The Commission shall—

(1) examine all significant issues related to the organization of the executive branch of the Federal Government; and

(2) develop organizational recommendations to eliminate duplication, reduce costs, streamline operations, and improve performance and accountability in Federal departments and agencies.

(b) LEGISLATIVE PROPOSAL.—The recommendations of the Commission under this section shall be encompassed in a single legislative proposal under section 2608 which implements a comprehensive reorganization and restructuring plan for the executive branch and which addresses, among other issues, the following:

(1) Whether the Federal Government should include fewer departments, each with clear, specific missions and goals, and if so, what those departments should be.

(2) Whether and how to ensure that similar functions of Government, such as statistical, science, or trade functions, are consolidated within a single department or agency.

(3) Whether and how significant common administrative functions should be consolidated within one executive organization.

(4) Whether a single department-level office should be designated with responsibility for representation and oversight within the White House of all independent agencies of the executive branch.

(5) Whether and how a streamlined hierarchical structure can be provided within each department and agency.

(c) OTHER RECOMMENDATIONS.—The Commission may also make additional recommendations which it determines will enhance the operational effectiveness of the organizational recommendations. Such recommendations shall not be included in any draft implementation bill to be considered under section 2609, but may be submitted separately to the Congress.

SEC. 2608. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) COMMISSION REPORT.—No later than December 31, 1996, the Commission shall prepare and submit to the Congress a single report, which shall be made public, and which shall include—

(1) a description of the Commission's findings and recommendations pursuant to section 2607;

(2) the reasons for such recommendations; and

(3) a single proposal consisting of draft legislation to implement those recommendations for which legislation is appropriate.

(b) REVIEW AND COMMENT BY THE PRESIDENT.—No later than March 31, 1997, the President shall submit to the Congress an evaluation of the Commission's report under this section, together with any recommendations that the President considers appropriate.

SEC. 2609. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

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

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and consists of the draft legislation contained in the report submitted to Congress under section 2608; and

(2) the term "calendar day of session" means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day of session on which both Houses are in session immediately following April 15, 1997, a bill consisting of the draft legislation contained in the report submitted to Congress under section 2608 shall be introduced (by request)—

(A) in the Senate by the majority leader or by any Member designated by the majority leader; and

(B) in the House of Representatives by the majority leader or by any Member designated by the majority.

If such a bill is not introduced in either House as provided in the preceding session within 3 calendar days of session after such first calendar day of session, then any Member of that House may introduce such a bill.

(2) REFERRAL.—The implementation bill introduced in the Senate under paragraph (1) shall be referred concurrently to the Committee on Governmental Affairs of the Senate and other committees with jurisdiction.

(3) REPORT OR DISCHARGE.—If any committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day of session after the date of introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from all committees, such bill shall be placed on the appropriate calendar of the House involved.

(c) PROCEDURES FOR CONSIDERATION BY THE SENATE.—

(1) IN GENERAL.—On or after the second calendar day of session after the date on which an implementation bill is placed on the Senate calendar, it is in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the implementation bill (but only on the day after the calendar day of session on which such Senator announces on the floor of the Senate the Senator's intention to do so). All points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill without intervening motion, order, or other business, and the implementation bill shall remain the unfinished business of the Senate until disposed of.

(2) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader or their designees. An amendment to the implementation bill is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) MOTION TO SUSPEND OR WAIVE APPLICATION.—No motion to suspend or waive the application of this subsection shall be in order, except by unanimous consent.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(5) FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the implementation bill shall occur.

(d) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by the Senate of an implementation bill, the Senate receives from the House of Representatives an implementation bill, then the following procedures shall apply:

(A) The implementation bill of the House of Representatives shall not be referred to a committee and may not be considered in the Senate except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to an implementation bill of the Senate—

(i) the procedure in the Senate shall be the same as if no implementation bill had been received from the House of Representatives; but

(ii) the vote on final passage shall be on the implementation bill of the House of Representatives.

(2) FINAL DISPOSITION.—Upon disposition of the implementation bill received from the House of Representatives, it shall no longer be in order to consider the implementation bill that originated in the Senate.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change its rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2610. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an implementation bill under section 2609 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

SEC. 2611. AGENCY DEFINED.

For purposes of this subtitle, the term "agency" means each authority of the Federal Government, including all departments, independent agencies, government-sponsored enterprises, and Government corporations, except the legislative branch, judicial branch, the governments of the territories or possessions of the United States, or the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, it shall be in order for the chairman of the Committee on Ways and Means or his designee to offer one motion to amend, which shall be considered read and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

Further, it shall be in order to consider one motion to amend by the gentleman from Pennsylvania [Mr. WALKER], or his designee, which shall be considered read and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The Chair understands that the gentleman from Texas will not offer an amendment.

Mr. ARCHER. The Speaker is correct and the gentleman from Pennsylvania [Mr. WALKER], will offer that amendment.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER:

At the appropriate place in the bill, add the following:

TITLE III—REGULATORY REFORM

SEC. 3001. SHORT TITLE.

This title may be cited as the "Comprehensive Regulatory Reform Act of 1995".

SEC. 3002. ANALYSIS OF AGENCY RULES.

(a) IN GENERAL.—(1) Section 551 of title 5, United States Code, is amended by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting a semicolon, and by adding at the end the following:

"(15) 'major rule' means any rule subject to section 553(c) that is likely to result in—

"(A) an annual effect on the economy of $100,000,000 or more;

"(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or

"(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

"(16) 'Director' means the Director of the Office of Management and Budget;

"(17) 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, environmental, health, and economic effects that are expected to result directly or indirectly from implementation of a rule or other agency action;

"(18) 'cost-benefit analysis' means an evaluation of the costs and benefits of a rule, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this subchapter at the level of detail appropriate and practicable for reasoned decision making on the matter involved, taking into consideration the significance and complexity of the decision and any need for expedition; and

"(19) 'reasonable alternatives' means the range of reasonable regulatory options that the agency has authority to consider under the statute granting rulemaking authority, including flexible regulatory options, unless precluded by the statute granting the rulemaking authority.".

(2) Section 553 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) Each agency shall for a proposed major rule publish in the Federal Register, at least 90 days before the date of publication of the general notice required under subsection (b), a notice of intent to engage in rulemaking.

"(2) A notice under paragraph (1) for a proposed major rule shall include, to the extent possible, the information required to be included in a regulatory impact analysis for the rule under subsection (i)(4)(B) and (D).

"(3) For a major rule proposed by an agency, the head of the agency shall include in a general notice under subsection (b), a preliminary regulatory impact analysis for the rule prepared in accordance with subsection (i).

"(4) For a final major rule, the agency shall include with the statement of basis and purpose—

"(A) a summary of a final regulatory impact analysis of the rule in accordance with subsection (i); and

"(B) a clear delineation of all changes in the information included in the final regulatory impact analysis under subsection (i) from any such information that was included in the notice for the rule under subsection (b).

The agency shall provide the complete text of a final regulatory impact analysis upon request.

"(5) The issuance of a notice of intent to engage in rulemaking under paragraph (1) and the issuance of a preliminary regulatory impact analysis under paragraph (3) shall not be considered final agency action for purposes of section 704.

"(6) In a rulemaking involving a major rule, the agency conducting the rulemaking shall make a written record describing the subject of all contacts the agency made with persons outside the agency relating to such rulemaking. If the contact was made with a non-governmental person, the written record of such contact shall be made available, upon request to the public.".

(3)(A) HEARING REQUIREMENT.—Section 553 of title 5, United States Code, is further amended by adding after subsection (f) the following:

"(g) If more than 100 interested persons acting individually submit requests for a hearing to an agency regarding any major rule proposed by the agency, the agency shall hold such a hearing on the proposed rule.".

(B) EXTENSION OF COMMENT PERIOD.—Section 553 of title 5, United States Code is further amended by adding after subsection (g) the following:

"(h) If during the 90-day period beginning on the date of publication of a notice under subsection (f) for a proposed major rule, or if during the period beginning on the date of publication or service of notice required by subsection (b) for a proposed major rule, more than 100 persons individually contact the agency to request an extension of the period for making submissions under subsection (c) pursuant to the notice, the agency—

"(1) shall provide an additional 30-day period for making those submissions; and

"(2) may not adopt the rule until after the additional period.".

(C) RESPONSE TO COMMENTS.—Section 553(c) of title 5, United States Code, is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following:

"(2) Each agency shall publish in the Federal Register, with each rule published under section 552(a)(1)(D), responses to the substance of the comments received by the agency regarding the rule.".

(4) Section 553 of title 5, United States Code, is further amended by adding after subsection (h) the following:

"(i)(1) Each agency shall, in connection with every major rule, prepare, and, to the extent permitted by law, consider, a regulatory impact analysis. Such analysis may be combined with any regulatory flexibility analysis performed under sections 603 and 604.

"(2) Each agency shall initially determine whether a rule it intends to propose or issue is a major rule. The Director shall have authority to order a rule to be treated as a major rule and to require any set of related rules to be considered together as a major rule.

"(3) Except as provided in subsection (j), agencies shall prepare—

"(A) a preliminary regulatory impact analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of notice of proposed rulemaking, and

"(B) a final regulatory impact analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of a major rule.

"(4) Each preliminary and final regulatory impact analysis shall contain the following information:

"(A) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits.

"(B) An explanation of the necessity, legal authority, and reasonableness of the rule and a description of the condition that the rule is to address.

"(C) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs.

"(D) An analysis of alternative approaches, including market based mechanisms or other flexible regulatory options that could substantially achieve the same regulatory goal at a lower cost and an explanation of the reasons why such alternative approaches were not adopted, together with a demonstration that the rule provides for the least costly approach.

"(E) A statement that the rule does not conflict with, or duplicate, any other rule or a statement of the reasons why such a conflict or duplication exists.

"(F) A statement of whether the rule will require on-site inspections or whether persons will be required by the rule to maintain any records which will be subject to inspection, and a statement of whether the rule will require persons to obtain licenses, permits, or other certifications, including specification of any associated fees or fines.

"(G) An estimate of the costs to the agency for implementation and enforcement of the rule and of whether the agency can be reasonably expected to implement the rule with the current level of appropriations.

"(5)(A) the Director is authorized to review and prepare comments on any preliminary or final regulatory impact analysis, notice of proposed rulemaking, or final rule based on the requirements of this subsection.

"(B) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary impact analysis or notice of proposed rulemaking and shall refrain from publishing its preliminary regulatory impact analysis or notice of proposed rulemaking until such review is concluded. The Director's review may not take longer than 90 days after the date of the request of the Director.

"(6)(A) An agency may not adopt a major rule unless the final regulatory impact analysis for the rule is approved or commented upon in writing by the Director or by an individual designated by the Director for that purpose.

"(B) Upon receiving notice that the Director intends to comment in writing with respect to any final regulatory impact analysis or final rule, the agency shall refrain from publishing its final regulatory impact analysis or final rule until the agency has responded to the Director's comments and incorporated those comments in the agency's response in the rulemaking file.

"(7)(A) Except as provided in subparagrph (B), no final major rule subject to this section shall be promulgated unless the agency head publishes in the Federal Register a finding that—

"(i) the benefits of the rule justify the costs of the rule; and

"(ii) the rule employs to the extent practicable flexible alternatives as set forth in paragraph (4)(D) and adopts the reasonable alternative which has the greater net benefits and achieves the objectives of the statute.

"(B) If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subparagraph (A), the agency head may promulgate the rule if the agency head finds that—

"(i) the rule employs to the extent practicable flexible reasonable alternatives of the type described in paragraph (4)(D); and

"(ii) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.

"(8) Notwithstanding section 551(16), for purposes of this subsection with regard to any rule proposed or issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, the term 'Director' means the head of such agency, Administration, or Office.".

(5) Section 553 of title 5, United States Code, is further amended by adding after subsection (i) the following:

"(j) To the extent practicable, the head of an agency shall seek to ensure that any proposed major rule or regulatory impact analysis of such a rule is written in a reasonably simple and understandable manner and provides adequate notice of the content of the rule to affected persons.".

(6) Section 553 of title 5, United States Code, is further amended by adding after subsection (j) the following:

"(k)(1) The provisions of this section regarding major rules shall not apply if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a food safety threat that is likely to result in significant harm to the public or natural resources; and

"(B) the agency publishes in the Federal Register, together with such finding, a succinct statement of the basis for the finding.

"(2) Not later than one year after the promulgation of a final major rule to which paragraph (1) applies, the agency shall comply with the provisions of this subchapter and, as thereafter necessary, revise the rule.

(7) Section 553 of title 5, United States Code, is further amended by adding after subsection (k) the following:

"(l) The provisions of this section regarding major rules shall not apply to—

"(1) any regulation proposed or issued in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such institution, credit unions, or government sponsored housing enterprises regulated by the Office of Federal Housing Enterprise Oversight;

"(2) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; and

"(3) any regulation proposed or issued pursuant to section 553 of title 5, United States Code, in connection with imposing trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.".

(8) The Director of the Office of Management and Budget shall submit a report to the Congress no later than 24 months after the date of the enactment of this Act containing an analysis of rulemaking procedures of Federal agencies and an analysis of the impact of those rulemaking procedures on the regulated public and regulatory process.

(9) The amendments made by this subsection shall apply only to final agency rules issued after rulemaking begun after the date of enactment of this Act.

SEC. 3003. RISK ASSESSMENT.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—RISK ASSESSMENTS

"§ 631. Short title

"This subchapter may be cited as the 'Risk Assessment and Communication Act of 1995'.

"§ 632. Purposes

"The purposes of this subchapter are—

"(1) to present the public and executive branch with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks in order to provide for sound regulatory decisions and public education;

"(2) to provide for full consideration and discussion of relevant data and potential methodologies;

"(3) to require explanation of significant choices in the risk assessment process which will allow for better peer review and public understanding; and

"(4) to improve consistency within the executive branch in preparing risk assessments and risk characterizations.

"§ 633. Effective date; applicability; savings provisions

"(a) EFFECTIVE DATE.—Except as otherwise specifically provided in this subchapter, the provisions of this subchapter shall take effect 18 months after the date of enactment of this subchapter.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (3), this subchapter applies to all significant risk assessment documents and significant risk characterization documents, as defined in paragraph (2).

"(2) SIGNIFICANT RISK ASSESSMENT DOCUMENT OR SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—(A) As used in this subchapter, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in subparagraph (B), and—

"(i) included by the agency in that item; or

"(ii) inserted by the agency in the administrative record for that item.

"(B) The items referred to in subparagraph (A) are the following:

"(i) Any proposed or final major rule, including any analysis or certification under subchapter II, promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environment.

"(ii) Any proposed or final environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste.

"(iii) Any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this section (iii) shall apply to the requirements of section 404 of the Clean Water Act.

"(iv) Any report to Congress.

"(v) Any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency.

"(vi) Any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

"(C) The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following:

"(i) Any such risk assessment and risk characterization documents provided by a covered Federal agency to the public and which are likely to result in an annual effect on the economy of $75,000,000 or more.

"(ii) Environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

"(D) Within 15 months after the date of the enactment of this subchapter, each covered Federal agency administering a regulatory program designed to protect human health, safety, or the environment shall promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the covered Federal agency that the agency will consider significant risk assessment documents or significant risk characterization documents for purposes of this subchapter. In establishing such categories, the head of the agency shall consider each of the following:

"(i) The benefits of consistent compliance by documents of the covered Federal agency in the categories.

"(ii) The administrative burdens of including documents in the categories.

"(iii) The need to make expeditious administrative decisions regarding documents in the categories.

"(iv) The possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by an agency and commonly made available to, or used by, any Federal, State, or local government agency.

"(v) Such other factors as may be appropriate.

"(E)(i) Not later than 18 months after the date of the enactment of this subchapter, the President, acting through the Director of the Office of Management and Budget, shall determine whether any other Federal agencies should be considered covered Federal agencies for purposes of this subchapter. Such determination, with respect to a particular Federal agency, shall be based on the impact of risk assessment documents and risk characterization documents on—

"(I) regulatory programs administered by that agency; and

"(II) the communication of risk information by that agency to the public.

The effective date of such a determination shall be no later than 6 months after the date of the determination.

"(ii) Not later than 15 months after the President, acting through the Director of the Office of Management and Budget, determines pursuant to clause (i) that a Federal agency should be considered a covered Federal agency for purposes of this subchapter, the head of that agency shall promulgate a rule pursuant to subparagraph (D) to establish additional categories of risk assessment and risk characterization documents described in that subparagraph.

"(3) EXCEPTIONS.—(A) This subchapter does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following:

"(i) A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices.

"(ii) Any health, safety, or environmental inspections.

"(iii) The sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts.

"(B) No analysis shall be treated as a screening analysis for purposes of subparagraph (A) if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

"(C) The risk assessment principle set forth in this 634(b)(1) need not apply to any risk assessment or risk characterization document described in clause (iii) of paragraph (2)(B). The risk characterization and communication principle set forth in section 635(4) need not apply to any risk assessment or risk characterization document described in clause (v) or (vi) of paragraph (2)(B).

"(c) SAVINGS PROVISIONS.—The provisions of this subchapter shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this subchapter shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this subchapter shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this subchapter shall be construed to require the disclosure of any trade secret or other confidential information.

"§ 634. Principles for risk assessment

"(a) IN GENERAL.—The head of each covered Federal agency shall apply the principles set forth in subsection (b) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

"(b) PRINCIPLES.—The principles to be applied are as follows:

"(1) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data of sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

"(2) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible—

"(A) present a representative list and explanation of plausible and alternative assumptions, inferences, or models;

"(B) explain the basis for any choices;

"(C) identify any policy or value judgments;

"(D) fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and

"(E) indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

"§ 635. Principles for risk characterization and communication

"Each significant risk characterization document shall meet each of the following requirements:

"(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

"(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

"(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bound estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

"(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

"(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

"(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

"(A) a commenter provides a covered Federal agency with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the agency for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the covered Federal agency with the relevant risk assessment

document or risk characterization document, and a summary thereof, in a timely fashion, and

"(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this subchapter,

the agency shall, to the extent feasible, present such summary in connection with the presentation of the agency's significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4) or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

"§ 636. Recommendations or classifications by a non-United States-based entity

"No covered Federal agency shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this subchapter. For the purposes of this section, the term 'non-United States-based entity' means—

"(1) any foreign government and its agencies;

"(2) the United Nations or any of its subsidiary organizations;

"(3) any other international governmental body or international standards-making organization; or

"(4) any other organization or private entity without a place of business located in the United States or its territories.

"§ 637. Guidelines and report

"(a) GUIDELINES.—Within 15 months after the date of enactment of this subchapter, the President shall issue guidelines for Federal agencies consistent with the risk assessment and characterization principles set forth in sections 634 and 635 and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(b) REPORT.—Within 3 years after the date of the enactment of this subchapter, each covered Federal agency shall provide a report to the Congress evaluating the categories of policy and value judgments identified under subparagraph (C) of section 634(b)(2).

"(c) PUBLIC COMMENT AND CONSULTATION.—The guidelines and report under this section, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(d) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this section at least every 4 years.

"§ 638. Research and training in risk assessment

"(a) EVALUATION.—The head of each covered agency shall regularly and systematically evaluate risk assessment research and training needs of the agency, including, where relevant and appropriate, the following:

"(1) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

"(2) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

"(3) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

"(4) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

"(b) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in subsection (a).

"(c) REPORT.—Not later than 6 months after the date of the enactment of this subchapter, the head of each covered agency shall submit to the Congress a report on the evaluations conducted under subsection "(a) and the strategy and schedule developed under subsection "(b). The head of each covered agency shall report to the Congress periodically on the evaluations, strategy, and schedule.

"§ 639. Study of comparative risk analysis

"(a) IN GENERAL.—(1) The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

"(2) Not later than 90 days after the date of the enactment of this subchapter, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

"(b) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

"(c) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

"(d) DURATION.—The study shall begin within 180 days after the date of the enactment of this subchapter and terminate within 2 years after the date on which it began.

"(e) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making in appropriate Federal agencies.

"§ 639a. Definitions

"For purposes of this subchapter:

"(1) RISK ASSESSMENT DOCUMENT.—The term 'risk assessment document' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

"(2) RISK CHARACTERIZATION DOCUMENT.—The term 'risk characterization document' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

"(3) BEST ESTIMATE.—The term 'best estimate' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

"(A) Central estimates of risk using the most plausible assumptions.

"(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

"(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Federal agency concerned.

"(4) SUBSTITUTION RISK.—The term 'substitution risk' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

"(5) COVERED FEDERAL AGENCY.—The term 'covered Federal agency' means each of the following:

"(A) The Environmental Protection Agency.

"(B) The Occupational Safety and Health Administration.

"(C) The Department of Transportation (including the National Highway Transportation Safety Administration).

"(D) The Food and Drug Administration.

"(E) The Department of Energy.

"(F) The Department of the Interior.

"(G) The Department of Agriculture.

"(H) The Consumer Product Safety Commission.

"(I) The National Oceanic and Atmospheric Administration.

"(J) The United States Army Corps of Engineers.

"(K) The Mine Safety and Health Administration.

"(L) The Nuclear Regulatory Commission.

"(M) Any other Federal agency considered a covered Federal agency pursuant to section 413(b)(2)(E).

"(6) FEDERAL AGENCY.—The term 'Federal agency' means an executive department, military department, or independent establishment as defined in part I of title 5 of the United States Code, except that such term also includes the Office of Technology Assessment.

"(7) DOCUMENT.—The term 'document' includes material stored in electronic or digital form.

"§ 639b. Peer review program

"(a) ESTABLISHMENT.—For regulatory programs designed to protect human health, safety, or the environment, the head of each Federal agency shall develop a systematic program for independent and external peer review required by subsection (b). Such program shall be applicable across the agency and—

"(1) shall provide for the creation of peer review panels consisting of experts and shall be broadly representative and balanced and to the extent relevant and appropriate, may include representatives of State, local, and tribal governments, small businesses, other representatives of industry, universities, agriculture, labor, consumers, conservation organizations, or other public interest groups and organizations;

"(2) may provide for differing levels of peer review and differing numbers of experts on peer review panels, depending on the significance or the complexity of the problems or the need for expeditiousness;

"(3) shall not exclude peer reviewers with substantial and relevant expertise merely because they represent entities that may have a potential interest in the outcome, provided that interest is fully disclosed to the agency and in the case of a regulatory decision affecting a single entity, no peer reviewer representing such entity may be included on the panel;

"(4) may provide specific and reasonable deadlines for peer review panels to submit reports under subsection (c); and

"(5) shall provide adequate protections for confidential business information and trade secrets, including requiring peer reviewers to enter into confidentiality agreements.

"(b) REQUIREMENT FOR PEER REVIEW.—In connection with any rule that is likely to result in an annual increase in costs of $100,000,000 or more (other than any rule or other action taken by an agency to authorize or approve any individual substance or product), each Federal agency shall provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under section 431(a). In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions.

"(c) CONTENTS.—Each peer review under this section shall include a report to the Federal agency concerned with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

"(d) RESPONSE TO PEER REVIEW.—The head of the Federal agency shall provide a written response to all significant peer review comments.

"(e) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the agency's responses shall be made available to the public and shall be made part of the administrative record.

"(f) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this section for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

"(g) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of each Federal agency for programs designed to protect human health, safety, or the environment. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

"§ 639c. Petition for review of a major free-standing risk assessment

"(a) Any interested person may petition an agency to conduct a scientific review of a risk assessment conducted or adopted by the agency, except for a risk assessment used as the basis for a major rule or a site-specific risk assessment.

"(b) The agency shall utilize external peer review, as appropriate, to evaluate the claims and analyses in the petition, and shall consider such review in making its determination of whether to grant the petition.

"(c) The agency shall grant the petition if the petition establishes that there is a reasonable likelihood that—

"(1)(A) the risk assessment that is the subject of the petition was carried out in a manner substantially inconsistent with the principles in section 633; or

"(B) the risk assessment that is the subject of the petition does not take into account material significant new scientific data and scientific understanding;

"(2) the risk assessment that is the subject of the petition contains significantly different results than if it had been properly conducted pursuant to subchapter III; and

"(3) a revised risk assessment will provide the basis for re-evaluating an agency determination of risk, and such determination currently has an effect on the United States economy equivalent to that of major rule.

"(d) A decision to grant, or final action to deny, a petition under this subsection shall be made not later than 180 days after the petition is submitted.

"(e) If the agency grants the petition, it shall complete its review of the risk assessment not later than 1 year after its decision to grant the petition. If the agency revises the risk assessment, in response to its review, it shall do so in accordance with section 633.

"§ 639d. Risk-based priorities

"(a) PURPOSES.—The purposes of this section are to—

"(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

"(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

"(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

"(b) DEFINITIONS.—For the purposes of this section:

"(1) COMPARATIVE RISK ANALYSIS.—The term 'comparative risk analysis' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

"(2) COVERED AGENCY.—The term 'covered agency' means each of the following:

"(A) The Environmental Protection Agency.

"(B) The Department of Labor.

"(C) The Department of Transportation.

"(D) The Food and Drug Administration.

"(E) The Department of Energy.

"(F) The Department of the Interior.

"(G) The Department of Agriculture.

"(H) The Consumer Product Safety Commission.

"(I) The National Oceanic and Atmospheric Administration.

"(J) The United States Army Corps of Engineers.

"(K) The Nuclear Regulatory Commission.

"(3) EFFECT.—The term 'effect' means a deleterious change in the condition of—

"(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

"(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

"(4) IRREVERSIBILITY.—The term 'irreversibility' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

"(5) LIKELIHOOD.—The term 'likelihood' means the estimated probability that an effect will occur.

"(6) MAGNITUDE.—The term 'magnitude' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

"(7) SERIOUSNESS.—The term 'seriousness' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

"(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

"(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency shall set priorities for the use of resources available under those laws to address those risks to human health, safety, and the environment that—

"(A) the covered agency determines to be most serious; and

"(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

"(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

"(A) the likelihood, irreversibility, and severity of the effect; and

"(B) the number and classes of individuals potentially affected,

and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

"(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

"(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request

to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

"(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

"(d) COMPARATIVE RISK ANALYSIS.—

"(1) REQUIREMENT.—

"(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with a nationally recognized scientific institution or scholarly organization—

"(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

"(II) to conduct a comparative risk analysis.

"(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

"(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

"(C) Nothing in this subsection should be construed to prevent the Director from entering into a sole-source arrangement with a nationally recognized scientific institution or scholarly organization.

"(2) CRITERIA.—The Director shall ensure that the arrangement under paragraph (1) provides that—

"(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

"(B) the analysis is conducted through an open process, including opportunities for the public to submit views, data, and analyses and to provide public comment on the results before making them final;

"(C) the analysis is conducted by a balanced group of individuals with relevant expertise, including toxicologists, biologists, engineers, and experts in medicine, industrial hygiene, and environmental effects, and the selection of members for such study shall be at the sole discretion of the scientific institution or scholarly organization;

"(D) the analysis is conducted, to the extent feasible and relevant, consistent with the risk assessment and risk characterization principles in section 633 of this subchapter;

"(E) the methodologies and principal scientific determinations made in the analysis are subjected to independent peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e); and

"(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

"(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision by an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

"(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

"(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

"(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

"(1) detailing how the agency has complied with subsection (c) and describing the reason for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

"(2) recommending—

"(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

"(B) modification or elimination of statutory or judicially mandated deadlines, that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

"(3) evaluating the categories of policy and value judgment used in risk assessment, risk characterization, or cost-benefit analysis; and

"(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

"(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

"(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

"(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

"(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.".

(b) CLERICAL AMENDMENT.—The table of sections appearing at the beginning of chapter 6 of title 5, United States Code, is amended—

(1) by inserting immediately below the chapter heading the following:

"SUBCHAPTER I—REGULATORY ANALYSIS"; and

(2) by adding at the end the following:

"SUBCHAPTER III—RISK ASSESSMENTS

"631. Short title.
"632. Purposes.
"633. Effective date; applicability; savings provisions.
"634. Principles for risk assessment.
"635. Principles for risk characterization and communication.
"636. Recommendations or classifications by a non-United States-based entity.
"637. Guidelines and report.
"638. Research and training in risk assessment.
"639. Study of comparative risk analysis.
"639a. Definitions.
"639b. Peer review program.
"639c. Petition for review of a major free-standing risk assessment.
"639d. Risk-based priorities.".

SEC. 3004. REGULATORY FLEXIBILITY ANALYSIS.

(a) IN GENERAL.—

(1) JUDICIAL REVIEW.—

(A) AMENDMENT.—Section 611 of title 5, United States Code, is amended to read as follows:

"§ 611. Judicial review

"(a)(1) Not later than one year, notwithstanding any other provision of law, after the effective date of a final rule with respect to which an agency—

"(A) certified, pursuant to section 605(b), that such rule would not have a significant economic impact on a substantial number of small entities; or

"(B) prepared a final regulatory flexibility analysis pursuant to section 604,

an affected small entity may petition for the judicial review of such certification or analysis in accordance with the terms of this subsection. A court having jurisdiction to review such rule for compliance with the provisions of section 553 or under any other provision of law shall have jurisdiction to review such certification or analysis. In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b), a petition for judicial review under this subsection shall be filed not later than one year, notwithstanding any other provision of law, after the date the analysis is made available to the public.

"(2) For purposes of this subsection, the term 'affected small entity' means a small entity that is or will be adversely affected by the final rule.

"(3) Nothing in this subsection shall be construed to affect the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law.

"(4)(A) In the case where the agency certified that such rule would not have a significant economic impact on a substantial number of small entities, the court may order the agency to prepare a final regulatory flexibility analysis pursuant to section 604 if the court determines, on the basis of the rulemaking record, that the certification was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(B) In the case where the agency prepared a final regulatory flexibility analysis, the

court may order the agency to take corrective action consistent with the requirements of section 604 if the court determines, on the basis of the rulemaking record, that the final regulatory flexibility analysis was prepared by the agency without observance of procedure required by section 604.

"(5) If, by the end of the 90-day period beginning on the date of the order of the court pursuant to paragraph (4) (or such longer period as the court may provide), the agency fails, as appropriate—

"(A) to prepare the analysis required by section 604; or

"(B) to take corrective action consistent with the requirements of section 604,

the court may stay the rule or grant such other relief as it deems appropriate.

"(6) In making any determination or granting any relief authorized by this subsection, the court shall take due account of the rule of prejudicial error.

"(b) In an action for the judicial review of a rule, any regulatory flexibility analysis for such rule (including an analysis prepared or corrected pursuant to subsection (a)(4)) shall constitute part of the whole record of agency action in connection with such review.

"(c) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.".

(B) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to final agency rules issued after the date of enactment of this Act.

(2) RULES COMMENTED ON BY SBA CHIEF COUNSEL FOR ADVOCACY.—

(A) IN GENERAL.—Section 612 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) ACTION BY THE SBA CHIEF COUNSEL FOR ADVOCACY.—

"(1) TRANSMITTAL OF PROPOSED RULES AND INITIAL REGULATORY FLEXIBILITY ANALYSIS TO SBA CHIEF COUNSEL FOR ADVOCACY.—On or before the 30th day preceding the date of publication by an agency of general notice of proposed rulemaking for a rule, the agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration—

"(A) a copy of the proposed rule; and

"(B)(i) a copy of the initial regulatory flexibility analysis for the rule if required under section 603; or

"(ii) a determination by the agency that an initial regulatory flexibility analysis is not required for the proposed rule under section 603 and an explanation for the determination.

"(2) STATEMENT OF EFFECT.—On or before the 15th day following receipt of a proposed rule and initial regulatory flexibility analysis from an agency under paragraph (1), the Chief Counsel for Advocacy may transmit to the agency a written statement of the effect of the proposed rule on small entities.

"(3) RESPONSE.—If the Chief Counsel for Advocacy transmits to an agency a statement of effect on a proposed rule in accordance with paragraph (2), the agency shall publish the statement, together with the response of the agency to the statement, in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule.

"(4) SPECIAL RULE.—Any proposed rules issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds shall not be subject to the requirements of this subsection.".

(B) CONFORMING AMENDMENT.—Section 603(a) of title 5, United States Code, is amended by inserting "in accordance with section 612(d)" before the period at the end of the last sentence.

(3) SENSE OF CONGRESS REGARDING SBA CHIEF COUNSEL FOR ADVOCACY.—It is the sense of Congress that the Chief Counsel for Advocacy of the Small Business Administration should be permitted to appear as amicus curiae in any action or case brought in a court of the United States for the purpose of reviewing a rule.

(b) SUBCHAPTER HEADING.—Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

"SUBCHAPTER I—REGULATORY ANALYSIS".

SEC. 3005. GUIDANCE FOR JUDICIAL INTERPRETATION.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended—

(1) by striking section 706; and

(2) by adding at the end the following new sections:

"§ 706. Scope of review

"(a) To the extent necessary to reach a decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

"(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the determinations set forth in subsection (a), the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

"§ 707. Consent decrees

"In interpreting any consent decree in effect on or after the date of enactment of this section that imposes on an agency an obligation to initiate, continue, or complete rulemaking proceedings, the court shall not enforce the decree in a way that divests the agency of discretion clearly granted to the agency by statute to respond to changing circumstances, make policy or managerial choices, or protect the rights of third parties.

"§ 708. Affirmative defense

"Notwithstanding any other provision of law, it shall be an affirmative defense in any enforcement action brought by an agency that the regulated person or entity reasonably relied on and is complying with a rule, regulation, adjudication, directive, or order of such agency or any other agency that is incompatible, contradictory, or otherwise cannot be reconciled with the agency rule, regulation, adjudication, directive, or order being enforced.

"§ 709. Agency interpretations in civil and criminal actions

"(a) No civil or criminal penalty shall be imposed by a court, and no civil administrative penalty shall be imposed by an agency, for the violation of a rule—

"(1) if the court or agency, as appropriate, finds that the rule failed to give the defendant fair warning of the conduct that the rule prohibits or requires; or

"(2) if the court or agency, as appropriate, finds that the defendant acted reasonably in good faith based upon the language of the rule as published in the Federal Register.

"(b) Nothing in this section shall be construed to preclude an agency:

"(1) from revising a rule or changing its interpretation of a rule in accordance with sections 552 and 553 of this title, and subject to the provisions of this section, prospectively enforcing the requirements of such rule as revised or reinterpreted and imposing or seeking a civil or criminal penalty for any subsequent violation of such rule as revised or reinterpreted;

"(2) from making a new determination of fact, and based upon such determination, prospectively applying a particular legal requirement.

"(c) This section shall apply to any action filed after the date of the enactment of the Comprehensive Regulatory Reform Act of 1995.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 7 of title 5, United States Code, is amended by striking the item relating to section 706 and inserting the following new items:

"706. Scope of review.
"707. Consent decrees.
"708. Affirmative defense.
"709. Agency interpretations in civil and criminal actions.".

SEC. 3006. CONGRESSIONAL REVIEW.

(a) FINDING.—The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the implementation of certain major final and proposed rules is imposed in order to provide Congress an opportunity for review.

(b) IN GENERAL.—Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:"

CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

"Sec.
"801. Congressional review.
"802. Congressional disapproval procedure.
"803. Special rule on statutory, regulatory, and judicial deadlines.
"804. Definitions.
"805. Judicial review.
"806. Applicability; severability.
"807. Exemption for monetary policy.

"§ 801. Congressional review

"(a)(1)(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

"(i) a copy of the rule;

"(ii) a concise general statement relating to the rule; and

"(iii) the proposed effective date of the rule.

"(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

"(i) a complete copy of the cost-benefit analysis of the rule, if any;

"(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

"(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

"(iv) any other relevant information or requirements under any other Act and any relevant Executive orders, such as Executive Order No. 12866.

"(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

"(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

"(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

"(3) A major rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

"(A) the later of the date occurring 60 days (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress) after the date on which—

"(i) the Congress receives the report submitted under paragraph (1); or

"(ii) the rule is published in the Federal Register;

"(B) if the Congress passes a joint resolution of disapproval described under section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

"(i) on which either House of Congress votes and fails to override the veto of the President; or

"(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

"(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

"(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

"(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

"(b)(1) A rule or proposed rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 802.

"(2) A rule or proposed rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule or proposed rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

"(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this chapter may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

"(2) Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

"(A) necessary because of an imminent threat to health or safety or other emergency;

"(B) necessary for the enforcement of criminal laws;

"(C) necessary for national security; or

"(D) issued pursuant to a statute implementing an international trade agreement.

"(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

"(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

"(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

"(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

"(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

"(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a final rule can take effect.

"(3) A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

"(e)(1) Section 802 shall apply in accordance with its terms to any major rule that was published in the Federal Register (as a rule that shall take effect as a final rule) in the period beginning on November 20, 1994, through the date of enactment of the Comprehensive Regulatory Reform Act of 1995.

"(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

"(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of enactment of the Comprehensive Regulatory Reform Act of 1995; and

"(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

"(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 802.

"(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

"(g) If the Congress does not enact a joint resolution of disapproval under section 802, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

"§ 802. Congressional disapproval procedure

"(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term 'joint resolution' means only—

"(1) a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in); or

"(2) a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the proposed rule published by the _____ relating to _____, and such proposed rule shall not be issued or take effect as a final rule.' (the blank spaces being appropriately filled in)

"(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

"(2) For purposes of this section, the term 'submission or publication date' means—

"(A) in the case of a joint resolution described in subsection (a)(1) the later of the date on which—

"(i) the Congress receives the report submitted under section 801(a)(1); or

"(ii) the rule is published in the Federal Register; or

"(B) in the case of a joint resolution described in subsection (a)(2), the date of introduction of the joint resolution.

"(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the appropriate calendar.

"(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a

motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

"(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

"(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

"(e) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

"(1) The joint resolution of the other House shall not be referred to a committee.

"(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

"(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(B) the vote on final passage shall be on the joint resolution of the other House.

"(f) This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"§ 803. Special rule on statutory, regulatory, and judicial deadlines

"(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

"(b) The term 'deadline' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

"§ 804. Definitions

"(a) For purposes of this chapter—

"(1) the term 'Federal agency' means any agency as that term is defined in section 551(1) (relating to administrative procedure);

"(2) the term 'major rule' has the same meaning given such term in section 621(5); and

"(3) the term 'final rule' means any final rule or interim final rule.

"(b) As used in subsection (a)(3), the term 'rule' has the meaning given such term in section 551, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

"§ 805. Judicial review

"No determination, finding, action, or omission under this chapter shall be subject to judicial review.

"§ 806. Applicability; severability

"(a) This chapter shall apply notwithstanding any other provision of law.

"(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

"§ 807. Exemption for monetary policy

"Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date of enactment of this Act.

(d) TECHNICAL AMENDMENT.—The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rulemaking ..... 801".

SEC. 3007. REGULATORY ACCOUNTING STATEMENT.

(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) MAJOR RULE.—The term "major rule" has the same meaning as defined in section 621(5)(A)(i) of title 5, United States Code. The term shall not include—

(A) administrative actions governed by sections 556 and 557 of title 5, United States Code;

(B) regulations issued with respect to a military or foreign affairs function of the United States or a statute implementing an international trade agreement; or

(C) regulations related to agency organization, management, or personnel.

(2) AGENCY.—The term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but shall not include—

(A) the General Accounting Office;

(B) the Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

(b) ACCOUNTING STATEMENT.—

(1) IN GENERAL.—

(A) The President shall be responsible for implementing and administering the requirements of this section.

(B) Not later than June 1, 1997, and each June 1 thereafter, the President shall prepare and submit to Congress an accounting statement that estimates the annual costs of major rules and corresponding benefits in accordance with this subsection.

(2) YEARS COVERED BY ACCOUNTING STATEMENT.—Each accounting statement shall cover, at a minimum, the 5 fiscal years beginning on October 1 of the year in which the report is submitted and may cover any fiscal year preceding such fiscal years for purpose of revising previous estimates.

(3) TIMING AND PROCEDURES.—

(A) The President shall provide notice and opportunity for comment for each accounting statement. The President may delegate to an agency the requirement to provide notice and opportunity to comment for the portion of the accounting statement relating to that agency.

(B) The President shall propose the first accounting statement under this subsection not later than 2 years after the date of enactment of this Act and shall issue the first accounting statement in final form not later than 3 years after such effective date. Such statement shall cover, at a minimum, each of the fiscal years beginning after the date of enactment of this Act.

(4) CONTENT OF ACCOUNTING STATEMENT.—

(A) Each accounting statement shall contain estimates of costs and benefits with respect to each fiscal year covered by the statement in accordance with this paragraph. For each such fiscal year for which estimates were made in a previous accounting statement, the statement shall revise those estimates and state the reasons for the revisions.

(B)(i) An accounting statement shall estimate the costs of major rules by setting forth, for each year covered by the statement—

(I) the annual expenditure of national economic resources for major rules, grouped by regulatory program; and

(II) such other quantitative and qualitative measures of costs as the President considers appropriate.

(ii) For purposes of the estimate of costs in the accounting statement, national economic resources shall include, and shall be listed under, at least the following categories:

(I) Private sector costs.

(II) Federal sector costs.

(III) State and local government administrative costs.

(C) An accounting statement shall estimate the benefits of major rules by setting forth, for each year covered by the statement, such quantitative and qualitative measures of benefits as the President considers appropriate. Any estimates of benefits concerning reduction in health, safety, or environmental risks shall present the most plausible level of risk practical, along with a statement of the reasonable degree of scientific certainty.

(c) ASSOCIATED REPORT TO CONGRESS.—

(1) IN GENERAL.—At the same time as the President submits an accounting statement under subsection (b), the President, acting through the Director of the Office of Management and Budget, shall submit to Congress a report associated with the accounting statement (hereinafter referred to as an "associated report"). The associated report shall contain, in accordance with this subsection—

(A) analyses of impacts; and

(B) recommendations for reform.

(2) ANALYSES OF IMPACTS.—The President shall include in the associated report the following:

(A) Analyses prepared by the President of the cumulative impact of major rules in Federal regulatory programs covered in the accounting statement on the following:

(i) The ability of State and local governments to provide essential services, including police, fire protection, and education.

(ii) Small business.

(iii) Productivity.

(iv) Wages.

(v) Economic growth.

(vi) Technological innovation.

(vii) Consumer prices for goods and services.

(viii) Such other factors considered appropriate by the President.

(B) A summary of any independent analyses of impacts prepared by persons commenting during the comment period on the accounting statement.

(3) RECOMMENDATIONS FOR REFORM.—The President shall include in the associated report the following:

(A) A summary of recommendations of the President for reform or elimination of any Federal regulatory program or program element that does not represent sound use of national economic resources or otherwise is inefficient.

(B) A summary of any recommendations for such reform or elimination of Federal regulatory programs or program elements prepared by persons commenting during the comment period on the accounting statement.

(d) GUIDANCE FROM OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall, in consultation with the Council of Economic Advisers, provide guidance to agencies—

(1) to standardize measures of costs and benefits in accounting statements prepared pursuant to sections 3 and 7 of this Act, including—

(A) detailed guidance on estimating the costs and benefits of major rules; and

(B) general guidance on estimating the costs and benefits of all other rules that do not meet the thresholds for major rules; and

(2) to standardize the format of the accounting statements.

(e) RECOMMENDATIONS FROM CONGRESSIONAL BUDGET OFFICE.—After each accounting statement and associated report submitted to Congress, the Director of the Congressional Budget Office shall make recommendations to the President—

(1) for improving accounting statements prepared pursuant to this section, including recommendations on level of detail and accuracy; and

(2) for improving associated reports prepared pursuant to this section, including recommendations on the quality of analysis.

(f) JUDICIAL REVIEW.—No requirements under this section shall be subject to judicial review in any manner.

SEC. 3008. STUDIES AND REPORTS.

(a) RISK ASSESSMENTS.—The Administrative Conference of the United States shall—

(1) develop and carry out an ongoing study of the operation of the risk assessment requirements of subchapter III of chapter 6 of title 5, United States Code (as added by section 4 of this Act); and

(2) submit an annual report to the Congress on the findings of the study.

(b) ADMINISTRATIVE PROCEDURE ACT.—Not later than December 31, 1996, the Administrative Conference of the United States shall—

(1) carry out a study of the operation of the Administrative Procedure Act (as amended by section 3 of this Act); and

(2) submit a report to the Congress on the findings of the study, including proposals for revision, if any.

SEC. 3009. MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) SEVERABILITY.—If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and a Member opposed each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I include for the RECORD letters from the National Federation of Independent Business, the Chamber of Commerce, and the American Farm Bureau in favor of the amendment.

The information referred to follows:

PENDING VOTE MEMBER'S IMMEDIATE ATTENTION PLEASE

NFIB KEY SMALL-BUSINESS VOTE

Support the Walker Regulatory Reform Amendment.

DEAR REPRESENTATIVE: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express NFIB's strong support for Rep. Walker's regulatory reform amendment to the debt limit extension legislation.

Since regulatory reform legislation was passed in late February, small business owners have been waiting for regulatory relief, but to no avail. NFIB members continue to call and write with their horror stories of regulation that is still strangling their business.

Rep. Walker's amendment would address small business concerns by including provisions dealing with Cost-Benefit Analysis/Risk Assessment; Judicial Review of the Regulatory Flexibility Act; Regulatory Impact Requirements; and, Congressional Review.

NFIB urges a YES VOTE on the Walker Amendment to the debt limit extension legislation. This vote will be considered a Key Small Business Vote for the 104th Congress.

Sincerely,

DONALD A. DANNER,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, November 9, 1995.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: The House of Representatives will consider shortly an amendment to the debt extension bill, H.R. 2586, which provides an opportunity to enact real regulatory reform this year. The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 75 American Chambers of Commerce abroad urges your support for the Walker amendment on regulatory reform.

The Walker regulatory reform amendment has been carefully crafted to encompass provisions from the House and Senate regulatory reform bills. It includes provisions to require the Federal government to conduct a risk assessment and cost/benefit analysis for major regulations effecting environment, health and safety. These were important components of the Contract With America that received overwhelming support in the House earlier this year.

Now is the time to reform the regulatory system. We need to streamline, modernize, and update our regulatory system and direct limited resources to the most serious problems first. Business supports a clean and healthy environment and a safe workplace for employees, but is also concerned about making sure the money spent by business addresses the most serious problems in the most cost-effective manner.

We urge your support for the Walker amendment which provides an important opportunity to move critically needed regulatory reform legislation forward this year. The U.S. Chamber of Commerce will score this as a key vote in its annual "How They Voted" ratings.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, November 9, 1995.

DEAR CONGRESSMAN: The American Farm Bureau strongly supports an amendment to be offered this afternoon by Rep. Bob Walker (R-PA) to H.R. 2586, the debt ceiling extension bill.

The Walker amendment adds to H.R. 2586 the risk assessment and cost-benefit analysis requirements for federal regulations similar to those approved overwhelmingly by the House last February. This will provide important relief for farmers and ranchers from unnecessary regulatory burdens.

The nation's farmers and ranchers have seen their regulatory burden explode over the past decade. Virtually every activity and aspect of farming is regulated by the Federal government. Many young farmers and ranchers see the burden of unchecked government regulation as a major impediment to continuing in agriculture. To some of the best and brightest in agriculture, the risks and uncertainty now imposed by government rivals that of the markets and the weather.

Of utmost importance to agriculture, the Walker amendment also reforms the zero-tolerance Delaney Clause provision. Under strict interpretation, the Delaney Clause prohibits the presence of food additives in any concentration if they can be shown to cause cancer in laboratory animals. Today, scientists are able to detect these substances in much smaller concentrations than were detectable 37 years ago, when the Delaney Clause was written. Although there is a consensus among regulators, health experts and scientists that these small concentrations may present no real risk to health, many crop protection products are now scheduled to be canceled because they are detectable, not because they are unsafe. Important crops in virtually every state will be affected.

We strongly urge your support for the Walker amendment to H.R. 2586.

RICHARD W. NEWPHER,
Executive Director, Washington Office.

Mr. Speaker, the amendment I am now offering on behalf of myself, Commerce Chairman BLILEY and the House leadership is a good-faith compromise between the House and Senate regulatory reform bills.

The Walker-Bliley amendment uses S. 343, the Dole-Johnston bill, as its

base text. That version garnered 58 votes in the Senate in July. The House version received 277 votes as H.R. 9 of the Contract With America.

Mr. Speaker, the most important thing this Congress can do is to balance the budget so we can stop having to keep heaping even more Federal debt on our children. To accomplish this paramount goal, we have to cut unnecessary spending and costs. This goes for the private sector as well, which is what this amendment addresses.

Mr. Speaker, in an era of tough budget realities which the bill before us brings home to roost, policymakers need to make choices and set priorities—to concentrate scarce dollars where they will do the most good, and analyze alternatives to achieve the goal of public safety at the lowest possible cost. At this critical point in our effort to change the way Washington works, we believe that we have a unique opportunity to move this consensus reform now. After 10 years of lip-service by the Democrat Congress to U.S. competitiveness, but no action except for even more Federal spending in the form of industrial policy subsidies, we now have the chance to do something really big.

President Clinton says he has to raise the debt ceiling. Well, at the same time we can give him the opportunity to remove the need for so much wasteful Federal corporate welfare spending which combats the unnecessary costs of unjustified regulations. This landmark competitiveness initiative, perhaps the most important we can enact, is worth 100 advanced technology programs.

Mr. Speaker, the purpose of this amendment is to provide uniform guidance for all Federal agencies to conduct scientifically objective and unbiased risk assessments in an economically sensible way. The amendment includes the following:

It raises the threshold of regulations requiring the new cost-benefit analysis to $75 million of economic cost per year. This is a softening amendment—the House threshold was $25 million.

It uses the House-passed risk-assessment title which passed by a veto proof 286 to 141 with 226 Republicans and 60 Democrats voting in favor. It provides the public and the Government with the most reasonable, realistic information by requiring the most plausible level of risk or best estimates instead of worst case scenario or upper bound estimates. This section also changes the face of risk assessment by requiring the nature and magnitude of risks to human health, safety, or the environment be put into context for the public with realistic comparisons to everyday risks commonly experienced and understood. In cases where one or more hazards results because of reduction of a targeted risk, the risk of the substitution must be communicated clearly to the public.

It requires that new regulations not be issued unless the costs are reasonably related to the benefits. If current law calls for a regulation which cannot be justified by cost-benefit analysis, that statutory standard is superseded—the so-called super mandate. This also passed by that same 286 to 141 with all but 2 Republicans and 60 Democrats voting in favor.

It creates a systematic program for peer review. For regulations which have an economic impact of $100 million or more, groups of experts would be brought together to independently evaluate the manner in which the risk assessments are conducted. This language is verbatim the House bill.

This amendment exempts certain activities such as military readiness and emergencies. This allows Federal agencies to continue to use their emergency authority, which is consistent with current law.

This reform is prospective. It does not include the petition process for retroactive review of existing regulations, which was rejected by this House.

Judicial review of compliance with the requirements of this bill is available under the Administrative Procedures Act for final agency actions. There is no two bites of the apple possible allowing for increased litigation. This is fully consistent with the House-passed bill.

It includes a top priority of the small business community and the National Federation of Independent Businesses. This reg flex provision allows small business the right of judicial review to enforce the Regulatory Flexibility Act. The Regulatory Flexibility Act calls for small business to be exempted from onerous agency regulations. There is virtual unanimous support for this legislation in both Houses.

The amendment updates the 1950's Delaney clause to prohibit all but "negligible threat to human health" amounts of chemicals in food.

The bill includes the House-passed regulatory impact analysis requirement. Like environment impact statements, this requires agencies to estimate the economic impact of their regulations before issuing them.

The amendment requires the President to issue a biennial regulatory budget. This is a 2-year accounting of the total regulatory costs on the economy and people's lives. The so-called Nickles amendment is included instead of the regulatory moratorium that passed the House. This is a softening amendment. Nickles allows Congress 60 days to disapprove any regulation issued after November 20, 1994, if the President signs such disapproval or his veto is overridden.

Mr. Speaker, as you can see this is a reasonable merging of what's best, most reasonable and workable in the House and Senate bills. It is not as tough as the House bill, nor as loose as the Senate bill—in short, a good compromise. Every Member who voted for the House bill earlier this year can and should support this amendment today. Doing so will make it reality.

□ 1530

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

The SPEAKER pro tempore (Mr. HOBSON). Is the gentleman from Virginia [Mr. SCOTT] opposed to the bill?

Mr. SCOTT. Mr. Speaker, I am opposed to the bill and am representing the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. SCOTT] is recognized for 10 minutes.

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

Mr. Speaker, this is a complex legislation and has no place in the debt ceiling resolution. It has been sprung on the minority party at 9:30 this morning. I understand there have been three different versions, so it is unclear exactly what is being presented to us at this time. It is unfair to have such complex legislation even being considered in this format.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the ranking member on the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I am in very strong objection to the content of this bill, but as I said earlier during general debate, I think I will spend most of my time speaking with regard to the process involved in this bill.

Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. WALKER] for the many years that he has spent working with me in most cases on this type of legislation. We do badly need to improve the processes by which we make risk assessments, do regulatory impact analysis and cost-benefit studies, and this bill does contain a response to that need.

Mr. Speaker, I did not support the bill in the House when it was originally passed because I did not like the content or the form of the response that the bill contained, but that is not to belittle the need for constructive change.

This position is one that the Democratic administration shared when the bill was originally on the floor. They indicated in a letter than they were strongly opposed and that, while the recognized the need to improve risk assessment and cost-benefit legislation, they did not feel that this bill met that criteria.

The bill was passed, nevertheless, and went over to the Senate, and it remains in the Senate and has not been passed. I said during general debate that the statement of the gentleman from Pennsylvania to the Committee on Rules last night, which implied that it had received 58 votes in the Senate, constituted a falsehood in advertising because there was never a vote taken in the Senate, except on a motion to

cloture, which failed because it requires 60 votes and it only had 58.

Mr. Speaker, I am sure the gentleman from Pennsylvania would say that all those 58 who voted for cloture would have voted for the bill and, hence, his statement that implied they had was essentially correct. From long experience, I know how able the gentleman is to defend these kinds of statements and I look forward to whatever defense the gentleman may have.

But, Mr. Speaker, as a matter of fact, this is not a consolidation or compromise or an effort to reach agreement between the House- and Senate-passed bill. To the best of my information, there has been no compromise process with the Senate. The Senate staff and Members that we have spoken to know of no such effort, and that includes Senator CHAFEE and Senator ROBB.

Mr. Speaker, I am at a loss to understand what has taken place that leads the gentleman from Pennsylvania to state that this is a compromise between the House- and the Senate-passed bills.

Now, I know there are a lot of strange things taking place here. The gentleman is a devotee of improved efficiency in almost everything, and I share that with him. I think he has found new shortcuts to reach agreement between the appropriate people in the House and in the Senate. The gentleman has not revealed to me yet what those shortcuts are, and he, I think, would imply that when I raise this issue I am being, in the words that the gentleman used earlier today, engaged in obstruction, obfuscation, and some other words that I did not quite get down here.

Mr. Speaker, let me assure the gentleman that I respect his point of view, because it comes from a master in this field. Anything that I have learned about how to do that, I learned from the gentleman from Pennsylvania in earlier years. I have not become nearly as proficient as the gentleman, but I am trying to improve and, with his help, I am sure that I will.

Mr. Speaker, I would have appreciated it if the gentleman could have let me know that he was going to appear before the Committee on Rules last night and submit a bill, 132 pages, I believe it is, that the gentleman knew I was vitally interested in.

Frankly, I would be glad to work constructively with the gentleman in securing a proper version of that bill, but I was not notified. We received a version of the bill, I think the second version, at about 10 o'clock this morning.

Now, the gentleman from Michigan [Mr. CONYERS] complained that the portions of the bill that he was concerned about, he only received this morning at 11 o'clock. I would say to the gentleman from Michigan, "Have no fear. You are not being discriminated against. We all are in the same position."

Mr. Speaker, I think that that is common to all of the Members on our side. We are receiving very little, if any, notice, and if we object to that, we are accused of obfuscating and obstructing the smooth process by which this efficient organization is proceeding.

Mr. Speaker, I think history will record that we are seeing new records in smoothness and efficiency here.

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

Mr. BROWN of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, in some quarters we are accused of dialectal materialism as well.

Mr. BROWN of California. Mr. Speaker, reclaiming my time, I heard that remark, too, from a gentleman that I have high respect and admiration for.

Mr. Speaker, to confuse the matter more, I have a version of the bill which I understand was sent to the desk that is marked as having been received from the counsel's office at 2:23 p.m. today. It is now 3:30, so this third version of the bill which has major changes over the first two which was received after we entered into debate on this amendment.

Now, I indicated earlier that I do not want to discuss content. I cannot discuss content. I have not had a chance to read the content. I do not know what is in the bill. My staff counsel informs me that there were three different versions of the definition of "major rule." The first definition had a $50 million cap; the second one had a $75 million cap; and the one we just received has a $100 million cap. Mr. Speaker, I would be prepared to debate any one of those, if I knew what it is the gentleman from Pennsylvania really wanted to have in the final version. However, having spent all of my time debating those three versions, I would probably not have the time to debate the many other provisions which have been likewise changed in the three different versions of the bill.

That, Mr. Speaker, is a total collapse of reasonable legislative process, and I do not think that the Congress of the United States ought to allow it to happen.

I know that most of us on both sides know that this is a little bit of game playing, and none of this bill is going to be enacted into law and that we are using this time in order to make points. I am using this time in order to make points. I admit it. I am making a point that this system has totally disintegrated.

Mr. Speaker, there is no communication between majority and minority. There is no effort to let us know what is going on. There is a disregard for the truth in telling us what is happening, and I object very strongly to that.

Mr. Speaker, today, we reach the heights of farce in the legislative process. I suppose it is inevitable that all fervent revolutionaries believe that the ends justify the means. Apparently, the Republican leadership believes that the principles in the Contract With America are somehow more important than the democratic process.

Mr. Speaker, in a sweeping gesture of generosity, the Rules Committee has permitted us 40 minutes of debate on a 112 page nongermane amendment which we first saw this morning at 11 a.m. We were not even given the courtesy of being informed that the Rules Committee would be meeting late last night to consider making this amendment in order.

How much debate does the Republican leadership really expect under these circumstances?

The fact is that the rules of this House have been twisted to prevent any intelligent or informed consideration of this amendment. Under the rules of the House, of course, this amendment would ordinarily be entirely out of order as a nongermane amendment to the debt limit extension bill. But by virtue of the orders of the Republican leadership, that rule and all other rules guaranteeing Members adequate notice and an orderly considered process have been brushed aside. Not that it makes any difference, since even if we had an adequate opportunity to understand what we are considering, we are barred from offering amendments in any case.

Where did this amendment come from? According to the majority, it represents a compromise. But with whom? The Senate has never passed its regulatory reform legislation, so it cannot be a compromise with the Senate. So why are we passing this bill again when the problem appears to be in the other body?

The question, of course, is what are the Republicans trying to hide? The regulatory reform bill passed by the House as part of the Contract With America was so extreme that even the Speaker publicly acknowledged that changes would have to be made. As it passed the House, H.R. 9 would not have reformed the regulatory system. Instead, the intention was to kill the regulatory system through a slow strangulation of red tape and needless litigation.

If the majority was serious about improving regulatory reform, they would have supported increased resources for the regulatory agencies to carry out the scientific research, risk assessments, and cost-benefit analysis needed to improve regulatory decisionmaking. Instead, the Republicans have slashed agency budgets.

Mr. Speaker, we have stated on this side of the aisle over and over again that we support reasonable regulatory reform which promotes risk assessment and cost-benefit analysis. But we are talking to ourselves. The other side appears more interested in slogans than in real solutions, as today's actions all too early demonstrate.

I urge a "no" vote on the amendment, and reserve the balance of my time.

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

Mr. CLINGER. Mr. Speaker, I rise in very strong support of my Pennsylvania colleague's amendment. This is a

regulatory reform amendment which is based upon legislation passed earlier this year in the House and received very strong bipartisan support. Let's not forget that H.R. 1022, the cost-benefit and risk assessment legislation, passed 286–141.

This amendment combines some of the best features of the House bills, along with some similar provisions considered by the Senate, in order to achieve comprehensive regulatory reform. It includes risk assessment and cost-benefit analysis along with a review process for Congress to look at proposed and final rules. There are several House and Senate Members that should be commended for their hard work in this reform area, but I would specifically like to commend two other House chairmen, Chairmen BLILEY and WALKER, Majority Leader DICK ARMEY, Majority Whip TOM DELAY, Congressmen MCINTOSH, CONDIT, PETERSON, along with Senators DOLE, JOHNSTON, and NICKLES, for their never-ending efforts to try and get regulatory reforms enacted.

Mr. Speaker, a major platform of this Congress is to eliminate as much redtape as possible to help small businesses, and ease the economic burdens on society. We have all heard the horror stories that abound outside the beltway and the cries from our constituents—the homebuilders, consumers, farmers, and small business owners as they plead to be rescued from this sea of redtape. It is incumbent upon us to reassess the size and scope of the impact that the government has in the daily lives of our citizens. And regulatory reform is the key to achieving this goal.

It is no secret that the costs of regulation to our economy are high. According to President Clinton's National Performance Review, it is estimated that the cost of regulation is about $430 billion per year, 9 percent of our gross domestic product, or roughly $6,000 per household. This should make us take pause. We simply cannot expect the economy to grow while trying to withstand this burden.

Federal agencies need to carefully assess their regulatory programs and prioritize very limited Federal resources. Regulatory reform, such as the risk assessment and cost-benefit provisions included in this amendment, require this prioritization. We cannot continue along the path we are on and expect society to continue to shoulder the burdens of overregulation. We must start to reverse the trend of years of overregulation.

Mr. Speaker, we are looking for a balance. No one disagrees that some of these regulations are necessary and even beneficial. We all want clean air, clean water, and safe working environments. But we must balance adequate protection for our citizens and a healthy environment along with a healthy economy and less government intrusion. The pendulum has swung too far the other way. This legislation corrects that circumstance. It is our only hope.

I close by urging my colleagues to support this amendment and the Senate to pass this much needed legislation in an expeditious fashion.

Mr. SCOTT. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Virginia [Mr. SCOTT] has 12 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 13½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I congratulate the gentleman from Virginia [Mr. SCOTT], my colleague from the Committee on the Judiciary.

Mr. Speaker, I would like to just point out to the gentleman from Pennsylvania [Mr. WALKER] that we have really hit a new low here today. It is an insult to this legislative body to do what we are doing in rewriting the Nation's regulatory laws. Mr. Speaker, I say to my colleagues on the other side of the aisle, You are the majority. Why do we have to pervert the process so obscenely to arrive at this point?

Mr. Speaker, here is 112 pages, a second version that has just arrived. No notice to the ranking minority member, and what is involved? What is the hidden bottom line in this? Risk assessment and cost-benefit analysis. Face it. That is what it is all about. That is why they cannot debate it. That is why they cannot bring it through the regular committee process. That is why they cannot notify the ranking Democrats on all these committees.

□ 1545

This process that the gentleman from Pennsylvania brings to our attention, adding on to a 300-plus-page bill now, would tie up the regulatory system in hopeless bureaucracy and redtape; the gentleman, of all Members, who has lectured us about redtape and bureaucracy for lo these many years. It sets an absurdly low-limit threshold for applying cost-benefit and regulatory-impact analysis and would tie the courts up in endless litigation.

Congratulations, sir. You really got it over this time. It really worked. We are ramming this baby through 100 miles an hour. What difference that there is a little process trampled on?

I mean, that is the majority and this is the way it is going to be. But history will record.

It is an insult to this legislative body that we are even debating this broad ranging rewrite of the Nation's regulatory laws.

We in minority have gotten use to voting on matters without having had the opportunity to conduct hearings or hold committee markups. But today the Republicans have taken their distortion of the legislative process to new heights. Today we will be forced to vote on a complete rewrite of our regulatory laws without having had a chance to even review the language.

The legislation appears to be some Frankenstein combination of a number of separate bills which have been considered by a number of different committees, including the Judiciary Committee. No one seems to know what is in the final version. None of the Senators who has been working on this issue knows what is in it, the Administration does not know what is in it, and I would doubt a single Member who will vote on this amendment has any detailed knowledge of what is in this amendment. We cannot call it a compromise, because it has not been negotiated with anyone.

If it is anything like some of the previous incantations we have seen this Congress we can be sure it constitutes an unprecedented assault on our regulations. Sure, we all want to streamline the regulatory system, but this would take a meat ax to our environmental protections, our protections against cancer, our airline safety laws and other similar protections.

The amendment would tie up our regulatory system in needless bureaucracy and redtape. It would set an absurdly low-limit threshold for applying cost-benefit and regulatory-impact analyses. It would tie up the courts in endless litigation.

Whether or not one agrees with the goals of the legislation, surely we can agree that the amendment should not be considered under these high-pressure procedures, and should not be attached to a debt limit in an effort to blackmail the President and the American people into accepting the Contract With America.

I urge my colleagues to oppose this amendment, and restore sanity back to the legislative process.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY] who is a cosponsor.

Mr. BLILEY. Mr. Speaker, the Walker-Bliley amendment on regulatory reform is critical to the Nation's economic future. Today we consider yet another increase in the Nation's debt. This Congress must make clear that the decades long growth of taxing, spending and increasing regulatory burdens must change. Economic reality has caught up. For years, many of us have argued the critical need for regulatory reform to ensure our economic future.

As part of the Contract With America, the House of Representatives passed H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995 by a vote of 286 to 141. Sixty Democrats joined House Republicans in supporting this legislation. Chairman WALKER and I introduced H.R. 1022 to ensure Federal regulatory programs are based on sound science and common sense assessment of the cost and benefits of new regulations. The bill was supported by a sweeping array of small

businesses, industry groups, States and local governments.

Local governments and American businesses literally spend billions of dollars on often unnecessary or poorly considered Federal regulations. We must take a firm stand that we value the contribution of these groups to our society and must not needlessly add to their burdens. Responsible Government must ensure that regulations are justified and reasonable on the facts.

The Nation's regulatory burden is projected at between $450 and $850 billion a year and growing. Just as we take steps to assure that the rate of growth of the budget is held in check by the year 2002, we must also take steps to ensure that unnecessary regulations do not shackle the economic engine that will be critical to improving the quality of life for ourselves and our children.

A Washington Post editorial this year states:

The United States has become an over-regulated society. The government too often seems to be battling major and minor risks, widespread and narrow, real and negligible with equal zeal. The underlying statutes are not a coherent body of law but a kind of archaeologic pile, each layer a reflection of headlines and political impulses of the day. Too little attention is paid to the cost of the whole and the relation of cost to benefit.

This amendment would be a solid step for responsible regulatory reform to put our regulatory programs on a more sound footing. The Walker-Bliley amendment includes the House risk assessment and cost-benefit reforms passed overwhelmingly by the House earlier this year. Compromises in some areas have been made. For example, H.R. 1022 defined a major rule as a rule which costs over $25 million in annual compliance costs.

I believe that is the appropriate definition. In a compromise with the Senate effort, however, this amendment defines major rules as those costing $75 million in annual compliance costs.

Despite this compromise, the Walker-Bliley amendment represents strong reform to assure risk assessments are objective, and unbiased and that there is a reasonable relationship between the costs and benefits of the regulations.

In addition, the amendment provides reform under the Regulatory Flexibility Act, and provides for congressional review of regulations. The amendment also contains portions of the Regulatory Accounting Act of 1995, which I introduced along with Mr. MCINTOSH, CONDIT, and STENHOLM. This provision is also a part of the Senate legislation. This provision would, for the first time, require a biennial accounting statement of Federal regulatory costs.

We cannot wait forever for these reforms. Those who continue to resort to fearmongering, mischaracterization, delay, and obstructionism to prevent this reform must understand the resolve of the proponents of real change.

I ask my colleagues to support this amendment and make a real difference for local governments and businesses across the country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. COLLINS], ranking member of the Committee on Government Reform and Oversight.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the amendment of the gentleman from Pennsylvania.

Mr. Speaker, it is astounding that the gentleman's amendment is portrayed as a compromise between the House and the Senate regulatory reform proposals. We all know that the Senate has yet to vote on regulatory reform. How can the amendment be a compromise when there is no Senate regulatory reform bill with which to compromise?

Furthermore, the gentleman did not make his amendment available to Members on this side of the aisle. The one copy he left at the Rules Committee late last night was copied an hour or so ago and given to us. However, I understand the version of the amendment we are considering now is different from the amendment discussed at Rules Committee and printed in the RECORD today.

This amendment is 112 pages long and while we have started reviewing it, I have no idea even now whether the regulatory reform issues that the Committee on Government Reform and Oversight considered are in it, or not. I do understand, however, that the amendment is very different than the regulatory reform bill that passed this House.

Mr. Speaker, this kind of sneaky action makes a farce out of the legislative process. The House has already passed its regulatory reform bill. It is now up to the Senate to act. If and when the Senate does act, then and only then can a compromise be reached.

Mr. Speaker, there is a place for the consideration of regulatory reform proposals, but the debt limit bill is not one of them. I strongly urge my colleagues to vote "no" on this Mickey Mouse amendment.

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

Mr. GEKAS. Mr. Speaker, my role here today is to reemphasize that the provisions of this amendment have been favorably met by the House of Representatives in an overwhelming vote, 415 to 15, in two portions about which we speak. In regulatory flexibility, which is the heart of the legislation that we passed out of the Committee on the Judiciary, we add to it a feature that the business community, small and large, I must tell my colleagues, have been yearning for for years. That is the ability to have judicial review of an adverse impact that visits them in the conduct of their business.

The Regulatory Flexibility Act, with which we have been living for generations now, never had that feature. Here now for the first time we offer all the disaffected entrepreneurs in our country the right to ask for an appeal from, a review of an adverse regulatory decision. That by itself should prompt us to support this amendment. The gentlewoman from Kansas [Mrs. MEYERS] was able to in her subcommittee, as well as in mine, to reach an overwhelming consensus among the membership of those committees which we transferred to in the House here.

The same is true of regulatory impact analysis where we were able to fine tune that portion of the businessman's entanglements in Washington. We produced legislation that, as I say, gained that overwhelming support which we now claim is important enough for Members to support this amendment.

We are going to have, one way or another, we are going to have reform in regulatory flexibility and in regulatory impact analysis. But here is our chance to stick the tongue in the fire and leave it there to make sure that our goals are met.

The SPEAKER pro tempore (Mr. HOBSON). The Chair would inform the gentleman from Virginia [Mr. SCOTT] that he has 7 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 8½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I watched this process with interest throughout the afternoon, and I am reminded of one time when I went to the grocery store and I was looking for apples. When I looked at the apples I found that the apples available that day were spoiled. I did not want any. So the next day I went back and I took another look at the apples, and there were more bad apples. So I went home.

The third day I came back and I finally found some good apples. They were perfect for what I wanted them for. Imagine my surprise when the grocer said to me, you can only have the good apples if you will buy all my bad apples. You must take everything that is here, the bad with the good, in order to get what you have come shopping for.

Frankly, Mr. Speaker, that is what we are telling the American people, that they must buy everything that the majority party is selling, including the bad apples. Clearly, the other body, the President and the American people are not interested in what the majority is selling. If they were, moving these issues on freestanding bills would not be a problem.

The American people understand what is going on today. They do not want partisan rancor. They do not want legislative blackmail. They want us to pass a clean bill. They want us to get on with the work of running this Nation, and they do not want us to let the bad apples spoil the barrel.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in strong support of the Walker amendment to H.R. 2586 and urge my colleagues to vote yes on its passage because of its importance to

small business rules and regulations have greater economic impact on small business.

Mr. Speaker, one of the most important reasons to vote yes on the Walker amendment is that it contains needed improvements to the Regulatory Flexibility Act. These improvements, which include judicial review of agency compliance with the Regulatory Flexibility Act, are overwhelmingly supported by this Nation's small businesses. At the recently concluded national White House Conference on Small Business, small business representatives from throughout this country made regulatory flexibility judicial review their No. 3 recommendation. That is clear evidence of strong support for this kind of regulatory reform that is contained in the Walker amendment.

Moreover, Mr. Speaker, on March 1 of this year, in this very Chamber, we passed the amendments to the Regulatory Flexibility Act now contained in the Walker amendment by an overwhelmingly bipartisan vote of 415 to 15.

Just last week, the House Committee on Small Business, which I chair, held a joint hearing with the Senate Committee on Small Business which focused on the very issue of the disproportionate burden that small businesses endure because of overregulation.

Providing judicial review for agency compliance with the Regulatory Flexibility Act is something that this Nation's small businesses have worked for for years, and it is something they clearly deserve. Small businesses desperately need regulatory reform now—please vote yes on the Walker amendment.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Speaker, we are the committee of jurisdiction. Do we have the right to close?

The SPEAKER pro tempore. In the perception of the Chair, there is no reporting committee. Therefore, the proponent, the gentleman from Pennsylvania [Mr. WALKER], has the right to close.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCOTT. Mr. Speaker, we are supporting the printed bill that is before us. Would we not have the ability to close? We are defending the reported bill.

The SPEAKER pro tempore. The prerogative of closing is to the manager of the bill, otherwise to the proponent of the amendment. The prerogative to close only goes to the amendment's opponent if he is a manager of the bill.

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

The SPEAKER pro tempore. So there is no misunderstanding, the gentleman from Virginia [Mr. SCOTT] has 5½ minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 6½ minutes.

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

Mr. MICA. Mr. Speaker, again, I want to try to bring this debate into perspective. I have my $270 here that I took out of my savings account. What we are going to do today is we are going to extend the debt limit for every man, woman, and child in the United States for a total of $67 billion between today and December 12. That costs every man, woman, and child $269 of their hard-earned money just for that short period of time.

□ 1600

Now we have heard about regulatory reform. The gentleman from Pennsylvania [Mr. WALKER] and I stood on this floor in the past Congress and debated regulatory reform, and we passed regulatory reform by overwhelming margins, but we have not seen regulatory reform.

Now the other side has bought votes for three decades. They have paid for them with IOU's, and they have created a national debt of $1½ trillion, and we are asking today that, if we increase the national debt, we want reforms, we want regulatory reform, we want risk assessment, we want to look at the cost and benefit of imposition of a new regulation, we want the reorganization of the Department of Commerce, and talk about supporting a trade policy. The United States has the most disorganized trade effort in the world with the highest, we are running the highest, trade deficit that we have ever had in the history of this Nation, and we are asking to reorganize it in this bill.

So these are the downpayments we are asking for as we raise this debt up, as we obligate every citizen in this country for just the next 34 days to $269 per person. By Thanksgiving it will be $118 per person for every person in this country.

Mr. Speaker, I am telling my colleagues the other side will not be happy until every American is dependent on some kind of Government program.

Mr. WALKER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, we saw the gentleman from Florida [Mr. MICA] hold up his dollars. Let us talk about real money though because this has been labeled a Mickey Mouse idea.

Fact of the matter is that the cost of regulations on the American people are estimated anywhere between $500 and $700 billion a year. There is nothing Mickey Mouse about the growing price of regulations and the death of common sense that has swept across America and especially swept across the bureaucracies in Washington, DC. For too long we have had unelected bureaucrats in Washington, DC, passing rules and regulations that have tied the hands of Americans, small American business people and property owners.

Mr. Speaker, this is a good, commonsense first step in moving in that direction, and I certainly look forward to supporting it, and I thank the chairman for bringing this bill to the floor.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I must say that I disagree with the gentleman yielding to me and some of my other Democratic colleagues concerning the appropriateness of having habeas corpus and regulatory reform in this debt measure because I cannot think of two more fitting examples of what the Republican Party is doing than with these two measures. See, habeas corpus in Latin means, "You have the body," and when the American people have the body of this Republican Party and what they are doing to America, they are going to see it for all that it is. They are going to know that they can take the stiffest old wire brush, and they cannot scrub the dirtiness and the ugliness of what they are doing to this country out with that wire brush.

And what about regulatory reform? Mr. Speaker, what they believe in is regulatory short circuit. They have got it short-circuited to the point that we do not need a committee system in the Congress, we do not need to involve the America people in the decisions of the Congress. No, we can have regulatory and lawmaking reform; just get a cluster of the strongest, most powerful lobbyists in the country to get together in the closet with the Speaker. He will take a little time out of his campaign to be President of the United States, a campaign based on the theory that the American people want someone meaner than PHIL GRAMM as a candidate, and the Speaker will take a little time away from signing book autographs and running for President, and he will sit down, and he will resolve the lawmaking and the regulation of the United States in exactly the same way that he cut Medicare.

Mr. Speaker, we have what is referred to as a Christmas party offering special deals to various lobby groups to get what they want.

It is appropriate that the gentleman from Pennsylvania would begin the presentation on this amendment by citing letters from two lobby groups. Who else would this group that has contracted out the Contract on America, subcontracted it, if my colleagues will, to the lobby to write the bills, to use the committee computers, to turn to the lobbyists during the committee hearings to provide all the answers? Of course, they start with letters from lobbyists saying that this measure is OK.

But what about the American people? Why do they not have a say in this process? Why shortcut it in this fashion when even the Members of this body do not get to see the bills that are passed?

I am not just talking about the Democrats. We could not find 10 Republicans in this entire body that had the slightest idea what is in this amendment. It is not even the same amendment that was presented in the sneak attack last night.

See, the problem is that our Republican colleagues are so used to having a party that is exclusive, that does not include people in the decision-making process that they decide to use a sneak attack instead of including the people in a process of decision making with committee hearings, with people coming in, hearing what good science is from the experts, instead of relying only on the lobbyists.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOBSON). The Chair would admonish all Members that they are not to make personal references to Members of the other body.

Mr. DOGGETT. Mr. Speaker, we had a chance to look at the specifics of this regulatory reform measure earlier in the year, and one of the things we found is that it required, before any new rule to protect the public health, and welfare, and safety of the people of the United States could be adopted, it had to be peer reviewed, and we were not talking about a peer review of people of science. We were really talking about a peer review that could include lobbyists, the same kind of people that cluster up with the Speaker in the back room to write legislation like this, and they would not accept an amendment to delete the power of lobbyists to review these pieces of legislation and to roadblock them to gum up the process, and that same language, I am advised, is buried somewhere in these pages, is mixed in there at present, so that we will rely on the tobacco companies to decide the future of any regulation concerning tobacco in this country. We will rely on the polluters to decide on any regulation about water and air purity.

Yes, this is in this particular amendment simply a question of whether we want to have unilateral disarmament of the ability to protect the health and welfare of the people of the United States to assure that we have water we can drink and air that we can breathe, whether we want to do that or whether we want to involve the people in a reasonable process that is not some backroom deal to provide in the dead of night one amendment and then come out here on the floor without any hearing, without any input, and do another.

See, I think the problem is basically that some of our Republican colleagues confuse arrogance of power with leadership. They have not given us much of the latter. They have given us little else than arrogance and power.

Mr. WALKER. Mr. Speaker, always good to get the liberal extremist point of view brought to bear.

Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I commend my colleagues for their excellent job, along with the gentleman from Virginia [Mr. BLILEY], in bringing this forward to the House floor and letting us complete one of the promises we made the American people in the Contract With America. Before I mention some of the substantive part of this, I would like to point out to Members that this vote is now a key vote for various organizations who represent working men and women across this country:

The National Federation of Independent Business, the U.S. Chamber of Commerce, the National Restaurant Association, Americans for Tax Reform, National Association of Home Builders, National American Wholesale Grocers Association have all key-voted this very important regulatory relief bill.

When my colleagues stop to think of it, it is particularly appropriate that we have this in the debt-ceiling extension. The average family pays $2,300 in interest on the American debt each year. They pay $6,000 in the costs of Federal regulations, 2½ times what they pay for the interest on the debt. This bill will help to pull back the regulatory debt that the Federal Government has placed on the American working family for the last 40 years.

Mr. Speaker, this is vitally important for our competitiveness. It will help keep jobs here in America, and it will allow us to go back home and tell workers we have lifted the redtape that has sent their jobs overseas to China, to Mexico, and to around the world because they do not impose that type of regulatory burdens on companies. We are going to be competitive and create good jobs right here at home in America.

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

Mr. Speaker, we previously heard about the deficit. We can remind everyone that most of the national debt was run up during the Reagan and Bush administrations. Congress actually cut most of their budgets.

Mr. Speaker, this is not the House-passed regulatory reform bill. It has not been negotiated by the Senate. The Senate has never passed the regulatory reform bill, and some Senate Republicans will object to its inclusion in the debt bill.

This is a 122-page amendment which was written last night without consultation with the Senate or House Democrats. It overrides existing laws to protect public health, safety, and environment. It will lead to regulatory gridlock and a litigation explosion and will cripple the cleanup efforts at our military bases.

We have had a bad process, it is a bad amendment. Please vote no on this amendment.

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

Mr. Speaker, we have had an interesting debate, and obviously it is very difficult to debate the substance for the other side because all they want to do is talk about process. But that is fine. As my colleagues know, that is the way in which the process goes forward I guess. But the bottom line is that what we ought to be talking about is how we balance the budget and get the burden of regulations off the back of the American people.

Mr. Speaker, the most important thing this Congress can do is to balance the budget so we can stop having to keep heaping even more Federal debt on our children. To accomplish this paramount goal, we have to cut unnecessary spending and costs. This goes for the competitiveness of the private sector as well, which is what this amendment addresses.

Mr. Speaker, in an era of tough budget realities which the bill before us brings home to roost, policymakers need to make choices and set priorities—to concentrate scarce dollars where they will do the most good, and analyze alternatives to achieve the goal of public safety at the lowest possible cost. At this critical point in our effort to change the way Washington works, we believe that we have a unique opportunity to move this consensus reform right now. After 10 years of lip service by the Democrat congresses before this to the whole question of U.S. competitiveness, but no action except for even more Federal spending in the form of industrial policy subsidies, we now have the chance to do something really big. We now have a chance to speak to the 450 to 800 billion dollars' worth of regulations imposed upon the economy every year.

President Clinton says he has to raise the debt ceiling. Well, at the same time we can give him the opportunity to remove the need for so much wasteful Federal corporate welfare spending which combats the unnecessary costs of unjustified regulations. This landmark competitiveness initiative, will be worth more than about 100 advanced technology programs or other Government spending programs.

What we can begin to do is deal with the issue of regulation. Here is that chance. Here is an opportunity to use a consensus approach to begin to wipe out the regulations that so far undermine the economy by asking the Members of this body to do as they have done before, support regulatory reform.

Vote for the Walker-Bliley amendment.

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. WALKER. Mr. Chairman, on that demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 165, not voting 10, as follows:

[Roll No. 779]

YEAS—257

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

NAYS—165

Abercrombie	Green	Neal
Ackerman	Gutierrez	Oberstar
Andrews	Hall (OH)	Obey
Baldacci	Hamilton	Olver
Barrett (WI)	Harman	Ortiz
Becerra	Hastings (FL)	Pallone
Beilenson	Hefner	Pastor
Bentsen	Hilliard	Payne (NJ)
Berman	Hinchey	Pelosi
Boehlert	Holden	Pomeroy
Bonior	Hoyer	Poshard
Borski	Jackson-Lee	Rahall
Boucher	Jefferson	Rangel
Brown (CA)	Johnson (CT)	Reed
Brown (FL)	Johnson (SD)	Richardson
Brown (OH)	Johnson, E. B.	Rivers
Bryant (TX)	Johnston	Roemer
Cardin	Kanjorski	Roukema
Clay	Kaptur	Roybal-Allard
Clayton	Kennedy (MA)	Sabo
Clyburn	Kennedy (RI)	Sanders
Coleman	Kennelly	Sawyer
Collins (IL)	Kildee	Schiff
Collins (MI)	Kleczka	Schroeder
Conyers	Klink	Schumer
Costello	LaFalce	Scott
Coyne	Lantos	Serrano
de la Garza	Levin	Shays
DeFazio	Lewis (GA)	Skaggs
DeLauro	Lipinski	Slaughter
Dellums	Lofgren	Smith (MI)
Deutsch	Lowey	Spratt
Dicks	Luther	Stark
Dingell	Maloney	Stokes
Dixon	Manton	Stupak
Doggett	Markey	Tejeda
Doyle	Martinez	Thompson
Durbin	Mascara	Torres
Engel	Matsui	Torricelli
Eshoo	McCarthy	Towns
Evans	McDermott	Velazquez
Farr	McHale	Vento
Fattah	McKinney	Visclosky
Filner	McNulty	Volkmer
Flake	Meehan	Ward
Foglietta	Meek	Waters
Forbes	Menendez	Watt (NC)
Ford	Mfume	Waxman
Frank (MA)	Miller (CA)	Williams
Frost	Mink	Wilson
Furse	Moakley	Wise
Gejdenson	Mollohan	Woolsey
Gephardt	Moran	Wyden
Gibbons	Murtha	Wynn
Gonzalez	Nadler	Yates

NOT VOTING—10

Bono	Owens	Tucker
Chapman	Peterson (FL)	Weldon (PA)
Fields (LA)	Studds	
Lewis (CA)	Thornton	

□ 1634

Mr. HILLIARD and Mr. MCNULTY changed their vote from "yea" to "nay."

Messrs. BAESLER, DOOLEY, and ROSE changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, on rollcall No. 779, I was unavoidably detained at a White House meeting.

Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to the rule, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2539, THE ICC TERMINATION ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–329) on the resolution (H. Res. 259), providing for the consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING PROVISIONS OF CLAUSE 4(B) OF HOUSE RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–330) on the resolution (H. Res. 260), waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MOTION TO RECOMMIT OFFERED BY MR. PAYNE OF VIRGINIA

Mr. GIBBONS. Mr. Speaker, under the rule, I am the minority leader's designee to present the motion to recommit.

Mr. Speaker, I offer a motion to recommit. I am opposed to the bill and I ask unanimous consent that the gentleman from Virginia [Mr. PAYNE], the author of the amendment, be allowed to present it, and to control all of the time and yield time.

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

There was no objection.

The SPEAKER pro tempore. Is the gentleman from Virginia opposed to the bill?

Mr. PAYNE of Virginia. I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. PAYNE of Virginia moves to recommit the bill H.R. 2586 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment:

Strile all after the enacting clause and insert the following:

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on the later of—

(1) December 12, 1995, or

(2) the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature,

the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,967,000,000,000, or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States (and to ensure full investment of amounts credited to trust funds or similar accounts as required by law) through such period.

Amend the title by striking ", and for other purposes".

The SPEAKER pro tempore. The gentleman from Virginia [Mr. PAYNE] is recognized for 5 minutes on his motion to recommit.

Mr. PAYNE of Virginia. Mr. Speaker, this motion to recommit is very simple: it alters the debt limit to provide for a 30-day time period from the time a reconciliation bill hits the President's desk until we reach the debt limit. These 30 days will allow us to work in a bipartisan way to develop a plan that will balance the Federal budget as well as avoid a default by the Federal Government.

This is also a clean motion.

This motion raises the debt limit in the same manner we have raised the debt limit in the past, for short periods of time, for both Democratic and Republican Presidents. Without partisan riders. Without putting the country in danger of default. This motion to recommit allows us to continue this bipartisan tradition.

The motion to recommit is identical to the amendment offered at the Rules Committee last night. The Rules Committee rejected this commonsense proposal in favor of one weighed down by partisan distractions. The motion to recommit brings the debate back to where it ought to be: How do we protect the creditworthiness of the United States of America while we work to balance the Federal budget.

A balanced budget is a goal that has bipartisan backing. And the motion to recommit will give us the time we need to do it. This proposal is fair, it is rational, and it is about doing what the American people sent us here to do. Thirty days from the time the reconciliation bill hits the President's desk is not too long when we are talking about a credit record our country has built over 200 years. And it's not too long to consider how best to balance our budget and put our fiscal house in order for ourselves and for future generations.

I urge my colleagues to vote for the motion to recommit.

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

Mr. PAYNE of Virginia. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I wish to commend the gentleman for this motion. It appears to me that unless this motion is adopted, this House, along with the Senate, is headed for a train wreck, deliberately led by Speaker GINGRICH and the Republican majority, to try to force the President to do something when they know the President will not do it. They are not going to be able to shove it down the President's throat, and he, being a reasonable person, is going to request that they do exactly as you propose.

□ 1645

If we want to keep the country on a good course of economy that we need to have through this fall and going into next year, we do not need this type of activity that is envisioned by the original bill. That will lead to the train wreck that is going to occur, the default that is going to occur in the economy of this country.

I want to commend highly the gentleman for his thoughtfulness and willingness in order to work this whole thing out. I know the gentleman strongly believes in a balanced budget, has voted for a balanced budget and wants to get there, just like I do. I want to commend the gentleman for using a little sense in this whole activity.

Mr. PAYNE of Virginia. I thank the gentleman from Missouri.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, the gentleman's motion is an effort for us to work in a bipartisan manner on dealing with this budget.

Let me explain this. It is the preference of the President, it is my preference, that we have a long-term extension of the debt ceiling. That is not to be the case. The Republicans want to have leverage on the debt ceiling in dealing with the budget.

I think that is wrong. I do not think we should jeopardize the credit of this Nation. I do not think we should jeopardize interest rates that consumers have to pay. But if we are going to have a short-term extension, it should be one that both Democrats and Republicans can support.

It is not the President's fault that we are here tonight asking for an extension of the debt ceiling. It is the failure of the leadership to pass the appropriation bills, to pass the budget by the October 1 deadline. We are well past that.

Democrats are willing to work with Republicans on a debt extension so we do not jeopardize the credit of the Nation, but let us make it a clean extension. Let us not put these extra issues in there to make it impossible for Democrats to support and guarantee a Presidential veto. It is our fault, the Republican leadership's fault, for not meeting the deadlines. Give us a debt extension that Democrats and Republicans can support so we do not run the risk of the credit of this Nation. That is the choice we have.

The gentleman's motion will extend the debt ceiling until we pass the budget bills and have sent them to the President. It is a clean extension.

I urge my colleagues in a bipartisan manner to support the motion.

Mr. ARCHER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr Speaker, this body has just heard what on the surface appears to be a plausible, responsible colloquy by two members of the Committee on Ways and Means who are, I believe, very genuine, very responsible people

The difficulty with it is that it opens the door for an unlimited period of time for the President to stall, to make excuses and to fail to bargain in a responsible, genuine way for a balanced budget in 7 years, based on CBO numbers, without new taxes. That is what we are about. That is what the American people want by an overwhelming margin, and that is what we have been working to all year, with a President who at first said we do not need a balanced budget, we do not need one at all, and defended that position and then reluctantly came to the dance floor and said, well, maybe 10 years is OK, but not by CBO numbers.

By CBO numbers, his so-called balanced budget never balances. It is $200 billion a year in deficit as far as the eye can see. We have had a whole year for the President to come forward and do what the American people want.

The motion to recommit would create a debt ceiling provision that gives a blank check to the Treasury to increase the debt to whatever level it wishes. That is not what the American people want. It permits the Treasury to raid the retirement trust funds of this country, so vital to beneficiaries who depend upon them, as a means of keeping the Government afloat, instead of letting us go through an orderly management of debt, which our bill permits, until December 12.

We have had excuses, excuses and delays, We cannot wait, to go into January and February and March, to resolve a balanced budget. That is what this motion to recommit would do, because it eliminates the protection of the trust funds from invasion or incursion, and it would most certainly be used by the Treasury because they are right now planning to begin to do it next week when they cannot meet our obligations on November 15 if this bill does not pass.

Our plan will permit the orderly management of the debt next week and until December 12, but, yes, make no question about it, that on December 12

we mean business. It is a drop-dead date, and it is adequate time for the President to come forward with his hand of negotiation.

We all know the pieces of this puzzle. We have talked about them over and over again this year. It is not difficult, knowing the pieces of the puzzle, for the President to come forward and negotiate with us in good faith and resolve this by December 12.

We also know that in every democracy you do not make tough decisions until you face a cliff or a stone wall. It is true in the legislatures. It is true here.

Your motion to recommit, I would say to the gentleman from Virginia, leaves an open door for the President indefinitely to put off the decisionmaking to get to a balanced budget as he raids and invades the trust funds of this Nation.

That is what will begin next week if he vetoes this bill, and they plan to do it, I am told, and it will, under your proposal, continue to be an option beyond December, January, February, March. That is not in the best interests of this country. It is time now to set a date, to stick to it, and to get this balanced budget passed in 7 years, by CBO numbers, without tax increases, and this is the down payment on that. This is the first step.

Vote against the motion to recommit and for the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 235, not voting 11, as follows:

[Roll No. 780]

YEAS—186

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

NAYS—235

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

NOT VOTING—11

Chapman
Dickey
Fields (LA)
Lewis (CA)
Owens
Peterson (FL)
Studds
Thornton
Tucker
Waxman
Weldon (PA)

□ 1712

The Clerk announced the following pair:

On this vote:

Mr. Chapman for, with Mr. Lewis of California against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOBSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 194, not voting 12, as follows:

[Roll No. 781]

AYES—227

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes

Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—194

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

NOT VOTING—12

Chapman
Doggett
Fields (LA)
Lewis (CA)
Owens
Peterson (FL)
Studds
Thornton
Torkildsen
Tucker
Waxman
Weldon (PA)

□ 1730

The Clerk announced the following pair:

On this vote:

Mr. Lewis of California for, with Mr. Chapman against.

Mr. DORNAN changed his vote from "no" to "aye".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORKILDSEN. Mr. Speaker, I was unavoidably detained and did not vote on rollcall No. 781, final passage of H.R. 2586, the temporary increase in the statutory debt limit.

Had I been able to vote, I would have voted "aye."

LEGISLATIVE PROGRAM

Mr. BONIOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. HOBSON). Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. BONIOR. Mr. Speaker, I rise for purposes of engaging the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, in a colloquy.

I ask my friend from Texas what he foresees for this evening and tomorrow.

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

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

Mr. ARMEY. I thank the gentleman.

Mr. Speaker, this is the last vote tonight. Hopefully, the Senate will pass both the continuing resolution and the debt ceiling extension tonight. The Committee on Rules will meet tonight to grant rules on both of these measures so that they can be considered on the House floor tomorrow in accordance with the usual House procedures.

I intend in just a moment to ask unanimous consent that we reconvene the House at 9 a.m. tomorrow so that we can take up both these measures, and it would be my hope that, of course depending upon how things go, that we would be able, given that earlier beginning, to adjourn the week's work at 2 o'clock or perhaps even earlier, depending on what we receive back from the Senate and how we must deal with it.

I can state, Mr. Speaker, that we will have no more votes tonight, and that if, in fact, the unanimous consent request is not objected to, we will reconvene at 9 a.m. in the morning.

Mr. BONIOR. Mr. Speaker, can the gentleman from Texas [Mr. ARMEY], the majority leader, tell us when he expects the first vote on Monday?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, I would tell the gentleman that we should be prepared to be back by 12 noon on Monday for votes.

Mr. BONIOR. Well, Mr. Speaker, I would tell my friend, the gentleman from Texas [Mr. ARMEY] that I hope my colleagues on this side of the aisle do not object to his request for a 9 a.m. start tomorrow, but I must be very frank and honest with my friend from Texas and say that the Democrats are willing to do a clean continuing resolution and a clean debt ceiling. The President is willing to sign it. We could get it all done this evening.

These extraneous measures on these bills that have no place in these bills are putting the financial security of this country at risk and we think it is irresponsible and we need our Republican colleagues to know that and we need to express that this evening. So I would hope my colleagues on this side of the aisle would not object to the unanimous consent request of the gentleman from Texas of going in at 9 o'clock tomorrow.

Mr. ARMEY. Mr. Speaker, I wonder if the gentleman would yield, if he still has the time, because I do appreciate the points he made and I do understand the position of the minority. And if I might make an announcement to the Republicans on the gentleman's time, I should announce to the Republican Members of the House that there will be a conference in HC–5 at 5:45, and the gentleman from Michigan [Mr. BONIOR], of course, is excused from that conference.

Mr. BONIOR. Well, Mr. Speaker, after my last remarks and the reaction I got, I do not think I would want to come anyway.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 9 a.m. tomorrow.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

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

Mr. METCALF. Mr. Speaker, pursuant to the provisions of rule XXVIII, clause 1(c), I am announcing that tomorrow I will offer a motion to instruct the House conferees on the bill, H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Sixteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1994.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

ANNUAL REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND NATIONAL HOUSING PARTNERSHIP FOR FISCAL YEARS 1993 AND 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services.

To the Congress of the United States:

I transmit herewith the annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for fiscal years 1993 and 1994, as required by section 3938(a)(1) of title 42 of the United States Code.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture.

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2586.

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

There was no objection.

VACATION OF SPECIAL ORDER

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to vacate the 5-minute special order granted to the gentleman from California [Mr. RIGGS] today.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMERCE SUBCOMMITTEE LEGISLATION WILL UNDERMINE SUPERFUND PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to spend 5 minutes today talking about what happened in the Commerce Subcommittee today with regard to the Superfund Program. I was very disturbed by the legislation that has been introduced by the Republican leadership yesterday in markup of the bill, and also today in marking up the bill. Myself and many of the other Democrats on the committee tried to make correcting amendments to the legislation because of the negative impact that we feel the legislation will have on the Superfund Program.

I do not have to tell my colleagues that not only in New Jersey but throughout the Nation a major effort has been made over the last few years in trying to clean up hazardous waste sites because of the Federal program we know as Superfund. Now, it is, of course, true that the program has not worked perfectly, and that while many sites have been cleaned up and many others are in the process of being cleaned up that there are still a lot more that need to cleaned up. But this is not the time for us to backtrack on the Superfund Program. This is the time when we reauthorize this legislation to make it better, not to make it worse, not to undermine the basic underpinnings of the program.

Mr. Speaker, I feel strongly that the legislation that came out of our subcommittee today would significantly undermine the Superfund Program. Let me just give my colleagues some examples.

The legislation says that over the next few years only 125 new Superfund sites can be added to the national priority list. The fact that there would be a cap on the number of Superfund sites unrelated to any scientific analysis is in itself shameful, and during the debate over a proposed amendment to eliminate that cap it was abundantly clear, in my opinion, that the Republican leadership felt strongly that the Superfund Program really should be phased out; that they were trying to cap the program with the hope that over the next few years the program would be phased out and responsibility for the cleanup of hazardous waste sites would go back to the States.

Unfortunately, Mr. Speaker, what they failed to point out is that most States are not in a position to pay to clean up hazardous waste sites, particularly the most severely polluted. My home State of New Jersey is a case in point. We have over 6,000 hazardous waste sites that need to be cleaned up and only about 114 of them, I believe, are on the national priority list under Superfund.

□ 1745

We do not have the money, and there is no way that we can raise the money to clean up all those sites. We need help. We need help from the Federal Government. I would point out that the money that is used on the Federal level to pay for the Superfund cleanup comes from those who generate the pollution, comes from a tax on various companies.

Mr. Speaker, the other thing that is in this legislation that we tried to correct today was the idea of retroactive liability. There is, in the bill, in the Republican leadership bill, a provision that gives discounts, in other words rebates, back to those companies that

have cleaned up sites, because they were liable in the past for having polluted the Superfund sites. We had an amendment, which I sponsored, which would have eliminated those rebates which says the polluter has to pay.

The basic tenet of the Superfund Program is that the polluters pay for the cleanup, not the taxpayers. If we are to undermine that concept and say now we are going to pay the polluters in certain circumstances because of liability that occurred in the past, that undermines the whole concept of the Superfund Program that the polluter pays.

Also, this new legislation would no longer provide a preference for permanent treatment of hazardous material at Superfund sites, so that instead of requiring the Environmental Protection Agency to go in and permanently treat the material so that the site is cleaned, instead we would see fences put up, material perhaps carted away. but no effort to necessarily do anything permanently to clean up the site.

Mr. Speaker, I think that is the wrong way to go about the Superfund Program. The idea of the Superfund Program was that there was going to be cleanup that was real and that the sites could be reused again.

There are an incredible number of exemptions for liability and efforts to take out various types of hazardous materials in this legislation that essentially will make for a much weaker Superfund bill.

Mr. Speaker, I would hope that over the next few weeks, as this bill moves through not only the Committee on Commerce but other committees and eventually to the floor, that we could get more and more support for the idea that this reauthorization of Superfund should be done in a way that improves the program rather than gutting it.

AN EXPLANATION OF CONGRESS' PREDICAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, those who have followed the congressional debate today may be in a quandary trying to figure out exactly what is going on on Capitol Hill. Let me try to set the record straight, so that there is an understanding about the political dynamic and what it means to every American family.

Mr. Speaker, we are in the process now of trying to come up with a budget for this fiscal year for the Federal Government. The fiscal year actually started October 1. There was a failure of the Republican leadership to pass appropriation bills on time to continue the business of the Federal Government. As a consequence, they have passed what is known as a continuing resolution which just basically keeps the agencies in business on a short-term basis.

There is a second item known as a debt ceiling, which basically gives authority to the Federal Treasury to continue to borrow money so that we can extend the full faith and credit of the United States and not default on our obligations. That debt ceiling limit should have been passed for a long period of time several weeks ago, but we have failed under the Republican leadership to do that either, and so now we are at an impasse.

The President of the United States has said that he will sign a bill which will keep the agencies of Government in business. He will sign a debt ceiling bill so that the United States does not default on its debt. But my Republican colleagues have decided to make this more interesting from a political point of view. They will not send the President a simple bill that meets our obligation. Instead they keep loading up every bill with their political favorites.

Mr. Speaker, there are special interest groups roaming all over the corridors on Capitol Hill, each of which wants another ornament for his Christmas tree, and so they find these bills that come along and they stick on a series of amendments, some of them very serious in tone, others just designed to keep special interest groups very happy.

The Republicans are going to send these bills to the President, and he has already told them that he is going to veto them. This leads to the so-called train wreck, the gridlock, the crisis which Speaker GINGRICH is using as part of his strategy to pressure the President of the United States.

Mr. Speaker, what is sad about this is that none of us, Democrats or Republicans, or Independents for that matter, were sent to Washington to engage in gridlock. We were not sent here to fail, to create problems, to close down Government agencies so people seeking Social Security checks or veterans checks or small business loans will not have anybody to work with.

We were not sent here to default on the debt of the Nation for the first time in our history. We were sent here to meet our obligations on a bipartisan basis and really go back home and meet with our constituents. Instead, we are spending late night hours and long, tortuous debates because of this political tangle.

Part of it has to do with the Republican plan to balance the budget. Most of us favor balancing the budget, but the Republican approach goes far beyond balancing the budget. What they are calling for is a $270 billion cut in Medicare, a cut in a program that is totally unnecessary. They are savaging Medicare far more than they have to in order to come up with extra funds. For what purpose? Not do reduce the national debt, but to create tax breaks. You see the Republican theory from time immemorial is a trickle-down theory. They have always believed that if you make the rich rich enough, it will somehow help working families. Most of us know that is not true. Working families know it for sure.

We are also concerned about cuts in education. I am here today standing on the floor of this hall of the U.S. House of Representatives because this Federal Government, over 30 years ago, loaned me the money to go to college. If they had not loaned it to me, I am not sure what I would be today.

My story is repeated millions of times over, and yet the Republicans believe we need to cut over $10 billion out of college student loans as part of balancing the budget.

Frankly, if we give up on education, if we give up on educating the kids of working families, we are giving up on our future. What we need now is a more responsible, bipartisan, commonsense approach. We have got to stop this massive cut of Medicare to provide a tax break for the wealthy. We have got to stop savaging the education programs that are so important to our children. We have got to stop playing political games with the operations of the Federal Government and with our Nation's national debt.

Unfortunately, the next several days are not going to be very pretty. I wish Members of Congress on both sides of the aisle would adopt my simple proposal: No budget, no pay. If the Members of Congress cannot meet their responsibility to keep the agencies of the Federal Government in operation and not to default on our national obligations and debt, we should not be paid for it. We ought to basically say if we are going to send the Federal employees home without pay, Members of Congress ought do without a pay check.

Mr. Speaker, I have offered it three times and lost three times. I wrote a letter to Speaker GINGRICH and asked him to make it in order. Unfortunately, there must have been a fire in his mailbox. He has not gotten back to me.

The concerns that the American people have about the future are concerns that we share in Congress. We do not shut down Federal Agencies and then keep drawing congressional paychecks. That suggests to me the kind of arrogance which people do not want in their elected representatives.

Mr. Speaker, I hope those who follow this debate will remember the simple challenge that is ahead of us. We can balance the budget if we get rid of the tax cuts and the onerous cuts in Medicare, we can make sure that we have a bright future if we stick with investments in education, and we can make certain that this Government stays in business doing its business if we stop

the political shenanigans and get down to the real business of functioning on a bipartisan, commonsense basis.

IN MEMORY OF DAVID TODD HETLAND, MINNESOTA THIRD DISTRICT FIELD DIRECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. RAMSTAD] is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, this is truly the most difficult speech that I have ever made before this body.

Yesterday, I was a pallbearer at the funeral of my extremely gifted and talented field director, David Hetland. David passed away Saturday at the age of 28 after a courageous struggle with cancer. Dave Hetland was a dear friend, treasured employee, and a committed public servant.

Dave had a vibrant spirit that was there right up to the end as he battled this awful disease. He did not even know he had cancer until 4 short months ago, yet he never got down and he never gave up. Dave will be sorely missed by all of us who knew and loved him.

Dave and Jeanne Broz Hetland, his brave and loving wife, and their wonderful family are in our thoughts and prayers. Jeanne exhibited amazing strength during David's ordeal. Their love for each other was truly a lasting inspiration to each of the 600 mourners who were at the Colonial Church of Edina, MN, yesterday for the funeral.

Pastor Gary Klingsporn, who also officiated at their marriage ceremony just this past August at the same church, said it beautifully in his very moving homily. He talked about the courageous, inspiring way in which Jeanne Hetland lived up to the wedding vows that she had made just 2 months ago. She truly lived the words about being there for Dave in sickness and in health.

In a statement that made each of us in that church nod in unison and wipe our tear-filled eyes, Reverend Klingsporn noted that if the roles had been reversed, that Dave would have been at Jeanne's side, night and day, day and night, just as she was there for him over these last difficult months.

Jeanne was truly the perfect partner for Dave, except when Purdue University played Dave's alma mater, the University of Minnesota. I will never forget when Dave came to me when they first started dating and asked for tickets for that game so they could sit in the middle of the University of Minnesota section. The Gophers lost, but Dave won the heart of one diehard Boilermaker fan. Dave and Jeanne have a wonderful love story that has inspired us all.

Dave has been a key staff member for me since 1991, my first term here. I met Dave through my predecessor and mentor, Congressman Bill Frenzel. Dave served as a college intern for Bill.

Dave came to us energized to pursue the highest standards of public service, and he really represented the absolute best in public service. He had a spirit and motivation that never waned and never left him. That spirit of Dave Hetland will be with me and my staff always, driving us even harder to help people in need and to respond to their problems back in Minnesota.

As my field director in Minnesota, every day Dave Hetland showed up for work performing at the absolute highest level. He was known throughout the district as always being well-prepared and well-versed on the issues before Congress and how they affected the people that we represent.

One of the many accomplishments that Dave will be remembered for is his creation of our "School of the Month" program. We recognize one outstanding elementary school each month in our district, based on Dave's research of a lengthy list of applicants each month.

My school visits with Dave would include a short talk to the students and then a presentation of the award. Dave was an expert at making these presentations interesting to the students and understandable to the young people in our district.

Dave Hetland was a wonderful teacher himself. He taught me and everyone in our office a great deal about life and living. He also taught us about death and dying. He never made any excuses when his pain was too much for any mortal to endure. In fact, I remember the last time I saw Dave at the office he could barely walk to his car, but he was there working for the people of our district, putting them above his own needs.

Dave faced death and dying the same courageous, upbeat way that he lived his life. He was a true profile in courage.

Dave remained optimistic to the end and focused on helping constituents and his other work, which he always performed in a first-rate manner. Dave's favorite part of his job, one of his favorite parts of his job, was Service Academy Coordinator. Just recently, the Air Force Academy Associate Athletic Director, Jim Bauman, visited my office in Washington and said that Dave Hetland was personally responsible for bringing enough Minnesotans to the Academy to field their hockey team and to make them competitive with the best in the land.

Dave's special skills in dealing with constituents and their problems and his deep sense of compassion served the people of the Third District of Minnesota very, very well. His friendly ways and relentless pursuit of solving problems helped literally hundreds and hundreds of Minnesota people.

Another area in which Dave shined was working with people with disabilities. It is a major emphasis in our office, and Dave organized many meetings for people with disabilities to listen to their concerns and to convey those concerns back here to Washington.

Dave also knew every member of the police departments in the Third District by their first name and worked with me on crime legislation. He was always there when I was back in the district, a wonderful adviser and trusted friend.

□ 1800

Mr. Speaker, in one of the most touching eulogies I have ever heard, Dave's father-in-law put it best when he said, "Dave told me something after his cancer was diagnosed that I will never forget. He turned to me and said, 'You know, Jim, relationships are the most important thing in life.'"

Dave, speaking for all of us in our office, let me say we could not agree with you more. We will treasure our very special relationship with you forever. We love you, Dave. We are devastated by your passing. We will miss you a lot, but your special spirit will be with us every day for the rest of our lives. We will never forget the lessons you taught us, Dave, nor the inspiration you gave us.

Dave Hetland, you will live forever in our hearts.

The SPEAKER pro tempo (Mr. ALLARD). Our hearts and prayers go out to Dave Hetland and his family and friends.

CONTINUING RESOLUTION AND DEBT LIMIT

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

Ms. JACKSON-LEE. Mr. Speaker, sometimes it is hard to follow a moving tribute, and certainly one would want to recognize the great service of a very fine individual.

This day, however, brings a great deal of concern to me. It has been a hard day and a long day. Particularly it relates to the responsibilities of the U.S. Congress in making sure that we are responsible to the American people. We are charged now, having not been able to pass under the leadership of the Republican majority, the appropriations bills, we are now faced with the desire and the responsibility to promote and pass a continuing resolution that would, one, lift the debt ceiling but allow, most of all, the proper negotiation in order to provide the correct funding for projects and programs and Government responsibilities.

I am willing to stay here tomorrow on Veterans Day in order to be able to ensure that the documents sent to the U.S. Senate but as well the document that ultimately will go to the President will be one that can be signed. I

am well aware, as we are on the eve of Veterans Day, that, if that does not occur, we may have some time around Christmas the biggest nongift to the American public, for we may deny our senior citizens their Medicare benefits. We may deny children who are recently immunized their Medicaid benefits. Veterans, whom we celebrate tomorrow, may not receive their veterans benefits. Hard-working Federal employees throughout this Nation will find the doors locked and the services that they render no more.

Interestingly enough, in terms of the discussion on the debt ceiling, this Republican Congress has raised it many times. Now there is some big debate about how, where, and why and a refusal to extend this process for 30 days after it gets on the President's desk, a motion to recommit that was presented on this floor today, not so much partisan or to get one upsmanship, but simply to allow us in a reasoned but rushed manner, because it is rushed, it is 30 days after the President gets it, to look at these issues of do we really want, as has been proposed by the Republicans, to increase the premiums on Medicare and part B.

Do we want to do that rather than leaving it at the 25-percent portion versus the 31.5-percent portion that is now being proposed in this bill that is not streamlined to deal with the issue at hand but baggaged, if you will, with increasing the premium, with a regulatory bill that is 122 pages tacked on.

Reasoned portions of that bill could be addressed in a bipartisan way by this House. Yet, we have tacked onto this particular legislation dealing with the crisis at hand a bill that the Senate has not even dealt with, never passed a regulatory reform bill. And we have grabbed bits and pieces from that bill, unpassed by the Senate, and tacked it on this legislation now dealing with the crisis that we face, 122 pages, obviously not reviewed in a bipartisan manner by this Congress.

Then we wanted to deal with the habeas corpus matter. Rather than addressing that where it could be heard in a fair presentation of the issue, for no one knows and hopes that they are never incarcerated and never finds themselves in that capacity, but I do believe that Americans applaud the right to seek a redress of grievances. It is important that, if we have the opportunity to seek a redress of grievances, that hasty and frivolous legislation attached to this bill dealing with the debt ceiling and as well the opportunity to continue to pay the Government's bills so that we can do our jobs. How wrong we are to not be focused on the main issue.

I would hope, Mr. Speaker, that we will ultimately get a streamlined bill to the President, sit down at the table of reason and confront ourselves on behalf of the American people to fund appropriately this Government on behalf of all Americans.

NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I would like to speak for just a moment about the defense authorization conference report which we hope will be reported from the conference this evening. Last year Republicans made a treaty with the American people. In effect, we said that, if Republicans are put in charge of Congress, we would turn things around. We would not let Washington operate as it had in the past, and the Republican Contract With America was a line in the sand saying, enough is enough.

One of the key components of the contract was the National Security Revitalization Act. This act was a commitment to the men and women in uniform that Congress would not allow a return to a hollow military force like we had in the 1970's. The National Security Revitalization Act made a commitment to stop the 10-year slide in defense funding. That is right. Every year for the last 10 years, we spend less in real dollars than we did the year before.

The specific implementation of that commitment is contained in the 1996 defense authorization bill. I am happy to hear that we are nearing final agreement with our Senate colleagues on a final bill. This bill has been a long time in the making. In fact, there are skeptics who thought we may not be able to produce an authorization bill at all.

Those skeptics were wrong. Soon we will be able to bring a bill to the floor which represents a watershed in defense funding.

Contained in the bill, I believe, are some key elements, some things that are very, very important to the new threat that we face today.

For example, with regard to the quality of life of our military men and women, we provide for a pay raise, something that is much needed and overdue. We have also provided for a new housing initiative which adds $450 million, making a total of about $1.5 billion in spending which will go to modernization and renovation of family quarters and of course bachelor or single person quarters.

Also on the hardware side, we funded eight C–17's for the next fiscal year. I am pleased to hear that the Air Force has decided to request a total buy of 120 C–17's over the next several years. That is important because of the threat we face. It is important because we have brought many of our military people home from overseas. And when regional conflicts occur, it is important to be able to get back there. So this additional capability is something which I believe is much needed.

In addition to that, we continually send carrier groups to sea. The protection, the defense for those carrier groups is a system known as the Aegis system which is incorporated on our destroyers built here in this country, and in the gentleman's district from Mississippi, I might add. And these destroyers, which will be funded this year, will provide for three new Aegis destroyers which I might again say are state-of-the-art ships.

We have also provided for an additional 20 fighter and attack aircraft, 20 new Army helicopters, and we propose to spend $110 million to modernize the M–1 tanks.

I might just say on this last point that it is especially important inasmuch as we saw what tank technology did for the American soldier during the last war in the Middle East The new threat for tanks comes not from the front of the tank, not from the rear of the tank but from new weapons that have been developed to kill tanks from overhead. So it is of vital importance that this goes into place as well.

So, Mr. Speaker, I just wanted to bring these items to the attention of the Members, and hopefully within the next few weeks we will be in a position to vote finally for this defense authorization bill.

EDUCATION FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, if young people are the gateway to the future—and they are—education is the key to gaining access through those gates.

Many young people in America have made a choice—a choice to get an education, to get a job, and to pursue a career—a choice that gives them a chance.

The Republican Party now wants to take that chance from them—to take their choice.

Last year, millions of students held jobs under work study, got low interest loans, did not have the burden of paying interest on their loans while in school, and received grants.

Many will not have those opportunities next year.

In total, over the next 7 years, more than $10 billion will be taken from college students and given to the wealthiest Americans. They call these cuts a savings.

I call it a tragic loss for America's future.

What is education? Education is knowledge. Education is development. Education is knowledge and development acquired through a process.

The process is one that takes time, and it takes a commitment of resources. Since the process of education is a necessary path to good citizenship, then it is clear why, here in Washington, in the Congress, we are making the fight to preserve education.

However, rather than promoting education some have an extreme agenda—obstructing education.

They go too far in cutting Head Start by $137 million—abandoning 180,000 children nationwide and almost 4,000 in North Carolina.

Healthy Start is being cut by 52 percent—exposing infants and children, in the very dawn of their lives, to the perils of infant mortality and other threats.

Children can not learn if they are hungry—yet the Republicans are cutting $10 billion from nutrition programs, including the school lunch program. This is not promoting education.

Title I is being cut by $1.1 billion—denying critical basic and advanced skills assistance to 1.1 million students nationwide and 20,500 students in North Carolina. Twenty-two million dollars of title I funds will be cut from North Carolina next year.

They go too far in cutting Drug Free School funding by 59 percent—this program is currently used by 129 of the 129 school districts—and almost a million children in North Carolina.

The program is designed to keep crime, violence, and drugs away from students and out of our schools. And, the Republican majority wants to gut the program.

The Goals 2000 Program is completely eliminated—381 schools in North Carolina will be denied this vital program.

And, more than 40 States have already signed onto Goals 2000, seeking higher standards for our schools.

Despite the Republicans, we have a chance through education and training to build a better and brighter future through our young people.

Young people are the gateway to the future—education is the key to gaining access through those gates.

□ 1815

TRIBUTE TO GREEN CHIMNEYS

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentlewoman from New York [Mrs. KELLY] is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I rise at this time to acknowledge the ongoing commitment of an organization in my community called Green Chimneys.

Green Chimneys is a nonprofit agency that successfully adheres to its mission to provide care and concern for all living things. This center, located on 150 acres of farm land in Brewster, NY, is a treatment center and special education school for emotionally disturbed and learning disabled children. The rural setting provides a therapeutic environment which helps children learn to work out their problems. By incorporating the rehabilitation of orphaned or injured animals into their daily regiment each child can learn to feel needed and gain a sense of purpose and responsibility. As a result, Green Chimneys is teaching both the children and the animals how to survive in their natural habitat.

This fine organization has found a way to reach troubled youths without dipping into the pockets of the taxpayers. Their innovative solutions to address problems in the Hudson River Valley is not only admirable but is extremely commendable.

A perfect example of Green Chimneys' work is Eddie Lugo. Eddie, 14, was sent to Green Chimneys by the Manhattan Family Court because of his threatening and abusive behavior toward his family. Three and a half years later, he is leaving Green Chimneys with the desire to become a police officer or veterinarian because he doesn't like people who mistreat other people or animals. Eddie is only one of hundreds of children who have been helped by Green Chimneys. What better legacy could an organization like this hope for?

At this time I would like to thank all of those involved in Green Chimneys, whether it is a donation of time or money, for ensuring that the future of this country is in good hands. However, I would like to especially single out their director, Dr. Samuel Ross, whose tireless support has been invaluable to our community. It was Dr. Ross who sent me this hat. And I would urge all my colleagues to give Green Chimneys a big tip of the hat to this extremely worthy organization. They are truly the epitome of America civic-mindedness and compassion, and for this I say, "Thank you" not only as your Representative but also as your neighbor.

THE TERRIBLE RESULTS OF REPUBLICANS' WELFARE REFORM PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker and Members of the House, today the Executive Office of the President, the Office of Management and Budget, released a report describing the impacts of both the House-passed welfare bill and the Senate-passed welfare bill and, most importantly, its impact upon the children of this Nation. This report notes that those two pieces of legislation can have a very severe and substantial impact on those children because this legislation threatens to take children who are not now living in poverty and put them into poverty by virtue of the withdrawal of resources that are available to those children in those families, and that we ought not allow to happen.

The report also points out that we have seen the number of people, just recently, who are living in poverty in this Nation decline, that in 1994 there were 1.2 million fewer poor people living in poverty than in 1993. We also see that the changes that this Congress and the administration made on the earned income tax credit for working families where we provide some subsidy to low wages in those families to keep people in the work force as opposed to the welfare rolls, that that has also reduced the number of families that go to work every day but simply work at wages that are insufficient to keep their family out of poverty.

So that is the good news. That is the good news of what this administration has done and changes that Congress has made.

But now the report tells us that, if we were to enact the Senate welfare bill, that we could expect as many as 1.2 million new children, who are currently not in poverty, to be placed in poverty, and God forbid if we were to enact the House-passed welfare bill, we could see as many as 2.1 or 2.3 million children who are not now in poverty being placed in poverty.

Now to understand what this means, Mr. Speaker, if you read the recommendations of this report from the administration, it becomes very clear that within these recommendations we can have historic and dramatic welfare reform that conforms with what our constituents want to see happen, what people on welfare want to see happen, and what we want to see happen, and that is that we put in place a comprehensive and concerted plan to move people from the welfare rolls to the payroll, that people are required to go to work when they have the skills and the talent to do so, and we were willing to help people gain those skills and that talent to move them off of the welfare roll.

We can do all of that and not hurt the 1 or 2 million children that we see will be hurt if the Republican-passed bills are passed, and that currently seems to be the intent of the conferees who are meeting on this matter.

If in fact we do that after receiving this report, we must understand that we are now knowingly, knowingly selecting policy options to place children in poverty that are not now in poverty. That decision reaches a moral dimension, and we ought not, those of us who are fortunate enough to be elected to positions of public policy, who have the trust of our constituents and the trust of this Nation, should not be selecting policy options that knowingly put children into poverty that are not in poverty today.

This is not a contest between the status quo because the status quo with respect to welfare is unacceptable. The President has made it clear that it is unacceptable to him, the Republicans have made it clear that it is unacceptable to them, and the Democrats have made it clear that it is unacceptable to us. This is about whether or not we design policies to put families to work, to make sure that the day care they need is in place, their children will be taken care of and they can move off of the welfare rolls, as this Nation expects those individuals to do. But all of that is threatened by the passage of either the Senate or the House bill and its infliction of terrible, terrible results on the children of this Nation.

Mr. Speaker, those bills should not be passed.

DEFENSE AUTHORIZATION EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I just wanted, as we wind down the defense authorization conference, and I think we are going to have a bill very shortly for the country, I just wanted to talk a little bit about what we have done with that bill.

You know, our chairman, the gentleman from South Carolina [Mr. SPENCE], who is the first Republican chairman of the Committee on National Security in 40 years, put together an excellent bill this year, and he worked hand in glove with the chairman of the defense appropriation, the gentleman from Florida [Mr. YOUNG], to see to it that we had side-by-side packages that addressed a number of concerns of both the people who were the uniform in the armed services, and of course all Americans who are concerned about national security, and I just wanted to go over a couple of the things that we did.

One thing that we did, and very basically, was we plused up the budget. We added money for equipment in very basic areas that is important to all uniformed people. I call it readiness spending. We spent money on ammunition. In my estimation we have about half the ammo that we need if we are going to fight two regional conflicts, and that means that the Marines, or the Army, or other services who are engaged in land conflict might find themselves running out of ammo about halfway through that fight. So, one thing that we did with this budget under the leadership of the gentleman from South Carolina [Mr. SPENCE] is to put in about $1 billion extra for ammunition, all the way from M-16 rounds to those so-called precision guided munitions that we saw on television during Desert Storm where the world's luckiest Iraqi taxicab driver just made it across the bridge before that one precision guided bomb went in and hit that one strut on the bridge and blew it up. We added those extra dollars for ammo because that is the best service you can do for your uniformed people because that is what keeps them alive in a fight, in a conflict.

Another thing we did was increase sealift and airlift. We do not have enough ships and enough airlift to get our people to the battle in time, and because of that in the last war we had to actually go out and rent a bunch of ships. It is kind of a well-kept secret, but if our allies had not agreed with our purpose in Desert Storm, we might have been very much hurting for sealift, but the gentleman from South Carolina [Mr. SPENCE] saw to it that we plused up sealift, plused up airlift, and we are now on our way to developing an excellent C-17 aircraft that will be able to take big cargo into very short airstrips in troubled spots around the world.

Another area that we involved ourselves in was missile defense, and I think, if there is any hallmark to this chairman's position, his tenure as chairman of the Committee on National Security, his hallmark is that he recognizes that we live in an age of missiles and that this Nation, the people of this Nation, have a right to be defended against incoming ballistic missiles, and our troops in theater should also be defended against some of those slower moving missiles like the Scuds that hit our troops in Desert Storm. So we have undertaken an aggressive program to provide what we call theater missile defenses. Those are short-range defenses against a slower moving ballistic missile so, if our troops are in Saudi Arabia, or on the Korean Peninsula, or other places around the world, and they are shot at by slow-moving ballistic missiles, we will be able to destroy those missiles before they reach our troops. The Republican leadership and the gentleman from South Carolina [Mr. SPENCE] have been the architects of that program.

We also initiated a national missile defense, and the interesting thing is most Americans think we have one already, but, as you know, Mr. Speaker, we do not. We have no defenses against incoming intercontinental ballistic missiles, but we directed this administration to develop and deploy a national missile defense, and I think it is a step we should have taken a long time ago. Under this chairman FLOYD SPENCE, our Republican chairman of the Committee on National Security, for the first time in 40 years we have taken that very important step.

So we have an excellent package, Mr. Speaker, and I wish I had time to tell you about all of the things and the provisions that we have in this particular bill, but I think we can say to the American people that they will be more secure because of the chairmanship of the gentleman from South Carolina [Mr. SPENCE] of the Committee on National Security and because of the extra dollars that we are putting in defense and that insurance policy for the American people.

□ 1830

THE TIME HAS COME FOR THE SECRETARY OF ENERGY TO RESIGN

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, in order to start off this period of time where we are going to address some issues that have occurred today, some current articles, I yield to the gentleman from Ohio [Mr. HOKE] for an opening statement.

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

Mr. Speaker, I want to say that the revelations brought forth this morning in the Wall Street Journal have caused me, along with many of my colleagues, to believe that the Secretary of Energy has crossed a line that goes far beyond the indiscretion, the mismanagement, and the incompetence which have, unfortunately, all too often been the hallmark of Secretary O'Leary's tenure. The Secretary has moved out of the gray area and leapt into an obvious and indefensible abuse of office. I am speaking of her use of taxpayer money to hire private investigators for the purpose of compiling a media enemies list. It is for this reason that we are sending a letter to the President of the United States asking him to demand Secretary O'Leary's immediate resignation.

It is clear that this specific use of taxpayer money is way beyond the pale.

Mr. TIAHRT. Mr. Speaker, what we have found in some of the earlier period today, we got a lot of calls in my office where people thought this was more than just wasteful spending of taxpayer dollars, but to use taxpayer dollars to hire a private investigative firm to develop information or an enemies list, as was mentioned in the Wall Street Journal article, goes beyond, as the gentleman says, the gray area, and really crosses the line.

I think we have already started the process here on the floor of the House and around the Hill here of talking with different individuals. They have become very upset at what has happened today on revealing this, that the Secretary of Energy has misused these tax dollars. We have a letter that is, as was mentioned by the gentleman from Ohio, going to the President that has almost 70 signature on it now, and it

has gained momentum. This is on top of other patterns that have been developing.

Over the last 6 months we have seen several articles in the paper about the travel that has been going on through the Department of Energy. Secretary O'Leary often takes many people with her when she travels. She upgrades to first class, stays at resorts or four-star hotels, and has really been living the good life on taxpayers' money.

Mr. HOKE. If the gentleman will continue to yield on that point, I think it is an ironic footnote that in fact when the White House, finding out about this, tried to determine where the Secretary was today, it turns out that, of course, the Secretary was not in Washington. In fact, the Secretary was in Louisiana raising money for the Democratic candidate for Governor in Louisiana, and had to be asked to come back to the White House to speak, apparently, to Mr. Panetta, the President's Chief of Staff, to explain, and perhaps more than to explain her actions in this regard.

Mr. TIAHRT. Once again, the travel budget seems to be the issue here. I think, again, we are just noting that this is a pattern that has been developing of wasteful management. Even Vice President GORE, in his National Performance Review, looked at the Department of Energy and found that in the environmental management portion, that they were 40 percent inefficient, citing that over the next 70 years it could cost taxpayers up to $30 billion if we do not do something about it.

Also we have found that the Department of Energy was 20 percent behind in their milestones, which means they are behind schedule in one out of five projects. So we have a pattern developing of poor management of the taxpayers' dollars.

Then we come to this morning's article, which says that this private investigative firm that was paid for out of taxpayer dollars was developing an enemies list, and we find out that Senator DOLE is at the top of the list. Other Members of Congress were also involved. I heard from a member of the Department of Energy that I was also on the list, at No. 13. I think that is a very unlucky number for the Secretary.

Mr. HOKE. If the gentleman will yield for a question, what do you suppose would be the reaction of your constituents if you were to spend $100 out of your official account to investigate and rate the media as to how they report on your official proceedings?

Mr. TIAHRT. The gentleman brings up a good point. All of us wonder how we are doing in the media, but none of us that I know of take taxpayer dollars and hire a private investigation firm to go in and do that, act for us. We all read the clips ourselves and make kind of a mental tally, but we do not misuse taxpayer dollars. I think that is the important difference between what goes on in Congress and what is going on in the Department of Energy, with the Secretary of Energy.

Mr. HOKE. I think it speaks for itself. It is just incredible. As the President's own press secretary, Mike McCurie, said today, "On the face of it, it is simply unacceptable." When he was asked if she would be asked to resign, McCurie said, "I don't want to speculate on that." I think the time has come when 68 of our colleagues agree, and counting, that the time has come for the Secretary to resign.

CLARIFYING THE RECORD WITH REGARD TO THE CHAIRMAN OF THE COMMITTEE ON NATIONAL SECURITY

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

Mr. DORNAN. Mr. Speaker, sometimes wild rumors float in the press that just come out of the thin air. The gentleman from South Carolina, FLOYD SPENCE, one of our dearest friends and a Navy captain, retired in the Reserve, I mean an active captain in the Reserve, is the chairman of our Committee on National Security, sometimes referred to as the Committee on Armed Services.

His five subcommittee chairmen, of which I am one, and the gentleman from California, DUNCAN HUNTER, spoke for 5 minutes earlier, we stand behind him foursquare. This is an absolute fantasy that anybody in our conference, all 233 of us, to be 234 tomorrow, and 235 after the 18th of this month, a friend just told me, the 235 of us love FLOYD SPENCE, a great leader. The military men and women across this country in every service, and across this world, think this is one outstanding chairman of our Committee on National Security. Please kill the rumor before the regular tabloid press picks it up.

MISUSE OF TAXPAYERS' MONEY BY HEAD OF THE DEPARTMENT OF ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

PUTTING TO REST RUMORS ABOUT CHAIRMAN OF THE COMMITTEE ON NATIONAL SECURITY

Mr. GRAHAM. Mr. Speaker, along the vein of the gentleman from California [Mr. DORNAN], I am a Congressman from South Carolina, and I am so glad to hear this put to a rest. This is a funny town where rumors can start without any basis. I think that was something that needed to be said. I congratulate the gentleman for saying it, because the gentleman from South Carolina, FLOYD SPENCE, has been a great Member of Congress, he has been a good chairman, and serves his country well.

The reason I really want to share a few minutes with those that are listening tonight is that I live in the Third Congressional District, and the Savannah River site is the largest DOE industrial facility in the chain. I have been told that, and I believe that to be correct. We have lost about 8,900 people due to layoffs in the last few years where we are trying to downsize the Department of Energy, make it more efficient, get better use of taxpayer dollars. Then to wake up and read the newspaper and find that the Department of Energy chief, Ms. Hazel O'Leary, Cabinet member, has taken $43,500 of public money to go out and investigate the media, rate newspapers, rate reporters, try to coerce those who give bad stories, in her opinion, to give better stories, that is at least two, maybe three jobs at the Savannah River site.

Along with the gentleman from Ohio [Mr. HOKE] who made this amendment, can you imagine what would happen to a Member of Congress if they did such a thing? They should lose their job, and so should Ms. O'Leary. This is really an offensive event. It was one of many events that show there is no leadership over in the Department of Energy. I think it is a good example of what happens when an agency continues to grow with no clear mission or well-defined purpose. All of a sudden, it is more important what people think of you than what you are actually doing.

I would just like to let everyone know that I find it highly inappropriate for the Department of Energy chief to take $43,500 of hard-earned public money and try to re-create her image at a time when we are downsizing the Department and we are making hard decisions throughout the land. The problem with the Department of Energy is not an image problem, it is a substance problem. We need to have a well-defined, clearly-defined energy policy. We need to clean these sites up instead of talking about it. We need to get on and develop our national defense needs, like tritium production, which is within the venue of the Department of Energy.

Mr. HOKE. Mr. Speaker, will the gentleman continue to yield on that?

Mr. GRAHAM. I am glad to yield to the gentleman from Ohio.

Mr. HOKE. Mr. Speaker, we spend a lot of time talking about travel, and now this silliness where the Secretary has actually spent money, she is so paranoid apparently, about the way the Department itself, as well as she, personally, is being perceived in the press that she is spending taxpayer dollars to have reporters investigated.

But what is really at stake here is the fact that the primary responsibility of the Department of Energy is the

warehousing and safeguarding of our nuclear weapons stockpile. Think about it. We are talking about bombs that can wipe out this Earth many, many times over.

When we cannot even have a Secretary and a Department that can control its own travel, its own spending, and is so paranoid that it is checking up on reporters in that way, that bodes terribly, terribly poorly for this core mission, which is critically important. We are not talking about muckraking for political benefit, here. What we are talking about is an extraordinarily important responsibility that rests with the Secretary of the Department of Energy.

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

Mr. GRAHAM. I gladly yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, there has been a bill going forward that says that we are trying to reduce the redundancy in government and eliminate the Department of Energy as a Cabinet level agency. I think this shows that this individual will take any means necessary to prevent the needed cuts to take place in her bureaucracy, even to the point of going and investigating some of the other reporters and Members of Congress, as well as reporters. I think that, as 68 others have, I will join and call for the resignation of the Secretary of Energy.

Mr. GRAHAM. If I may, Mr. Speaker, the article to which we are referring has a unique comment in it. A DOE official responded concerning the spending of $43,500 to go out and investigate media outlets and reporters who report on the Department of Energy, favorable or unfavorable ratings, and made the comment:

> A reporter's unfavorable rating meant we weren't getting our message across, that we needed to work on this person a little.

To me, that is a statement beyond belief, that again, if I as a Member of Congress took taxpayer money entrusted to my care to go out and work on somebody to make me look better, I should lose my job.

A HISTORIC OPPORTUNITY TO BALANCE THE FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, we are in a historic time right now for the House of Representatives and for the Congress generally. We have the opportunity for the first time since 1969 to in fact balance the budget. People say, "What do you mean by balance the budget? Doesn't the country already do that?" No, it is an unfortunate tale, but not since 1969 have we balanced the budget. School boards balance their budgets, county governments do, State governments and family budgets as well as corporations make sure they do not spend more than they bring in, but the Federal Government for many years, when they have more money that they have spent than they brought in, it just becomes a tax increase. Now we are up to almost $5 trillion in years of Congresses, House and Senate and prior Congresses, basically spending more than they bring in.

I think the message we have heard from all of our districts, all 435 across the country in all 50 States, is that while we want direct services that the Federal Government can provide that are not already provided by the State government or the private sector, let us make sure we eliminate the fraud, abuse, and waste. That is what this Congress is trying to do.

By balancing the budget, we are going to be able to achieve lower interest payments for those who own a house and are paying a mortgage, we will be able to lower the interest payments for cars, for people who are buying a vehicle over time, we will be able to lower the cost of college education, and, by balancing the budget, we will in fact increase the opportunities for companies to expand, to grow, and to hire. By having more employment and more people contributing to the tax base, we will stabilize the tax base.

We are on the threshold of an historic Congress in that we have passed the balanced budget, we will have passed tax reform, giving young people the opportunity to have an education, to have an elder care tax credit, to have a rollback of the 1993 increase of the Social Security tax, to allow seniors under that same tax reform proposal to be able to in fact earn more than $11,280 without a deduction in their Social Security. They will be able to earn up to $30,000 a year.

That will reduce the capital gains tax to 19 percent for individuals, 25 percent for companies, thus increasing job opportunities, savings, and expansion of businesses, and as well, we will have an adoption tax credit of $5,000 for families who are trying to adopt a child. All of these are pro-business, pro-people ideas to help seniors, to help working class individuals, to help our young people.

We want to make sure that the next generation of children is not born with such a heavy debt, and by having the heavy debt it makes it harder to get a job, it makes it harder to keep a job, it makes it harder to enjoy the quality of life that we want to have that is better than we had. We can make sure that we build upon the American dream by working together in a bipartisan fashion to balance our budget, to make sure that we have businesses that are thriving, and to make sure that services that have to be performed by the Federal Government do not have all the bureaucratic red tape and the unnecessary costs that have occasioned them in previous years.

□ 1845

So I am looking forward to a final reconciliation bill, a final legislation dealing with the House and Senate, working together and hopefully also having the President's assistance as well, to make sure that we do what the American people want, and that is balance the budget, reduce spending that is wasteful, reduce excessive cost, and provide the services that people need without bankrupting the Nation.

JOLTED BY WORLD EVENTS

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes as the designee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, I rise this evening to provide an update on the redistricting battle that we are continuing to fight in the State of Georgia in an effort to save not just the 11th Congressional District, but also the 2d Congressional District, the two new majority-minority districts that are the equal opportunity districts in the State of Georgia.

Before I talk about what is happening recently with redistricting, I would like to just say a few words about how we have been jolted by world events. The assassination of Prime Minister Yitzhak Rabin. We have had several of our colleagues come down here and tell their stories about what the Prime Minister meant to them. I had an opportunity to meet Prime Minister Rabin, and I would like to share the few moments that I had with him and what it means to me.

We were in an international relations meeting, and some of our colleagues can be so boarish sometimes. One of our colleagues was pointing his finger and becoming rather animated and turning red as he tried to make a very strong point to the Prime Minister. I had seen this particular Member behave the same way toward President Aristide, and I thought that perhaps this particular Member had a problem with race. But when I saw him doing the same thing with Rabin, I knew that it was probably just that ugly Americanism coming out, that ugly American that we are known to be around the world that we need to try and change.

When my colleague finished, I felt compelled to speak up and say to the Prime Minister, well, Mr. Prime Minister, I want you to know that that gentleman does not speak for me and he does not speak for people who think like me, who are very supportive of Israel, who are very supportive of the peace process, and who want America to be a part of your success. Prime

Minister Rabin turned to me and he said, I am not the enemy of America's mothers.

So while we struggle with the senseless assassination of Prime Minister Rabin, we all must learn to let go of the hate and to work toward peace.

So even as we fight right now and become even jolted by things that are happening in our domestic policies as well, we still have to learn to let go of the hate. Sometimes it is very difficult. Right-wing, extremist talk does lead to extremist behavior, and right now while we are discussing our Nation's budget, it is perhaps the most important piece of legislation that this Congress will debate.

The budget is a statement of our Nation's priorities, and for the first time in 40 years, the Republicans, who now have a majority in the House and in the Senate, can state what their priorities are to this Nation and to our world.

I remember when I ran for Congress back in 1992. There were a whole lot of people who did not believe. In fact, there were a lot of people who kind of laughed. They said, she wants to be a Congresswoman from Georgia? Who does she think she is, or what does she think she is? It was very difficult for me to find friends. It was very difficult for me to raise money. It was very difficult for me to put together the kind of organization that people readily associate with congressional races, but I got here. After I got here I found out that friends came real easy, and folks were falling all over themselves to become my friend.

So it seems that the new Republican majority is falling all over themselves, and they are falling all over themselves to do what they have not been able to do for the last 40 years, and that is to give special breaks to their rich, wealthy, elite friends, people who have always been able to wind themselves inside the political process and who have been able to find their way inside rooms, halls, for deals. So we should not be surprised that in this budget we see that the rich are super represented and everybody else, well, they have to fend for themselves.

In this bill, there are special breaks. I have four pages of special interest deals for special interest friends, from the oil companies to ski resorts, to large corporations, corporations, with large capital gains, corporations with large pension funds, the banking industry, mining companies, rich ranchers out west who think that our land is their land. Pharmaceutical drug companies, health insurance companies, infant formula companies, doctors, doctors, doctors, nursing home industry, coal companies, gambling interests, even football coaches have been able to find a little special treatment in this Republican budget.

We have seen that some folks are going to have to pay the price. Our seniors pay the price. Medicare funds to Georgia will be cut by $6 billion. Mr. Speaker, 56,000 seniors in the 11th district alone will see their premiums increase. Georgia hospitals will lose $2 billion over the next 7 years. Hospitals in the 11th district alone will lose $138 million. Georgia will lose another $5 billion in Medicaid cuts over the next 7 years. Students, with their student loans will be paying, on average, an additional $600, 3,416 students in the 11th district alone.

The earned income tax credit. Who in the world could be against the earned income tax credit? Well, these folks here want to cut the earned income tax credit. Almost 600,000 working families in Georgia stand to lose the earned income tax credit, 52,000 working poor families in the 11th district alone.

Republicans have definitely defined themselves. On Medicare, GINGRICH said, now, we do not want to get rid of it in round one because we do not think that that is politically smart, and we do not think that is the right way to go through a transition period. But we believe it is going to wither on the vine because we think people are voluntarily going to leave it. Wither on the vine, Medicare.

So the Republicans have done a good job of defining themselves, and now it is up to the Democrats to define themselves.

What is it that the Democrats stand for? Well, one thing we know for sure is that Democrats stand with seniors against these devastating Medicare cuts. Democrats stand with children and the poor against the decimation of Medicaid. Democrats stand with college kids when they are trying to fund their education. Democrats stand with the millions of working families who use the earned income tax credit. Democrats stand with little kids who deserve a healthy start and a head start in life. Democrats stand with the jobless, with the workers who find themselves jobless because their factory has moved in search of low-wage labor. Democrats stand with our lowest-wage workers who are in need of an increase in the minimum wage. Democrats stand with our urban and suburban areas in dire need of infrastructure, and Democrats stand with folks who just want a fair shake from their Government.

Marian Wright Edleman complains in The New York Times article of November 6 that the American people are asleep, sleeping through this revolution. The story reads, "Marian Wright Edleman was seething. 'I have been so frustrated trying to get the message out', she said. 'It is immoral what is going on in Washington today. The country is sleeping through this revolution. What we are witnessing', she said, 'is an unbelievable budget massacre of the weakest. It is absolutely wrong.'"

Marian Wright Edleman has dedicated her life to the pursuit of civil rights and equal rights and rights for our children.

But as I struggle with the Democratic party, on behalf of Democratic values, to make a Democratic stand, there are some Democrats who do not value me or my participation in this process. The last time I checked, there was no whites-only sign on the Democratic party. The last time I checked, there was no white-only sign for Democratic values.

The Democratic party is a party of diversity. It is a place where women have a place. It is a place where minorities have a place. It is a party where liberals, moderates, middle of the roaders, all have a place and ought to be respected.

Mr. Speaker, something is going on in the south, and that something that is going on in the south is saying, you black folks, you do not have a place in the Democratic party. You get out. Move out of the way, because we do not want you. That is what my State Democratic party is doing in the State of Georgia.

□ 1900

The Florida plaintiffs were bold enough to say what other folks were thinking. In their brief, the case is Johnson versus Smith, which is an effort to get rid of the congressional district that is represented by Congresswoman BROWN, they write:

> In the 103d Congress which met in 1993 and continues to meet through 1994, the legislation which was passed included a budget which enacted substantial increases in taxes and gun control legislation which had been put before the two prior Congresses but which had failed to gain passage. The Congressional Black Caucus, which consists of 37 Democrats and 1 Republican congressman, claims responsibility for those legislative successes. Particularly in the area of gun control, where 37 of the 38 African-American congressmen voted for banning certain gun sales, legislative passage could not have been secured without the votes of 12 African-American congressmen from the South whose congressmen traditionally voted against gun control measures.
>
> Representatives Brown, Hastings, and Meek all voted in favor of the bill. The Congressional Black Caucus has also supported increased power for political action committees $5 million in funding for prevention programs as part of the crime bill, and the granting to death row inmates of the right to challenge their convictions on the basis that those convictions, as shown by a statistical analysis, were racially motivated.
>
> The process of gerrymandering congressional districts has, therefore, had a substantial impact on the political debates concerning issues of our time. However, it has resulted in the passage of legislation which would not otherwise have been passed without gerrymandered districts.

So I think we have it there in black and white, which is kind of literal, that the Florida plaintiffs are upset because the Congressional Black Caucus has a modicum of power for a change, because the Congressional Black Caucus

has a seat at the policymaking table, because there are three African-Americans who happen to be able to represent the State of Florida in the U.S. Congress.

I think that is a shame, that folks would actually think and then articulate an idea that black people have no place here and then would act on that idea in an effort to get us out of here.

That is what this redistricting battle is all about. It is an effort to get black people out of elected office. There is no doubt about it in my mind.

Now as a result of the most recent events in the State of Georgia, I can say unequivocally that the Democratic leadership in the State of Georgia feels the same way. Georgia Democrats believe that they should get rid of these black representatives, trade us in, trade me in, so that a white male can come here and represent those people who are already represented.

The reason that I cast my vote in a different way is because I represent people who have not been represented. This is new. But this is representative democracy. I thought that is what we all were fighting for.

Just a reminder, I have got these district maps here. I want to make sure that the American people understand that the judgment about what a beautiful district is, what a pretty district is, what an effective district is, is purely subjective. There have never been perfectly square or perfectly round districts. Districts have always been drawn with special interests in mind. As our Speaker of the House has said in the State of Georgia, "You can't take the politics out of politics," and redistricting is about as raw a form of politics as you can get.

So we can have here a 95-percent white district in the State of Illinois that has a shape that is not perfect and that district can go unchallenged.

We can have a district in the State of Texas that is 91 percent white that can be challenged on a map of all congressional districts from the State of Texas, a district that can look like this. It ain't square, it ain't perfectly round, but it is an effective district. Nobody has denied the Representative of Texas' Sixth District the opportunity to cast his vote here.

Then the three-judge panel in Texas looked at that configuration and said, "Well, it's OK, but let's go over here and let's find Barbara Jordan's historic district, let's declare that district unconstitutional," so they did.

"Let's go over here and find the majority Latino district and declare that district unconstitutional," so they did.

"Let's go over here and find a district that is 45 percent black and declare that district unconstitutional," so they did.

Obviously, only people of color are under assault in these redistricting cases. If the district is 90-percent white, obviously there is no race involved in that district; but if the district is 50-percent black, you better look out.

Of course, here is Georgia's 11th Congressional District, a district that provides representation from the south of DeKalb County over to the city of Augusta and down to the city of Savannah and all of these rural areas in between. One and a half million African-Americans in rural Georgia have never had representation before. Now they finally have a little bit of representation, and some greedy folks want to come and take that away from them.

What does a quiet hug in the Georgia State reapportionment office tell me? A hug between the most powerful Democrat in the State of Georgia and the lawyer for the plaintiffs, hugging, in congratulation, in celebration, of their victory. Mighty amazing.

Then, what am I to make of a statement by the State's attorney? Now the State of Georgia is supposed to be defending, well, as much of this as they can, and the other district on the other side of the State. But, no, the State's attorney says, "Well, we only want one black district."

So now the story I thought I was telling months ago is now even more tragic and true. It is even more tragic, because the State has now shown its hand. It has joined with the plaintiffs. The State failed to put up any witnesses in the trial. The State played dead. The State has joined with the plaintiffs, and the plaintiffs have an agenda.

What is their agenda? Their agenda is to reconstruct the district so that my previous Democratic opponent can win. What they want to do is get rid of me and replace me with the man who ran because he did not think there was anything wrong with the district in 1992, but when he lost, then there was something wrong with the district. Maybe he took some folks for granted. Maybe he did not have a record to run on. Maybe it was the right of the people of the 11th Congressional District to reject his candidacy, because maybe he just did not stand for the right things.

There was a map that was on the walls in the legislative office building, and nobody paid any attention to the map, because the man who ran against me was a Democrat at the time. Then he flipped over and became a Republican, and everybody knows that our speaker of the house in Georgia is a yellow-dog Democrat. There is no way in the world that our yellow-dog Democrats are going to ally themselves with this flip-flop Democrat turned Republican.

But there was a map. Now all we have to do is just think back and remember that there was a map. The very first map that was on the wall was a DeLoach map, and then the very last map on the wall was a DeLoach map, and the maps that were taken to the Republican caucus, to the Black Caucus, was a DeLoach map.

Of course, nobody really realized this at the time, but now we can put two and two together and we can add and we can see that really our yellow-dog Democrats had joined up with the flip-flop Democrat-Republican, and their purpose was not to reinvigorate the two-party system in the State of Georgia but to reinvigorate old-line politics from the State of Georgia, Old South politics, the kind of politics that have made Georgia famous in the halls of the department of justice because Georgia is known for denying black people their rights.

But, at any rate, the plaintiffs claim that they want to reinvigorate the two-party system. Well, there is a way that you can do that. You do that with message. You do that with standing for something. You do that with fighting for causes and goals and objectives. You do not do that by ignoring people, by denying people representation, by using people as spare parts.

So now I and the people that I represent from South DeKalb throughout our heartland, our rural heartland, in Augusta and in Savannah are supposed to be nothing more than spare parts for aspirations for other folks, but they cannot have their own hopes and aspirations for their own government.

The plaintiffs also as a part of their agenda want to dismantle and completely obliterate these integrated districts. These are integrated districts, the most integrated districts in the South. They want to get rid of them.

Now probably more insidious than anything else, the true aim is that they want to bleach the Democratic party.

□ 1915

What they want to do is to get me out of the room so that they can be in the room, and then they can exercise public will at the public till as they see fit, with impunity and without any meddling from folks who have a different point of view. If they want to bleach the Democratic Party, then they also want to bleach our Government.

Because they want to get rid of me. They want to take me out and replace me and replace me. What they want to do is to restore white dominance in the South. I want to be very clear about this. They can assign fancy names to it, but the bottom line is white resistance. It is what the South is known for.

Why is it that in the State of Georgia we fly a flag that has the Saint Andrew's cross on it? What is the Saint Andrew's cross? Saint Andrew's cross is the battle flag of the Confederacy.

Now, why would the State of Georgia want to fly the battle flag of the Confederacy on the State flag? They want

to do that because they voted affirmatively, they took affirmative action in 1956 to place the battle flag of the Confederacy on our State flag because they wanted to resist Federal intrusion into their school system.

They did not like the Brown versus Board of Education decision in 1954, so they went slap-damn-it straight up to the legislature in 1956, and they put that doggone new change on Georgia's flag, and in 1995 we still live with the decision that was made in 1956.

Now they are all doing it in the name of the 14th amendment. That in and of itself is a cruel hoax, but there was probably another cruel hoax, and that was all of that time and all of the taxpayers' money that was spent in that special session. All of the tears, all of the anguish, all of the serious negotiation, was just a joke. It was a joke.

Now we know, because the first map that was on that wall was the last map that was on that wall, was the map that the State of Georgia sent to the trial. That map, State Senator Donzella James feared that it was a hoax, and so she wrote a piece which I will not read. I will just submit it for the RECORD, entitled "The Redistricting Hoax." She feared it. We did not know it.

The special session was a joke. Black elected officials were duped. Black elected officials, including me, were laughed at behind closed doors. $500,000 of taxpayers' money was wasted. Yellow-dog Democrats have proved that they have got a streak in them, but it ain't loyalty.

My dad had a dream, and he did not know how to adequately articulate it. He wrote it down kind of jumbled up, because he was writing from his heart. He was not trying to be so clear. He was just trying to remember his dream.

He said:

> I had a dream last night. I saw very clearly a group of white men gathered around a table, and they were plotting the future of black people in the South for the next century. I was surprised that I recognized all of them. They were all involved in the attempt to overturn the Voting Rights Act.

And he goes on to name who these people are. They are his Democrat leadership, because my dad is a Democrat. My dad is elected as a Democrat from the 51st State House District. They are his speaker, his Lieutenant Governor.

> This distinguished group had been stunned by the Georgia Legislative Black Caucus at hearings before the Georgia Reapportionment Committee. The Caucus had shown unusual preparedness in its opposition to the dismantling of the majority black districts. In stinging testimony, the assertions of the plaintiff's attorney were proven to be untrue. The Caucus brought down from the University of Georgia a constitutional civil rights law expert in the person of Dr. Pamela Carlin, attorney Rod McDuff from Mississippi, who has fought civil rights cases all over the Nation, Selwyn Carter of the Southern Regional Council.
>
> This emergency meeting was called because what was thought to be a routine turning back of the clock had gone awry. The blacks would not march back to slavery with their hats in their hands like their forefathers had before them. After much discussion, it was decided that the State would use an unheard of order demanding that the State appear before the court and present maps and testimony with only one week's notice. The threat of having judges draw the districts would scare the heck—that is not the word he used—out of the Black Caucus. A brilliant threat that would throw panic into the Caucus, because the Caucus is not really a player in this chess game. Black citizens are only pawns to be sacrificed in a fight between the major parties. The Democrats have three Members serving in Congress, but they do not count because they are black. So the plan is to banish the black Congressmen and spread the black citizens who vote 95-percent Democrat among the other districts.
>
> The lawsuit was filed against the State. Black people play no significant role in State government, thus no hand at the table. So as his plaintiffs fight the State to remove blacks from public office, the State is helping as they connive in that backroom hovering over that table.

Now this was my dad's dream. But what he did not know was that later on there was a hug in a backroom between the State and the plaintiffs. He was absolutely right. My dad's fears came true. And so in the course of this cruel, tragic redistricting hoax, the Georgia Legislature voted to dismantle 11 majority black districts, 9 in the State House and 2 in the State Senate. It was all planned from the very beginning.

"General Assembly Held Hostage," that was the flier sent out, "targeted black districts." "Told them if you all don't do right, we are going to take away your districts." "Tyrone Brooks, you are nothing but a troublemaker anyway." He is the premier civil rights fighter in the State of Georgia. "We will just take your district away."

Eugene Tillman, newly drawn district, gentleman came before the Reapportionment Committee. He said, "I come from a county named Liberty, but they still treat us like slaves." His district is gone. His representation is gone in this cruel, cruel hoax.

So now, the Georgia Legislative Black Caucus members, certain members, have signed a letter to Deval Patrick asking that the plan that disbanded those 11 State legislative districts not be pre-cleared, because in the course of a special session that was convened for the purpose of fixing the problem in the 11th district, nothing happened in the 11th district. They did not do that. They did not get around to it.

But they did find the time to dismantle 11 majority black districts, 11 opportunity districts for folks who do not have representation to get a little representation. Bill Shipp, one of our noted columnists, wrote a story and says, "Are the bad old days back?" It is a question I asked, are the bad old days back?

Does the Democratic leadership of the State of Georgia think that they can just wipe me out of Congress, off the map, and think that I will go away quietly? No way. I will not go quietly because I represent people, people who are sick and tired of being taken for granted, and people who are not going to stand to see the representation that they now have snatched away from them.

It will not be the first time. On the grounds of the Georgia State capital there is a statue. That statue commemorates the service of 33 African-Americans who were elected but who were expelled in 1868 for no other reason than the color of their skin. The title of the statue is "Expelled Because Of Color."

I stand today on the floor of the U.S. House of Representatives, the most powerful democratic body in the world, as perhaps the first African-American in the 20th century to be expelled because of the color of my skin. That is not what America is supposed to be about, but that is what American has been about. It happened in 1868.

It happened in 1901. Representative George White from North Carolina, he was a U.S. Congressman and he was kicked out. So that makes me think that I can escape what has happened before, the fate of black people to be expelled from representative democracy because they do not deserve representation?

□ 1930

George White said, "This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. But let me say Phoenix-like, he will rise up some day and come again. These parting words are in behalf of an outraged, heart broken, bruised and bleeding, but God-fearing people; faithful, industrious, loyal people, rising people, full of potential force." George White did not go quietly, and neither will I.

The attorney for the State of Georgia representing Democratic leadership in the State of Georgia said at the trial in Augusta, "Our position is that Section 2 does not mandate a second Congressional black district."

I think that just about says it all. The fears that we had in the middle of the special session, at the end of the special session; the confusion that we experienced at the beginning of the special session and all during the special session, was a joke. It was a hoax. Folks were laughing at us.

I had faith, hope, and trust in my Democratic leadership of the State of Georgia, because I am a Democrat too. And when I come up here and I vote, I do not see anything on my card that says "Black vote," or "Black Democrat." I do not see that. I vote yea or nay, just like everybody else.

Other folks see that. And then other folks bring what they see that is ugly

to the political process. Now the whole Nation is wrapped up in this issue of race, when maybe really all it is is just a matter of greed. But greedy folks will use the issue of race. Greedy folks will divide people. Greedy folks will say "You all do not deserve to be together," so that they can continue to get and get and get, and take and take and take.

Claude McKay says the following in his poem, "If We Must die:"

If we must die, let it not be like hogs
Hunted and penned in an inglorious spot,
While round us bark the mad and hungry dogs,
Making their mock at our accursed lot.
If we must die, O let us nobly die,
So that our precious blood may not be shed
In vain; then even the monsters we defy
Shall be constrained to honor us though dead!
O kinsmen! we must meet the common foe!
Though far outnumbered let us show us brave,
And for their thousand blows deal one deathblow!
What though before us lies the open grave?
Like men we'll face the murderous, cowardly pack,
Pressed to the wall, dying, but fighting back!

That is about the way I am going to take this whole redistricting fight, pressed to the wall, dying, but fighting back.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–331) on the resolution (H. Res. 261) providing for the consideration of Senate amendments to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–332) on the resolution (H. Res. 262) providing for the consideration of Senate amendments to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IMPORTANCE OF BALANCING THE FEDERAL BUDGET

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. RIGGS] is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, I am pleased to be joined by my colleagues, particularly my colleague, the gentlewoman from California [Mrs. SEASTRAND] and other colleagues who will be coming to the floor shortly in what promises to be, I think, a very special and informative 1-hour special order.

We are going to talk about a variety of subjects tonight, Mr. Speaker; but, most of all, we are going to focus on the importance to America, to our constituents of passing a balanced Federal budget.

So much really hangs in the balance or is at stake. I guess I should not say "balance" too often, for fear that the people might be misled a little bit, but so much is at stake here over the next several days or several weeks, depending on how long it actually takes us to ultimately get a balanced budget signed into law. But our constituents and our colleagues listening tonight and perhaps viewing on C–SPAN should realize that House Republicans, as the new majority in Congress for the last 10 months, have been absolutely dedicated to balancing the Federal budget for the first time in a quarter of a century.

We have already passed on this House floor the 7-year Balanced Budget Reconciliation Act of 1995, which balances the Federal budget in 7 years by limiting the growth, the increase in Federal spending, to 3 percent per year.

Now, the Balanced Budget Reconciliation Act also contains some very other important reforms, including genuine welfare reform that requires work for the able bodied, emphasizes families, and provides people who are dependent on welfare in the short-term real hope and opportunity for the future.

The Reconciliation Act also includes a significant tax cut for families and for economic growth and job creation in the private sector. This is the dividend, if you will, the economic dividend, for families resulting from getting our fiscal house in order at the Federal level. It is only right, since we all know that the beleaguered middle-class American family has been overburdened by the combination of high taxation and stagnant incomes for many, many years, it is only right that we keep our promises and provide them with much needed tax relief.

Mr. Speaker, before I yield to my California colleague, Mrs. SEASTRAND, I want to point out earlier today the House passed a temporary increase in the Federal Government's borrowing authority. That is known as the debt ceiling. Basically, we sent a bill to the other body, the Senate, that allows the Federal Government to continue borrowing money for the purposes of financing a deficit until on or about December 12.

The passage of that legislation today follows on the heels of the past and of a continuing resolution which allows the Federal Government to keep the doors open and to keep paying its bills, meeting its financial obligations. That is the continuing resolution which passed on this floor yesterday.

When it came time to vote on the temporary increase in the debt ceiling, the short-term extension until December 12, we heard some of our colleagues on the other side of the aisle, some of the so-called moderate Democrats, make statements about wanting to balance the Federal budget in a bipartisan fashion. In fact, they even went so far, as is the prerogative of the minority party in the House of Representatives, to offer a so-called motion to recommit. They claim that that motion to recommit would allow us to achieve a balanced budget working in a bipartisan fashion.

But here is the flaw in their thinking. We would be remiss on this side of the aisle if we did not point out that a couple of weeks ago, we did pass the 7-year Balanced Budget Reconciliation Act, which again was the key vote on whether a Member of Congress on either side of the aisle supports the idea of balancing the Federal budget in 7 years or less, whether that Member is willing to go on record as making the difficult decisions and the tough choices necessary to balance the Federal budget in 7 years.

Now, when we had that legislation on the House floor a couple of weeks ago, only 4 Democrats, only 4, there are 199 Democrats currently serving in the House of Representatives and only 4 had the courage to cross this middle aisle, which you might refer to as the partisan aisle, to support the House Republicans, the majority party, in approving and passing that balanced budget plan.

Just before that vote, they had the opportunity, as again is their prerogative, as the minority party in the House of Representatives, they had their opportunity to present their budget alternative known as the Democratic substitute.

When they offered that plan, the Democratic Party's substitute, which they claim would also balance the Federal budget in 7 years, only 72 Democrats out of 199 supported the Democrat substitute. In fact, the House minority leader, the gentleman from Missouri [Mr. GEPHARDT], and the House minority whip, the No. 2 ranking Democrat in the House of Representatives, the gentleman from Michigan [Mr. BONIOR], both voted against the Democrat substitute. That is to say, they both voted against their own party's version of a balanced budget.

So my point is that only 76 Democrats, the 72 who voted for the Democrat substitute and the 4 Democrats who supported our balanced budget plan, only 76 out of 199 Democrats, far less than a majority, actually supported, when it came time for the talking to end and the voting to start, a balanced budget.

When the debate had finally ended and it was really time, if I can use sort of a crass term, to put up or shut up, only 76 out of 199 Democrats supported, with their vote, the concept of balancing the Federal budget and stopping the immoral practice of borrowing from our children's future to pay for today's spending binges.

Despite this 11th-hour rhetoric we heard on the House floor today, an overwhelming majority of Democrats clearly believe that we can continue our merry deficit-spending ways.

So I am a returnee to the Congress. I served one term, took an unintended vacation or sabbatical, depending on your point of view, and returned as a Member of our new majority. I learned in my first term in office, serving back here in Washington, a priceless saying that has been, I guess, bandied about this august institution for years and years, and it is simply paraphrased as, "Don't listen to what they say. Look at how they vote."

When it came time to vote for a balanced budget, only 76 Democrats stood up to be counted. The remainder, out of 199, so that would be 123 Democrats, voted against balancing the Federal budget, voted against the other reforms that were contained in that act.

So here we are trying to solve problems for a generation, and all they can offer is more rhetoric.

Before I yield, I want to also point out one other chart. Maybe we can understand their action, the action of our Democratic colleagues in the House, a little bit better if we understand that the President of the United States and the leader of their party has also failed to come to the table with a real, verifiable plan to balance the Federal budget. In fact, what I have put up here on this chart are the budget deficits that are projected by the nonpartisan Congressional Budget Office resulting from his so-called 10-year balanced budget plan.

You can see, because this is not my word, for that matter this is not the claim of any of my colleagues, this is the considered professional opinion of the nonpartisan Congressional Budget Office as to how his budget, the President's budget plan remains unbalanced, generating $200 billion deficits year in and year out over the next 10 years. Red ink as far as the eye can see.

□ 1945

So, in a way, I empathize with some of my Democratic colleagues because they really have not been able to look to the President of the United States and the leader of their political party for leadership on this particular issue, and that is what this issue is all about, real leadership.

Mr. Speaker, we are on the verge of working out the final details between the House and the Senate on the Balanced Budget Reconciliation Act, and as soon as we have done that we will be sending that, along with a longer term extension of the national debt ceiling and larger term increase in the national debt ceiling, and we will be sending that legislation to the President of the United States. It will be time for him, at that point, to decide if he is going to make good on his earlier promises to the American people to balance the Federal budget.

And of course we know that the President is, unfortunately, inclined to say one thing and do another, but the reality is he is on the record very recently as telling Larry King, during the course of an interview on CNN, and I am actually now looking for his exact words here, he is on record as saying that he believes that the budget can be balanced. In fact, back on June 4 of 1992, the President told Larry King, "I would present a 5-year plan to balance the budget." Well, Mr. President, we are still waiting to see your 5-year plan to balance the budget, because, obviously, what you sent to Capitol Hill not only does not balance the budget, it adds a trillion dollars, over a trillion dollars more to the national debt; the aggregate debt of $5 trillion.

So, Mr. Speaker, we believe that after months of delay, after months, to be honest about this now, of the President and some of his liberal Democratic allies in the Congress using every trick, every excuse, every scare tactic that they could to halt our reforms to balance the Federal budget, to preserve and protect and strengthen Medicare, to reform the welfare system, to cut taxes for families and private businesses, after months of delay the time really for the President to act is now. He is running out of excuses.

The American people are clearly running out of patience. They expect us to do the right thing, and that means balancing the budget. We are absolutely committed to doing that. We say let us get the job done, no more excuses, no more Washington gimmicks. It is time to do the right thing for America's future and adopt a Federal budget that reflects America's values.

Mr. Speaker, at this time I yield to the gentlewoman from California [Mrs. SEASTRAND], my distinguished colleague.

Mrs. SEASTRAND. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS]. It is interesting when he says no more gimmicks, no more Washington excuses, let us just do it. I would note that his district is on the coast of California, way to the north. I am on the central coast of California. Many hundreds of miles divide our districts, but I know that when he goes home, as I do, and walk the parades and go to the townhall meetings, we hear our constituents, whether they be Democrat, Republican, independent or such, they give us that slogan, no more excuses, let us just do it.

I would like to say that balancing the budget is really a nonpartisan issue.

Mr. RIGGS. It should be.

Mrs. SEASTRAND. And, Mr. Speaker, we can do it in a bipartisan way. I would like to remind people that it has been over 25 years since we have balanced the Federal budget, and that goes back a long way.

As I have said to people, my son is 25 years old, and being involved in politics for so long, grassroots politics, I remember writing letters to my Congressman. In fact, Congressman Leon Panetta was my Congressman in the late 1970's, and we heard a lot of talk about we are going to balance the budget. I know the distinguished gentleman is now in the White House, with a very important job to do, and we are talking about balancing the budget and here it is 1995.

Mr. RIGGS. The gentlewoman should probably point out that he is at present the White House Chief of Staff, but as one of our former colleagues he was chairman of the House Committee on the Budget. He was chairman of the House Committee on the Budget when I served in the Congress 4 years ago, in the 102d Congress.

And, in fact, my most bitter memory from that whole time period was losing the fight for the balanced budget amendment out on this House floor by six votes, and then Congressman Panetta helped lead the opposition to the balanced budget amendment and helped ensure that the balanced budget amendment was defeated back then, or else I think we probably would already have a balanced budget as the law of the land and be well on our way toward, obviously, reducing and eliminating the deficits and actually then beginning to pay down on the national debt.

Mrs. SEASTRAND. Mr. Speaker, I guess the point is we do a lot of talking. It has been 25 years. I remember talking to my Congressman in the late 1970's and in the early 1980's, and there was a lot of talk when previous Congresses went home. I am sure Members of this House went home and said to their constituents that they were going to balance the budget, but we never saw it accomplished. Coming here into the House as one of those reform-minded freshmen, it is a joy to be surrounded by other Members that think the way I do.

Mr. Speaker, being a mom and a wife, I had to realize that I had to have some kitchen table financial reality at least

once a month, and so sat down with the checkbook and figured out what my priorities are with my husband for our family. And when we think about the families across America tonight that are probably going to be doing that very thing, the checkbook, the bank book, figuring out what are the priorities for the family, maybe they do want to take a trip or something but they just cannot afford it.

Mr. Speaker, I think that we all know what it is to be maxed out on our credit card. I think families across America might have been in that situation. I think when they get their monthly statement from their credit card and they see the amount of interest they are paying, and if they are sensible persons, taking care of their finances and sitting at that kitchen table, they have to come to the conclusion that they cannot continue maxing out on their credit card. One, there is a price to pay. They are not going to be allowed to charge on it anymore, but the fact is that that interest is eating their dollars up.

So, Mr. Speaker, I like to use that comparison because I have a credit card here and it is one of 435. It is a very unusual credit card, and I would think that in previous Congresses it was one that was used and, well, they simply maxed out on their credit card. We have a new 104th Congress here, a Congress with a new attitude, realizing a simple fact of life; that we are maxed out and the interest is killing us. The experts tell me we are almost paying a billion dollars in interest alone on this credit card every day. We cannot continue along this line or we are facing really some terrible realities.

So I am pleased to be one of those 73 reform-minded freshmen with the idea that we are going to balance the budget. We know it is not going to be easy, but this Congress needs to sit down at the table here and have some kitchen table financial reality just like all families do. We are maxed out.

Each year American taxpayers pay almost $300 billion just to service that debt that we have accumulated. I do not know about my colleagues, but sometimes when I think about it, a billion dollars does not mean much to me. I do not deal in my checkbook with those kinds of dollars.

Mr. RIGGS. Not that many zeros in anybody's checkbook.

Mrs. SEASTRAND. No. But I know we are in the red and I want to do something about it. What is so great is to know that we now have a plan, a 7-year plan. We have set priorities. Let me tell my colleagues that I have had to use this, if I can call this a credit card, now on many, many votes and made tough choices to pick out priorities of where we are going in this Nation as a family and how we are going to get out of the red. Very difficult choices and decisions that I have had to make; not pleasing to many people, pleasing to some.

Again, Mr. Speaker, it comes to setting priorities. Just like in our own families we are not going to make everyone excited about the fact when we say we have to face reality, we have to pay the bills and set priorities, and we are not going to take that trip to the Caribbean. We might hear moans, but it is just a fact of life.

I think we should realize that the debt, as of a couple of days ago, November 6, to be exact, was $4,984,737,460,958.92. A lot of dollars, a lot of commas, as it just is a fact that we have to have that kitchen table financial reality today.

It is a pleasure and I am looking forward to the next several weeks. I hope we can get an agreement with the President and I hope in the end the President will see that he has a job to do. I think we are going to, hopefully, see decisions made for the best interests of all of our citizens across America, our families in America.

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman for her observations and her comments because she is so right. Republicans in this Congress are different. We really are committed to doing business differently than the old way of doing things in Washington. We have proven that we are committed to keeping our promises, and that we are willing to meet the challenges of the Nation head on with no more excuses, no more Washington gimmicks, no more blame game, and that is a point I think the gentlewoman made particularly well.

Again, I know from having served in this body before that it was easy for Members to go home and tell their constituents that they were all for the idea of a balanced budget, but then come back here and vote in a very different fashion, basically vote to continue to spend more than we take in, to continue our old deficit spending ways, literally imposing by future borrowings a tax, a hidden tax, a tax without any representation on future generations. By future generations I do not just mean our kids or grandkids. I am talking about those children not yet born who will inherit the national debt.

Mr. Speaker, we have learned something in this Congress called generational accounting, and it really is stunning to realize that an American child born today can expect to pay, over the course of his or her lifetime as a wage earner and a taxpayer, $187,000 in taxes that go to pay interest on the national debt. Nothing else. Interest on the national debt. That is money that is not going for a college education, a home purchase, health insurance, or any other item. It is just money going to pay interest on the national debt.

If we do not turn the situation around, if we were to adopt a budget like the President proposes, the percentage of taxes that an American child pays that goes to pay just interest on the national debt would continue to increase, to the point where the gentleman from Ohio, JOHN KASICH, of the Committee on the Budget is fond of mentioning that at the current rates, or on this present path, if we do not reverse direction here, that soon an American child can expect to pay something like 80 percent of their taxes just in interest on the national debt. Obviously, it is a situation that we have to turn around and that we will turn around in the interest of our children.

Mr. Speaker, I now want to recognize, if the gentlewoman from California will stay, because we were going to talk a little about the spending increases in our 7-year balanced budget plan and the benefits for our colleagues back in California, but I want to recognize our good friend, our classmate, the gentleman from Kansas, [Mr. TIAHRT]. I was just reading about him earlier today, because he participated, apparently, at a press conference held earlier today.

I am actually looking now at the news release put out by the Republican National Committee headlined "Congressional Republicans Celebrate Former Democrat Day," and it quotes our good friend, Mr. TIAHRT, who switched to the Republican Party in 1990 because he, "Saw that there was a trend towards the loss of credibility in the Democratic Party by the way they fought for the status quo on social programs and spending, and I think that this loss of credibility is continuing."

Mr. TIAHRT goes on to day, "I am proud to be part of a party that focuses on the positive, that focuses on hope for the future, a balanced budget, welfare reform and saving and preserving Medicare." And we are very proud that he is part of our party and that he is part of the new freshman class that has swept so much change into Washington, and I am happy to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS], and the gentlewoman from California [Mrs. SEASTRAND], and I wanted to kind of carry on some of the discussion that my colleagues were having about the balanced budget.

If I can be retrospective a little bit, if we go back to November 8, many of us new Members of Congress came in not because we were good looking or attractive or we spoke particularly well. We were elected to Congress because the United States was extremely frustrated at the way business was being done here in Washington, DC, and there was that loss of credibility, as I referred to in the press conference today.

I think that we are finding, after being here and seeing what the status quo was, we are starting to uncover

more and more things that we are trying to bring forward in this 7-year Balanced Budget Reconciliation Act that my friends have been talking about.

Today, I want to spend just a little time developing an argument as to why we should pick out portions of the Federal Government that are extremely ineffective and inefficient and eliminate those portions or consolidate them, and also there is something that happened today that I want to talk about that kind of really brings this to the surface.

□ 2000

Let me go back to the review of the Department of Energy, which is one portion of the Federal Government that has approximately a $17.5 billion budget per year.

When we were looking at the overall Government, we found that this one agency was particularly a problem because of its ineffectiveness, because of its redundancy, because of poor contracting methods. It came out of the aerospace industry, out of contracting with about a dozen years of experience, and we could see that this was just one of the problems that they were facing. The GAO said that they had lack of focus, "A vision a minute."

The Department of Energy was really a 1970's tax guzzler, and it really has outlived its purpose. It was formed out of the energy crisis and the gentlewoman from California [Mrs. SEASTRAND] and the gentleman from California [Mr. RIGGS] will remember the gas lines that were part of the problems that we had in the 1970's, especially in California. But those were in part formed by price controls and allocation controls.

When the 1980's came along, President Reagan eliminated those controls, and we found out that the crisis was gone. Even during Desert Storm when we had twice as large of a percentage interruption in the income of petroleum into the United States, we still had no gas lines. The crisis had been gone, but yet we were left with this bureaucracy.

So in our further research, we found out that even Vice President GORE, through his National Performance Review, found out that the Department of Energy, particularly the environmental management, was 40 percent inefficient. It missed 20 percent of its marks, that means that it was late on one out of every five projects, and that if we did not do something about it, that it would cost the taxpayers of this country $30 billion over the next 70 years.

Mr. Speaker, if there is a legacy that we can leave behind it is that we remember that it is not the Government's money, it is the taxpayers money, it is the people's money, and we must be very cognitive of how we spend it.

The GAO also finished a report in February 1995, and it fit in very nicely as far as timing with what we were trying to do in looking at the parts of the Government that were ineffective. I want to quote from one of their reports. It said, in effect, referring to the Department of Energy, "They are unsuccessful as a cabinet agency." They are unsuccessful as a cabinet agency.

Then it gave a couple of reasons. One is their inability to overcome management weaknesses. I think that is very important as we lay out this argument as to why we need to focus on this if we ever hope to balance the budget. Also, the second reason they cited is that they have the burden of mission overload, going back to that original quote where I said they have a vision a minute.

So I think the original purpose of this agency, like other parts of the Government, has run its course, and in an effort to reinvent themselves to stay active, they are constantly reaching out into other areas.

In 1977, the Department of Energy spent 80 percent of their budget dedicated to the energy function. Today, it is 20 percent, less than 20 percent.

So they have really reinvented themselves. We have a socialized oilfield now in the realms of the Government. It is called Elk Hills Naval Petroleum Reserve.

Mr. RIGGS. Mr. Speaker, it is in southern California.

Mr. TIAHRT. Yes, and even though we have this out there as part of this agency, and it is unnecessary, we should sell it off, we do not do a very good job of producing oil as a Federal Government.

We have a charter to produce oil in Elk Hills Naval Petroleum Reserve, but we do not have a charter to produce natural gas. It is a byproduct of the whole operation there, and instead of selling it, it is pumped back into the ground to force more oil up to fulfill the charter. So we are again inefficient in the way we handle even the Naval Elk Hills Petroleum Reserve.

We also have three-fourths of the effort within the Department of Energy that is defense-related functions and what that has caused is a redundant bureaucracy where we have entities inside the Department of Energy which are very similar, provide similar functions as entities in the Department of Defense. So what we have uncovered is a 1970's tax guzzler and we have decided it is really time to turn the lights out on the Department of Energy.

Let me talk just a little bit about the budget, because it relates back to balancing the budget. As I said earlier, the Department of Energy's budget is about $17.5 billion a year. In the President's request for a budget back in January, Secretary O'Leary was requesting an increase in the budget of $337 million. Over the next 5 years, that type of increase would equate to a $1.5 billion increase.

Well, as we are going through the legislative process of looking at the details inside the Department of Energy, developing legislation which would correct that and in effect eliminate the Department of Energy as a cabinet-level agency, the Secretary of Energy came out with an alternative plan last May or so, last spring, which said basically that if you allow me to play a little shell game, sell off a few things, I can save taxpayers about $14.1 billion over the next 5 years.

So now we are seeing a shift from what was an increase of $1.5 billion to a decrease of $14.1 billion, because people like us knew in Congress, or returning to Congress after a sabbatical, as is the gentleman from California, were putting pressure on the administration and on the system to change the way business is done, so that it is not done the same as it was prior to the 104th Congress. I think that is a significant swing for the taxpayers, and again, it is their money.

But this just kind of points out the fact that the Department of energy should be abolished. We have started even this year in the balanced budget amendment. We reduced their budget $500 million over what it was in fiscal 1995. Now, instead of increasing it $337 million, we are decreasing it about a half of a billion, which is a significant swing, almost a $1 billion swing, but we are headed in the right direction.

We are going to privatize the Alaska Power Marketing Administration. This is something that is part of the legislation to eliminate the DOE, a very necessary action. Mr. Speaker, there are many power companies that do a good job of distribution power to the private sector, to our homes, to our companies, to where we work, where we go to school, where we shop, and for the Government to do this seems a little bit redundant. Often, it is done more efficiently by the private sector and we have started that process.

We are going to sell the Elk Hills Naval Petroleum Reserve; I think it is very important. We are going to sell the strategic petroleum reserve because of some infrastructure problems that we need to correct, and even the Secretary of Energy, Secretary O'Leary, as admitted that the lab structure is too big, too complex, and needs to be consolidated and downsized.

So we see that the system with the new Congress is putting pressure on the administration to try to correct the problem. We have not gotten there all the way yet, but we have made a significant step.

Then, next, we started seeing some evidence of the management problem and it came in the form of travel. There was an article that came out in the Washington Times from information that was received through the

Freedom of Information Act that looked at cabinet-level travel, and it was found that the Secretary of Energy, Secretary O'Leary, has the highest average trip expenses of anyone in the President's Cabinet, even higher than the Secretary of State, who is forced to travel overseas.

Quite often her travel problems include upgrading herself to a resort or a four-star hotel, kind of living the life of luxury. She operates at first class, but more than that, she takes along a large contingency of staff, sometimes as many as 70 when going to foreign countries. We even found out that in the agency they made a T-shirt that had a globe on it, on the chest, and the different countries that Secretary O'Leary has visited this year, and it was titled, Secretary O'Leary's World Tour, kind of taking off from some of the concert tours that rock groups have gone on. But it is just a reflection of where there is an abuse here in the travel.

The Committee on Science is currently looking at some of these problems, because what has happened is the travel budget has been diverted from some of the very important research programs to the Secretary's bureaucracy, central bureaucracy, so that she can fund these lavish travels.

We also have a GAO audit going on requested by Congressman HOKE from Ohio and myself just to look at where this money is coming from, how it is being spent, is this the best use of taxpayers' dollars.

Mr. RIGGS. Mr. Speaker, if I could just interject for a moment if I might. When we use the term GAO, we are talking about the General Accounting Office, really the accounting arm of the legislative branch of Government, the Congress.

I appreciate the gentleman yielding.

Mr. TIAHRT. Mr. Speaker, that is correct. That brings us to today's story.

In the Wall Street Journal today there was a story about how Secretary O'Leary has taken $43,500 from the taxpayers and hired a private investigative firm to go do research on reporters, on members of industry, and also on Members of Congress, and in this investigation there was some type of analysis as to who was giving the biggest negative impression of the Department of Energy and Secretary O'Leary down to the 25th, and through some of the inquiries, particularly in the Wall Street Journal story, it was found that Senate Majority Leader DOLE was No. 1 on the list.

I think this is a little peculiar since all they are trying to do is develop a good image for Secretary O'Leary by spending the taxpayers' dollars, but it just happens that it targets the No. 1 opponent to her boss, Secretary O'Leary's boss, President Clinton.

99-059 O—97 Vol. 141 (Pt. 22) 30

Mr. RIGGS. The leading candidate for the Republican nomination and Senate majority leader.

Mr. TIAHRT. That is right. It is very important that the President's image is up, so we are using taxpayer dollars to look at his administration trying to improve their image. But this is part of this enemy's list, so-called enemy's list as it was entitled in the article.

We found out by contacting the Department of Energy themselves and talking to an assistant secretary that even I was named on the list, as were others, I believe; JOHN KASICH, who is chairman of the Committee on the Budget, was also labeled. But I was No. 13 on the list, which I think is going to be particularly unlucky for the Department of Energy and also Secretary O'Leary.

Mr. RIGGS. Mr. Speaker, I always regarded 13 as my lucky number, but in this case I will defer to the gentleman.

Let me just for a moment hold up the Wall Street Journal article for our visitors in the gallery and for our colleagues and constituents who might be watching this special order, because it is a page 1 article, the Wall Street Journal today. The headline is, "Turning the Tables, Energy Department Reports on Reporters", and then there is a subheadline that goes on to say, just as the gentleman from Kansas mentioned, "It paid $43,500 in tax dollars."

Mr. Speaker, these are American tax dollars to find, "Unfavorables, a Little Bit of Nixon," the subheadline concludes, and the article is written by Michael Moss, a staff reporter for the Wall Street Journal.

Mrs. SEASTRAND. If the gentleman from Kansas would yield, I think it is most interesting to know that we are talking about $43,000. Now, there is a number I can understand. You were talking previously about billions and millions, and yet it is interesting to note that while we are talking about billions and millions, $43,000 is a large amount of money for most people in America, and yet we are talking about other things that are costing millions and billions of dollars that we can save the taxpayer.

Mr. TIAHRT. Well, if you think that the average income in the Fourth District of Kansas, which is the district that I represent, is $28,308, that is a significant amount of money. That is the average income; it means something, it is the average income for a family in the Fourth District of Kansas.

Again, I think this is just the tip of the iceberg. We have seen this mismanagement of taxpayer funds in travel, in the environmental management which has been 40 percent inefficient, and this goes way beyond just the gray areas. This is into the abuse of taxpayers' dollars. It is just another excess that we have.

The reaction has been very interesting. The reaction in Congress has been widespread shock and amazement. I think this is really a significant step back to the way business was done as usual, the old business was done as usual. It is what we have been trying to get away from in this new Congress.

I think this goes to show why I have joined with 69 others here in Congress, calling for the resignation of Secretary O'Leary. If the President does not push for her resignation, I think that he validates this effort, he validates the hiring of a private investigation firm to look into other Members of Congress, other members of industry, other members of the press, and he also validates the misuse of travel dollars and what has been going on inside the Department of Energy and the inefficiency efficiency that we have been talking about and that has been uncovered by the General Accounting Office.

Mr. Speaker, this is just a reflection of the problems that we have and it is why the Department of Energy should be eliminated as a Cabinet-level agency. It should go beyond. We should consolidate the redundant areas of Government. We should privatize like we are doing in the power marketing administrations; we should eliminate the waste and it should all start with Secretary O'Leary's resignation.

I think that is why this logical process that I have just gone through calls for not only the resignation of Secretary O'Leary, but also the elimination of the Department of Energy as a Cabinet-level agency.

Mr. RIGGS. Mr. Speaker, I certainly commend the gentleman from Kansas [Mr. TIAHRT] for his leadership and his initiative in this area. I know he has worked very, very hard on this issue and has been really one of the driving forces behind the call for dismantling the Department of Energy, which would follow on the heals of the plan that actually passed the House of Representatives today as part of the short-term debt limit bill, and that is our plan, really the New Federalists or House Republican freshman plan to dismantle the Department of Commerce.

So I really commend the gentleman. It will be very interesting to see what comes of this investigation that he and the gentleman from Ohio [Mr. HOKE] have called for by the General Accounting Office of these lavishly expensive travel habits of Secretary O'Leary.

In just a moment I will yield to the gentleman from South Carolina [Mr. GRAHAM] who I know has some particular insights to share with us on this issue. But I just want to point out how extraordinary it is to get so many Members of Congress to sign a letter in such a short period of time.

□ 2015

The gentleman from Kansas mentioned the number again. I know I cosigned the letter today, but how many Members have signed this letter?

Mr. TIAHRT. Sixty-nine as of this hour. When I left my office, we had another phone call that added the 69th name. As this information gets out, people are wanting to join in this effort because they see the abuse, that it is wrong and that it is time for a change.

Mr. RIGGS. This letter has only been circulated really on this House floor over the last few hours.

Mrs. SEASTRAND. Yes, because I also joined in signing the letter. I think as the article was distributed from information obtained about the Wall Street Journal article and such, I think people were outraged.

Mr. RIGGS. Let me just read the conclusion of this letter that so many of us have signed today:

Many serious questions have been raised about Secretary O'Leary's official travel. Now it has come to light that the Secretary has hired, and I will leave the name out right now, but apparently a private research or investigative firm to investigate reporters who cover the Department of Energy. The compilation of what is clearly an enemy's list is an extraordinarily dangerous precedent, one that we cannot countenance. Thus, we believe that Secretary O'Leary has forfeited her right to public office, and we urge you to ask for and accept her resignation immediately.

Again, this is a letter that 69 Members of Congress, both Republicans and Democrats, have signed over the last few hours, late afternoon, early this evening today, and will, I am assuming, shortly be going to the President for his consideration. I thank the gentleman, and I hope he will stay for the remainder of the special order.

I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding. I would also like to congratulate the gentleman from Kansas [Mr. TIAHRT] leading up the effort to abolish the Department of Energy.

Mr. Speaker, let me tell you what perspective I bring to this issue. I am from the Third District of South Carolina, and the Savannah River site is in my district. I have been told it is the largest DOE industrial facility in the chain.

At one time, there were over 20,000 employees at the site. In the last 3 years we have had 8,900 people leave the site because we are trying to downsize the agency, trying to balance the budget. That means that every Congressperson up here will have some pain in their district, and that is what it is going to take to balance the budget, and we are trying to be fair about it. We are trying to shrink the Government, make it more efficient.

Instead of spending millions and billions and getting nothing for it, we want to get some results. We want to change cost plus contracts to performance contracts, and I will have to give Ms. O'Leary some credit. She has brought about some of those changes.

But in a time when people in my district are losing their jobs, when we are worried about the image of a Cabinet officer to the point that we are going to spend $43,500, I do not know about where you come from, but that is still a lot of money. That is somebody's salary, probably two people's salary for an entire year, money spent to go out and survey the media, rate reporters to improve her image at a time when people are having to lose their jobs, having to seek another way of making a living, having to retire early, to me that is very offensive. It is poor leadership.

The reason the articles have been bad concerning the Department of Energy, one, it is a Department that should not exist. It cannot find its niche. There is no justification for a huge Federal bureaucracy to manage these issues, and we have spent millions and billions over the years to remediate the environment, and we are no closer than we were 5 or 10 years ago.

The national defense needs are suffering. One issue that is very important to me is the production of tritium. Tritium is a gas that is essential to develop a thermonuclear weapon. We are quickly running out of our supply of tritium.

This Department of Energy does not have a plan to develop a tritium source. We have made tritium at South Carolina at the Savannah River site for the last 40 years. We now need to get back in the business, and I cannot get Hazel O'Leary or anybody at DOE to get serious about weapons production to maintain a nuclear deterrent force.

The commercial spent fuel is overflowing in this country. Go to any powerplant in this country. They are having a huge problem with commercial spent fuel, because we will not live up to our end of the bargain to open Yucca Mountain up, and the DOE is dragging their feet.

I am tired of it, and I want new leadership, want leadership that is not worried about their image but is worried about the country's problems, not worried about how they fly an airplane but worried about people, to deliver a quality product to the American people. I think any Member of Congress that took $10 out of their account at taxpayers' expense to try to improve their image should lose their job, and she should lose her job.

Mr. RIGGS. I appreciate the gentleman's comments. I want to point out, we are joined now by the gentleman from Ohio, our theme team leader who has done a tremendous job on the House floor and certainly has spearheaded along with the gentleman from Kansas and the gentleman from South Carolina this investigation into Secretary O'Leary's travel practices.

I want to point out that this is just the latest in a series of scandals that have rocked the Clinton administration. I can recall then candidate Clinton promising the American people the most ethical administration in history. Remember that? The most ethical administration in history. Or as the kids would say, "The most ethical administration in history, not."

This follows on the heels of so many other broken promises from this particular President. We all recall candidate Clinton promising to end welfare as we know it, we all recall him promising to cut taxes for middle-class families. As I mentioned earlier, we all recall him saying that he will balance the Federal budget in 5 years.

This is just the latest in a series of reversals by this particular President and this particular administration going back really on his fundamental promises to the American people. I yield to the gentleman from Ohio.

Mr. HOKE. I thank the gentleman from California.

Mr. Speaker, I just got in and I do not know, have we heard, has the Secretary resigned yet? Has that occurred? Because I do not want to go over things that are really irrelevant at this point.

Apparently not. In any event, this is the report. This is it right here. This is the Carma report. It is a wonderful name, the Carma report. $43,500 happens to be about $13,000 more than the average family household in my district earns. That is how much was spent on this report.

I happened to look through some of it. The gentleman from Kansas [Mr. TIAHRT] will be pleased to know he is cited in this a number of times, apparently because of his interest in the Department of Energy. I have a couple of notices. The gentleman from Ohio [Mr. KASICH] is in here. The Speaker is in here. Mastercard is listed. Senator DOMENICI, the Galvin Report, Yucca Mountain, Senator JOHNSTON, USDC J. Edward Lodge, Senator THURMOND, Snake River Alliance, Representative HUNTER, Representative WALKER, House Appropriations Committee, Los Angeles Times, Representative ENSIGN, Phil Batt, President Clinton, Yucca Mountain. It is just stunning. I was thinking about this whole situation. I know we are pounding on the Department of Energy and particularly the Secretary, and I was reminded frankly of another thing that I had not thought of in some time and had not seen. But do you remember when the Secretary took a mission to India, it was supposed to be a trade mission? Well, one of the members of that mission was Carl Stoiber. He put together a little remembrance for everybody that included these cartoons, and he is a pretty good cartoonist. I believe he works for the Department of Energy. If not he was with one of the contractors that works for the Department. This is what he calls an alternative view. This was delivered or disseminated to all of the people that were on the trip.

This says "Prisoners of the Secretary of Energy." You can see they are taking off on their Air Force jet.

Here we have got one that says, "Yeah, the Air Force runs a really great flying cocktail lounge."

Mr. RIGGS. Does the gentleman know how many DOE employees went on that particular trip?

Mr. HOKE. I think it was in the neighborhood of 70. I think it was about 70. I am not absolutely certain.

Here is one, we see a fellow with a big red nose, apparently in a glass of suds, of beer, it says, "Let's Make Sure We Stop in Shannon on the Return Flight."

Here is the Secretary, thinking to herself, "Gee, maybe I should wear rose petals all the time."

This is Secretary O'Leary's visit to Donnewas Village, in a kind of a caricature. Apparently they stopped off in Egypt, in Cairo so that they could see the pyramids and ride on camels. "Whoa, Just Call Me Hazel of Forrestal," it says here, Forrestal being the name of the building that the Department of Energy is located in.

And finally something that is probably not so funny. I do not think if I were an Indian national I would think this is very funny. I think it is frankly in extremely poor taste. I know that there are a lot of people that would feel very sensitive about it. It is a can that says "Simmered Milk with Cow Dung Patties."

Mr. GRAHAM. If the gentleman would yield for a second, to put this in context, a Department of Energy spokesperson when asked about the $43,500 expenditure and the investigation said, according to the news article, a reporter's unfavorable rating meant we were not getting our message across, that we needed to work on this person a little.

What is the message?

Mr. TIAHRT. If the gentleman would yield, I want to point out that part of this message they were developing, I think, was to put them in a good light, so that when we looked in the details of the Department of Energy, that we would no longer uncover some of these inefficiencies, some of the ineffectiveness, some of the problems that they are having which add to the argument and make the case for Congress that we should eliminate the Department of Energy as a Cabinet level agency. I think they were trying to overcome this.

Mr. HOKE. When you are doing things like this and you are putting a lot of energy from the Department of Energy into traveling all over the world, here is a mockup that was done on a Department of Energy computer, a color printer and computer, this was going to be on the back of a T-shirt until we exposed it in a special order one night. It says O'Leary's World Tour, 1993–94, Brussels, Islamabad, Lahore, St. Petersburg, et cetera, et cetera.

The fact is that sure you have got an image problem, you can be absolutely certain you have got an image problem when you are spending the taxpayers' money in these things. I said this earlier when we were talking. But the problem, this idea of muckraking about travel and getting into the details even of this $43,000 that was spent, how anybody could have not realized that this is an inappropriate and utterly offensive use of taxpayer dollars to be hiring private eyes, private investigators to rate and investigate reporters. The fact is that is the tip of the iceberg. The real problem is the safeguarding of nuclear weapons, which is the No. 1 responsibility of the Department of Energy, and second of all, the safeguarding of the disposal of nuclear waste.

Mr. TIAHRT. If the gentleman would yield, in the Wall Street Journal article, it talked about they thought about gathering this information inside the Department of Energy; however, that would have cost over $80,000. So instead, they hired a private sector, private investigation agency to do the job for $43,500, which is approximately one-half the amount of money that it would have cost to have done the job inside the Department of Energy. Once again this reconfirms that we have large inefficiencies inside the Department of Energy and that we do need to consolidate, get rid of the redundancy and eliminate the Department of Energy as a Cabinet level agency.

Mr. HOKE. So that even when it comes to dirty tricks, you could hire private eyes to do dirty tricks at half the price that the Department could do them themselves?

Mr. GRAHAM. If the gentleman would yield, the $43,500, to put it into perspective, the average income in my district is $13,000 per capita. A family is about $25,000, $26,000. Like I said, that is a lot of money and you should treat that money seriously.

The bottom line of the story is when she was presented with the data, she said, "Well, that's a little too confusing. I don't think that's going to help us."

What will help the DOE is to come up with a rational energy policy, to deregulate the cumbersome process of cleaning these sites up and getting on with the job. The message that she is not getting is that there is a limited pot of money to do the Nation's business with. You cannot always fly first class, you cannot always make the papers say what you want them to say. Part of a democracy is that when you engage in the public sector, in the public debate, you are going to be called on the carpet at times. She has been called on the carpet because she has no vision, she has no message. The administration has no vision or message. They assume that we can make enough money to make every problem go away.

Two papers that were rated in this survey and investigation are in my district, the Augusta Chronicle and Aiken Standard. Like I say, the largest employer in South Carolina is the Savannah River site Department of Energy facility. I admire those two papers for taking the Secretary to task. Sometimes that is risky because they do control our future to a great extent. They are asking to build a technology in our district that is experimental in nature, that is twice as expensive of known technology to make tritium, and I along with other Congressmen and Senators in South Carolina and Georgia are saying, "Don't buy us off. You're not going to build something in our district that's wasteful just because it is coming into our district." That is the message that needs to be said in the country.

□ 2030

Quite frankly, she just does not get it. The President does not get it. She needs to lose her job.

Mr. HOKE. Now, when you said the Secretary indicated that it was too confusing, the report, and that she really did not get anything out of it anyway, it really was not something helpful to her, I have to tell you I think she was saying exactly the truth. I spent 20–30 minutes this evening looking through it. Honest to goodness, I cannot understand it either. I can understand one thing that is very clear, this is U.S. media announcements, December, 1994, overview. This report prepared on behalf of the Department of Energy, coverage received by DOE from the national media for the month of December; ratings in the report relate to the rating system, blah, blah, blah. Here is the graph. Overall favorability was 49 percent favorable, 25 percent unfavorable, 26 percent neutral.

Where else have you ever heard of favorable and unfavorable ratings being done? Who does that? Do pollsters not do that? I think we are all familiar with favorable and unfavorable. The President gets one and all that. Who pays for that? Is that paid for by campaign moneys or by official moneys?

It is always paid for by campaign money, because it is clearly a campaign expense. You never may use official moneys for this sort of thing, and it is obviously, brilliantly an ethics violation.

Mr. GRAHAM. If the gentleman will yield, would you agree with me that it is part of an overall trend in this administration that we are going to make every hard decision by polls?

Mr. HOKE. It is; it is. I think that Mr. Clinton had hired Mr. Greenspan, Mr. Greenberg, in 1994 to do most of his polling to the tune of millions and millions of dollars, not a very good job apparently, according to the 1994 election. But in any event, to Mr. Clinton's

credit, he did not pay for those polls from official funds of the White House. He paid for those polls from the Democratic National Committee, which is what should be done.

Well, that is not what has been done by the Department of Energy Secretary. This is wrong. This is an obvious and clear violation. It is the reason that now upwards of 70 Members of Congress have called for the resignation of the Secretary.

Mr. RIGGS. I appreciate the gentleman's contributions. Again, I want to point out this comes from the administration, from the President who promised us the most ethical administration ever and, of course, it was kind of a running joke back in Washington, the only way the Clinton administration can have a Cabinet meeting is if there is room for all the attorneys and independent counsels.

We know, of course, of the ongoing investigation, the Secretary of Commerce. We know about the investigation of the former Secretary of Agriculture. We know about the travelgate controversy or scandal, depending on your point of view, within the White House. We know that the Whitewater problem has implicated high level officials within the administration.

So it is very clear again that this is one promise where the President has defaulted. It is another failure on his part to follow through on his commitments to the American people, following on the heels of his promise to end welfare as we know it, to cut taxes for the middle class and to balance the Federal budget.

I yield to the gentleman from Georgia [Mr. KINGSTON], my fellow member of the Committee on Appropriations.

Mr. KINGSTON. I appreciate the gentleman yielding. I believe, getting back to the focus of balancing the budget, one of the things we hear over and over again is the Republicans are balancing the budget on the backs of, fill in the blank, frankly, children, elderly, national parks, the Democrat Party, any victim of the day that the Democrats can conjure up.

But I had an interesting conversation. I called home and had an interesting conversation with my 7-year-old daughter, and I try to keep my children interested in the legislation process. I always heard people say stories like this. I say I am about to throw up. I find myself telling the story and feeling this.

She said, "Daddy, What were you voting on?" I said, "Raising the debt ceiling." I try to give an accurate answer. She said, "What does that mean?" She is 7 years old.

I was thinking to myself, how do I phrase it, how do I phrase my generation is going to stick it to your generation? That is what it means. It means we cannot control ourselves so my little 7-year-old Anne and all her little schoolmates and all the schoolmates that come after her are going to pay for it, because we as a Congress have found it is more important to stay elected than it is to say no.

I do not like telling these sappy, syrupy stories, but to talk to her immediately after the vote, knowing who is going to be saddled with that debt, and yet as I tried to explain to here what debt was, I also found a lot of, I guess, you know, felt better about it when I said. "However, we are stopping this deficit spending more money than we bring in."

I tried to explain to her, "It is like you have an allowance and spending more than you are getting." She could not believe that. I lost her on that one. How could I spend more than 25 cents if you only give me 25 cents?

But, you know, the fact is that I could end the conversation with my 7-year-old optimistic about the future rather than pessimistic, that if we can balance this budget and the interest rates come down, as Greenspan had indicated they would, and the American family can look for lower interest rates on home mortgages, on car loans, on credit cards, if we do not spend $200 billion each year on interest.

Of course, we are going to continue to do that for a long, long time, but if we can at the end of 7 years see the light at the end of the tunnel, then it is worth working through this weekend, it is worth working through Saturday, Sunday, Monday night, and even worth working through Thanksgiving and Christmas as well, if that is what we need to do so that little boys and girls like my 7-year-old and your children can look forward to having a balanced budget one day, and that is not how they are going to look at it. But they should not be saddled with our debt.

Mr. RIGGS. Those are inspiring words. I thank the gentleman very much. That really is what motivates us on.

I know we are about to conclude. Our 1 hour has gone by very quickly.

I yield to the gentlewoman from California so she can make some concluding remarks.

Mrs. SEASTRAND. I also understand what it is about little children. Sometimes they are very honest with us, and they have an understanding in very simple terms.

Earlier we talked about dealing with billions and millions and trillions of dollars. What does that mean to you, not your 7-year-old? What does it mean to me and the average American out there?

Well, we are talking about $43,000. This is a number that means something to people. You talked about in some instances, I think it was the gentleman from South Carolina that mentioned some of his people are making $13,000 a year. I know $43,000 is a lot of money.

Yet tomorrow people will be reading additional stories about the situation with the Department of Energy, and they are going to look and say, "Why aren't we balancing the budget? Why don't they just do it, get rid of those, forget about the gimmicks, do it," and I am going to look forward to the next several days and weeks, and I will be very glad to put my vote up to balance the budget for all of our children, whether they be 7 years old or 25 years old.

Mr. RIGGS. I thank the gentlewoman. We are going to balance the budget with or without the help and cooperation of the President, for that matter, our Democratic colleagues in the House, because it is the right thing to do. We have to save the American dream for our children. We have to make America great again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today, November 9, and Thursday, November 16, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCOMBIE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. DURBIN, for 5 minutes, today.
Ms. MCKINNEY, for 60 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.
Mr. GRAHAM, for 5 minutes, today.
Mr. HANSEN, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. SAXTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOAKLEY, and to include extraenous material, during debate on House Resolution 245.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. ORTIZ.
Mr. TORRES.
Mr. PICKETT.
Ms. DELAURO.
Mr. KANJORSKI.

Mr. TOWNS in two instances.
Mr. SERRANO in two instances.
Mr. OWENS.
Mr. MENENDEZ in two instances.
(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)
Mr. GILMAN.
Mr. HOUGHTON.
Mrs. MEYERS of Kansas.
Mr. COMBEST.
Mr. CHRYSLER.
Mrs. ROUKEMA.
(The following Members (at the request of Mr. HOKE) and to include extraneous matter:)
Mr. POSHARD.
Mr. COLLINS of Georgia.
Mr. DELLUMS in two instances.
Mr. GEJDENSON.
Mr. TATE.
Mr. SMITH of New Jersey.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

On November 7:

H.R. 1103. An act to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the act.

ADJOURNMENT

Mr. HOKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 10, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1629. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96-11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1630. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning cooperation with the United Kingdom in the area of joint advanced strike technology [JAST] (Transmittal No. 13-95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1631. A letter from the Chairman, Postal Rate Commission, transmitting the Commission's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sect. 5(b); to the Committee on Government Reform and Oversight.

1632. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a copy of the Agency's determination that it is in the public interest to use other than competitive procedures for awarding a proposed contract, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Science.

1633. A letter from the Secretary of Energy, transmitting the Department's report entitled "Energy Policy Act Transportation Rate Study: Interim Report on Coal Transportation," pursuant to Public Law 102-486, Sec. 1340(c) (106 Stat. 2993); jointly, to the Committees on Commerce and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. QUILLEN: Committee on Rules. House Resolution 259. Resolution providing for consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes (Rept. 104-329). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 260. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104-330). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 261. Resolution providing for the consideration of Senate amendments to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104-331). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 262. Resolution providing for the consideration of Senate amendments to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes (Rept. 104-332). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. BILBRAY:

H.R. 2601. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Commerce.

By Mr. BONO (for himself, Mr. GALLEGLY, Mr. CALVERT, Mr. HUNTER, Mr. MOORHEAD, and Mr. STOCKMAN):

H.R. 2602. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to impose criminal fines for violations of such labeling requirements; to the Committee on Agriculture.

By Mr. FRISA:

H.R. 2603. A bill to restore the traditional observance of Memorial Day; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS (by request):

H.R. 2604. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 2605. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. HEFLEY (for himself, Mr. ROHRABACHER, Mr. SOLOMON, Mr. COX, Mr. BROWNBACK, Mr. CUNNINGHAM, Mr. STEARNS, Mr. DREIER, Mr. BAKER of California, Mr. FUNDERBURK, Mr. ROYCE, Mr. METCALF, Mr. HERGER, Mr. CHRISTENSEN, Mr. STUMP, Mr. SAM JOHNSON, Mr. NETHERCUTT, Mr. ROTH, Mrs. MEYERS of Kansas, Mr. NEUMANN, Mr. BONILLA, Mrs. CUBIN, Mr. KLECZKA, Mr. DORNAN, Mr. CHABOT, Mrs. SEASTRAND, Mr. RADANOVICH, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. ROBERTS, Mr. LAHOOD, Mr. WATTS of Oklahoma, Mr. GEKAS, Mr. SANFORD, Mr. ENGLISH of Pennsylvania, Mr. HUNTER, Mr. SALMON, Mrs. CHENOWETH, Mr. TAYLOR of North Carolina, Mr. HASTINGS of Washington, Mr. LARGENT, Mr. PETERSON of Minnesota, Mr. PACKARD, Mr. SMITH of New Jersey, Mr. MOORHEAD, Mr. MCKEON, Mr. KIM, Mr. RIGGS, Mr. DOOLITTLE, Mr. BONO, Mr. KNOLLENBERG, Mr. UPTON, Mr. MCINNIS, Mr. BUYER, Mr. ISTOOK, Mr. HORN, Mr. BUNNING of Kentucky, Ms. DUNN of Washington, Mr. FORBES, Mr. JONES, Mr. COMBEST, Mr. DEAL of Georgia, Mr. LAUGHLIN, Mr. FRANK of Massachusetts, Mr. RAMSTAD, Mr. EWING, Mr. ALLARD, Mr. CANADY, Mr. SKEEN, Mr. SCHAEFER, Mr. MICA, Mr. BARR, Mr. TRAFICANT, Mr. CONDIT Mr. PARKER, Mr. SMITH of Texas, Mr. WELDON of Florida, Mr. CHRYSLER, Mr. HAYWORTH, Mr. EMERSON, Mrs. SMITH of Washington, Mrs. WALDHOLTZ, Mr. WELLER, Mrs. FOWLER, and Mr. CALVERT):

H.R. 2606. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 2607. A bill to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mr. NADLER. (for himself, Mr. DELLUMS, Mr. ENGEL, Ms. MCKINNEY, and Miss COLLINS of Michigan):

H.R. 2608. A bill to require that health care practitioners determine medically necessary and appropriate treatment and to require

that insurers notify their enrollees of the extent of their coverage; to the Committee on Commerce.

By Mr. ORTIZ (for himself, Mr. LAUGHLIN, Mr. THORNBERRY, and Mr. COMBEST):

H.R. 2609. A bill to provide for the Secretary of the Interior to sell the indebtedness representing the remaining repayment balance of Bureau of Reclamation projects in Texas and to execute agreements with State and local interests; to the Committee on Resources.

By Mr. SANFORD (for himself, Mr. ALLARD, Ms. RIVERS, and Mr. INGLIS of South Carolina):

H.R. 2610. A bill to eliminate certain benefits for Members of Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2611. A bill to authorize conveyance of land on which is situated the U.S. Coast Guard Whitefish Point Light Station; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS:

H. Res. 263. Resolution amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members representational allowance of the Members making such speeches; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OXLEY:

H.R. 2612. A bill for the relief of Miron Kharchilava; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 2613. A bill for the relief of Rabon Lowry; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Mr. HOSTETTLER.

H.R. 222: Mr. MCCRERY and Mr. SKEEN.

H.R. 224: Mr. DELAY, Mr. WALSH, and Mr. ROYCE.

H.R. 248: Mr. STARK.

H.R. 325: Mr. CHAPMAN.

H.R. 351: Mr. DELAY.

H.R. 373: Mrs. CHENOWETH.

H.R. 377: Mr. DINGELL, Mr. KILDEE, Ms. RIVERS, Mr. FALEOMAVAEGA, and Mr. BONIOR.

H.R. 387: Mr. HUNTER.

H.R. 390: Mr. BARR.

H.R. 549: Mr. WELDON of Florida.

H.R. 580: Mr. STENHOLM.

H.R. 789: Ms. JACKSON-LEE, Mr. BUNN of Oregon, and Mr. PACKARD.

H.R. 858: Mr. ZELIFF, Mr. DIXON, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, and Mr. FOLEY.

H.R. 878: Mr. LATOURETTE.

H.R. 911: Mr. DELAY, Mr. SHUSTER, and Mr. NEUMANN.

H.R. 922: Mr. HEFNER.

H.R. 972: Mr. SMITH of New Jersey.

H.R. 1010: Mrs. THURMAN.

H.R. 1023: Mr. FRISA and Mr. HEFNER.

H.R. 1073: Mr. MENENDEZ and Mr. EHRLICH.

H.R. 1074: Mr. MENENDEZ and Mr. EHRLICH.

H.R. 1279: Mr. SALMON, Mrs. MYRICK, Mr. BONILLA, Mr. SAM JOHNSON, Mr. DICKEY, Mr. LARGENT, Mr. LINDER, Mr. SMITH of Texas, and Mr. CUNNINGHAM.

H.R. 1454: Mr. SHAYS, Mr. MORAN, and Mrs. LOWEY.

H.R. 1488: Mr. MASCARA, Mr. PETRI, Mr. FOX, Mr. CUNNINGHAM, Mr. HERGER, and Mrs. MYRICK.

H.R. 1619: Mr. BRYANT of Texas.

H.R. 1640: Mr. SMITH of Texas.

H.R. 1656: Mr. GENE GREEN of Texas and Mr. PASTOR.

H.R. 1735: Mr. DIAZ-BALART.

H.R. 1745: Mr. STOCKMAN.

H.R. 1756: Mr. RAMSTAD.

H.R. 1787: Mr. GILLMOR.

H.R. 1821: Mr. MARTINI.

H.R. 1834: Mr. LAUGHLIN, Mr. GEKAS, and Mr. RADANOVICH.

H.R. 1883: Mr. COBLE.

H.R. 1946: Mr. SMITH of New Jersey, Mr. MCINNIS, Mr. POMBO, and Mr. COLLINS of Georgia.

H.R. 1950: Mr. BARRETT of Wisconsin, Mr. MATSUI, Mr. TORRES, Mrs. MALONEY, and Mr. FAZIO of California.

H.R. 1970: Mr. ROMERO-BARCELO, Ms. JACKSON-LEE, and Mr. JEFFERSON.

H.R. 2011: Mr. STUPAK, Mr. BENTSEN, Mr. OLVER, and Mr. DURBIN.

H.R. 2019: Mr. OLVER.

H.R. 2026: Mr. ROMERO-BARCELO, Ms. DUNN of Washington, Mrs. SMITH of Washington, Mr. NETHERCUTT, Mr. DICKS, Mr. BUNN of Oregon, Mr. DEFAZIO, Mr. ZIMMER, Mr. ENGEL, Mr. CLINGER, Mr. ANDREWS, and Mr. WHITE.

H.R. 2089: Mr. SALMON and Mr. SCARBOROUGH.

H.R. 2098: Mr. ZIMMER.

H.R. 2168: Mr. SHAYS.

H.R. 2190: Mr. WAMP, Mr. MCHUGH, Mr. CUNNINGHAM, and Mr. UPTON.

H.R. 2193: Mr. OBERSTAR, Mr. RAHALL, Mr. COOLEY, Ms. LOFGREN, Mr. BILBRAY, Mr. RIGGS, Mrs. MINK of Hawaii, and Mr. BENTSEN.

H.R. 2264: Mr. MASCARA, Mr. BONIOR, and Mr. COYNE.

H.R. 2283: Mr. LEWIS of Kentucky.

H.R. 2285: Mr. LIPINSKI, Mr. HORN, Mr. EHLERS, Mr. HASTERT, Mr. RIGGS, and Mr. HASTINGS of Washington.

H.R. 2309: Mr. RIGGS, Mr. WAXMAN, and Mr. BONO.

H.R. 2310: Ms. JACKSON-LEE.

H.R. 2443: Mr. FOGLIETTA.

H.R. 2450: Mr. SAXTON, Mr. DOOLITTLE, Mr. PETE GEREN of Texas, Mr. HASTERT, Mr. LIPINSKI, Mrs. THURMAN, Mr. TORKILDSEN, Mrs. MYRICK, Mr. ROTH, Mr. HEFLEY, Ms. RIVERS, Ms. LOFGREN, and Mr. WATT of North Carolina.

H.R. 2471: Mr. HUTCHINSON and Mr. INGLIS of South Carolina.

H.R. 2506: Mr. COBURN.

H.R. 2509: Mr. NETHERCUTT.

H.R. 2528: Mrs. SEASTRAND.

H.R. 2535: Mr. DELAY, Mr. FIELDS of Texas, and Mr. YOUNG of Alaska.

H.R. 2545: Ms. VELAZQUEZ, Mr. FATTAH, Mr. CLYBURN, and Mr. WATT of North Carolina.

H.R. 2550: Mrs. FOWLER and Mr. WELLER.

H.R. 2551: Mr. WAXMAN.

H. Con. Res. 50: Ms. WOOLSEY.

H. Res. 250: Ms. RIVERS, Mr. MCHALE, and Mr. LEVIN.

SENATE—*Thursday, November 9, 1995*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Andrew Jackson said, "Every good citizen makes his country's honor his own and cherishes it not only as precious but as sacred. He is willing to risk his life in its defense and is conscious that he gains protection while he gives it."

Gracious God, all through our history as a nation, You helped us battle the enemies of freedom and democracy. Many of the pages of our history are red with the blood of those who made the supreme sacrifice in just wars against tyranny. Those who survived the wars of the past half century are all our distinguished living heroes and heroines. They carry the honored title of veterans.

Tomorrow, we will set aside the day to express our debt of gratitude. We seek to make it a day of prayer for our Nation. Help us to commit ourselves anew to the battle for the realization of every aspect of Your vision for our Nation.

You have helped us conquer external enemies; now give us the same urgency in our internal battles against racial divisions instigated by any race or group. Renew our strength as we press on toward a truly integrated society with equal opportunity for all people. Make us one. Help us to press on in the American dream to banish vociferous expressions of hostility and hatred in our society. Make us all seasoned veterans in the daily struggle for righteousness in our land. In Your holy name. Amen.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 20 minutes.

SCHEDULE

Mr. MURKOWSKI. Mr. President, I have been asked to make a statement on behalf of the leader.

This morning the leader's time has been reserved. There will be a period for morning business until the hour of about 12 noon today.

The majority leader has stated that following morning business, the Senate may begin consideration of the continuing resolution. The Senate may also consider the debt limit extension during today's session, and all Senators can, therefore, expect rollcall votes throughout the day and a late session may be necessary in order to complete action on any or all of these items. Definite announcements on the indefinite schedule will be forthcoming throughout the day.

ARCTIC OIL RESERVE

Mr. MURKOWSKI. Mr. President, I would like to continue a series of presentations I have made in this body concerning the opening of the Arctic oil reserve in ANWR.

Before I make a reference to the specifics, let me show you a map and share with you an observation relative to this huge landmass of Alaska, which is one-fifth the size of the United States. In the Arctic region, above the Arctic Circle facing the Arctic Ocean, we have a resident population of Eskimos. The primary area where they are concentrated is in Barrow. It moves down to Wainwright, Icy Cape, Point Lay, Kaktovik, over to the Canadian border.

They are a nomadic people that to a large degree depend on subsistence for a lifestyle, but as a consequence of the oil discovery in Prudhoe Bay, they now have a tax base. They now have jobs. They are beginning to generate sewer and water facilities in the larger villages. This is brought about only because of the reality of having a tax base and activity in their area.

If I may share with you, Mr. President, the issue of opening up the Arctic oil reserve of ANWR for a quick review, it involves Congress taking action on authorizing the lease-sale of 300,000 acres out of the 19 million acres of ANWR. That is a pretty small footprint. Most of ANWR, about 17 million acres, has been set aside in perpetuity by Congress in either wilderness or refuge. That is evidenced by the area in green. Congress set aside the yellow area in 1980 for a determination at a later time, whether to allow oil and gas leasing. The area in red is the small Eskimo village of Kaktovik. This is located on the map in this far corner of Alaska near the Canadian border.

The reality is that Prudhoe Bay, which is the largest oil field in North America and has been producing about 25 percent of the total crude oil produced in the United States for the last 18 years, is now in decline. As a consequence, geologists tell us this is the most likely area for a major oil discovery to be found.

This happens to be Federal land. As a consequence, only the Federal Government can authorize opening it. Both the House and Senate, in the reconciliation package, have included a proposal to allow the lease-sale. It is anticipated the lease-sale will bring about $2.6 billion, funded strictly by the oil companies who would bid on these Federal leases. This would provide the largest employment, the largest concentration of new jobs that we can identify in North America, some 250,000 to 700,000 jobs over the anticipated life of the field.

Is it needed? Certainly it is needed, because the Prudhoe field is in decline, from about 2 million barrels a day to about 1.5 million barrels a day. When Prudhoe Bay was found and opened, we were about 34 percent dependent on imported oil. Today we are 51.4 percent dependent on imported oil. Much of that oil comes from the Mideast, so we are becoming more and more dependent on the Mideast. We are relying, obviously, on governments that have shown some instability—Iran, Iraq, Libya. It is still very much of a hot spot from the standpoint of stability. Yet, we are sending our dollars and sending our jobs overseas when we could be developing our own resources. The question is, can we do it safely? And the answer clearly is yes.

The problems that we have associated with opening this are emotional arguments from America's environmental community. Let me show you an ad that appeared in the Washington Post. It appeared in the Roll Call. This is an ad by the Indian Gaming Association. It shows a little native girl whose future could be affected by an act of Congress. The headline is, "Don't Tax Her Opportunity To Get Off Welfare."

The same situation applies to the Alaska Natives and the exploration in this area. As we look at Alaska and the large area, the idea of oil exploration in this very, very small area is the only identified job opportunity for the Eskimo people in the Arctic.

What about rural Alaska? It is an area that probably has about the highest unemployment of anywhere in the United States. Rural sanitation was virtually unknown until a few years ago. There are a few villages that have

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

running water. Most of them still have honey buckets instead of indoor plumbing.

What we have here is a case of wealthy environmental and preservation organizations that are opposed to opening up this area to create jobs for Alaska's Eskimo and Native people. The Eskimo people want jobs. They want to have a future. They want to have an opportunity to educate their children. They live in a harsh climate. Without exception, virtually the entire Eskimo population of Alaska supports opening this area.

What does the issue consist of? Some have said, "Well, it is big oil." I would suggest that we reflect for a moment and recognize that the big business associated with this issue is really the big business of America's environmental community. Where do these people live? Washington, DC; New York; Boston. They take indoor plumbing for granted. They oppose ANWR. Today a number of them are meeting down at the White House with the administration on this and a number of other environmental issues.

It has been suggested that this is going to harm the Arctic and harm the Eskimo and native way of life. The Eskimo people would not do anything to harm their environment. They want safe oil development because they want better lives. And, clearly, as I have indicated, because of our increased imports of foreign oil, America needs the oil.

Many of the professional environmentalists have never been up to the Arctic oil reserve of ANWR and have never been up to this part of Alaska. They do not really care about the Eskimos' or Natives' future. Some of them have been up and have shared some of the unique experiences in some of this area. It is a very expensive operation. It takes about a $5,000 bill to charter an aircraft and hire the comforts of life that are necessary to enjoy and experience the wilderness.

But make no mistake, we are talking about a very small footprint—authorizing 300,000 acres out of 19 million acres. And industry says, if the oil is there, they can develop it within 2,000 acres.

Mr. President, if you have ever been out to Dulles International Airport, that complex is 12,500 acres. If you compare the huge area of ANWR, it is about the size of the State of South Carolina. We are only talking about 2,000 acres, if the oil is there.

Who are these professional environmental groups? Why do they focus on an issue way up in North America that most Americans cannot see? It is far away. It is costly to get there. The answer is these organizations need a cause. A cause gives them dollars. A cause gives them membership.

Mr. President, they are now big business. The environmental movement's income, salaries, contributions, and investment patterns are extraordinary. I would like to share a report from the Center for the Defense Free Enterprise that gives us all an opportunity to review some of the executive salaries, expense accounts, the huge incomes, the big investment portfolios, the big offices, and the staff. The report says that the environmental movement is arguably the richest and most powerful pressure center in America.

So just what kind of people make up the professional environmental establishment? They are certainly better off than the Native people of Alaska. Let me share some of the executive compensations, just a few that are listed here.

The Nature Conservancy, John Sawhill, president and chief executive, salary $185,000, benefits $17,118; National Wildlife Federation, Jay Hair, executive director, salary, benefits, expense account, roughly $300,000; World Wildlife Fund, Kathryn Fuller, executive director, salary, $185,000, total with benefits, $201,650; and on down the line. Over here is the Environmental Defense Fund, Fred Krupp, executive director, salary, $193,000, with benefits $210,000. That is big business.

These 12 groups I have listed here have a net worth—not just in thousands, not hundreds of thousands, but $1.03 billion. Their combined revenue for 1 year was $633 million. Their 4-year lobbying expenses were $32 million. This is big business.

Mr. President, I ask unanimous consent that tables entitled "Executive Compensation" and "Environmental Organization Incomes" be printed in the RECORD.

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

EXECUTIVE COMPENSATION

Organization	Executive	Title	Salary	Benefits	Expense account	Total
The Nature Conservancy	John Sawhill	President and Chief Executive	$185,000	$17,118	None	
National Wildlife Federation	Jay Hair	Executive Director	242,060	34,155	$23,661	$299,876
World Wildlife Fund	Kathryn Fuller	Executive Director	185,000	16,650	None	201,650
Greenpeace Fund	Barbara Dudley	Executive Director Acting	65,000	None	None	65,000
Greenpeace Inc	Stephen D'Esposito	Executive Director	82,882	None	None	82,882
Sierra Club	Carl Pope	Executive Director	77,142	None	None	77,142
Sierra Club Legal Defense Fund	Vawter Parker	Executive Director	106,507	10,650	None	117,157
National Audubon Society	Peter A. A. Berle	President	178,000	21,285	None	199,285
Environmental Defense Fund	Fred Krupp	Executive Director	193,558	17,216	None	210,774
Natural Resources Defense Council	John H. Adams	Executive Director	145,526	13,214	None	158,740
Wilderness Society	Karin Sheldon	Acting President	90,896	22,724	None	113,620
National Parks & Conservation Assn	Paul C. Pritchard	President	185,531	26,123	None	211,654
Friends of the Earth	Jane Perkins	President	74,104	2,812	None	76,916
Izaak Walton League of America	Maitland Sharpe	Executive Director	76,052	5,617	None	81,699
Total			1,887,258	187,564	23,661	2,098,483

Source: Center for the Defense of Free Enterprise.

ENVIRONMENTAL ORGANIZATION INCOMES

Organization	Revenue	Expenses	Assets	Fund balances
The Nature Conservancy (fiscal 1993)	$278,497,634	$219,284,534	$915,664,531	$855,115,125
National Wildlife Federation (1993)	82,816,324	83,574,187	52,891,144	13,223,554
World Wildlife Fund (fiscal 1993)	60,791,945	54,663,771	52,496,808	39,460,024
Greenpeace Fund, Inc. (1992)	11,411,050	7,912,459	25,047,761	23,947,953
(combined different years)	(48,777,308)			
Greenpeace Inc. (1993)	37,366,258	38,586,239	5,847,221	<5,696,375
Sierra Club (1992)	41,716,044	39,801,921	22,674,244	14,891,959
Sierra Club Legal Defense Fund (1993)	9,539,684	9,646,214	9,561,782	5,901,690
National Audubon Society (fiscal 1992)	40,081,591	36,022,327	92,723,132	61,281,060
Environmental Defense Fund (fiscal 1992)	17,394,230	16,712,134	11,935,950	5,279,329
Natural Resources				
Defense Council (fiscal year 1993)	20,496,829	17,683,883	30,061,269	11,718,666
Wilderness Society (fiscal 1993)	16,093,764	16,480,668	10,332,183	4,191,419
National Parks & Conservation Assn. (1993)	12,304,124	11,534,183	3,530,881	769,941
Friends of the Earth (1993)	2,467,775	2,382,772	694,386	<120,759
Izaak Walton League of America (1992)	2,036,838	2,074,694	1,362,975	414,309
Total	633,014,090	556,359,986	1,234,824,267	1,030,377,841

Source: Center for the Defense of Free Enterprise.

Mr. MURKOWSKI. These environmental organizations obviously make a tremendous contribution to America in many regards. But, as far as their efforts against the Eskimo people in my State, it is not a fair fight. How does this $1 billion fund with account balances and assets stack up with the Eskimo and Native people, the 7,500 Eskimo people of the North Slope, and their opportunities for a job, a lifestyle, an education, and a future for their children?

Mr. President, this list shows that the environmental community in America is bigger than many of our corporations. This group has indoor plumbing. This group has opportunities for their children and running water. They do not have to put up with honey buckets. It is not wrong to stand up for what you believe in, but it is wrong to have a double standard. The national environmental establishment operates under a double standard.

Let us look at some of the practices. They block safe development of the Arctic oil reserve of ANWR. But many of them have gone ahead and developed their own resources. John Roush of the Wilderness Society cut massive timber; clearcut on his land in Montana next to some prime Forest Service land. That is his own business, and it is fine. But it is a double standard here, if they do not practice what they preach.

Bill Arthur, Sierra Club, Northwest representative clearcut land in eastern Washington. That is fine. It is his business. He has a right to do it.

George Atiyeh of the National Audubon Society's TV show "Rage Over Trees" cut trees on land in the Willamette National Forest drainage that he supposedly wanted to protect near Opal Creek. The National Audubon Society allowed 37 wells to pump gas from the Paul J. Rainey sanctuary in Louisiana, $25 million in revenues; allowed grazing, gas leases in the Bernard Baker Refuge in Michigan; timber cutting at Silver Bluff Plantation sanctuary.

Well, Mr. President, I do not criticize that. But I do criticize their objections to allowing the Eskimo and Native people of Alaska to have an opportunity to participate in jobs in an area that they are going to protect. Environmental groups continue to generate funding to lobby these and other efforts that are certainly contrary to the interests of the individual people.

So who are these environmental preservation groups? Many of them are Clinton administration officials who used to work or hold positions with these national pressure groups.

Let us take a look at some of the people in the administration today, and where they came from.

The budget director, Alice Rivlin, associated formerly with the Wilderness Society; Secretary of the Interior, Bruce Babbitt, League of Conservation Voters; John Leshy, Solicitor at the Department of the Interior, National Resource Defense Council; Bonnie Cohen, Assistant Secretary of the Interior, Sierra Club; Brooks Yeager, Director of the International Office of Political Analysis, Sierra Club; George Frampton, Assistant Secretary for Fish and Wildlife, Wilderness Society; Donald Barry, Deputy Assistant for Fish and Wildlife, World Wildlife Fund; Destry Jarvis, Assistant Director of National Park Service, formerly National Park and Conservation Association; Rafe Pomerance, Deputy Assistant Secretary of State, Environmental Action; Lois Schiffer, Assistant Attorney General, League of Conservation Voters.

I could go on and on and on, Mr. President. All I am suggesting to you is, obviously, these people in the administration are in policymaking positions, and they have their own point of view, which is prevailing certainly in the administration's attitude toward allowing development—not just in ANWR, in the Arctic oil reserve, but on grazing issues, on mining issues, on timber issues, and virtually every issue relative to development of resources on public lands—is opposed by the administration. And the rationale is clear. These people are in positions of making policy, and the environmental community is very supportive of most of their efforts and causes.

As a consequence, when the people in the area like the Eskimo and Native people in my State of Alaska are not given the consideration relative to their obligation to protect their own land, to protect the resources, the caribou and others, it is clearly not a fair fight.

Let me show you a picture, Mr. President, of the caribou wandering around the Prudhoe Bay oilfield. What you can see here are lots and lots of caribou. You can see the oil pipeline. You can see an oil rig under development. Once that well is drilled, that rig is gone, the caribou are still there, and the pipeline is still there. So there is a compatibility.

The conclusion, Mr. President, is that this first ad that I showed you—this is the ad that says, "Do not tax our opportunity to get off welfare." This focuses our attention on the plight of some of the poorest people in America.

That includes many of the Eskimo people who live on the Arctic Ocean. Like the rest of us, they want jobs. They want education. They want a better way of life. In Alaska, my State, the Natives voted in favor of this development.

What about the rest of America? All America would stand to benefit by this. It would be the largest concentration of jobs. Most of these would be union jobs. It would relieve our dependence on imported oil. There is no way that one can make a case that this would have any detrimental effect on the environment. We have proven this in opening up Prudhoe Bay.

There is absolutely no evidence to suggest that we cannot open up this area safely. The same arguments that prevailed in 1970 against opening up Prudhoe Bay are the arguments that are being used today to try to stop opening up the Arctic oil reserve.

Today we have the advanced technology. We have a greater capability, and we can do it safely. So when you see the young girl in the advertisement, think of the natives in Alaska and tell Secretary Bruce Babbitt and some of the high-priced environmental army that he has to think twice before blocking ANWR.

As I have indicated, this is not a case of big oil. The Eskimo people are in a survival fight, as are the other Native residents of Alaska, to try and offset the tremendous momentum that the environmental community has in objecting to the opening of this area.

Do not sell American ingenuity short. We have heard the arguments before on Prudhoe Bay. We can open it up safely given the opportunity.

I am going to read into the RECORD a short account from the North Slope Borough and the Arctic Slope Regional Corp. This is the concentration of the 7,500 Inupiat Eskimo people who live on the North Slope of Alaska. A few days ago they called Secretary Babbitt's participation in a press conference here in Washington where he proposed objecting to opening ANWR as a shameful disgrace to his office.

Those are harsh words, Mr. President, but the Eskimo people attempted to remind the Secretary that he has a legal duty to serve as a trustee for all Native Americans, and the Eskimo people think he has violated that duty as a trustee and a fiduciary to the Eskimo people. He has done so by joining a small minority, which is 1 percent, I might add, of Alaska's native people who are opposed to opening up the Arctic oil reserve.

It is rather interesting to note who funds the Gwich'ins. It is the Sierra Club and the environmental groups that put ads in the New York Times, and so forth, and inhibit, if you will, through fear tactics such as I observed when I was in one of the Gwich'in villages, an Arctic village this summer, a big, slick, Hollywood picture of the Buffalo in the tribal house. Underneath it, it said: "Don't let happen to the Porcupine caribou herd what happened to the buffalo." Obviously, we were out to shoot the buffalo years and years ago when the buffalo became extinct on the ranges of the Western United States.

That is not the case with oil exploration, and we can protect the Porcupine caribou herd without a doubt, just as we have seen the tremendous growth of the central Arctic herd. Before oil,

that herd was about 4,000 animals. Today there are about 20,000 animals.

Let me go on with that statement.

Furthermore, the Eskimos indicate that Alaska's 90,000 Aleut, Indian and Eskimo people support opening the coastal plain to oil and gas leasing. In a vote of the Alaska Federation of Natives in their delegation meeting, they voted 2 to 1 in support of creating jobs through development.

They further state that the Inupiat Eskimo people who reside on the Arctic Ocean of Alaska favor virtually unanimously opening the coastal plain. They indicate that they have lived with the oil industry for 25 years. The North Slope oil development is safe. It is compatible with the caribou and wildlife, and oil development has given them jobs, a tax base for essential public services and an economic opportunity for all Alaska's native people.

They further state that, properly regulated, North Slope oil development is fully compatible with the caribou, the birds, the fish, and the wildlife on which the people depend. This is the Eskimo people speaking, Mr. President.

They further state—and I think this is probably most significant as we reflect on the ad that I referred to earlier: "Don't tax her opportunity to get off welfare"—the Eskimo people are trying desperately to work their way out of Federal dependency. And because of their success, they now find themselves opposed at nearly every turn by the Assistant Secretary for Indian Affairs, Ada Deer, who spoke in Anchorage at the convention. She opposes successful native American corporations and organizations. One concludes she wants the Eskimo people to be dependent—not independent but dependent—on the Bureau of Indian Affairs.

The Eskimos indicate that dependence kills self-initiative; it breeds a welfare society. They want to follow the American way, the way of independence, self-help, individual responsibility, family values, sense of community. This is what the Eskimo people of the Arctic want. They want this opportunity. Yet, the environmental community suggests that it is the wrong thing to do because the environmental community is trying to scare America saying we cannot open it safely.

The Eskimos indicate that it is a tragic day for the 7,500 Inupiat Eskimo people. It is the first time, they say, that the Secretary of the Interior has rejected his trust responsibilities to pursue the naked political objectives of those who are opposed to the interests of native Americans.

They indicate that the Secretary of Interior and his administration penalize hard work, penalize success. They want to champion dependency, welfare and allegiance to an incompetent Bureau of Indian Affairs. They put the commercial fund-raising interests of environmental organizations over those of the 7,500 Eskimo people who need help.

Secretary Babbitt, and, unfortunately, this administration, seem to oppose opening the coastal plain on the one hand, yet they are actively selling OCS oil and gas leases in the Arctic Ocean adjacent to the coastal plain. Well, they simply have it backwards. Oil development onshore is safe. Oil development in the isolated Arctic wind-driven waters of the ocean is risky. It is hazardous. So as a consequence the word of the Eskimo people is the word of the people who live in the area, who have a commitment to care for the animals of the area, and a realization based on their experience that this area can be opened safely if they are given the opportunity, and that is all they ask.

So I would encourage my colleagues, do not sell American technology, ingenuity, or the people of the area short as we consider opening up the Arctic oil reserves in ANWR. We can do it safely. And it is in the national interest, as well as the interest of the Eskimo people, all the Native people of Alaska, and my State of Alaska as well.

THE PESO CONTINUES TO SLIDE

Mr. MURKOWSKI. Mr. President, I also want to add and take a brief moment to make a statement in regard to the peso, which continues to slide rather dramatically today. I would like to bring to the attention of this body that the economic crisis continues in Mexico. As we recalled yesterday, the Mexican peso fell to a record low against the dollar—7.8 pesos to the dollar. That peso evaluation is even lower than last January and February when the administration told us that the Mexican economy was in crisis and the American taxpayer had to bail out Mexico. There was a good deal of debate in this body at that time.

One of the reasons that Mexico's economy is in such deep trouble is the Government's PACTO with labor, agriculture, and business leaders. The Bank of Mexico announced some 2 weeks ago it will raise its minimum wages 10 percent by December and another 10 percent in April 1996. It will raise the price of gasoline, diesel fuel, electricity by 7 percent in December and another 6 percent next April. And there will be increases of 1.2 percent in all other months.

Think about that. These price increases follow the 35-percent oil price increase and 20 percent electricity price increase set last March. Investors Business Daily called the PACTO "centralized economic planning at its worst—more reminiscent of Soviet style 5 year plans than of the free market." Still, Treasury Secretary Rubin said that "structural reform continues to improve the long-term prospects for the—Mexican—economy, attracting both domestic and foreign investment."

Well, I suggest, Mr. President, that the Secretary of the Treasury has it all wrong. The Mexican economy is in a free-fall. Just this Thursday interest rates on 28-day Treasury bills soared to 54 percent. Inflation is currently running at 40 percent.

Mr. President, this administration earlier this year told the Congress that by the second half of 1995 Mexico's economy would stabilize, it would stabilize only if we bailed out the speculators with American taxpayer dollars. The only thing that has happened is that the speculators in tesobonos have all been paid off 100 cents on the dollar, courtesy of the United States taxpayer, and the Mexican economy today is in shambles.

The $20 billion bailout and the economic conditions we forced on Mexico have produced, in the opinion of this Senator from Alaska, an economic disaster. I doubt that we will see Mexico pay back the American taxpayer. I fear that the economic austerity that we have forced on Mexico will lead to a political disaster south of the border.

I hope that prediction is not true. But I think it is time to go back and reassess—reassess, Mr. President—what we did earlier this year in bailing out those investors in tesobonos, most of which were sophisticated U.S. investors. The American taxpayers bailed them out. Here today we are seeing that that effort to try to stabilize the Mexican Government apparently has failed.

Mr. President, I have concluded my remarks. I wish the President a good day, 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. GRAHAM. 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. GRAHAM. Mr. President, pursuant to a previous order, I believe I have 20 minutes during morning business.

The PRESIDING OFFICER. The Senator is correct.

MEDICAID PROGRAM

Mr. GRAHAM. Mr. President, today I conclude a series of talks on the Medicaid Program. I began a four-part presentation last Friday by debunking the myth that the Medicaid Program has been a failure. In fact, an objective review of the accomplishments of this Federal-State partnership tells us that the Medicaid Program has been an American success story.

Just a few examples: The decrease in infant mortality rate from 10.6 deaths per thousand livebirths as recently as 1985 to 8.5 in 1992, largely attributable to an expanded effort in the Medicaid Program;

The improved quality of long-term care for millions of elderly citizens in a manner befitting their human dignity;

The deinstitutionalization of 125,000 profoundly handicapped Americans.

With that record of accomplishment established, on Tuesday of this week, I examined why Federal spending on Medicaid has increased throughout its history and why it is expected to increase in the next years. I pointed to such things as the demographic changes in America, particularly the increasing longevity which has driven up the number of persons who are in need of long-term care.

I addressed the numerous programmatic expansions in Medicaid that reflected compelling policy decisions, such as the decision to reduce infant mortality. That has led to increased costs as well.

Finally, I cited the erosion of private health coverage for millions of children, an issue which has become a major subject of public concern this week with the publication of a study in the Journal of the American Medical Association on that very topic, documenting the trend that as private sector insurance abandon children and their parents, the Medicaid Program picked up the slack, helping them get immunizations, checkups, and, when needed, specialty care.

Mr. President, this is not to say that part of the increase in the cost of Medicaid was not attributable to abusive or wasteful practices. Yesterday, I spoke about the abuses in the Disproportionate Share Hospital Program, known as DSH. I decried how the Senate, by its vote on October 27, rewarded with millions, and in some cases billions, of dollars those very States that gamed the DSH program. What is worse, the Senate majority voted to fund these rewards by raiding the Social Security trust fund and by perverting sound budgetary practices.

Mr. President, with that backdrop in place, I come to the Senate floor today with a message of hope. I bring to this Chamber a proposal that recognizes the importance of maintaining the Federal-State partnership in Medicaid and restraining costs.

The Senate is not in a posture of block grants or bust. There is another way. Why should we consider an alternative? We should consider an alternative because the alleged benefits of block grants—flexibility to the States particularly—are minimal, and the costs and loss of a Federal partner in a time of need for the most vulnerable of Americans are great.

The foundation upon which the block grants have been built, that they enhance flexibility for the States, is on shaky ground—shaky ground which erodes by close examination; shaky, that is, unless you define "flexibility" as the freedom to raise State taxes or local property taxes, or the flexibility to pit the elderly against children as beneficiaries for the Medicaid Program. Otherwise, there is precious little flexibility the States can receive that they cannot already get under the current Medicaid program waiver.

The Department of Health and Human Services has pioneered, with willing States, extraordinary demonstration projects where statutory and regulatory requirements can be waived to permit new approaches to health care. In my State of Florida, we have been in the vanguard of this waiver movement, particularly in the area of providing community-based services for older citizens and expanding the use of managed care for poor children.

Before the Senate brought the Medicaid legislation to the floor, I met with Mr. Bruce Vladeck of the Health Care Financing Administration, generally known as HCFA. My question to him was:

> What flexibility, to allow innovation, would the block grants give States that they cannot get today through the waiver program?

Here is a summary of his answer:

> States today can test new approaches to publicly supported health care by obtaining waivers to statutory requirements and limitations. Waivers permit States flexibility from Federal Medicaid statutory and regulatory requirements. State Medicaid demonstrations present valuable opportunities to both State and Federal policymakers to refine and test policies that improve access to the quality of care for vulnerable Medicaid populations and to more effectively manage the cost of providing that care.

Mr. President, I ask unanimous consent that the full statement by Mr. Vladeck be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. What do the States relinquish in exchange for the marginal new flexibility that they will allegedly receive? The Federal partnership to assist them, if they experience caseload growth, will be surrendered. The Federal partnership, during times of economic hardship or recession, will be surrendered. And the Federal partnership, if there is a natural disaster—when Hurricane Andrew hit south Florida, Mr. President, our Medicaid caseload shot up by 12,000 people. Not only had their homes been blown away, their jobs had been blown away. Therefore, people who had been employed and self-supporting needed the assistance of Medicaid during that time of crisis.

Under block grants, a State that is knocked down to its knees by a flood, earthquake, hurricane, would not find a helping hand from the Federal Government at the time it needed help to get back on its feet. No, Mr. President, acts of God and block grants do not mix.

Mr. President, this is not a new debate. In January 1982, during his State of the Union Address, on the 26th day of that month, President Reagan recognized the issue of the States and the Federal Government's partnership in Medicaid. Did President Reagan advocate that Medicaid ought to be turned back to the States in the form of a block grant? Did he advocate that the States be left alone to deal with issues of changes in their growth, changes in economic circumstances, natural disasters? No, Mr. President, that was not the position of President Reagan.

Let me quote from his State of the Union Address what President Reagan said on January 26, 1982:

> Starting in fiscal year 1984, the Federal Government will assume full responsibility for the cost of the rapidly growing Medicaid Program, to go along with its existing responsibility for Medicare. As part of this financially equal swap, the States will simultaneously take full responsibility for Aid for Families with Dependent Children and food stamps.

Mr. President, that was the swap that President Reagan proposed on January 26, 1982. I believe the President's advice, in terms of a greater, not a lesser, Federal role in Medicaid, was wise then, and it is advice that we should seriously consider following today.

If block grants are as bad as I suggest they are, is the only alternative to them business as usual? No, Mr. President. There is a way to have the best of both worlds, and to contain costs while maintaining the Federal-State partnership in Medicaid.

The best of both worlds is the per capita cap proposal that is gaining momentum as the win-win answer to the block grants' lose-lose proposition.

The per capita cap approach provides that health care and coverage could be protected, and costs can be controlled by disciplining the program with an annual limit in Federal spending per beneficiary.

This approach maintains the individual guarantee to Medicaid services and creates an incentive to maintain health care coverage. Funding would follow the people in need, not some political entity.

The per capita cap approach, which I presented to the Senate 2 weeks ago, saves $62 billion over the next 7 years. It enhances State flexibility, and it reduces the rate of growth in Federal Medicaid spending to a level that is sustainable for the States, the beneficiaries, and the Federal Government.

The per capita cap assures that States with innovative demonstrations already underway can continue to operate their programs, and that other States wishing to innovate have the resources and ability to do so.

Let me briefly outline how the per capita cap approach would work.

Federal funding would be allocated to States on a per person in need basis. For example, one of those categories of per persons in need are poor children. If the cost of providing services to a poor child in California, for example, has been $1,000, then the Federal Government would continue its Federal-State matching share, which in the case of that State is 50 percent State, 50 percent Federal, and the Federal Government would continue to provide $500 per each poor child qualifying for Medicaid services in the State of California.

If needs increase because the population of poor children goes up, or if they decrease because the population goes down, or if there is a natural disaster or a public health calamity and more children become eligible for coverage, the Federal partnership and the contribution of $500 per child would be guaranteed, unlike a block grant, where a fixed sum of money is allocated regardless of change in circumstances.

The incentive is to reduce costs and not cut people off coverage because if you arbitrarily cut children off, you lose the Federal match.

Costs are what must be controlled. If, for example, California were to spend more than $1,000 per child, then the State of California would be required to make up the difference between the actual cost and what Medicaid would cover—$500 of State and $500 of Federal funds.

Again, under a per capita cap, the money follows the need and the person. As a result, during economic booms, or if health care needs decline, the Federal Government would share in the savings—also unlike a block grant which straitjackets and obligates money regardless of need.

The Federal Government would make payments to each State based on the statutory Federal matching rate or the per capita rate, whichever is lower. The cap would be stated in inflation terms.

Our proposal, Mr. President, is that that inflation term be stated at 1 percentage point below the projected rate of medical inflation in the Nation. Today it is projected that the medical rate of inflation for the next 7 years will average 7.1 percent per year per person. We would, therefore, propose to set the inflation rate under the per capita cap at 6.1 percent, thus producing the $62 billion in savings over the next 7 years.

The cap would be cumulative and thus allow States enough flexibility to apply savings under the cap from one year to the next. Caps would be applied separately to each of the four principle categories of Medicaid beneficiaries: the elderly, the disabled, children and their mothers. This separation into four distinct groups avoids the sinister zero-sum game that is endemic to block grants, where one group's interests are pitted against another.

Mr. President, on first hearing this formula, some may say it sounds very complicated. For those who have had a background in State government, it really is a clone of the way States allocate and distribute school dollars to individual school districts. In fact, with only four categories of beneficiaries to consider, it is far simpler than most per pupil school district formulas.

The per capita cap idea is not a new idea. It is one which should be familiar to many of our Republican colleagues. It is a concept that was supported in health care proposals introduced within the last year by Senators DOLE, Packwood, GRAMM, and CHAFEE.

Mr. President, among those merits, the Medicaid per capita cap approach permits the States to move toward managed care and other types of arrangements which save money without having to secure specific Federal waivers. That, Mr. President, is real flexibility.

Another advantage of the per capita cap approach is that many other detailed rules and process-oriented requirements would be phased out. States would be held accountable to performance outcomes with respect to certain quality access measures. The Federal Government would be interested in the outcomes of State health long-term care delivery systems but would not be mandating how to achieve those outcomes.

Finally, the per capita cap approach would cap and retarget future growth in the Disproportionate Share Hospital Program, referred to as DSH. My colleagues who have read about or possibly heard my remarks yesterday on the flagrant, unflinching abuse of the DSH program by some States will no doubt breathe a sigh of relief.

Mr. President, the per capita cap approach I outlined today would assure 18 million children, 8 million low-income women, 6 million disabled, and 4 million elderly Americans continued coverage for hospital, physician, and nursing home care services. This approach would cut costs, not cut people.

Mr. President, suppose for a moment that in 2 years oil prices fell as they did in the early and late 1970's, another economic recession were to strike a region of our country such as the Southwestern States. Suppose the same phenomenon ensued with layoffs, real estate fire sales, and businesses start canceling health insurance coverage.

As we know from the history of the last 15 years, suppose, further, that families ran through their savings, ran out of money to care for their elders. This may sound far-fetched, but it was not that long ago that the former Governor of Texas held a garage sale and sold personal items to generate cash during those hard times.

For purposes of this discussion, we will say that the citizens of the Southwest ran out of money, so their frail elderly turned to Government for long-term care. With no help from the Federal Government in their hour of need, those States would be in a financial straitjacket under block grant.

Mr. President, this is insanity, and unnecessary insanity.

Under per capita caps, those same States would get help. The Federal Government's contribution would increase as the need increased. Most important, the elderly, the disabled, the children, and pregnant mothers would not pay for the economic downturn with their help if not with their lives.

Mr. President, this makes sense. There is a legitimate national interest in such an outcome. The $62 billion reduction in spending amounts to a surgical cut, not the meat-ax approach that the $176 billion block grant legislation that passed the Senate 2 weeks ago represents.

Further, Mr. President, the per capita cap approach would continue the Federal-State partnership in detecting fraud and punishing defrauders. Medicaid fraud, the DSH abuse and the uncontained spending amount to a cancer on our Nation's health and long-term care delivery systems. But it is treatable—not a terminal condition. In our zeal to cure this affliction, let us not kill the patient in the process; let us not kill the very Federal-State partnership that has served this Nation so well for 30 years.

For the past week, Mr. President, I have attempted to spotlight the Medicaid Program, to expose the recklessness of $176 billion in block grant cuts and the raid on the Social Security to reward DSH abusers.

Today, I propose another way, a way that maintains the Federal-State partnership while still containing costs. After all, Mr. President, behind those $176 billion in cuts are human beings who will pay the price for our freelance legislating, for our don't-ask, don't-care indifference, to the casualties of these block grants.

Mr. President, I ask unanimous consent that a column by Mr. David Broder, which appeared in the Washington Post on August 6, 1995, entitled "Race to the Bottom?" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. GRAHAM. Mr. President, we will all be able to read that in addressing the Medicaid and welfare block grant debates, Mr. Broder wrote eloquently of the fear that under block grants the States will engage in a "race to the bottom that shreds the social safety net."

He predicted the likeliest scenario under block grants would be as follows:

"What would happen when Federal funding is reduced and Federal standards are eliminated is that 50 legislatures would become the arena, each year, in which the welfare population would have to compete against other claimants for scarce dollars."

Mr. President, I share this view of the future in America under block grants. You cannot have a race to the bottom without casualties along the way. Along the way in the block grant race to the bottom will be eye glasses for elderly, unfilled prescriptions that used to be covered under Medicaid. They will not survive the race to the bottom.

Along the way in the race for block grants, the race to the bottom, will be families torn apart by unnecessary nursing home placements and institutionalization. Communities' care for the elderly and other Medicaid waiver services are not likely to survive the race to the bottom.

Along the way in the block grant race to the bottom will be ugly legislative sessions in 50 States, legislatures where the frail elderly will be pitted against children, and the mentally retarded against the AIDS sufferer in a battle royal for block grant money.

Is that what we want for America? Mr. President, there is another way. The race to the bottom has yet to begin and it need not begin. There is still time.

Per capita cap legislation is our way out of the race to the bottom and is our ticket to a 21st century that maintains an American Federal-State stake in the health and welfare of its citizens.

EXHIBIT 1

STATEMENT OF BRUCE VLADECK

Senator GRAHAM. What cannot be waived under this 1115 program for either legal or administrative policy reasons?

Mr. VLADECK. States can test new approaches to publicly supported health care by obtaining waivers of statutory requirements and limitations from the Secretary of the Department of Health and Human Services. Waivers permit States flexibility from the Federal Medicaid statutory and regulatory requirements that cannot be altered through the Medicaid State plan amendment process. State Medicaid demonstrations present valuable opportunities to both States and Federal policy makers to refine and test policies that improve access to, and quality of care for vulnerable Medicaid populations, and to more effectively manage the costs of providing that care.

Although, section 1115 authority is very broad, certain statutory restrictions exist for State demonstrations. In addition, HHS has made a number of policy decisions that affect statutory provisions we will and will not waive for demonstration programs.

STATUTORY PROVISIONS

FMAP Rates. The rate at which the Federal government matches States expenditures cannot be waived.

Services for Pregnant Women and Children. The obligation to cover certain women and children described in section 1902(1) cannot be waived under section 1115 authority.

Drug Rebate Provisions. Section 1902 also requires that a State provide medical assistance for covered outpatient drugs in accordance with section 1927, which also contains the drug rebate program provisions. Section 1927 excludes drugs dispensed by HMOs from the requirements of the drug rebate program. Since the drug rebate provisions are imposed on drug manufacturers, and not on the State, this provision cannot be waived through a waiver of section 1902. Only those drug rebate and best price provisions of section 1927 which apply directly to the State may be waived, not those which apply to drug manufacturers.

Copayments and Other Cost Sharing. Section 1916 enables States to impose deductibles, copayments and other cost sharing requirements on Medicaid beneficiaries, but also prohibits States from requiring copayments from categorically-eligible beneficiaries who are enrolled in managed care systems. The Secretary's authority to waive this restriction is limited. These limitations make it impractical to waive section 1916 to enable states to require copayments. Copayments and other cost sharing can be imposed for managed care services, however, in the case of medically needy individually and on individuals who are newly Medicaid-eligible due to the demonstration.

Spousal Impoverishment Provisions. Section 1924 prohibits the Secretary from waiving spousal impoverishment provisions for institutionalized individuals.

Work Transition. Section 1925 prohibits waiving work transition provisions extending Medicaid eligibility for certain individuals who lose their eligibility for Medicaid through their loss of eligibility for Aid to Families with Dependent Children.

Qualified Medicare Beneficiaries, Specified Low Income Beneficiaries, and Qualified Working Disabled Individuals. Section 1905 requires States to provide coverage to these groups of individuals regardless of an 1115 demonstration.

Competitive Bidding. Procurement rules in Part 74 of the Code of Federal Regulations require States and other entities to use competitive bidding "to the extent practical". Because the statutory basis for these rules exists outside of Title XIX, section 1115 cannot be used to waive this requirement.

POLICY POSITIONS

Reduced Quality of Care. Programs or policies which inappropriately reduce access, benefits, or otherwise reduce quality of care for current eligibles cannot be approved.

Quality Assurance. States are expected to maintain quality assurance processes (e.g., eligibility quality control, external medical review requirements, etc.).

Budget Neutrality. Demonstrations must be budget neutral. That is, Federal expenditures under the demonstration may not exceed the projected level of Federal payments to the State in the absence of a demonstration.

Through negotiations with the National Governors Association, HHS has agreed that States may achieve budget neutrality over the life of the project, rather than on a year by year basis.

Unnecessary Utilization and Access Safeguards. Section 1902 requires safeguards against unnecessary utilization of services. The statute also protects access to care by requiring States to make adequate payments to providers. Such safeguards must be maintained.

Boren Amendment. States must meet the Boren amendment's access and payment requirements in fee-for-service settings. Because these provisions do not apply to managed care settings, States do not need a waiver of the Boren amendment for managed care programs.

Contract Provisions. Most existing contract requirements for comprehensive managed care plans in section 1903(m) will continue to apply to managed care demonstrations. HCFA will consider waiving the enrollment composition requirement (the "75/25 rule") and disenrollment on demand if the State plans to substitute a data-oriented, quality improvement system for these statutory provisions.

Duration. The terms "experiment," "pilot", and "demonstration" all suggest that programs authorized under section 1115 should, some point, conclude. Thus, States and health care providers potentially affected by section 1115 demonstration projects should be aware that section 1115 demonstrations are time-limited.

EXHIBIT 2

RACE TO THE BOTTOM

(By David S. Broder)

The Republicans in Congress are proposing a revolution in domestic policy and in the relationship between the federal government and the states. Last week, at their meeting in Burlington, Vt., the nation's governors tried but failed to agree whether the proposed changes would be a blessing or a disaster. The 30 Republicans, 19 Democrats and one independent could agree only to disagree.

Now the proposition is before Congress. This month the Senate is debating several alternatives to the House-passed welfare reform. After Labor Day, the House will launch a similar debate on Medicaid.

On the face of it, the fight is about money. The welfare bill was blocked for weeks in the Senate by a dispute between states like Wisconsin and Massachusetts, which have high benefits and little growth in their welfare populations, and those like Texas, which have low benefits but are experiencing rapid growth. Senate Majority Leader Bob Dole found a solution by coming up with enough money to guarantee current allocations to the first group of states while providing a bonus for the second.

That will be much harder when it comes to Medicaid, the program that provides long-term care for the indigent elderly and disabled and basic medical services for other welfare families. It is by far the biggest single federal-state program today, and the Republican budget calls for $181 billion in savings from it in the next seven years. Finding a way to distribute the pain will be difficult.

But money is just one of the dimensions of this struggle. Equally important is the question of minimum standards—and where they will be set. Until now the floors have been established in Washington for Medicaid and for the main welfare program, Aid to Families with Dependent Children (AFDC). The states have been the junior partners, both in designing and paying for these basic "safety net" programs.

What the Republicans want to do is reverse that. By capping the amount of money the federal government would appropriate for these two programs and converting them from individual entitlements to state block grants, they would force the states, over time, to pay for a bigger share. In return, the states would be given much wider leeway, immediately, to redesign the programs to their own taste.

The hope is that this will encourage experimentation that may reduce costs while actually improving outcomes for beneficiaries. The Medicaid population could benefit from moving into managed-care programs, it is argued. Welfare programs could

be tailored more easily to local circumstances, helping people move off the dole and into paying work.

The critics' fear is that instead of innovating, the states will engage in a "race to the bottom" that shreds the social safety net.

In back-to-back speeches to the governors, Dole argued that the first of those results is likeliest; Clinton said he worried that the second would be the case.

No one can be certain, but logic and experience suggest that the second scenario is more likely. What would happen when federal funding is reduced and federal standards are eliminated is that the 50 legislatures would become the arena, each year, in which the welfare population would have to compete against other claimants for scarce dollars.

The reality is that, as Clinton said, "the poor children's lobby is a poor match" for other interests that pressure the legislatures. Teachers, road builders, law enforcement people, county and local governments, universities all have more clout. That was demonstrated this year in states from New York to California, where welfare benefits were trimmed to avert deeper cuts in other parts of the budget.

Dole, who is shepherding the welfare bill in the Senate and who would like to challenge Clinton in next year's presidential race, cozied up to the governors by expressing his indignation at Clinton's "race to the bottom" charge. "I wonder which states he thinks would participate in such a race," Dole said. "Which states does he believe cannot be trusted with welfare, education and protection of their people?"

But it is not a question of trust. The political realities of the legislatures are much as Clinton described them. To ignore that reality is to court trouble—not just for the aged and the poor but for the federal system.

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

The PRESIDING OFFICER (Mr. COATS). The Clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LANDMINES—A DEADLY THREAT TO AMERICANS ABROAD

Mr. LEAHY. Mr. President, last night, I along with a number of our colleagues in both bodies, Republican and Democrat, those who have responsibility for foreign policy decisions, gathered with the President for nearly a couple of hours to talk about the situation in Bosnia, and whether and under what circumstance American troops might be sent there.

And in the future, when the discussions in Dayton, OH, are over, I will speak more about what I think can be and should be America's role in Bosnia, as the leader of NATO. But during the discussion last night, I could not help but think, whoever goes into the former Yugoslavia, assuming there is a peace agreement and the fighting has stopped, and the tanks are rolled back and the troops withdrawn, there is 1 killer that will remain—actually, not 1 killer, there are over 2 million killers that will remain in the former Yugoslavia. Those are, of course, the landmines that have been put there.

These landmines do not sign peace agreements. The landmines do not withdraw. The landmines do not say, "We have agreed to stop killing." In fact, the landmines do not agree that they will kill and maim only combatants. They will destroy the life of whoever steps on them, civilian or combatant.

I have spoken many times about landmines on the floor of the Senate, and also in the halls of the United Nations where I had the privilege of serving as a delegate from the United States.

The immense human misery that is caused by landmines is finally becoming known. Just last week, on the CBS program "60 Minutes," they showed how Cambodia has become a land of amputees from the millions of landmines that have littered the country. Tim Rieser from my office has been there and seen that, as have many others who have worked with me on the landmine problem.

Each one of those landmines waits silently. It is hidden until some unsuspecting child steps on it, loses a leg or their face or eyes or their life from loss of blood. And people who have come back from Cambodia, like so many of the countries that are strewn with landmines, and have told me that after awhile they become almost inured to walking down the street and seeing men, women, and children with a leg missing or an arm missing or their face horribly scarred and blinded, all from landmines.

We think how terrible it is in these countries, where unlike in our own country where we can walk safely almost anywhere, the people there cannot even go out to the fields to raise crops or to feed their animals, get water, or go to school. Whenever they venture outside they know that any minute could be their last.

But ours is a false sense of security, Mr. President, because landmines also maim and kill Americans, whether those are Americans in combat missions, the brave men and women of our Armed Forces who are sent into combat or on peacekeeping missions, or Americans who are on other missions overseas.

I have spoken many times about my friend Ken Rutherford of Boulder, CO. Two years ago, he lost a leg from a landmine in Somalia where he was working for the International Rescue Committee, a noncombatant on a humanitarian mission. He has undergone at least seven operations to save his other foot that was badly damaged.

Those who were in the Senate hearing room when he testified about the explosion when the landmine blew apart the vehicle he was riding in, remember the image of him sitting there in shock holding his foot in his hand trying to put it back onto his leg—an impossibility, of course—those who were there remember, as did people operating the cameras from networks who stood there with tears running down their faces, witnesses and others who had heard similar horrible stories before, were stunned into silence listening to this man.

Last June, two Americans, one from Long Island, the other from Minnesota, both in the military but on their honeymoon—on their honeymoon—were killed from a landmine in the Sinai Desert on their way to a resort on the Red Sea, even though peace had long since come to the area.

Less than 2 weeks ago, another American fell victim to a landmine in Zaire. Marianne Holtz of Seattle, WA, was working for the American Refugee Committee on the Rwanda border doing the highest of missionary and humanitarian work. She was following, really, the precepts of the Bible, of caring for these, the least fortunate of our brothers. She lost both legs, part of her face and today she is on a respirator in a hospital thousands of miles from home fighting for her life from internal injuries, because the vehicle she was riding in was blown apart by a landmine.

That is not an isolated incident. Four people have died and over 20 were injured in two separate incidents in the past 2 months in Rwanda where landmines blew up a Red Cross ambulance and a truck filled with refugees.

Mr. President, if there were a Red Cross ambulance filled with refugees and humanitarian workers, and a soldier were to fire a weapon at them and blow up that truck, we would say, "What an outrageous thing. Don't they know this is the Red Cross? Don't they know these are noncombatants?" It would be a war crime. But the landmine does not know that, and the landmine exploded and it is just as horrible.

This is happening, Mr. President, every 22 minutes of every day. Somebody in one of the 60 countries infested with mines loses an arm, leg, or is killed.

I have talked about four Americans who are among the tens of thousands of innocent people who have been killed or horribly mutilated by landmines in recent months. They are in addition to the 18 Americans who died from landmines in the Persian Gulf. In fact, a quarter of all the American soldiers who died in the Persian Gulf war died from landmines.

With 100 million landmines in over 60 countries, more Americans will be among their victims. Millions more landmines are being laid each year, and sooner or later, we have to realize whatever the military utility these insidious weapons have, it is time we

paid attention to the terrible human suffering it is causing indiscriminately day after day after day. It is time, as civilized nations on this Earth, to join together to end the use of these indiscriminate, inhumane weapons.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized. The Chair advises the Senator from Massachusetts that morning business is set to expire at 12 noon—just to advise the Senator.

PART B MEDICARE PREMIUMS

Mr. KENNEDY. I thank the Chair.

Mr. President, in just a very short period of time, we will address the continuing resolution, and I want to bring the attention of our colleagues to a provision in there which I find objectionable and will either personally offer an amendment or will join with others to address what I consider to be an unacceptable inclusion in the proposal, and that is dealing with the part B Medicare premium.

We have had a debate on the issues of Medicare during earlier consideration, about the unjustified, I believe, cuts in the Medicare system that are being advanced by our Republican colleagues in order to justify the tax breaks for wealthy individuals. And now as a result of the actions that we have taken, we are seeing put into play the first of the results of the actions that have been taken by the Senate and the House. It is being added to this continuing resolution.

I hope that the President will veto the proposal. I join with him in rejecting the attempt to try and blackmail the President of the United States on this continuing resolution into accepting this particular provision, and I would like to outline to the Senate the reasons why I find it so objectionable.

The amendment would strike from the continuing resolution the provision increasing the part B premium by $136 next year, compared to the level provided under the current Medicare law. This proposal is a part of the overall Republican assault on Medicare, does not deserve to be enacted into law and it certainly does not belong on a continuing resolution.

If the Republican program becomes law, it will devastate senior citizens, working families and children in every community in America. It extends an open hand to powerful special interests and gives the back of the hand to hard-working Americans. It makes a mockery of the family values the Republican majority pretends to represent.

The Republican assault on Medicare is a frontal attack on the Nation's elderly. Medicare is part of Social Security. It is a contract between the Government and the people that says, "put into a trust fund during your working years and we will guarantee good health care in your retirement years." It is wrong for the Republicans to break that contract, and it is wrong for Republicans to propose deep cuts in Medicare in excess of anything needed to protect the trust fund, and it is doubly wrong for the Republicans to propose those deep cuts in Medicare in order to pay for tax breaks for the wealthy.

The cuts in Medicare are too harsh and too extreme: $280 billion over the next 7 years, premiums will double, deductibles will double, senior citizens will be squeezed hard to give up their own doctors and HMO's.

The fundamental unfairness of this proposal is plain: Senior citizens' median income is only $17,750; 40 percent have incomes of less than $10,000, and because of the gaps in Medicare, senior citizens already pay too much for the health care they need. Yet, the out-of-pocket costs that seniors must pay for premiums and deductibles will rise by $71 billion over the next 7 years—$71 billion rise over the next 7 years—an average of almost $4,000 for elderly couples.

The Medicare trustees have stated clearly that $89 billion is all that is needed to protect the trust fund for a decade, not $280 billion.

The Democratic alternative provides that amount and will not raise premiums an additional dime, will not raise deductibles a dime. It will give senior citizens real choices, not force them to give up their own doctor.

The Republican Medicare plan also deserves to be rejected because of the lavish giveaways to special interest groups. In the House and Senate proposals, insurance companies got what they wanted—the opportunity to get their hands on Medicare and obtain billions of dollars in profit; the American Medical Association got what it wanted—no reduction in fees to doctors and limits on malpractice awards. The list goes on and on. Clinical labs no longer have to meet Federal standards to guarantee the accuracy of tests. Federal standards to prevent the abuse of patients in nursing homes will be eliminated. Pharmaceutical firms will be given the right to charge higher prices for their drugs.

Because of this unjust Republican plan, millions of elderly Americans will be forced to go without the health care they need. Millions more will have to choose between food on the table or adequate heat in the winter, paying the rent or paying for medical care.

Senior citizens have earned their Medicare benefits. They pay for them and they deserve them. It is bad enough that the Republicans have proposed this unjust plan, and it is worse that they have taken the single largest cost increase for senior citizens, the increase in the Medicare part B premium, and attached it to the continuing resolution.

Cuts in payments to doctors are not included in the continuing resolution. Cuts in payments to hospitals are not included in the continuing resolution. The only Medicare cut that is in this bill is a proposal to impose a new tax on the elderly and disabled.

The Republican strategy is clear: Try to rush through your unacceptable proposals because you know they cannot stand the light of day; try to blackmail the President into signing them, with the threat of shutting down the Government if he does not go along.

The part B premium increase is particularly objectionable because it breaks the national compact with senior citizens over Social Security. Every American should know about it, and every senior citizen should object to it. Medicare is part of Social Security. The Medicare premium is deducted directly from a senior citizens' Social Security check. Every increase in the Medicare premium is a reduction in Social Security benefits.

The Republican plan proposes an increase in the part B premium and a reduction in Social Security, which is unprecedented in size. Premiums are already scheduled to go up, under current law, from $553 a year today, to $730 by the year 2002. Under the Republican plan, according to the Congressional Budget Office, the premium will go up much higher, to $1,068 a year.

The PRESIDING OFFICER. The Chair reminds the Senator that the time for the period of morning business has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed for 5 more minutes as in morning business.

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

Mr. KENNEDY. Mr. President, under the Republican plan, as I say, and under the existing law, by 2002, it will be $730. It will go up under this proposal to $1,068 a year. As a result, over the life of the Republican plan, all senior citizens will have a minimum of $1,240 more deducted from their Social Security checks. Every elderly couple will pay $2,400 more.

The impact of this program is devastating for moderate and low-income seniors. It is instructive to compare the premium increase next year to the portion of the Republican plan tucked into the continuing resolution to the Social Security cost-of-living increase that maintains the purchasing power of the Social Security check.

One-quarter of all seniors have Social Security benefits of $5,364, which is indicated here on the chart. The COLA for a senior at this benefit level will be $139 next year. The average senior citizen has a Social Security benefit of $7,874 a year. The COLA for someone at this benefit is $205.

But under the Republican plan, the premium, next year, will be $126 higher

than under the current law. The average-income seniors will be robbed of almost two-thirds of their COLA. Low-income seniors will be robbed of a whopping 90 percent of their COLA. That is, with the increase of $136, which would be the increase in the premium, they would receive the $139, which leaves them $3 and, essentially, the increase in the premiums of part B that is included in the continuing resolution will take 98 percent out of the Social Security checks of American seniors that are receiving the $5,364.

So the idea that this is somehow separated from Social Security is wrong. For those individuals who try to give assurances to our senior citizens that the increase in the Medicare is leaving Social Security alone is absolutely and fundamentally wrong. If you were receiving the average, which is $7,874 a year, your COLA increase would be $205. With the subtraction of $136, again, which is the increased Republican premium, you would have $69 left. In other words, there is a 66 percent cut in your COLA—a real cut in your quality of life—which is there to address the challenges that seniors face with the increased cost of living. If you are receiving the $10,043 per year, which is the top percentile of the seniors, you get an average of $261. They will have $125 left, and it is taking half of all of their increase—their protections under Social Security.

So the Republicans' attack on Medicare will make life harder, sicker, and shorter for millions of elderly Americans, who built this country and made it great. They deserve better from Congress. This cruel and unjust Republican plan to turn the Medicare trust fund into a slush fund for tax breaks for the wealthy deserves to be defeated.

Mr. President, I think we have outlined what I consider to be the most objectionable features of the add-ons that have been included in the continuing resolution. There are other provisions which I find objectionable. But every senior ought to know what is happening to their Medicare next year under the Republican proposal—an alleged continuing resolution, to ensure that the existing basic structure of our system of Government and our support for existing programs, so many of which our seniors depend upon, the extension of that—the Republicans have added on the increases in the part B premiums, which is going to, if enacted, have an absolutely devastating impact not just on the Medicare, but on the Social Security system.

This demonstrates how this kind of proposal of the Republicans, under the continuing resolution, which historically has never been used for a sleight of hand maneuver—which this is—to try and jam this unjustified, unwarranted and, I find, dangerous proposal to the health and well-being of our seniors, and certainly to their security, through the Senate on a Thursday afternoon prior to the Veterans Day weekend is completely unacceptable. It is wrong and unfair. When you look at why this is being done—not to preserve the basic integrity of the Medicare system, but we are adding these kinds of burdens on the seniors of our country in order to have tax breaks for the wealthiest individuals. This is not necessary. This is not right. It is wrong to take out of the pockets of our seniors this kind of protection, which the COLA provides, in order to provide tax breaks for wealthy individuals and the corporations of this country.

We know this sleight-of-hand effort by the Republicans to do this, they feel they have to do it in order to comply with the other provisions of their budget. It is unjustified and unwise.

The President has identified this as an unacceptable provision. The American people ought to understand the attempts to tinker with Social Security. This effectively reaches the basic issue of Social Security; that is, whether the cost of living, which reflects the increased cost of food and medicines and heat and shelter for our senior citizens, will effectively be emasculated.

It is particularly unfair to the neediest people on Social Security. Those that are in the lowest level of Social Security effectively are having all of their COLA wiped out. It is wrong and unfair. It is unjustified.

It is a prime reason why this sleight-of-hand maneuver by our Republican friends should be rejected by the President. He was right to identify it, and I hope it will be vetoed.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

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

Mr. GREGG. I wish to respond to the Senator from Massachusetts.

I find it a bit disingenuous that Members of the other party would come to this floor and state that it is robbing senior citizens, inappropriately treating senior citizens, for us as Republicans to be putting forward proposals which essentially assure the solvency of the Medicare trust fund, the purpose of which is to supply health insurance for our senior citizens, when no proposal—no proposal—has come from the other side of the aisle or from the President.

Furthermore, to state that allowing the percentage of premium that is paid by seniors to drop from 31.5 percent, which it is today and which it has been for a while, back to 25 percent is an action of good will or a gesture of kindness or gratitude or appropriateness that we should pursue as a nation on behalf of our senior citizens, is to ignore who pays the difference.

Under the present law for the part B premium, seniors' children, their grandchildren who are working—most seniors have children and grandchildren who are working—support 69 percent, approximately, of the cost of their seniors' health insurance. So if you happen to be a working American today and you have parents who are on Medicare, or an uncle or grandfather who is on Medicare, or just a friend who is a senior citizen who is on Medicare, you are paying as a working American 69 percent of the cost of that individual's health insurance.

We have, as a society, said that is reasonable, that is fair. We, the working generation, are willing to do that. I am happy to do it. My taxes go to support that.

If we reduce that percentage from 31.5 percent—which seniors pay; so they pay a third of the cost, and working Americans, their children, and grandchildren, are paying two-thirds of the cost—if we reduce that to 25 percent, which is the proposal of the President or the course which the President wishes to pursue and which the Senator from Massachusetts has so aggressively spoken here in behalf of, then what you are doing is you are essentially raising the taxes of working Americans of the children and the grandchildren of those seniors by an incredible amount of dollars—hundreds of millions of dollars. You are increasing the taxes on working Americans and increasing the obligation, the subsidy of working Americans, which goes to support seniors.

Now, I think the split of two-thirds/one-third—actually it is more than that—70 percent, approximately, 69 percent/30 percent is a pretty good effort made by working Americans, children of seniors and grandchildren of seniors to support the senior citizen population in this country.

I think most seniors would understand and recognize that the fact they are asked to pay 30 percent of the cost of their health insurance is a reasonable request. To reduce that to 25 percent is to skew the process to mean that their children and their grandchildren, who are trying to raise their families in these sometimes difficult economic times, who are trying to help their children go to school, who are trying to, maybe, buy their first home, maybe just make ends meet, to say we are going to raise the taxes on those people in order to further dramatically skew the process and subsidize the senior citizen population at an even higher level for their part B premium seems to me to be the height of pandering to one interest at the expense of another interest. Intergenerational pandering is what it amounts to, or extra-generational pandering.

The fact is, the differential between or the difference, the support that is now being paid by children and grandchildren of seniors, working children and grandchildren of seniors, of 69 percent of the cost of that seniors' health

care insurance is a fair amount. To increase the tax on working Americans by another 6½ percent, which is what is being suggested in this proposal, is not fair.

Then there is the other issue here. We have heard a large amount of crocodile tears from the other side of the aisle about how the Republicans are helping the wealthy at the expense of the poor in our tax cuts. Of course, you might note—which is never noted by the other side of the aisle—that the President raised taxes by about $240 billion and said it was too much of a tax increase just a few weeks ago. He raised taxes by $240 billion when he said he would not increase taxes during the first term in office, over a 5-year period, and we are cutting taxes by $240 billion approximately over a 7-year period.

We are basically at a wash. We are getting back to the point that the President appears to want to be at now when he said he raised taxes, too. We are trying to correct that, getting taxes back to where they were when he came to office.

Independent of that we hear—the crocodile tears about it being horrible what is being done here to the poor and moderate income Americans by the Republican tax cut, and helping the wealthy—first, it is factually inaccurate. The tax cut that we are proposing, 70 percent of it flows to people, families with incomes under $75,000, and 90 percent of it flows to people with incomes under $100,000, and people with incomes up to $70,000 are not wealthy in this society.

More significantly, something that is conveniently ignored by the other side in the area of Medicare legislation and which the President appears ready to veto is the fact we are saying to the wealthy Americans who are seniors, "Hey, you have to stop being subsidized by your working children and grandchildren." We do not think it is right that a working child and grandchild who is trying to raise a family should have to pay 69 percent of the cost of the insurance of the fellow who just retired from IBM last year and is making hundreds of thousands of dollars maybe—tens of thousands, anyway—in pension benefits.

It is not fair that a person who is working 40, 50, 60 hours a week trying to make ends meet on a computer assembly line in New Hampshire or at a farm in the Midwest or at some other activity—garage or a restaurant—that an individual, family, a husband and wife, working their hearts out trying to make ends meet should have to subsidize the top 100 people who retired from General Motors or Ford last year, whose incomes on pensions exceed the earnings of the people who are paying the taxes to subsidize their health benefits. It is just not right.

So, in the Republican plan, we say if you have more than $50,000 of individual income or as a husband and wife you have more than $75,000 of income, you have to start paying a higher percentage of the cost of your part B premium. Instead of being subsidized at 69 percent by the working Americans in this country, you are going to have to start to pay more. And if your income exceeds $100,000 as an individual or $150,000 as a husband and wife, then you have to pay the full cost of your part B premium. That is good policy. That is exactly what we should be doing. We should be making this more fair.

So, let us have a little integrity in the process here as we debate this issue. Let us note that, when the President says he wants to reduce the amount of the premium that seniors are paying, when he wants that 31 percent to go down to 25 percent, that is a tax increase on the people who pick up the difference, the people who pick up the cost for that tax cut to seniors. It is a tax increase on working children and grandchildren. Mr. President, 70 percent today, or 69 percent, of senior's premiums today are already subsidized and we have accepted that as a fair number. But to go to 75 percent, as the President wants, means you are going to raise the taxes on working Americans, the children and grandchildren of those seniors, by at least 6.5 percent, under the President's proposal. That is not right and it is not fair.

Let us remember also that wealthy Americans today are subsidized by working Americans who cannot afford it. It is time to change that and that is what the Republican proposal does.

As we continue this debate I think a little forthrightness on the facts would help the process.

I yield.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 5 minutes as in morning business.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All Senators should be notified that the period for morning business has concluded, but the request of the Senator is in order. The Senator from Massachusetts is recognized.

THE INTEGRITY OF MEDICARE

Mr. KENNEDY. Mr. President, my good friend and colleague from New Hampshire has basically not responded to the central thrust of our amendment, and that is the cuts which are being proposed by the Republican program, according to CBO, means that there will be $50 billion in premium increases and $24 billion in increases in deductibles. We are also talking about $245 billion in tax breaks for the wealthy individuals.

He failed to explain the connection, but the connection is there for everyone to see. The Democrats offered, under the leadership of TOM DASCHLE, the proposal which would guarantee the financial integrity of the Medicare system without a single dime increase for the premiums for those under Medicare and Social Security; not a single dime. Every Democrat voted for that and only one Republican voted for it. Every other Republican voted against it. It would have preserved the integrity of the Medicare system for the next 10 years.

But, nonetheless, the Republicans wanted to move the burden over to the payment of senior citizens, to collect the $50 billion—$51 billion, according to CBO. It is right there in the chart, $51 billion. It says, "Increase in the premiums, $51 billion." It is there under your proposal. It is not there under ours. What is under yours is the tax breaks for wealthy individuals that is going right along with this proposal. That is the justification and the reason for this kind of cut. We can maintain the integrity of the Medicare system without having these kinds of increases. The only reason you need these kinds of increases is to have a tax cut.

So the American people have to say why should the major tax cut, that is being proposed by the Republicans, go to the wealthy individuals and corporations, and the premium increases are coming out of people who are going to rely on $5,300 or $7,800 or, at the top, $10,000 a year to survive?

So this, the increase in premiums for our seniors over this period of time, is $12,400 more in premiums over the 7 years. That is what the seniors are going to pay under the Republican proposal.

You can complain all you like about what your proposal is going to do, but you cannot argue with the CBO figures. If you have something better on it, then address it. And that kind of wholesale increase, tax increase, the wiping out of the COLA's, the increasing of the premiums and the deductibles by that amount in order to justify a tax break is something that I find is absolutely unacceptable, and I think most Americans find unacceptable. Certainly the seniors would find that unacceptable.

To do it on a continuing resolution at this time without full discussion and debate, I think, is unjustified and unwarranted and unfair.

I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I ask unanimous consent to speak as in morning business for a period of time not to exceed 5 minutes.

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

The Senator from Nevada is recognized.

IMAGE-ENHANCING EFFORT AT DOE

Mr. BRYAN. Mr. President, those of us in public life are accustomed to being surprised as the morning newspaper is delivered to us each day to find extraordinary examples of bureaucratic abuse, waste, and misuse of the taxpayers' dollars. I must say, this morning the level of my outrage at this most recent abuse, which I will comment on in just a moment, has been unsurpassed in my recent memory.

As the Wall Street Journal reports this morning, the Secretary of the Department of Energy, Mrs. O'Leary, has hired an investigative service at taxpayers' expense in the amount of $43,500.

This is not a clipping service. All of us are familiar with clipping services. I think they have a legitimate purpose in ascertaining what types of information may be being printed, broadcast, as the case may be, about the functions of an agency. But this is an image-enhancing effort in which the Secretary has engaged, again at taxpayers' expense, to the amount of $43,500, an investigative service. This outfit is known as "Carma International." They were charged with not only clipping stories but doing some investigative reporting, both as to the reporters themselves and the stories. I think, if I might just share a paragraph or two very briefly with my colleagues, the flavor of this story will be very clear.

From April through August, the service, Washington-based Carma International, tracked more than two dozen individual reporters and hundreds of newspapers, magazines and newscasts. It also pored over thousands of stories, giving each one a numerical ranking based upon how favorable or unfavorable it was. It then calculated scores for how favorably or unfavorably the DOE fared on various issues, from nuclear waste to Mrs. O'Leary's own reputation. And it scrutinized sources quoted in those stories.

Then, Mr. President, it went on to compile a "Top 25" list of "Unfavorable Sources."

I must say, in a previous generation, this has a striking similarity in terms of the mentality involved of the Nixon "Enemies List." This is not an attempt to gather information or ascertain what has been reported. This is a subjective analysis of "look how the reporters from a particular news service or news organization are treating us."

For this kind of money to be expended at taxpayers' expense is simply outrageous. I cannot conceive of a rationale or a justification to spend this kind of money.

So I am going to ask in a moment this article be printed in the RECORD, but also indicate it is my intention to call upon the Secretary to reimburse the American taxpayers at her own expense for what I believe to be a truly outrageous expenditure of taxpayers' dollars, without any public use or justification at all, primarily driven, I suspect, by the ego of the individual involved and by a paranoia that seems rampant at some levels in the agency.

Mr. President, I ask unanimous consent the article from the Wall Street Journal of this morning be printed in the RECORD.

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

TURNING THE TABLES, ENERGY DEPARTMENT REPORTS ON REPORTERS

IT PAID $43,500 IN TAX DOLLARS TO FIND "UNFAVORABLES," "A LITTLE BIT OF NIXON"

(By Michael Moss)

Energy Secretary Hazel O'Leary had an image problem. Her department seemed to be taking a drubbing in the press for everything from nuclear waste-disposal problems to its allegedly bloated bureaucracy.

Mrs. O'Leary wanted those unfortunate stories to go away. Badly. So she hit on a plan: She would "build communication and trust," explains Barbara Semedo, the Department of Energy's press secretary.

And just how did she plan to build that trust?

By reporting on the reporters.

In an extraordinary tale of man-bites-dog, Mrs. O'Leary quietly hired an investigative service to poke into the reporters who were poking around the DOE. From April through August, the service, Washington-based Carma International, tracked more than two dozen individual reporters and hundreds of newspapers, magazines and newscasts. It also pored over thousands of stories, giving each one a numerical ranking based on how favorable or unfavorable it was. It then calculated scores for how favorably or unfavorably the DOE fared on various issues, from nuclear waste to Mrs. O'Leary's own reputation. And it scrutinized sources quoted in those stories, coming up with its own "Top 25" list of "Unfavorable Sources."

The result: detailed monthly reports, chock full of colorful graphics and charts, with each report culminating in favorability rankings for reporters, sources and news organizations. All for $43,500—paid for with U.S. tax dollars.

The DOE's Ms. Semedo defends the investigations, saying a reporter's unfavorable rating "meant we weren't getting our message across, that we needed to work on this person a little."

Some of the journalists and sources who were scrutinized aren't so sanguine. None knew about the existence of the lists before being contacted by this newspaper yesterday. It's "an enemies' list," says Jerry Taylor of the Cato Institute, a libertarian think tank, who ranked No. 25 on the July list of unfavorables. "I guess it shows you there's a little bit of Nixon in everybody in the federal government."

BOTTOMING OUT

Carma is part of a small but growing cottage industry of firms that analyze reporters—and reporters' sources. Government agencies and corporations have long used clip searches, which find articles about them or about issues in which they are interested. But these new services go much further, coming up with pseudo-scientific methodology to rate reporters. Some of the services, not including Carma, also delve much deeper. They interview reporters' sources, their employers and their friends and colleagues, and report on information about the reporters' personal lives and activities outside of work.

The DOE provided copies of reports for two months, April and July, which make clear which reporters and news organizations were considered friendly—and which weren't. Its July report, for example, ranked the Associated Press's H. Josef Hebert dead last, with a 30.8 overall score. That month, he wrote an article that said "sloppy" Energy Department monitoring at weapons facilities led to radiation exposure, and another about victims of secret government-radiation tests during the Cold War.

If a reporter gets "too good a rating, you aren't doing your job," Mr. Hebert said yesterday. Also scoring relatively low in July was Matthew Wald of the New York Times, who received a 46.7 for stories on plutonium storage. (The Wall Street Journal didn't appear in the reports.)

At the other end of the spectrum were several reporters for smaller newspapers, including Tony Batt of the Las Vegas Review-Journal, who got a 56 in the July report. "I've never been rated before, especially by a government agency," says Mr. Batt, who works in the paper's Washington bureau. "I'm uneasy about that."

"SLANTED" STORIES

DOE resorted to this latest tactic after a 1993 survey it commissioned found it to be one of the least-trusted entities around—right "down with Congress," Ms. Semedo marvels. At first, the department thought it would monitor the press itself, at an estimated cost of about $80,000, she says. Then DOE officials heard about Carma, which also had done work for the Internal Revenue Service and the U.S. Postal Service.

Carma, which stands for Computer-Aided Research and Media Analysis, warns in brochures that "stories are sometimes 'slanted.'" It boasts that if a reporter seeks an interview with a CEO, Carma can find "if a predetermined bias has shown up in past coverage," thus giving the CEO "a strategic advantage."

For DOE, Carma went through a rather complex process to evaluate reporters and stories. Carma employees—generally former academics or people with journalism backgrounds—scrutinized close to 800 articles some months, paying close attention to captions, photos and headlines, says Albert J. Barr, president. Each employee also was armed with a list of 55 issues DOE had identified, from energy taxes to worker safety. For every article, the employee singled out which issues were discussed and assigned a score of 0 to 100 to each issue mentioned, with 50 signaling a neutral comment and 100 an extremely favorable one.

Using the individual scores of every issue in a single article, Carma employees worked out an overall score for the article. That score was then fed into a computer, which calculated a cumulative rating for the reporter involved and for each of the issues mentioned.

SURPRISE: NO SURPRISES

And with all that scientific scrutiny, what bombshells did DOE uncover?

Well, actually, none. "It confirmed what those of us who work with these reporters daily know—who is going to write what and how are they going to cover us," Ms. Semedo says.

Indeed, Carma's "Top 25" lists of favorable and unfavorable sources hardly required sophisticated analysis. Topping the April list of "Favorable" sources: Mrs. O'Leary herself. And leading the pack of "Unfavorables": Sen. Robert Dole, a longtime critic of the agency who has suggested it should be dismantled. Also making appearances on the "Unfavorable" list were such obvious choices as Beatrice Brailsford, program director of Snake River Alliance, a watchdog group created in response to an Idaho DOE project; and civil-rights attorney Roy Haber, who is representing people suing over exposure to radiation beginning in 1944.

"This is wild, it's absolutely wild," Mr. Haber said yesterday, calling the list "disturbing" and "frightening." He added, "This will be investigated in great depth, and we're going to find out the genesis of who promulgated that list."

At this point, he may no longer have to worry. If the reports are any judge, the DOE's reputation only got worse during the time Carma monitored the press, with its overall favorability steadily dropping from 52 in January to 50, or neutral, in July. Certainly, the DOE wasn't helped by its admission that cleanup of former weapons-production sites could cost at least $230 billion, or by press reports sniping about Mrs. O'Leary flying first class and patronizing expensive hotels.

Ms. Semedo, who in an earlier interview said Carma had been dropped for budgetary reasons, said yesterday, "It wasn't particularly useful, and we stopped the service." Anyway, she added, Secretary O'Leary only read a few of the reports: "She found it too complicated."

Mr. BRYAN. I thank the Chair and yield the floor.

If there is no Senator seeking recognition, 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. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that I permitted to speak as if in morning business.

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

REMEMBERING KRISTALLNACHT

Mr. HATCH. Mr. President, tonight is the 57th anniversary of a horrible event. In Germany, 57 years ago this evening, it was "the night of broken glass"—Kristallnacht—when throughout Nazi Germany, Jews were killed and Jewish cultural and business sites were destroyed in an organized campaign by the Nazi state.

In a little under 2 days, many Jews were murdered, and 30,000 were arrested by the Nazi authorities, sent to swell the growing populations of Dachau, Buchenwald, and the other camps already built. On the night of Kristallnacht, over 1,000 synagogues were destroyed, and their sacred texts were burned and defiled. Jewish businesses around the country were sacked. Cemeteries were desecrated. Homes were burned. The police and fire departments were instructed not to intervene.

Kristallnacht marked an escalation in kind of the Nazi persecution. It came barely 6 weeks after the infamous Munich conference, which produced the chilling declaration of peace in our time. After Kristallnacht, the world could no longer ignore the behavior of this evil regime. President Franklin D. Roosevelt said, 5 days later:

> The news of the past few days in Germany has deeply shocked public opinion in the United States * * * I, myself, could scarcely believe that such things could occur in 20th century civilization.

But within a week of Kristallnacht, Jews were banned from the German school system. Within a month, Jews were being banned from public places.

The Holocaust, as it would come to be known, was fully underway. Within less than a decade, this conflagration of historic proportions would result in the systematic murders of 6 million European Jews.

While it represented the nadir of anti-Semitism in our modern age, the destruction spawned by the Nazis' racial hatred consumed many more millions of others, including Poles, Gypsies, Jehovah's Witnesses, homosexuals, and persons with physical and mental disabilities.

Mr. President, 57 years after Kristallnacht, we are fortunate to still have survivors of the Holocaust among us. There are still some neighborhoods in this country where, tonight, survivors and their families commemorate the night of broken glass by burning candles in the windows. These flames are in memory of those who suffered the Holocaust. These flickers in the windows are the testaments of the survivors.

Mr. President, I worry about the memory of the Holocaust when the survivors will no longer be here. With each passing year, we have fewer survivors among us.

Mr. President, as the decades have passed from the dark era of the Holocaust, I have been greatly troubled by the increase in pronouncements by those who willfully disbelieve the existence of the Holocaust. These "Holocaust deniers," as they have come to be known, present us with a troubling specter. They threaten our collective memory with lies, distortions, and half-truths to challenge the reality of the Holocaust.

One of America's preeminent scholars of this phenomenon, Dr. Deborah Lipstadt of Emory University, has written:

> While Holocaust denial is not a new phenomenon, it has increased in scope and intensity since the mid-1970's. It is important to understand that deniers do not work in a vacuum. Part of their success can be traced to an intellectual climate that has made its mark in the scholarly world during the past two decades. The deniers are plying their trade at a time when much of history seems up for grabs and attacks on the Western rationalist tradition have become commonplace.

Sadly, this erosion in the intellectual climate has infected our popular culture. Today, in addition to the pseudo-scholarly venues the Holocaust deniers have created, they have managed to present their injurious views on high school campuses, in the media, and, in a few cases, in the political process.

Mr. President, we are fortunate, for many reasons, that we live in a free and democratic society, and one of those reasons is that freedom preserves the ability of the scholar to study historical truth. An open society such as ours allows the student of history to apply methods of historical scrutiny and verification without bias or distortion, and thus to openly determine historical fact.

I must stress, Mr. President, that the same principles of an open and democratic society also allow for the holding of unpopular opinions, however factually incorrect or hurtful to others. A free society must protect the opinions of all, Mr. President, and that includes the contrarians and solipsists. If you choose to believe the Earth is flat, that is your right in this society.

Our freedom of expression is wide, but falsehoods must be answered with the truth. Denying the Holocaust is absurd.

Holocaust denial may be animated by ignorance and solipsism, but we cannot avoid the fact that it is often motivated by anti-Semitism and hatred. We must recognize that many of those who promote Holocaust denial do so not out of an innocent but willful ignorance, but do so to promote political agendas, anti-Semitism and hatred.

We must deplore, in the words of the scholar Kenneth Stern "anti-Semitism masquerading as objective scholarly inquiry."

That is why I am introducing this resolution today, along with several of my colleagues, which "deplores persistent, ongoing and malicious efforts by some persons of this country and abroad to deny the historical reality of the Holocaust." This resolution also praises the U.S. Holocaust Memorial Museum for its essential work in honoring the memory of all the victims of the Holocaust, and teaching "all who are willing to learn profoundly compelling and universally resonant moral lessons."

Mr. President, as the last generation of Holocaust survivors fades from our midst, we are left with a chasm, a generational divide between the primary witnesses and the rest of us, who must carry their witness. Into that chasm the Holocaust deniers may throw their malicious lies.

It is our responsibility that we close that chasm with a dedication to promoting scholarship about the Holocaust. We must cultivate the history of the Holocaust in order to preserve our memory and to reinforce the lessons we learn from such horrors. We must strengthen our younger generation's weakening grasp on history.

A free and democratic society must be supported by an informed populace. And an informed populace requires a knowledge of history. As individuals with amnesia suffer degrees of disorientation, a society separated from history is bereft of its shared experience with the world.

Mr. President, we must recognize the crucial role played by education in preserving the memory of the Holocaust. In 1980, the U.S. Congress assumed this responsibility when we chartered the U.S. Holocaust Memorial Museum. Since its opening in 1993, the Museum has played a signal role in teaching the history of the Holocaust.

So powerful has the museum's message been that in it has been operating beyond capacity since its opening. Of the more than 2 million visitors each year, 80 percent have traveled more than 100 miles to visit this awesome place. As of today, 5.3 million have visited this remarkable institution, a number four times greater than expected.

People come to witness and to learn. More than 11,000 scholars and university students, more than 700 members of the media and museum community, and more than 14,500 survivors have used the museum's research institute. Through its connections to the information superhighway, 50,000 inquiries come every week. Requests for teaching materials have come from every State in our Nation. Over 400,000 students from around the country came in school groups this year.

Mr. President, the success of the Museum demonstrates our country's interest in studying the Holocaust. It is most reassuring to note, indeed, that the desire to learn the moral lessons of the Holocaust dwarf the messages of hate perpetuated by the Holocaust deniers.

Mr. President, I wish to close with two more quotes. Again from Professor Lipstadt:

> Holocaust denial . . . is not an assault on the history of one particular group. Though denial of the Holocaust may be an attack on the history of the annihilation of the Jews, at its core it poses a threat to all who believe that knowledge and memory are among the keystones of our civilization. Just as the Holocaust was not a tragedy of the Jews but a tragedy of civilization in which the victims were Jews, so too denial of the Holocaust is not a threat just to Jewish history but a threat to all who believe in the ultimate power of reason. It repudiates reasoned discussion the way the Holocaust repudiated civilized values. It is undeniably a form of anti-Semitism, and such it constitutes an attack on the most basic values of a reasoned society. Like any form of prejudice, it is irrational animus that cannot be countered with normal forces of investigation, argument, and debate.

And now, from an article by the current executive director of the Holocaust Memorial Museum, Dr. Walter Reich, who wrote a few years ago:

> The devastating truth about the Holocaust is that it was a fact, not a dream. And the devastating truth about the Holocaust deniers is that they will go on using whatever falsehoods they can muster, and taking advantage of whatever vulnerabilities in an audience they can find, to argue, with skill and evil intent, that the Holocaust never happened. By being vigilant to these arguments we can all fight this second murder of the Jews—fight it, and weep not only for the victims' mortality but also for the fragility, and mortality, of memory.

Mr. President, we are nearing the end of a bloody century, littered with so many man-made catastrophes that it invites a numbing relativism. Today, on "the night of broken glass," let the legacy of the victims strengthen our memories and sharpen our consciences to remain ever vigilant to the profoundly compelling and universally resonant moral lessons of the Holocaust.

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. 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.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we have been trying to reach an agreement the last couple of hours on the continuing resolution. We have not been able to do that, so I think since it may take some time and some debate—if we could get consent to go to the so-called CR—we should start as quickly as we can, because in addition to disposal of this legislation today we need to dispose of the debt ceiling extension, which will not arrive from the House until 5 o'clock.

It is my hope we could complete action on both of those. There will probably be, hopefully, not many amendments, but an amendment or two, and we have to get it back to the House yet this evening or be here tomorrow, notwithstanding the fact that it is a Federal holiday.

I hope we could have everyone's cooperation and that we can move very quickly on the continuing resolution, and then be in a position when the debt ceiling extension arrives to move quickly on that.

The President has indicated he will veto both the continuing resolution and the debt extension, which I hope is not the case because we would have very little time to act on Monday to prevent a shutdown of the Government. I hope the President would understand that and accept these very modest proposals.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the continuing resolution, House Joint Resolution 115, just received from the House.

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

The clerk will report.

The bill clerk read as follows:

> A Joint Resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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 unanimous consent I be allowed to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL EDUCATION GOALS REPORT

Mr. BINGAMAN. Mr. President, I wanted to call to the attention of the Senate today the release of the fifth annual national education goals report, which was released earlier this morning by a group, a bipartisan group of Governors, myself, and several State legislators who are members of this national education goals panel.

The panel is presently chaired by Governor Bayh of Indiana, and soon it will be chaired by Governor Engler of Michigan. Governor Engler was there this morning, as were Gov. Christine Todd Whitman from New Jersey and Governor Romer from Colorado, who was the first chairman of this panel, and various others of us.

I wanted to just briefly summarize what was found in that national education goals panel report, because I do think it is important. This is the midpoint between 1990 and the turn of the century. As people will recall, in 1989, President Bush met with 50 Governors in Charlottesville, VA, to set out national education goals for the country

to pursue between the year 1989 and the year 2000. Those goals were agreed upon. I think they are good goals for the country. And we began the process.

Part of what was agreed to there was that we not only had to have goals, but also had to have some standards, and we had to have a way of assessing progress, to determine whether or not the country was moving in the right direction or moving in the wrong direction. The report today says that we are moving in the right direction but at a very, very slow pace. In some States the pace is very much slower than in others. It also makes the point, strongly, that we do not have enough data to understand what is happening to the extent we would like to.

There is good news in the report. There is also bad news in the report. Let me just summarize a little bit of the good news first.

The report shows that during the period 1990 through 1992, and unfortunately we only have statistics now through 1992, but during that period math achievement at grades 4 and 8 in the United States did improve. It went up fairly significantly, I would point out. It did not do near as well in some States as it did in others. Where the national average went from 20 to 25 percent, that is 25 percent of the students who were tested measured up as being proficient in math in the eighth grade in 1992, in my home State of New Mexico, unfortunately, the figure was 14 percent. So we have a ways to go, not just in my State but throughout the country.

The same basic questions and same basic testing and proficiency measurements were used internationally as well as in this country. Where we have set a goal, and the President and Governors set a goal of being first in the world in math and science achievement by the year 2000, this set of statistics we released today shows that in fact we are substantially behind Taiwan, which is at 41 percent on this same graph. So though there is progress to report, it is not enough progress.

Another item of progress that should be noted is that students took more of the challenging advanced placement tests in basic academic subjects—in English and math and science and history. That also is good news.

We also are able to report that, among adults, more adults took adult education classes throughout this country in 1992. A significantly larger number took adult education classes than they did in 1990. Again, that is good information and good news.

The bad news, unfortunately, is in the report as well. That is what the report's purpose is. It is to point out where we are making progress and where we are not. Unfortunately, high school graduation rates have remained at about 86 percent. That is not a change. That is not improvement. We need to make improvement in that area.

Reading achievement at grades 4 and 8 have remained about the same. Again, that is not good news.

There is a large gap that continues, between minority and white students as far as college enrollment and completion of college. Again, that large gap is not good news.

In my home State of New Mexico, as I indicated, we have not done as well as the national average in some important respects, particularly in the math criteria, but also in the reading. I think other States can also learn from this data that was released today, where they need to make progress.

The bottom line is that the work of improving educational performance in this country needs to continue. We are part way through the 10 years. We are not all the way. We have a great distance to go.

I would point out one important fact. That is, the greatest progress that is shown in all of this data is in the area of math achievement, and that is the only area where we have general agreement on the standards that we are striving to achieve. The credit for that goes to the National Council of Teachers of Mathematics. They came up with their own set of standards, which they have promulgated throughout the country and urged math teachers to adopt. Many teachers have. Many school districts have. Many States have. And I think progress in math performance is improving. Performance in math is improving to a significant extent because we have focused on that area and we have concentrated on how to, in fact, define what we want to accomplish and go about accomplishing it.

So I wanted to make the point that this effort continues. It is a bipartisan effort. I think it is a very important effort.

I know we get caught up in all kinds of political battles here in the Congress. In my opinion, this is one subject and one issue that ought to be above politics. Both Democrats and Republicans should, I believe, renew our commitment to improving education in this country. I think the Congress has a role in that, which of course we have debated. The States have the primary responsibility. I do not think anybody would argue with that. Of course, local school districts, local schools, teachers, principals, parents, and students have the ultimate responsibility.

I appreciate the chance to bring these issues to the attention of my colleagues and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

The Senate continued with the consideration of the joint resolution.

Mr. KERREY. Mr. President, I ask the Chair, are we now on the continuing resolution?

The PRESIDING OFFICER. That is correct.

Mr. KERREY. Mr. President, there is a provision in this continuing resolution—indeed, there are many provisions in it. But there is one in particular that deals with lobbying.

Just on the face of it—I know other Senators are concerned about it; I know the Senator from Colorado was prepared to move to strike this provision—I believe it should be stricken.

Let me make, first and foremost, this point about the appropriateness of having lobbying reform on the continuing resolution. I just think it is totally inappropriate. This Congress cannot function with 70 Members of the House basically writing a letter threatening that they are not going to support the continuing resolution if it does not contain this provision.

I have an interest in impact aid. I have an interest in things relating to agriculture—things that are not likely to pass this year. I suspect that I could probably round up 15 or 20 people or so who would say, send a letter to Leader DOLE and Leader DASCHLE saying that, if this is not included, we are not going to vote for it.

I know these new Members of the Congress get quite enthusiastic about saying they have a mandate to do everything that comes to mind. But this lobbying reform provision was not in the Contract With America. It is not in any contract that I have seen. I appreciate their enthusiasm for change. But this provision—a lobbying provision changing our lobbying laws—does not belong on this bill. Indeed, I find it rather odd that the House has not taken up the lobbying reform legislation that this body has addressed already. We debated it as a freestanding bill. Those who are enthusiastic about lobbying reform did not just write a letter insisting that lobbying reform provisions be included in the continuing resolution.

I see with regret that the Speaker, the majority leader, and the President are now at loggerheads saying maybe the Government is going to be shut down on Tuesday because we cannot get a continuing resolution passed. It is tough to pass a continuing resolution, even one that is clean, even one that has some provisions that connect to the budget. I can stretch and understand that.

But when we have provisions relating to lobbying, I just think we have to

take a stand on this side and say to the House that we passed lobbying reform on this side. We brought it up on the calendar. We had a lengthy debate about it. We changed the law. We propose to change the law relating to lobbying. The House should take it up over there; take up lobbying reform. If you want to add this amendment to lobbying reform legislation, do so.

I think it is a bad change. I would like to have the opportunity—if they pass that over there, go to conference on the bill and it comes back over in that fashion, I would argue against it.

But I think that Republicans and Democrats here, if this body is going to function, are going to have to take a stand against 60 or 70 Members of the House who are constantly saying, "Do it our way or we are going to shut the place down."

Mr. President, we all understand, for example, the rules of the Senate allow us to come down and expel large volumes of air and tie things up with repeated debate. With all kinds of conversation, we could slow this thing down, shut it down, and get nothing done, if that is what we choose to do.

I think the Senate, in this particular case, needs to take a stand. I know the Senator from Wyoming, in fact, feels strongly about this. When we took up the Treasury-Postal appropriations bill, I joined with him and allowed an amendment to be accepted. But in the Treasury-Postal conference, again we find ourselves faced with a threat. We find ourselves faced with a single individual who says in the conference committee, "I do not care what happens to Treasury-Postal. I do not mind shutting the Government down. I insist that I get this provision accepted and changed into law."

Mr. President, again, I do not mind sitting down here and fighting the battle over something important. But nobody is calling me from home proposing this thing. This does not come from the grassroots. This came from a couple of people who had an idea that somehow we are increasingly calling upon 501(c)(3) organizations to help us. But I suspect every Member of this body has gotten up and talked about the kind of partnerships that we need to make our Government more efficient and effective, and we have called upon nongovernment organizations to participate in the process.

What are we doing here with this language? We are saying essentially that we are going to regulate you? After we have asked you to help, after we have said to the Red Cross, "We would like to have you help us with disaster programs," after we say to the YMCA and the YWCA, "We would like to have you help us with our violence against families efforts at the local level with the State taxpayer money," then we say, "Oh, by the way, do you make any effort to influence Congress? If you do, we are going to restrict you."

That is what Mr. ISTOOK and Mr. MCINTOSH are saying. They are unwilling to pass lobbying reform over in the House and restrict the real lobbyists that hang out here all day long. They will go after the 501(c)(3)'s because in some cases they do not like the agenda. If push comes to shove in the House, they will make an exception. We will exempt out veterans organizations. As I understand it, there may be an attempt over here to say let us take care of the Catholic Church and exempt them as well.

I say to Mr. ISTOOK and Mr. MCINTOSH that, if your principle is sound, if you really believe your own words, that we are subsidizing lobbyists, we are not. And, by the way, this legislation addresses private money, not public money. This legislation put in place extensive regulation. 501(c)(3)'s would have to prove they are in compliance. Speaker after speaker last night went down and said there are lots of organizations that are not affected. We exempted them all. Take care what you vote for around here because you may find yourself creating a problem that you did not realize you were going to create, and that is precisely what would happen with the House language.

With the House language, you may say you are exempting these organizations, but they have to prove they are in compliance. They have to show the Federal Government that they are doing the right thing. We are now saying to these organizations that we have asked to help that now you have to prove you are in compliance, and you have to keep your records for 5 years.

Again, this particular amendment is offered by individuals who repeatedly go to the floor and talk about excessive regulation and the need to reduce the cost of bureaucracy, to reduce the cost of paperwork. We asked in conference, What about the paperwork? What about the bureaucracy? There was stony silence. "We do not think it is going to be that big of a problem." We hear that a lot when somebody is proposing a new regulation. "It is not going to be that big of a problem." The answer is they have not really thought it through. They are trying to restrict the activities of organizations that have come to Washington and are asking that the budget be shaped a certain way, that the appropriations be shaped. They do not like these requests.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. KERREY. I am pleased to yield.

Mr. HATFIELD. The Senator knows where my position is on this particular issue.

I would like to merely say that the managers of the bill have not been able to make their opening statements at this point because a Democratic Senator arrived on the floor after it was laid down and asked for permission to go back to morning business to make 10 or 15 minutes of remarks. We had no objection to that to accommodate the Democratic Senator, and expected then to open up the issue by our opening statements—Senator BYRD and myself.

I want to say to the Senator that part of that delay also has been in trying to work out some kind of an agreement on this particular point.

I wonder if the Senator would yield in order to return to that procedure.

Mr. KERREY. Absolutely. Mr. President, I came to the floor with no idea precisely when it was that the distinguished chairman and ranking member would be coming down here to take the bill up. It was my intention to talk just briefly about this particular provision and, whenever they got here, to yield.

At this point, I yield the floor.

Mr. HATFIELD. I thank the Senator.

Mr. President, I would ask for a quorum call for a few moments.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. 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. HATFIELD. Mr. President, the Senate now has under consideration House Joint Resolution 115, the second continuing resolution for fiscal year 1996. The current continuing resolution, Public Law 104-31, expires on Monday, November 13, and only 2 of our 13 appropriations bills have been signed into law, so another measure is necessary to provide executive branch authority to obligate funds for Government operations.

This continuing resolution has four titles. Title I is the operative part, providing that the rate of operations for activities funded in the 11 appropriations bills not yet signed into law shall be the lowest of the rates provided by the House-passed bill, the Senate-passed bill, or the current rate. Specific provision is made for programs that might be zeroed out under that formulation; namely, such programs may be maintained at a rate of 60 percent of the current rate. The existing CR pegs this minimal level at not to exceed 90 percent of the current rate.

In addition, this CR carries a provision, section 112, providing that spending rates may be adjusted to avoid any reduction in force, or RIF, at any of the affected agencies.

The expiration of this measure is Friday, December 1.

Title II of this measure is an internal housekeeping matter providing for hand enrollment of the reconciliation bill, the debt limit bill, and continuing resolutions. This provision will expedite transmittal of this legislation to the President once passed by both Houses.

Title III is the so-called Istook amendment. I expect there will be a motion to strike this title. I will vote for that motion, and I hope it will succeed.

Title IV carries two provisions within the jurisdiction of the Finance Committee. Both pertain to the Medicare Program.

Mr. President, it should be noted that this joint resolution has been brought to the floor without referral to the Appropriations Committee. I have no objection to doing so, for I recognize the need to save time. But I want to emphasize that this is not a product of the Appropriations Committee, and thus it does not necessarily represent the views of a majority of our committee. In fact, I do not believe our committee would have reported this measure in this form, and I doubt that the members of the committee will support this measure in all of its particulars.

I will now yield the floor to Senator BYRD to make whatever opening remarks he may wish to make, and then we can proceed with any amendments or motions that may be offered.

I wish to indicate again the pleasure and the efficiency that has been developed by the working relationship with Senator BYRD as the former chairman of our committee which I have enjoyed over a number of years, and now that I am chairman and he is the ranking member, reversed to what it was in previous years, I want to say that it has continued to be an unassailable partnership from which I have derived great pleasure.

I also wish once again to thank Senator KERREY of Nebraska for permitting us to return to this procedure at this time to introduce the resolution and to also assure the Senator, as he is now conversing with the Senator from Wyoming, we are attempting to work out some kind of a resolution of the title relating to the Istook amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished chairman for his observations with respect to the working relationship that has existed from the beginning between the chairman, Mr. HATFIELD, and myself. He has accorded to me a great deal of courtesy and understanding, and I am proud that I share the responsibility with him of managing this measure as well as various and sundry appropriations bills that we have brought to the floor from time to time. I enjoy that relationship with the chairman, and I cherish it.

Mr. President, as Senators are aware, the Federal Government has been operating under a continuing resolution—Public Law 104-31—since the beginning of the new fiscal year, October 1st. That continuing resolution was necessary to give Congress more time to complete its annual appropriations process on the fiscal year 1996 appropriations bills. While that measure continued essential functions of government at rates below levels allowed in the 1996 budget resolution, it nevertheless did not prejudge final budget decisions for fiscal year 1996, nor did it attempt to enact new policies into law. Instead, it was a product upon which the President and Congress agreed to continue necessary functions of the government through November 13.

It had been hoped that this six-week extension beyond the beginning of fiscal year 1996 would be sufficient to enable Congress and the President to enact most, if not all, of the 13 fiscal year 1996 appropriations bills. But, unfortunately, that has not been the case.

To date, the President has signed only two appropriations bills into law—Military Construction and Agriculture. Two others—the Energy and Water Development and Transportation appropriations bills—have been sent to the President and his signature is expected. In addition, the legislative branch appropriations bill, which the President unfortunately—and I think unwisely—vetoed, has been adopted a second time by both Houses of Congress and is ready for submission to the President for his signature, which I hope that he will put on the dotted line this time.

I have never been able to understand the curious logic that went into his veto of the legislative appropriations bill. The Constitution creates this branch, the legislative branch. It is the branch closest to the people, and we have the responsibility to fund the operations of the branch. There is no question but that the bill which was sent had been reduced in the amounts, so it was not a question of the amounts being out of line. It was just some kind of false logic on the part of those down at the White House who have, I suppose, advised the President to veto that bill. He did not garner any kudos, as far as this Senator is concerned, or any credits when he vetoed that bill. The mere fact that it was the first to reach his desk somehow must have resulted in a pique of someone down there, but it was not sent down first by calculation or design. It just turned out that way.

So I think it was silly for him to veto that bill, and I told that to the people at the White House when they called me to ask me about it. I said it was faulty logic and it could come back to create problems for you. I hope we will at this time pass that stage of sophomoric development.

All eight of the remaining appropriation bills are in various stages of completion. These bills are: Defense, Interior, Foreign Operations, Treasury-Postal, Commerce-State-Justice, VA-HUD, Labor-HHS, and District of Columbia.

As a result of these difficulties, it has become necessary to enact a second continuing resolution. Unfortunately, the second continuing resolution now before the Senate, H.J. Res. 115, is not one which I can support. It not only contains unnecessarily deep funding cuts in programs for education—and I have got to say this about education while I am on the subject; I cannot understand why we continue to spend more and more moneys for education, and turn out a lower and lower performance with respect to scholastic results that come out of the schools; I just cannot understand that—on infrastructure and other critical areas, but it also contains a number of controversial legislative provisions that have no business being included in a continuing resolution.

One such controversial provision—the so-called "Istook amendment"—is addressed in the President's Statement of Administration Policy, dated November 8, 1995. That Statement of Administration Policy contains the following language:

> One provision of H.J. Res. 115, the so-called "Istook amendment," would launch a broad attack on the right to free speech of such organizations as the Red Cross and the Girl Scouts; it would limit their ability, and that of other organizations that receive Federal funds, to participate in administrative or judicial proceedings. The Justice Department believes that the provision does not pass constitutional muster because it imposes unconstitutional penalties for the exercise of free speech rights. Among other things, the provision would impose restrictions and penalties on organizations that were involved in advocacy during the year prior to passage of the legislation—thereby violating the fundamental principle that prevents the government from retaliating retroactively against persons or organizations that have exercised free speech rights.

Another provision in this resolution would raise the contribution that beneficiaries must pay for Medicare Part B premiums to $53.50, effective in January of 1996. Without this change, those premiums would be approximately $10 less per month per person.

For these reasons, the President has indicated that he will veto H.J. Res. 115 if presented to him in its present form.

I support the President's position regarding H.J. Res. 115, as it is now drafted. I am hopeful that the Senate will adopt sufficient modifications to H.J. Res. 115 and that the House will concur in those modifications, so that the President can be presented with a measure that he can sign prior to the shutdown of the government at midnight on Monday, November 13. If such a shutdown occurs, it will not be the fault—I suppose it will be the fault of everyone to some extent. It will be due to the inability of this Congress to complete its work in a timely manner.

There are only two responsibilities that are absolutely essential for this session of Congress. Those are, one, the enactment of annual appropriations for

the Federal Government for fiscal year 1996 and the raising of the debt limit to a level sufficient to enable the government to meet its financial obligations without default. Throughout the past year, we have heard the Republican majority of both Houses of Congress playing up their so-called "Contract With America" and touting all of the benefits that will be forthcoming to the American people as a result of that so-called "contract."

As I have done on previous occasions, my contract with America I keep right here in my shirt pocket. And it cost 19 cents some years ago when I first purchased it. And it is entitled, "The Constitution of the United States." That is my contract with America. And I do not swear to any other contract with America.

I am one that ran also last year, and I did not receive any mandate from the voters of West Virginia. Not one voter ever asked me about the so-called Contract With America. I was never asked to sign it or support it. I do not swear to it. I never expect to bow down to it. I only bow down to the Bible, No. 1, and the Constitution of the United States, No. 2, in that order.

If one looks at what they do and not what they say, the record speaks for itself. Despite all of the rhetoric to the contrary, this is one of the poorest performances that I can recall as far as the timely enactment of appropriations bills is concerned.

I hasten to say that I do not fault the chairman of the committee, the distinguished Senator from Oregon [Mr. HATFIELD], for this delay. And I do not fault the other members of the Appropriations Committee for the delay. The major cause is the fact that a number of these appropriation bills include controversial legislative riders, such as those that are contained in the pending measure.

Therefore, it is incumbent upon Congress to enact a clean continuing resolution and a clean debt limit increase without adding unnecessary legislative provisions to either. If we are unable to do so, the blame will be properly at our doorstep for the shutdown of the operations of the Federal Government on Tuesday, November 14th, and the default on the payment of its obligations shortly thereafter.

I urge my colleagues to support amendments which I understand will be offered to this resolution which, if adopted, I believe will enhance chances that H.J. Res. 115 will be signed into law. If such amendments are not made by the Senate and agreed to by the House, then I feel sure that H.J. Res. 115 stands no chance whatsoever of becoming law.

Mr. President, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President.

AMENDMENT NO. 3045

(Purpose: To strike title III which restricts the use of private funds for political advocacy activities by nonprofit organizations.)

Mr. CAMPBELL. Mr. President, I rise today to express my opposition to what is now title III of the continuing resolution. I might say that I did vote for the original Senate language. I opposed this provision as part of the Treasury-Postal conference committee. And I will tell you why. This measure, if adopted, would effectively eliminate the ability of nonprofits throughout this Nation to express their political views to their elected representatives at every level—at the Federal level, State level, local level, and tribal level. This legislation, I think, slams the door of Congress in the face of hundreds of thousands of grassroots organizations.

In the Senate Treasury-Postal appropriations bill, this body adopted an amendment to keep large, well-financed nonprofit organizations from abusing the lobbying regulations. Certainly they should not use taxpayers' money by the millions simply to lobby to get more taxpayers' money. But the House-passed version, on the other hand, goes much further and muzzles grassroots organizations and puts roadblocks in the way of legitimate advocacy efforts.

It would affect, as I understand it, churches, Boy Scouts, tribes, art groups, chambers of commerce, water conservancy districts, and hundreds of other very diverse nonprofit groups. In effect, it would muzzle the free speech of millions of people. These groups are the same groups that as elected officials we are supposed to be here to defend and represent. I see a clear difference, as many of my colleagues do, between the high-powered, well-financed professional lobbying firms, who hire well-financed professional lobbyists, and the grassroots-based community organizations. I think my colleagues see the difference too.

For the last couple of months the Senate has focused its efforts on getting Government out of people's lives. Well, this provision would do just the opposite because it would tell the nonprofits how they could spend their private moneys. By law, these organizations cannot spend Government funds for lobbying activities, which I think makes sense.

What does not make any sense to me is that we are stepping in and legislating how nonprofits can spend their privately raised funds on advocacy efforts. It is wrong for us to do that. That is why I will offer a motion to strike title III. This provision is bad for our communities because it treats State and local organizations and their national affiliates as one. This provision is bad because the definition of advocacy is too broad. This provision is bad because it hamstrings the many organizations that, with reduced Government, we will have to rely on more heavily than ever to deliver services to our communities. It also is bad because this provision casts a net so wide it will muzzle political advocacy groups in our towns, our communities, in our States.

In short, it is bad language. The administration has already threatened to veto it, as the Chair knows. I think it is important to send a message to our constituents that we will not allow them to be silenced. We want Government out of people's lives, but we do not want to keep people out of Government.

With that, Mr. President, I would move to strike title III of the continuing resolution, and send an amendment to the desk, and ask for the yeas and nays after the motion.

I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CAMPBELL. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. Is the Senator sending an amendment to the desk?

Mr. CAMPBELL. Yes.

The PRESIDING OFFICER. Then the clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. KERREY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, and Mr. GLENN, proposes an amendment numbered 3045.

Strike Title III of the resolution.

The PRESIDING OFFICER. Did the Senator request the yeas and nays on this amendment?

Mr. CAMPBELL. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN. Mr. President, the Istook amendment before the Senate today presents a difficult issue because the principles fueling both sides of the debate have some merit.

On the one hand, organizations that are subsidized by the Federal Government should not be allowed to lobby the Government or engage in unlimited grassroots political activism. When highly subsidized organizations are actively participating in political activities, the public perception is that taxpayer funds are being used for partisan purposes.

This perception if formed even if there are safeguards in place to prohibit the use of Federal funds for lobbying or political campaigning.

On the other hand, our political process would suffer if nonprofit groups were restrained from engaging in public debate. These organizations represent millions of Americans who do not have the time or ability to monitor day-to-day events in Congress or their

State legislatures, but want their interests to be represented on issues ranging from environmental protection to the right to bear arms. To place severe restrictions on the ability of these organizations to analyze legislation, testify at public hearings, comment on pending regulations, and advocate their views in the political arena would not only deprive policymakers of valuable expertise, but would leave many Americans without an effective voice in the political process.

In my view, our Tax Code does a fairly good job of balancing these competing principles. Section 501(c)(3) of the Code allows taxpayers to deduct contributions to charitable organizations. Since virtually all the revenue of these 501(c)(3) organizations are federally subsidized through the Tax Code modest limitations are placed on the organizations' lobbying and grassroots activities. However, in recognition of the important role that charitable organizations play in our society, they are allowed to comment on regulations that affect them, join litigation that implicates their interests, and communicate with their members on political issues without limitation.

The Simpson-Craig amendment to the Treasury-Postal appropriations bill made an important modification to the Tax Code. The amendment applies to tax-exempt nonprofit corporations, which, under section 501(c)(4) of the Tax Code, are allowed to lobby without limitation. Under the amendment, 501(c)(4) organizations with annual revenues in excess of $10 million would no longer be permitted to both lobby without limitation and receive Federal grants. I support this change in the law because I do not believe that large organizations engaged in substantial lobbying activities should be eligible to receive taxpayer funds. If an organization wants to apply for Federal funding, it should be required to submit to the restrictions on lobbying activities contained in section 501(c)(3) of the Code.

The Istook amendment, however, would have a much more sweeping impact on nonprofit organizations. It would affect every organization that receives Federal grant money, as well as, organizations that believe they may wish to apply for grants in the future. In addition, the Istook amendment places limits on a broad category of activities that have never been regulated by the Federal Government before such as filing an amicus brief, writing a letter to the editor, or providing office space to an affiliate organization.

Most significant, the Istook amendment would impose a byzantine set of reporting requirements on nonprofit corporations. Each organization would be required to establish separate accounts to keep track of how much money it spends on lobbying and political advocacy, since the amendment imposes different monetary thresholds on each category of activity. They would also be required to determine whether any corporation or organization they do business with spends more than 15 percent of their funds on political advocacy, because, if so, any funds transferred to such an organization counts toward the grantee's advocacy threshold. Through this provision, the sponsors of the Istook amendment have imposed a new recordkeeping requirement on virtually every private corporation in the country.

The Istook amendment will cause many more problems than it would solve. If there are nonprofit organizations that are abusing their tax status or misusing Federal grantees, adjustments to the Tax Code such as the Simpson-Craig proposal may be necessary. But there is no reason to impose such a restrictive and burdensome new law on a sector of society that does much good work and plays an important role in our democracy.

Mrs. MURRAY. Mr. President, as an American and a Member of the Senate of the United States of America, I have certain responsibilities regarding what I say here on the floor.

But unlike thinking individuals in most other societies throughout human history, I—uniquely in my role as a U.S. Senator—can come to the Senate floor and speak my mind freely, and no one can stop me, or retaliate against me, so long as I follow the few rules of common courtesy.

If we adopt the Istook language, other American citizens, not lucky enough to be Members of this august body, are going to be told they can no longer speak freely before their Government. The Istook amendment to restrict advocacy, under consideration by the Senate will send this message loud and clear to every American citizen.

Well, almost every American citizen.

What the Istook amendment says is this: If you belong to a nonprofit group you will be restricted from lobbying Congress. If, however, you are a member of a Fortune 500 company or any other special interest constituency with money, you will have no restrictions.

If you as a senior citizen join a group to receive services designed for seniors like you, your Government has no problem with that, and might even give your group a grant to do their important work.

But if part of what your group does is relay to your Senator your wish to keep pharmaceutical prices down, your Government is no longer going to allow that to happen.

If, however, you work for a large pharmaceutical company, you can lobby Congress like there's no tomorrow for your company's needs.

I believe most Americans have a problem with this. Over half of the Members would argue with me, but I believe this Tuesday we heard at least the first rumblings among Americans about what their Government is about to do to them. I believe when America wakes up, Members of this Congress won't be able to shut out the free speech. We will hear from all of America loud and clear if this language becomes law.

Not since the days of McCarthyism has such an assault on the rights of free speech been considered. There are already protections in Federal law that restrict the use of Federal funds for lobbying activities. There are already stiff penalties for breaking the rules. There is no evidence that ladies from trailer parks in Middle America have been misusing Federal funds to buy Congress.

And if there was evidence of such a crime, then the knitting circle would be going up against the Internal Revenue Service of the United States of America. That's under current law. Surely, there are few deterrents stronger than the first-strike capabilities of our tax watchdogs.

I would like us all to remember: People mostly join nonprofits to help other people. I would like us all to remember: If the current budget cuts go through, people in this country are going to need a lot of help. And, I would like people to remember: If we do get information from a nonprofit group helping Americans at the grassroots, the information is coming from a place far closer to the needs of real people than the halls of Washington, DC.

Most of the nonprofits I hear from give me good information from people who cannot speak for themselves, and be heard 3,000 miles away. Yes, I get calls and visits from citizens in my State, but I also represent people without plane fare, telephones, and some who don't even have a roof over their head. And now we're going to tell them they can't even lobby Congress. That is not reform Mr. President, that is muzzling the citizens I represent, and I urge my colleagues to vote yes for the Campbell amendment.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I earlier was presented substitute language by the distinguished Senator from Wyoming and the distinguished Senator from Idaho. I would be willing to accept the original language that was on the Treasury-Postal appropriations bill. This substitute language is not the same. Though it appears that it might be relatively close, it is simply not the same.

I continue to argue, for those who are wrestling with this issue and it can be a difficult issue, I believe a sufficient reason to vote to strike this should just be this does not belong on a continuing resolution. It does not belong

on a continuing resolution. If I, as I indicated earlier, wanted to try to put all kinds of things on this continuing resolution, I could do so. As I said, I have interests in impact aid; I have interest in agriculture; I have interest in a variety of things that are unlikely to be addressed this year.

This amendment belongs on lobbying reform. But guess what, Mr. President? There is no vehicle in the House for lobbying reform, because they have not passed lobbying reform. They have not taken up that issue. We took up that issue. It is a very contentious issue, a very difficult issue. We passed lobbying reform that restricts lobbyists' access to Members of Congress. It passed this body. It was a long and healthy debate, but the House has not taken it up. So all their conversation about "we are going to clean up the lobbying activity" begs the question. If that is the case, where is your bill? The answer is, they do not have one.

So they are putting lobbying reform on a continuing resolution because they have not taken the issue up on the other side. I think it is very important for Members of this side, regardless of how you feel on this issue—you might support this language, you might feel this language is good language and ought to be enacted into law, but not on a continuing resolution, Mr. President, particularly in an environment where the House has not even taken up lobbying reform and this body has. That is where it belongs. It is highly inappropriate for it to be taken up here.

Next, the proponents of this amendment refer to grants given to 501(c)(3)'s as welfare for lobbyists. Let us be clear on this, the law says that lobbying activities are currently prohibited with the use of taxpayer-funded grants. That is the law. That is the current law. And if somebody has an instance where they think a 501(c)(3)—a church or veterans group, YMCA, the Red Cross—if they think they are in violation of the law, then they should bring a case against them. They should come and say, "This organization is using taxpayer money in violation of the law."

I say it for emphasis, citizens who say, "You know, those House guys are right, we ought to change the law to make lobbying illegal with public funds," as I say, the law already prohibits that activity. That is not what this amendment does, propose changes in the law. It says that private money cannot be used. That is what it does. Let us be clear on that.

All conversations and statements that were made last night on the floor saying, "We don't want to subsidize lobbyists," Mr. President, A, if you House Members are excited about lobbying reform, why do you not pass a bill? And, B, why do you not tell the American people that we cannot subsidize lobbyists, you cannot use tax dollars for lobbying activity?

If you have a church in mind, I say to the proponents on the House side, if there is a veterans group out there or somebody at your community level that you think is flying back here to Washington trying to influence legislation, for gosh sakes, find somebody to file a criminal charge against them, because it is illegal now.

The next thing I will say is it is odd this legislation is being proposed by people who are constantly talking about decreasing regulation on the private sector. This increases regulation on the private sector. Again, once that is pointed out they say, "Oh, we have written in exemptions." Now we have exempted veterans organizations. We have raised the threshold so it only affects a very small number. Mr. President, every 501(c)(3) would have to prove they are in compliance. Everyone would, and they would have to keep records for 5 years to prove that they are in compliance.

For Members who are wondering on the substance of the issue, if you can get over the threshold that this continuing resolution is an appropriate vehicle for lobbying reform, which I think is a pretty substantial hurdle to jump, if you can get over that hurdle and you say, "Fine, let's do lobbying reform on a continuing resolution," then, first, be advised that use of public funds for lobbying is already prohibited under law and, second, be advised that this law is serious business.

You are going to hear from people out there in the community that are going to come to you a year from now, 2 years from now and say, "Senator, did you have any idea of the paperwork I was going to have to fill out? Did you have any idea what you were doing?"

We get this all the time, whether it is leaking underground storage tanks or other regulations that we pass here that sound real good—clinical laboratory regulations—it all sounds terrific, but when the rubber meets the road out in the community, all of a sudden the citizens comes to us saying, "I just spent 100 hours on this thing. I hope you are getting something beneficial out of it, because I am spending a lot of time."

For a 501(c)(3) out soliciting funds and typically today struggling to get that money, I daresay that increased cost of doing business at the community level is a rather substantial burden, and we are going to hear about it. We are going to hear about it from citizens who are not going to like this change in the law.

Next, Mr. President, how many of us talk about public-private partnerships? How many of us, when we are talking about how to maximize and stretch and lengthen the use of our tax dollars, get up and say, "The Government cannot do it all"? I cannot take tax dollars and have the Government doing it all. I have to develop partnerships, not just with State government, local governments, but I have to get the private sector engaged. What better vehicle, what better opportunity than a 501(c)(3)?

And, indeed, that is the case today. We are asking the Red Cross to do more with their money. We are asking them to help us with disaster programs. We are asking the YMCA and the YWCA and other 501(c)(3) organizations to get involved.

Mr. President, the real problem here is that some people do not like what these 501(c)(3)'s do. That is the problem.

I ask unanimous consent that a story that appeared in yesterday's Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 8, 1995]

CONSUMER GROUPS ATTACK BILL CURBING POLITICAL ADVOCACY BY NONPROFIT GROUPS

(By David Rogers)

WASHINGTON.—A Republican initiative to limit political advocacy by nonprofit organizations is meeting strong resistance from consumer groups, which accuse business interests of using the bill to silence their critics on regulatory issues.

The measure, which passed the House this summer, has drawn an amalgam of conservative and industry supporters from the Christian Coalition to the National Beer Wholesalers Association. But yesterday, Mothers Against Drunk Driving accused the beer lobby of using the bill to weaken and harass its own efforts at the state level to tighten drinking laws.

The Beer Wholesalers group responded angrily that its involvement has had nothing to do with MADD but was provoked more by smaller, less-known advocacy groups that have received federal grants. But MADD officials said it and the beer wholesalers and their affiliates are frequent foes at the state level, where MADD has sought legislation to tighten blood-alcohol standards for judging when a driver is intoxicated.

"While MADD will be buried in an avalanche of red tape and paperwork, the beer industry will be free to lobby to their heart's content," said Katherine Prescott, MADD's national president. "The voice of the special interest will be unimpeded, while the voices of the public interest will be silenced."

Yesterday's attacks, in which MADD was joined by such groups as the American Lung Association, reflect a concerted effort to reframe the debate by focusing on special interests behind the GOP initiative. House Republicans, who last night attached their proposal to a stopgap spending bill that will be voted on today in the chamber, have championed the measure as "anti-welfare" for lobbyists; the groups yesterday cast the fight as one of public vs. private interests.

A variety of business organizations have been active in support of the initiative. The chief sponsors include Reps. David McIntosh (R., Ind.) and the Ernest Istook (R., Okla.), who have taken the lead on antiregulatory legislation favored by many of the same groups. The Beer Wholesalers, for example, have promoted House-passed legislative riders to block the Labor Department from developing new worker safety rules affecting

the industry. And in general, the group has raised its profile this year in tandem with the rise of House Majority Whip Tom DeLay (R., Texas). He is a leader of the antiregulatory forces and chief proponent of the legislation now to curb advocacy by nonprofit organizations receiving federal grants.

David Rehr, the Beer Wholesalers' vice president of governmental affairs, assisted in Mr. Delay's race for the leadership, for example. But not all those involved in the fight have so welcomed the influence of business interests.

Sen. Alan Simpson (R., Wyo.) has been Rep. Istook's Senate counterpart in recent negotiations between the two chambers aimed toward striking some compromise on the issue. During one session, Mr. Simpson was apparently surprised to find outside, private interests in the room during the talks. "I just told all of them to get the hell out," said Mr. Simpson yesterday.

In a statement yesterday, the Beer Wholesalers group said it shares with MADD "a serious commitment to reduce drunk driving and end illegal underage drinking" and had supported bills in Congress with that aim.

But at the state level, officials painted a more severe picture. New Mexico was a major battleground two years ago for legislation to curb drunken driving and tighten standards for the blood alcohol content of drivers. "MADD has been four-square behind these efforts to toughen up the laws," said Kay Roybal, press secretary for the state's attorney general. "The beer industry, and liquor industry more generally, have consistently opposed all of these efforts."

Mr. KERREY. Mr. President, the headline on this says, "Consumer Groups Attack Bill Curbing Political Advocacy by Nonprofit Groups." It points to a rather interesting confrontation with beer wholesalers and an organization called Mothers Against Drunk Driving. I know MADD well. I know this group called Mothers Against Drunk Driving. They are tough.

They come to the local level, the State level and they want these laws changed. They will bring a victim in, somebody who is disabled, someone who was injured permanently as a consequence of a drunk driver, and they will say to you, "Senator, I understand you just attended a fundraiser with the beer wholesalers, liquor distributors," so forth, "and they are telling you, "Let the market take care of it.' I tell you, Senator, the market is not taking care of it."

We have changed our liquor laws in the State of Nebraska as a consequence of Mothers Against Drunk Driving. They can be plenty irritating, let me tell you. They come with evidence and they come with a proposed change, and it is darn hard to say no to them. Sometimes it can have an impact upon your retail sales. It can change the behavior of people, as a consequence of the law being changed. But our streets are safer as a result, and our people are healthier as a consequence. It has produced a constructive change.

So let there be no mistake about it. One of the things motivating this proposed change in the law—particularly the feverish urgency that is attached, threatening to hold up the continuing resolution, threatening to hold up an appropriations bill, and anything that is out there. This was not in the Contract With America. If you want to do lobby reform, I say to the House, then pass it; pass lobbying reform. I quite agree that the people are sick and tired of watching lobbyists unnecessarily and unfairly influence the process around here. But if you want to change that, Mr. President, pass lobbying reform, pass campaign finance reform.

Senator MCCAIN, Senator THOMPSON, and Senator SIMPSON, I believe, have a piece of legislation to change campaign finance laws. Let us enact it and reduce the amount of money that can be spent in a campaign. Let us provide an opportunity for more people to come to the U.S. Congress. Let us get after the special interests so that citizens can have confidence, in fact, that they will have some influence over this Government. One of the most alarming polls I have seen recently is a poll that showed that, by a 3-to-1 margin, people in the United States believe that special interests have more power than either the President or the Congress. So there is a need to change, to empower Americans so that they feel more a part of the process.

There is a need to change our lobbying laws and to change our campaign finance laws. We have to address those issues, Mr. President. This body has dealt with lobbying reform. This body is trying to develop a bipartisan movement to change our campaign finance laws. There is an urgency attached to it for the sake of representative democracy and people's confidence that they can have some influence over this. But not on a continuing resolution, Mr. President, and certainly not in this form.

This does not give citizens more power; it gives them less power. This does not tilt the balance of power in favor of the people, who are out there scratching around trying to organize these sorts of efforts. It tilts it away from them. I do not know why—frankly, I have been on 501(c)(3) boards, and I do not know why anybody, given the hurdles they have, are out there raising money all the time and holding raffles and auctions and trying to generate enthusiasm—it is darned hard work, and you sometimes scratch your head and wonder why citizens are willing to do it, and then you thank God they are. All of us have seen these organizations perform miracles and do wonderful things out there with families and young people in their communities.

For the life of me, I do not understand the vitriol attached to this legislation, to the point to saying we are willing to shut down the Government, which is what some have said—as if we do not care if Social Security checks are issued or if anything passes this body again. We do not care if it was in the contract. We want to make this change. We believe it is the most important change that can be made.

So, as I said, I was happy to accommodate the change that the distinguished Senator from Wyoming proposed on the Treasury-Postal appropriations bill. I said earlier, Mr. President—the Senator from Wyoming was not on the floor at the time. He asked that we give this proposed substitute of his some reasonable consideration. I do not know that I gave it reasonable consideration. I gave it consideration. I would be pleased to accept the precise language that the distinguished Senator from Wyoming had attached to the Treasury-Postal bill some 30 days or so ago when that appropriations bill was taken up. But I support the motion to strike made by the Senator from Colorado.

Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, I hear very clear what my friend from Nebraska is saying. I enjoy working with him. We proved up together on many issues, and we will again because the tough ones are still out there, like Social Security and Medicare, Medicaid, Federal retirement. We seem to be the only ones who are willing to leap into that cauldron. But it is because of my admiration for him in what he did on the entitlements commission—the bipartisan entitlements commission, chaired by the Senator from Nebraska and our fine friend, Jack Danforth of Missouri, that we know what we have to do. The American public, hopefully, will know, when we finish telling them, what they have to do on those issues. So that is separate and apart from this.

Let me be as brief as possible. That is quite a difficult task in itself. But there really is not a need for a lengthy debate and, yet, we must be aware of what we are doing here. I have been in the Senate a good long time, since 1978, to be exact. My role for 10 years was to learn how to count votes. If there were a motion to strike the language that came from the House, there is a question in my mind that that would carry. But in this situation, there is more to it than this.

We did some work here on this issue in the Senate. All of you were present. The Senator from Michigan was involved in that debate. Many others on both sides of the aisle also were. Questions arose: Who does this affect? Does it affect the Red Cross? Does it affect the Boy Scouts? Does it affect the Girl Scouts?

Let me share this with you, once again, until we have our eye on the rabbit. What I did was to affect only section 501(c)(4) corporations. There are a lot of them. Some of them spend nothing much, and some spend a ton because if you are a 501(c)(4)—this is all I was ever speaking of—you have the

ability of unlimited lobbying. You can spend yourself to oblivion. You are able to lobby without monetary restriction.

Now, some 501(c)(4)'s love that role and perform it beautifully. Others simply have huge resources and revenues and seem to restrain themselves somewhat. But 501(c)(4) is a corporation under the tax laws that is "nonprofit," if you will, in that sense, that can do unlimited lobbying. And so what we were saying was very simple: Any 501(c)(4) that receives money from the Federal Government in the form of a grant, or anything of that nature, will not be allowed to lobby; or if a 501(c)(4) loves to lobby, then they will not get Federal money. That was not directed at the AARP. I have had some interesting discussions with them, however, through months past. It was not directed at them. It was directed at any corporation, any 501(c)(4), whether it was the NRA, AARP, any other 501(c)(4) corporation in America that chooses that particular title.

The reason they choose that title is to do what they do best, in many ways, which is to lobby. It seemed incongruous that a corporation would then receive money from the Federal Government, which would help them then go lobby the Congress for more money for their members. That is exactly what some of them do. They lobby vigorously, and they will say, "We do not keep that, we do not get that money; that goes to the citizens, to our members, to the good of society." But it also reduces the amount of money they have to dig out of their own coffers to do their work. So we were saying if you want to play in the big time, you want to be a 501(c)(4), and you get grant money from the Federal Government, you are not going to be able to lobby without restriction. Then that passed here by a vote of 59–37, a good, strong, bipartisan vote.

Then we went forward into the usual procedures of legislating. It went out in that fashion. As we began to try to compose our differences in the conference committee on Treasury and Postal—remember, this measure came up on the Treasury-Postal bill here when it went through the House on the Labor Committee, that appropriation—Labor, Health, Human Services.

So it ended up a little off center in the sense of jurisdiction. We agreed to try to resolve things there to make that limit, instead of $10 million, where it would apply to any organization, the original Simpson-Craig language, Senator LARRY CRAIG and I, these are the cosponsors of this measure. That was the ban on C–4's which was above $10 million. That passed the Senate by unanimous voice vote. I did not hear any objection to that. Treasury-Postal was a unanimous vote, including the $10 million threshold.

Now, we are ready to bring that down to a $3 million threshold and say that it does not apply to those under that figure. What occurred, then, with the Istook-McIntosh-Ehrlich proposal—it was a very sweeping measure; there is not any question about that. Senator CRAIG and I worked with them and said this is going to be very difficult, if not impossible, to pass in the Senate. They felt very, very strongly that they should proceed. They did.

In that proposal that the three fine House Members prepared, there was tremendous complexity. There was tremendous controversy. That was borne out again last night when the measure was discussed and debated in the House with regard to the continuing resolution. You can bet it was contentious.

There is an amendment that I will shortly propose at some appropriate time which would strike the lion's share of the language passed by the House known as the Istook amendment.

The language has been the subject of much, much controversy and excitement here in Washington these past few weeks—editorial commentary, opinion pages. It is something that the House Members feel very strongly about. I cannot identify how passionately they feel about it. I hear that. That is why I have tried to work with them.

I find staff—and Chuck Blahaus, my legislative director, has invested innumerable hours of his day in this effort. Senator LARRY CRAIG and his fine staff person have done the same. We have been actively, all of us, involved in negotiations with the House sponsors of it.

I know that much of what has been said about it is simply not true. Now is not the time nor the place to debate the fine points of that amendment—the Istook-McIntosh-Ehrlich amendment. This amendment is too complex at this time, too cumbersome at this time, to subject to any lengthy debate here in the context of a continuing resolution. If it were any other place, it would be highly appropriate. In fact, there is a vehicle for it that is just built for it. That is lobbying reform, and lobbying reform will be up very shortly in the House of Representatives—I believe next week.

In the context of the continuing resolution, it is simply inappropriate and, more importantly, impossible to move the language that has been worked on so hard by my colleagues and friends in the House.

It is precisely because of that complexity that this language, known as that amendment, will not pass the Senate. That is reality. The votes are not there. It would be a bipartisan vote to eliminate that.

I have spoken to many of my colleagues in the House and in the Senate about the particulars of the language. I know their concerns. I know their hopes. I know their fears. I know their confusion about this language.

This is a very, very sweeping and comprehensive piece of legislation. I can understand every single reason for every bit of it because of the frustration and anguish of the political arena that gave rise to it in the House. That deserves a full airing so that the American people can understand what some 501(c)(3)'s really do with their money and how they get thoroughly involved in political activity. You can believe they do. We will deal with that. It will be a very important part of lobbying reform.

In the context of the continuing resolution, not 100 percent of it will come through, not 90 percent of it will come through, not 80 percent of it will come through. It is my intent to offer an amendment to strike out almost the entirety of it, leaving only a few components. The amendment would strike out all of the House language and leave simply the following:

It would leave the Craig-Simpson or Simpson-Craig ban for grant money for the largest 501(c)(4) lobbying organizations. This provision passed the Senate unanimously by voice vote. I would not think it would be controversial.

There would be a provision simply requiring that Federal grantees report their expenses on lobbying activity and that this report be publicly available. Simple, short, and I think uncontroversial.

Finally, a provision mandating that the current law, 501(h), limits on lobbying activities expenses apply to the Federal grantee organizations. Right now, under current law, the formula applies only to certain 501(c)(3) organizations. It would here apply to all of the grantee organizations, except that there would be no global cap of $1 million, even though current law has such a cap. And we will detail how that will be expanded. A cap is controversial so we would remove it as far as grantees would be affected.

That is it. That is it. That is the measure as it would be dealt with. If it were then to go back to the House, it would not go back into conference. There would be no further conference activity with this measure as it would leave the Senate. It would not come up on another bill. It would not come up on Treasury-Postal. It can come up later, but it would not come up under the Treasury-Postal bill, which is the other pending material floating in these last hours and days before we reach our statutory limit.

So I simply believe we regretfully have to strike all of the provisions of this legislation which are controversial in the eyes of the Senate. I could detail them all, but I think all of us know what they are. Some have been magnificently distorted by groups that have learned to love Federal largess as they do their lobbying work.

Those things will be debated at length here in private and in public. We

will not settle those issues today. The Senate will not come to agreement on what kinds of reforms to make in this area today. They will not be settled in the context of the CR. This is reality. It is not the invention of Senator Simpson. It is not the invention of Senator LARRY CRAIG.

I hope my colleagues will look at the text of our amendment closely and will give their full support. There are no tricks, nothing up the sleeve as to getting it before you. It is extended as an effort to try to resolve a very vexatious issue and try to recognize clearly the fine work of three able Congresspersons in the U.S. House of Representatives.

AMENDMENT NO. 3046

Mr. SIMPSON. I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. Simpson] proposes an amendment numbered 3046 to amendment No. 3045.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further 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.")

AMENDMENT NO. 3047 TO AMENDMENT NO. 3046

(Purpose: Perfecting)

Mr. CRAIG. Mr. President, I send an amendment in the second degree 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 Idaho [Mr. CRAIG] proposes an amendment numbered 3047 to amendment No. 3046.

Mr. CRAIG. 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 amendment add the following:

(e) Nothing in this title shall be construed to affect the application of the internal laws of the United States.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3048 TO AMENDMENT NO. 3045

(Purpose: Perfecting)

Mr. SIMPSON. Mr. President, I submit an additional amendment to the desk and ask it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3048 to language proposed to be stricken by amendment No. 3045.

Mr. SIMPSON. 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. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 3049 TO AMENDMENT NO. 3048

(Purpose: Second-degree perfecting)

Mr. CRAIG. I send an additional amendment to the Simpson amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3049 to amendment No. 3048.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment:

Page 2, lines 1–2, strike all between "Code" and ", unless", and insert: "of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000".

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I listened to the Senator from Wyoming very carefully about all the reasons why the so-called Istook amendment should not be before us on the continuing resolution. The problem is, it is before us on the continuing resolution and it is a big problem. We ought to dispose of this amendment by striking it. I very much support the amendment of Senator CAMPBELL.

The Istook language is the most intrusive intervention of Government into the free speech rights of private organizations that I have ever seen in my 17 years in the U.S. Senate.

We have talked a lot recently about trying to reduce the Federal Government intervention in the lives of private people and private organizations. This amendment, this Istook language, represents a massive intervention into rights, under the first amendment, of private organizations to use private money—I emphasize private money, not Government money—for political expression.

It has been characterized as being aimed at welfare for lobbying. It has nothing to do with lobbying reform. I know about lobby reform. I was a sponsor, along with a number of others in this body, of lobbying reform legislation. The Istook language has not anything to do with lobbying reform. It has everything to do with placing restrictions on rights of citizens of this country to use their own funds to express their own political views, not just to this Congress and not just to the Federal Government, but to the State and local governments as well.

This is an unprecedented intrusion, for reasons I will get into in a moment. What the Istook language does is place a limit on what percentage of funds can be used by a private entity, if that entity is either the recipient of a Federal grant or, indeed, may be a recipient in the future of a Federal grant—because there is a throwback of 5 years. Anybody applying for a Federal grant cannot have used more than a fixed percentage of its own private funds for political advocacy in the previous 5 years.

So, even though you do not have a Federal grant, if you think maybe in the next 5 years you might want to apply for a Federal grant, you have to watch how much of your own privately raised funds are going to express your own political opinion during that 5-year period.

Then there is this percentage cap that is placed on grantees. Mind you, it is not placed on people who are seeking to sell the Government B–2 bombers. They can spend all of their own funds, otherwise raised, on lobbying, that they want. The restriction here is on nonprofits.

So, if the Cancer Society or the Alzheimer's Society or the Mothers Against Drunk Driving or any of the other nonprofits apply for a grant or are the recipients of a grant, they are restricted even though they are not using grant funds for lobbying. They cannot come to the Congress and lobby us for legislation to try to reduce the number of drunk drivers on the road or the purity of our drug supply, or of our blood supply. They cannot come and do that, even with their own funds.

But there is no restriction on contractors receiving public funds. If you want to come and sell B–2 bombers to the U.S. Government there is no restriction on you. But if you were providing a service to the U.S. Government such as getting a grant to deliver lunches to seniors or getting a grant in order to provide a reduction in the number of drunk drivers that we face out on the road, or a whole host of other things that we obtained through our grants—then the restrictions apply to you. That is a distinction which does not make any sense to begin with.

And it goes way beyond that. Because, not only are you restricted in the percentage of your expenditures that you can spend on political advocacy, not only does this go back 5 years before you ever got a grant, but what is also counted in this is if you purchase something from another entity which spends more than 15 percent of its funds on political advocacy. Let us just think through the massive intrusion in that one. You have the American Cancer Society. It obviously cares about

health care reform. It cares about research dollars for cancer. But it is told it cannot use its non-Federal funds beyond a certain limit for that. And what counts against that limit is not only the funds that it spends on advocacy, what counts against that limit is the money in excess of 15 percent that any people it purchases anything from spend on political advocacy.

Now the American Cancer Society wants to buy a new computer. They are thinking maybe they will buy an IBM computer, let us say. They have to check with that vendor under this language to find out if that vendor, IBM, has spent in the preceding year more than 15 percent of its expenditures on political advocacy. Nobody can comply with this kind of monstrous paperwork requirement. And nobody in their right mind can ever apply for a Federal grant under this requirement because they have to certify to the U.S. Government that not only have they not in the last 5 years spent more than 5 percent, but they would have to check what moneys were spent by everybody it bought anything from in the last year to make sure that its suppliers—people that it bought its hardware from, its office supplies from, and its electricity from, I assume too—to make sure that they did not go over the 15-percent level.

I cannot think of anything this intrusive which has been seriously proposed to this Congress during the 17 years that I have been here. I have gone back. I have looked to see if anything comes close to do this, and it does not.

Why do I refer to the 15-percent rule? Because under the definition of political advocacy, it says that "political advocacy includes disbursing any monetary support to any organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures." That is what it says. If you spend money, and provide money to any organization that is for the purchase of supplies, you have to check out that organization's contributions to political advocacy.

The person or the entity that has a Federal grant—or that is applying for a Federal grant—not only has to certify that these limits have not been exceeded, but it has to do so by clear and convincing evidence. Preponderance of the evidence here is not enough, folks. This is clear and convincing evidence. That is subsection 301(b)(1)(c)—clear and convincing evidence. That is the certification. And any taxpayer can take you to court, too, not just the Government, under this legislation as proposed. Under the Istook language, any taxpayer can stand to take any grantee to court who has made such a certification.

That is the kind of extreme measure that is before us in this language.

Does it have any place in the continuing resolution? No. It does not. Does it have any place in any other legislation? No. It does not. It does not have any place in a country which relishes its first amendment and its free speech right. It does not have any place in a democracy.

We should not place this kind of restriction on people who are using their own funds to lobby their own Government. I want to emphasize this point. We have a law already which prohibits the use of Federal grant funds to lobby, and we should. We should not be using taxpayers' funds to lobby. People though should not be limited in the way they are in this language as to how they are going to use their own privately raised funds in terms of their own political expression.

We have received a lot of letters, as I am sure everybody else has, on this issue. I would like to read some excerpts from just a few of these letters.

The first one is dated November 2, and goes to Speaker GINGRICH and Majority Leader DOLE. This letter comes from the Adventists, from the American Jewish Conference, from the Church World Service, from Catholic Charities, from the National Council of Churches of Christ in the United States, National Council of Jewish Women, the Archdiocese of Philadelphia, the Council of Jewish Federations, the Lutheran World Relief Network, the Presbyterian Church, and World Vision. This is what they say about the Istook language:

> We strongly believe that advocacy on behalf of justice and the common good are an important part of our calling in the world, and an important part of this Nation's democratic tradition. Do not allow this Congress to establish a dangerous precedent by restricting both our imperative to service and our Nation's traditional respect for a variety of viewpoints. Do not allow Congress to tie our hands or stifle our voices.

The American Baptist Churches wrote the following:

> By expanding the Federal funds restriction to include private funds and broadening the definition of advocacy, the Istook amendment would severely limit the extent to which nonprofits can speak on public policy issues. The amendment would require the Federal Government to monitor political activity and would threaten the freedom of expression protected by the first amendment.

So, Mr. President, I hope that we are going to strike the Istook language. Again, it has no place on this continuing resolution. It is inappropriate on this continuing resolution. I believe it should not be passed on any vehicle, and should not be passed standing on its own because it represents such a massive intrusion on the rights of citizens of this country using their own privately raised funds to express themselves.

Last year, a question was raised on the lobby reform bill which was a lobby reform bill. It had to do with paid professional lobbyists, and making certain that those who are professional lobbyists register and disclose how much money they are being paid by whom to lobby Congress and the executive branch. There was language in that bill which some argued might have a chilling effect on grassroots lobbying. That language was stricken, although many of us felt it did not have that effect at all. Nonetheless, it was stricken from the bill which we have recently passed. That language pales by comparison to this language. On a scale of 1 to 100, in terms of the chilling effect on first amendment rights and political advocacy, that language was a 1. This language is 100.

I doubt very much that this language could possibly pass constitutional muster, if it were tested in a court, because of its restrictions on the rights of private entities relative to the use of their own funds. But whether it ever got that far is what we are going to decide today. In the first instance, what we are going to do is decide whether or not we want this restriction, this kind of a massive intrusion on the rights, this kind of a monstrous bureaucratic paperwork requirement, or whether we want this to go any further. That is our job. This should never get to a court because this should never get past the Senate of the United States which has shown on a bipartisan basis over the years tremendous respect for the first amendment to the Constitution.

This is not a partisan issue. The amendment that has been offered by the Senator from Colorado is a bipartisan amendment to strike this language. There is going to be strong support to strike the Istook language on both sides of this aisle. And what that reflects is the historic reality of this Senate, that this Senate is, has been, and I hope always will be a strong bastion in the defense of the rights of free speech and political expression.

Mr. President, I hope we adopt the Campbell amendment, and I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Wyoming.

Mr. SIMPSON. I hope that everyone hears that. That was magnificent work by my friend from Michigan, and he is addressing the language that I am striking. Everything the Senator from Michigan has said is what I have taken out. He has debated the Istook amendment, and we have stripped that. This is startling to me, because there is not anyone more adroit in this body than my old friend from Michigan, who came here when I did. Every single bit of the debate in these last minutes by the Senator from Michigan has addressed the Istook-McIntosh-Ehrlich amendment, and I and Senator CRAIG have struck it.

Mr. LEVIN. I wonder if my friend from Wyoming will yield for a question.

Mr. SIMPSON. Indeed.

Mr. LEVIN. Has the language yet been stricken?

Mr. SIMPSON. There is a motion to strike. The motion to strike is amended by the series of amendments to fill the tree, as the Senator knows, of the Senator from Idaho and myself, to strike completely the Istook amendment and leave only behind something that passed here unanimously by voice vote, passed the Senate unanimously. It was called a restriction on 501(c)(4), and it had to do with a 501(c)(4) receiving Federal grants. And if they received Federal grants, they could not do unlimited lobbying. That passed here unanimously.

Mr. LEVIN. Will my dear friend from Wyoming answer another question?

I gather the answer to the first question is that the language is still in the bill before us and has not yet been stricken, but that under both the Campbell amendment and under the Simpson amendment the Istook language would be stricken?

Mr. SIMPSON. Under the Simpson amendment, which would come to the attention of the Senate first, the Istook language would be stricken, if it passes the Senate.

Mr. LEVIN. I wonder if my friend will yield for another question.

Does the language being offered by the Senator from Wyoming go beyond the language previously adopted by the Senate or is it precisely the same as the previous language?

Mr. SIMPSON. It has this additional matter. It retains fully the Simpson-Craig, or Craig-Simpson ban on grants to large 501(c)(4)'s. The definitions section has no expansion whatsoever, but it defines lobbying activities as passed by the Senate, in the lobbying reform bill of which the Senator from Michigan was very instrumental, and, of course, adds the definition of "grant" in that section. And then there is a reporting requirement.

These are the only things added, so I want the Senator from Michigan to know—a bare-bones reporting requirement, which is that grantees must simply say whether they spent less than $25,000 on lobbying activities or estimate the amount if they spent more, and finally it also applies the 501(h) formula for lobbying to Federal grantees, not just 501(c)(3)'s, and that is it.

It also says that if you will—I know the Senator from Michigan well. We want to remember that these groups, some of them, are huge. One of them is a $5.5 billion operation. They filed their returns, and they are not public. And we are saying that those returns will be public—501(c)(4)'s only. That is what this amendment does. That is all that it does.

Mr. LEVIN. If my friend again will yield, and I thank him for the answer, these are significant differences between what the Senator is offering today and what the Senate has previously considered and for no other reason than the language being offered today by my good friend from Wyoming covers all Federal grantees whereas the previous language did not.

Without getting into the complexities or the details of it —and this is a 17-page amendment that the Senator has filed—I do not think that the continuing resolution is a place for the Senate to be moving into significant new ground relative to a very important area, which is the free speech, first amendment rights of organizations. This comes as additional new matter, different from what has previously been adopted by the Senate in the ways that my friend from Wyoming has just described, but those are significant differences because this would apply to all Federal grantees, this language, whereas the language previously adopted by the Senate did not.

So I do not think this is the place to be debating and considering and deliberating on an amendment which has this kind of major differences from previously adopted language.

I thank my friend.

Mr. SIMPSON. Mr. President, it is very important to hear this. Most of the 17 pages of definitions the Senator speaks of are the Senator's creation. These are definitions taken from Senator LEVIN's lobbying reform bill and maybe two or three paragraphs of the substance—nothing dramatic.

We are not talking about the first amendment, I submit to my friend. We are not talking about the chilling effect. We are talking about responsibility, and what is the responsibility of the Federal Government in handing out grants to groups that then use the money to lobby the Federal Government for more money—using Federal money for that purpose, and that we ought not to have public moneys administered by political organizations in some cases, and that is exactly what this is about. It is not about the first amendment.

Mr. LEVIN. Will the Senator yield on that?

Is the Senator suggesting that these organizations have used Federal grant money to lobby the Federal Government despite the fact that the law prohibits the use of Federal grant money for that purpose?

Mr. SIMPSON. If I might direct my comments through the Chair, I say to the Senator, it must be evident to many that these groups get Federal money, and then they lobby us for more Federal money, for Medicare, Medicaid—you name it—Social Security. That is what they do. And as 501(c)(4)'s, they have unlimited ability to lobby and unlimited amounts of money to spend in that process.

Mr. LEVIN. If the Senator will yield, is he suggesting that those organizations are using Federal grant money for that purpose in violation of existing law which prohibits the use of Federal grant money?

Mr. SIMPSON. Under current law, the groups can count Federal money toward allowed expenses for lobbying.

Mr. LEVIN. My question to my good friend is, is the Senator from Wyoming suggesting that Federal grant money, which is given to an organization, for instance, to provide a cleaner blood supply or to provide lunches in a neighborhood or whatever the grant is for, is my friend from Wyoming suggesting that that Federal grant money is being used for lobbying purposes despite the current law that prohibits Federal grant money from being used in that way?

Mr. SIMPSON. I would say to my friend from Michigan, a 501(c)(3)—and that is what most of these are, that do good works out in the land—can spend more on lobbying if they get grant money. So we are not talking about those that serve the commonwealth. We are talking about groups that come in before us in our offices and say we want to see more money for this program or that program or that program or that program. If they get Federal money, it frees up, it frees up—it is fungible, and they can go out and use more to do their lobbying after they offset that. Some have said, "Well, if you take away the Federal money, we'll be able to do less for people."

Mr. LEVIN. My final question, if my friend would yield for an additional question, is, one of the key changes that is being proposed here that has not been adopted by the Senate, as I understand it, is that for the first time restrictions would be applied to any organization—or these additional restrictions would be applied to Federal grantees who are receiving, in the aggregate, grants of more than $125,000. That is an additional group that would be covered here that was not previously covered. Is that correct? That is the section 301(a) on page 1. That is new language?

Mr. SIMPSON. That is the language that has to be identified from your previous legislation and the language of the two or three paragraphs of substantive legislation. Under that section we are applying to Federal grantees what is currently applied to 501(c)(3).

Mr. LEVIN. That is new language, not previously in the Senator's——

Mr. SIMPSON. That is described in that way, yes. As I say, we are going to apply to all Federal grantees what is currently applied to 501(c)(3).

I would now yield to my friend from Idaho, who has been absolutely superb in assistance with this matter, and I commend him greatly.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I hope that our colleagues here in the Senate

are listening to the debate and the colloquies that are going on at this moment on this very, very important issue. For if one is to assume that after we deal with the amendments offered by my colleague from Wyoming and my second-degree amendment and a third or a fourth, or filling up the tree, we are debating the whole McIntosh issue, that would be an inaccurate assumption.

We are returning to the language that the Senate has already voted on unanimously. And, as the Senator from Michigan has appropriately pointed out, there are some slight adjustments in it. But those slight adjustments are something that are not first amendment issues, not in any sense of the word. When it comes to spending Federal dollars, that is not a first amendment issue, never has been, most assuredly never will be.

Thomas Jefferson made that very clear to us in many of his writings when he said that, "No man should be lobbied with his own tax dollar." What we are saying here is very clear. We are simply taking the Internal Revenue Code rules, the lobbying of nonprofit charitables, the 501(c)(3) groups, and make that formula a little more generous and apply it to all organizations that do both lobbying and receive grants.

The Senator from Michigan is absolutely right, the threshold is $125,000. But then what we say is there is a formula of a sliding scale that is simple and very easy to understand until you arrive at a certain level, and beyond that you can take that first million that you can lobby with, and if you are above the $17 million, then you apply 1 percent, and if you stay within those categories, you report.

I believe the taxpayers of this country have a right to know how their money is being spent. And it is not, nor was it ever, the intent of the Senator from Wyoming or the Senator from Idaho, who joined with him in the original Simpson-Craig amendments on the floor that all of us unanimously supported, that we would stifle anybody's right to speak or to express their concern.

But we also said something very clearly. What are you going to be? Are you going to be a lobbying organization or are you going to be an organization that takes grants and applies them for the meaningful purpose for which they are given? You cannot be dominantly both, nor should you be under the law, because you are given a very special tax-exempt status to do certain things.

If you are taking grants, for whatever purpose they are allowed, you are given that opportunity. But if you have decided to lobby with it to generate more money, to do exactly what the Senator from Michigan knows can be done—and the term is called fungibility—then you can get increasingly larger and larger and larger to lobby a specific point of view.

I will not suggest that our colleagues in the House went too far in one form or another. But I will agree that some of those organizations that the Senator from Michigan mentions—or I might agree—ought not to play by these rules—they clearly are the charitables of our country that have served this country and its interested parties well—ought not have these kinds of restrictions. That is what this Senate recognized. That is why we have come back to change the language in this continuing resolution to deal with it as we had originally attempted to deal with it here in the Senate, because I think all of us recognize that it is time that we do a course correction, and that is, frankly, all that these amendments are, is a course correction from those very large multihundred million dollar organizations that have become very powerful in their skillful use of Federal grant dollars for their specific and very directed interests.

All we are saying to them is that there is going to be a criteria from now on, and we are going to apply the 501(c)(3) formula with a greater generosity to the 501(c)(4)'s. They have been misled, I think, stampeded by Washington special interests into suggesting that we are doing something tragic, different.

You have to remember, those who are lobbying against this have a special interest. Their special interest is access through the grant process to the Federal Treasury. And we are saying to them, "You can still have access because many of you do very worthwhile things. But what you cannot have is a free and open rein to lobby unless you meet certain criteria." We think that is important.

Why should we use tax dollars to lobby to get more tax dollars to get larger and larger and more powerful and powerful for political purposes, in some instances, instead of to meet the needs of the grants as we originally saw them? And as the activities of Government suggested, these agencies in a quasi-private manner could better administer them. That is what we wanted. And that is what has been our intent all along.

But what the Congress has failed to do over the last decade is take a serious look at how some organizations have recognized the unique ability to misuse the IRS Code for their particular advantage. And, frankly, we think that is just wrong. We want to adhere to the simple approach to deal with the larger organizations that we felt it was necessary to deal with.

Those who do not lobby do not have a problem. Their first amendment rights in the use of their own dollars are not questioned. Those who do lobby and take $125,000 or more of grant dollars have to adhere to a reporting process and a percentage of limitation. And they can choose to do that. Many organizations already have because they did not want to violate the rules or they did not want to misuse the congressional intent of that particular area of the IRS Code.

That is why the legislation was before us. That is why Senator SIMPSON and I have come back to amend the language in this CR because we understand what the Senator said. We can count votes. And we thought it was important that we deal at least with this segment of the code and the particular organizations that identify with that segment of the code.

I think most groups——

Mr. CHAFEE. I wonder if the Senator would yield for a question?

Mr. CRAIG. I will be happy to.

Mr. CHAFEE. Mr. President, my question is this: Apparently there seems to be agreement—I certainly concur in that—that the language that came over from the House is not acceptable. Now, it seems to me we ought to leave well enough alone, take it out, strike it. It has to go back to the House, and then we go on with our business when it comes back from the House. Hopefully, it would be without that language. And then we could proceed with the passage of the continuing resolution.

What the distinguished Senator from Idaho and the distinguished Senator from Wyoming are proposing is that in lieu of the language that was objectionable in the House, that we insert other language. Now, it is my understanding, having listened to the debate, that this language is not exactly the same as the so-called Simpson language that was adopted unanimously by voice vote.

There are variations to it. What they are, I am not sure. But my question to the Senator from Idaho is as follows: Why are we doing this? Why get involved at this point, when we are trying to pass a continuing resolution, with an extraneous bill that the Senators indicate is extremely popular and, if so, it ought to be able to pass on its own.

Why bog down this legislation with that and tie us up in something as we are, as I understand it, near unanimity that we do not want the language that came out from the House?

So let us strike it and go on with a clean CR. Frankly, I am in favor of a clean continuing resolution. All of us can think of nice things that ought to be added on it. Why, we can do something about Social Security for the senior citizens being able to earn more money——

Mr. CRAIG. May I respond to the Senator's question? I reclaim my time for the purpose of responding to the question. The Senator makes a good point, and I am not going to try to dispute him on his logic. He and I may

disagree on clean CR's and the use of vehicles like CR's to move legislation, but the fact is, the House did act, and they acted by putting in the McIntosh-Istook language.

If we strike it, will they agree to that? I do not know. What I do believe they might agree to is the fact that we have changed their language to conform to the language that the Senate voted on by a unanimous vote with some very slight changes that we have already expressed to the Senators that are not changes in the intent. They clearly are clarifying provisions, the kind Senator CHAFEE and others spoke of with some concern in the earlier legislation.

I think we stand a greater chance of moving the CR and the House accepting it as we send it back to them with the amendments provided by the Senator from Wyoming and myself to clarify this issue, for we at least address it. The House has addressed it. They spoke to it last night, and I am not at all convinced that if we send back a clean CR with this stricken from it that we can deal with it in that manner. That is why we came with this approach. We think it is important, and it does conform with the Senate's wishes earlier expressed.

Mr. CHAFEE. Mr. President, my own view——

Mr. CRAIG. Mr. President, I hold the time, thank you very much. I will simply yield the floor at this point. I made my points. I know the Senator wishes to speak. At the moment, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, my own view on this is, if after long, continuous debate—and I do not know when it will be we finally get to vote, whether the Simpson language is included or not, I do not know—but my own belief is, if it is included and goes back over there, it will be a slice of salami. Then they will come back with some variations to it, and back and forth we go with the House in deciding just how far we want to go.

They have staked out a big measure. Instead of us saying "No, we don't want any part of it, we will take that up at another time," it is very popular here, we can do our version any time we want, we will do that within the next several weeks, we send this back with the variations, as the distinguished Senator from Idaho and the distinguished Senator from Wyoming have proposed, then back it comes with a small alteration, and on and on it goes. I think it is a mistake, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, let us be very clear here, that will not happen. The House leadership told us, and I hold it not in any sense a directive or anything else, but the House leadership has told us whatever comes out of here in the form of the Craig-Simpson amendment will be acceptable to the House. There will be no slicing of salami. There will be no slicing of anything.

In addition, that measure will not come up on Treasury-Postal. That is a critical thing. We cannot continue to delay the program because certain people have certain things they want. But there are certain things that are critical, not in the eyes of three Members of the House, but by the entire House, or at least a majority of the House. So that is why we have altered—altered?—we have slashed the measure to shreds and leave now the basic element of what we did in the Senate unanimously and the issue of the 501(h), which is a minimal, tremendously minimal requirement.

This is not going to go back into the grinder. It is not going to come forward. But if you are looking for clarity and simplicity and speed, I can tell you, it will not come with a motion to strike, because the motion to strike will create a most horrendous reaction in the House which, again, is destructive of the process.

So we are trying to get a crumb when we cannot get a loaf, and all of us who legislate know that. This is not any dramatic thing. The principal substance of it passed here on a voice vote, so it cannot be that bad.

Mr. LEVIN. Will the Senator yield on that point, on that issue for a question?

Mr. SIMPSON. Yes.

Mr. LEVIN. Both the Senator from Wyoming and the Senator from Idaho said there is a slight difference. There are significant differences. To put the question in the form of a question: Can the Senator from Wyoming tell us what percentage of current Federal grantees, approximately, would be covered by the new language where there is at least three significant changes from the old Simpson language? What percentage of Federal grantees would be covered by the new language in certification requirements and reporting requirements that were not covered by the original Simpson language?

For instance, would this double the number of grantees that are covered by certification and paperwork requirements? Would it triple it? Quadruple it? What are called slight differences here I think, indeed, are major differences. Can the Senator give us approximately what multiple of Federal grantees would be brought into this net for the first time?

Mr. SIMPSON. Mr. President, I am presented with figures, and remember, too, that not a single 501(c)(3) is, by our figures, spending more than $1 million on lobbying. Not one. Not one single 501(c)(3) is spending, according to our records, more than $1 million on lobbying, and that is most of the grantees. So I think——

Mr. KERREY. Will the Senator yield for a follow-on to that?

Mr. LEVIN. I wonder if we can get the answer to that question, because I included reporting requirements, paperwork requirements. If the Senator can tell us what percentage, what multiple of Federal grantees would be covered by the paperwork and certification and reporting requirements that were covered under the original Simpson language, is it twice as many, three times as many? About what percentage more?

Mr. SIMPSON. Mr. President, I have no ability to discern that. The paperwork requirement, however, if we can get this in perspective, is about less than an I-9 form that you would furnish with Immigration. It requires ID, name and amount spent on lobbying.

So it is not something they are going to have to hire a battalion of accountants to do or management officials. It is name, amount spent.

I can only tell you, I hope some of you will begin to look at some of the forms that the nonprofits file. Some of them are huge. Often the bigger the nonprofit in the (c)(4) area, the more they are done in handwriting. They are not typed, because if you do it in handwriting, it makes you look like one of the little guys. So you do it in handwriting, and you can almost miss the commas.

I cite on that one, on the 501(c)(4), the AARP. Their huge report, where they report $314 million in the bank in T-bills, where they get $106 million a year from Prudential life insurance, getting 3 percent of every premium, where they have $26 million in yield on their investments, where they get money from New York Life, Scudder-Stevens, RV Insurance, and all the rest, and get $86 million from the Federal Government. I think any group that can do that and can lease their downtown headquarters for $17 million a year on a 20-year lease, while they are raising bucks from the little people for $8 a pop, do not need Federal funding to do unlimited lobbying.

These are the (c)(4)'s. That is who I was after when I started. And their report is done by, I think, "Edna the Enforcer," down in some basement in California. It is written in commas—you cannot tell. You are not to disclose that to anyone. I had to search out that form. And this is a nonprofit organization. I had to search that out. When I received it—and I kept my promise—they said, "We do not want anyone to have access to this, or the public, to see this report." Got that? This does say that, from then on, this will be presented to the public. That is a change in this procedure, in the reporting requirement. They do not have

to talk about where they spent it or who gave it to them—just a total amount spent; the total amount expended, which they are already entrusted, I think, to keep track of. We are not giving them a new item to keep track of. We are using current law definitions for lobbying expenses. I hope that might answer the question. At least that is the intent.

Mr. LEVIN. If the Senator will yield, under what law are all Federal grantees required to keep track of all their expenditures so they can determine how much spending on lobbying there is. This covers all grantees. You are not limiting this the way it was before. I wonder whether the law requires all grantees to keep track, as the Senator just said, of how much money they are spending and what percentage of dollars is spent on lobbying, of their own funds. We are talking about their own funds.

Mr. SIMPSON. Currently, I simply say, Mr. President, all grantees do not, and we think they should.

Mr. LEVIN. There is a new requirement?

Mr. SIMPSON. I explained that fully when we started, that there would be a reporting requirement. I said that when I began the debate.

Mr. CRAIG. Will the Senator from Wyoming yield?

Mr. SIMPSON. I yield to my friend from Idaho.

Mr. CRAIG. Mr. President, I appreciate the Senator for yielding. I would like to address the question the Senator from Michigan just spoke to.

All organizations keep books. All organizations have to report to the IRS. We are not asking that they do anything differently. We say that if you meet certain criteria, you have to make a certain amount of decisions.

Mr. President, $39 billion worth of tax money goes out in grants every year. You mean you are saying that you do not want the taxpayers of this country to have a right to have accountability for that money? Absolutely, we do. And we do. The 501(c)(3)'s are accountable, and they report. That is a very large chunk of the money. So, right now, the Senator from Michigan and the Senator from Idaho are saying that it is OK under the law, under the IRS Code, for 98 percent of everybody to play by the rules and file the forms. That is what we are saying, is that not?

Now we are talking about a window which several billion dollars slides through, in which there is no accountability. Why should those who do not account today not be under the same rules as the 98 percent who do? You and I both understand that giving the privilege of tax exempt in this society is a very large Federal subsidy. That is a unique privilege. All we are saying is, to retain that privilege, to do the special things that you should be wanting to do under your organization, we are saying that these are the requirements, which are very limited, and 98 percent play by those rules; why not the other 2 percent?

Mr. KERREY. Parliamentary inquiry. Did the Senator from Wyoming yield for a question?

Mr. SIMPSON. I yielded to the Senator for a question.

Mr. CRAIG. I yield back to the Senator from Wyoming.

Mr. SIMPSON. I yielded the floor to my friend from Idaho. I am glad to yield for a question and have a spirited debate.

Let me, if I can, read the language as to what is required. It is very short. Here is what we are requiring of people who get money from the Federal Government. We call them "taxpayer-subsidized grantees." It may not be a term of art, but that is what we call them. They get money from the Federal Government. They use the money to go out and do things with it—lots of times, trying to get more money from the Federal Government for things they strongly believe in. Here is what we would require of them. It is on page 16 of this amendment. We require—

> . . . a statement that the taxpayer-subsidized grantee spent less than $25,000 on lobbying activity in the grantee's most recent taxable year, or the amount or value of the taxpayer-subsidized grant, including all administrative and overhead costs awarded, a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year, and a good-faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this act.

That is all the reporting there is.

Mr. LEVIN. I wonder if my friend will yield for a question?

Mr. SIMPSON. Yes, indeed.

Mr. LEVIN. The Office of Management and Budget wrote the following:

> We have looked for any evidence regarding violations of prohibitions on use of Federal grant dollars for lobbying. We know of none. We have also contacted inspectors general at DOD, HHS, HUD, and the Department of Labor. They are not aware of any cases of violations.

I am wondering whether the Senator from Wyoming has evidence of violations of the prohibitions on the use of Federal grant dollars for lobbying. That is in existing law—prohibiting the use of Federal grants. Both the Senator from Wyoming and the Senator from Idaho have suggested that Federal grant dollars are being used to lobby. They may not be so used under current law. For instance, the Senator from Idaho suggested that there is a current use of Federal grant money to lobby for more grant money, despite the existing prohibition in Federal law against doing that.

So my question is: The Office of Management and Budget does not know of any violations of the prohibitions on the use of Federal grant dollars for lobbying. Does the Senator from Wyoming have a list of violations of those prohibitions?

Mr. SIMPSON. Mr. President, we are going to be here a long time, and I have eaten well and refreshed myself, and I will be glad to stay here for as long as it takes.

My language does not seek to apply any penalties to anyone. It is not to strike at the first amendment. It is not to weave the web of a chilling effect. My question was the one I started on many weeks ago right here in this Chamber, which must have been somewhat acceptable to my colleagues, since the first vote on it was 57-20 or 30, whatever. The next time it passed unanimously. The rub is, should this Government give money—and I was, at that time, speaking of the AARP, which is a 501(c)(4) corporation, which has the power of unlimited lobbying expenditure—unlimited. I said, "Why should the taxpayers of the United States cough up $86 million a year to the AARP or—listen carefully—to the NRA?

I hope that people are listening to this. I am talking about every single 501(c)(4) corporation or the Heritage Foundation or the Christian Coalition—you name it; any one organization that gets Federal money, when they have the ability of unlimited lobbying activity—that is who I am after.

You can decide what you wish to do with that. You can bring up every nuance of question, every shading of meaning.

I hope—strange, wonderful thing that drives us around here—that you realize that 96 percent of all 501(c)(3)'s spend less than $25,000 on lobbying; 96 percent of all 501(c)(3)'s spends less than 25,000 bucks on lobbying. I can furnish those statistics.

That may not answer your question. It may be a great diversion. I can tell you who we are after. I think I have explained that for the last several weeks.

The Senator from Michigan was on the other side then. He will be on the other side tomorrow. He will be on the other side the day after tomorrow. So we should at least realize what it is we are addressing. We are talking about the big guys.

That is why we put in the $125,000 provision. That is why we have done this, done that. We are after the big guys. We are not after the little guy. We are not after the soup kitchen people. We are after people who really ought to be addressed—and we will have hearings on it—on business activities, untaxed business activity.

I hope the Senator from Michigan will help me on that, and I think he will because there is serious abuse with huge organizations that bring in unrelated business income. We will have some hearings on that. That is big time, big ticket. That is where we start. Where we will end, only the Senate knows.

Mr. KERREY. Mr. President, the most important question for the Senators to answer as they prepare to vote for the amendment offered, the substitute offered by the Senator from Wyoming and the Senator from Idaho: Is this body going to get held up every time we do a CR?

We have three people in the House of Representatives saying, "We are willing to shut the Government of the United States of America down—whatever the consequences are, we do not care—because we want this provision attached to the continuing resolution."

To be clear, they did not even have a majority in the appropriations subcommittee, Treasury-Postal, and I am a ranking member. They did not have a majority on that committee to pass the Istook language.

Even the Senator from Wyoming, the Senator from Idaho, acknowledge that the Istook language would be rejected by the Senate. So what we are trying to do is compromise with a minority in the House of Representatives which is basically saying, "We will hold our breath until we get our way. We do not care if our face turns blue. We do not care if the Government shuts down. We are mad at a few organizations that campaigned against us, and we will pay them back."

Mr. President, the net is big. The Senator from Wyoming talked about his amendment earlier on Treasury-Postal. I would have supported that. It would have affected approximately 409 501(c)(4)'s. Even by raising—we voted at that time on a $10 million threshold. This drops it down to $3 million. You will jack it up to some 700 additional 501(c)(4)'s.

Far more troubling, Mr. President, is the language. This is not a change to the earlier proposal of the Senator from Wyoming. This is an attempt to compromise with a group of people in the House who are saying, "We will shut the Government down—not for a balanced budget, not to do something to strengthen the U.S. economy, not for the future. None of that. We think a couple 501(c) (3)'s or (4)'s were negative in our campaigns, and we want to get them."

That is what is driving this whole thing. This is revenge, the motive of a handful of people who are now saying, "We will shut the Government of the United States of America down if we do not get revenge."

I believe this body needs to say to those folks "No, that is not how we are going to operate a CR."

Last week, the distinguished Senator from Wyoming—and I supported him strongly—made a motion to put back into committee an amendment that the distinguished Senator from Arizona offered that would have raised the earnings test on people who get Social Security. We sent that to committee, this body did. We sent that issue to committee.

We said to one of our colleagues, a Member of this body, "No, this needs to go to committee. We need to evaluate this a little bit."

Now, I have folks—and one was on the floor earlier; I thought he would grab a microphone and try to get recognized—they are saying to us, "Unless we get our way on welfare, we will shut the Government down." We need to say to them, "No." We need to say to that little small group of people, "No."

It is not in the Contract With America. It has not been heard. We have not had an opportunity to evaluate this.

Colleagues say I will go along with Senator SIMPSON—normally I go along with Senator SIMPSON, the distinguished Senator from Wyoming. This is 17 pages of changes, Mr. President, that Members ought to understand could have a heck of an impact.

It might be fine for Mr. Istook or Mr. McIntosh, but all of us understand we will be held accountable for this vote. I think the most important, perhaps the only question, rather than getting into the details of what this will do: Will it make life better? Will it make life worse?

This does not belong on a continuing resolution. This body ought to stand unified against a relatively small group of people who say this year it is going after 501(c)(4)'s and trying to get some reform for the purpose of getting revenge.

What will it be next year, Mr. President? What will it be next time we try to get a continuing resolution so we can do the work of the Appropriations Committee? Who knows what it will be?

This is an act essentially of political terrorism where they are saying, "We will hold you hostage unless you give us what we want." They will hold us hostage. Give us what we want. Give us an airplane, give us this, give us that, and we will go along.

We ought to say, "No, don't negotiate with terrorists, Mr. President. Do not negotiate with a relatively small handful of people that are involved in this process."

It is difficult enough to get a continuing resolution with all the problems in the budget and all the disagreements and the various problems that we have in the budget, to be held up here on this continuing resolution, get held up and require us to come down on the floor and argue a piece of legislation.

I understand the Senator from Wyoming has made a good-faith effort to try to reach agreement. We ought to say no to a person, to these folks, and say, "You do not have a majority even in the Treasury-Postal Subcommittee in Appropriations. You lost the battle. We are not going to allow you to hold us, we will not allow you to hold the people of the United States of America hostage to your desire for revenge."

Mr. SIMPSON. Mr. President, I thank my friend from Nebraska. I hear him clearly. I was kind of reviewing the continuing resolution and who did what to who—a good thing to do in political combat from time to time. I remember how those on the other side of the aisle would hang their laundry on the continuing resolutions in days of yore.

I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHIP MEMORANDUM

To: TL.
From: Alison Carroll.
Subject: History of Riders on Continuing Resolutions.
Date: November 3, 1995.

This memo lists the most notable riders (substantial legislative items outside the jurisdictions of the Appropriations Committees) on Continuing Resolutions since 1984. Continuing Resolutions are attractive vehicles for such provisions because they are considered must-pass legislation over which the President and Congress eventually must reach agreement.

Vetoes of Continuing Resolutions have been extremely rare—only five Continuing Resolutions have been vetoed since World War II. All vetoes occurred between 1974 and 1990, and none were overridden. The vetoes of FY82 and FY91 measures led to brief shutdowns of some federal agencies.

FY84 CONTINUING RESOLUTION

International Security and Development Assistance Authorization Act
Establishment of National Board for Food Distribution and Emergency Shelter
Penalty for Forging Endorsements on Treasury Checks or Bonds
Taxes on Reimbursements for Travel Transportation, and Relocation Expenses of Employee

FY85 CONTINUING RESOLUTION

Comprehensive Crime Control Act of 1984 (over 200 pages long)
President's Emergency Food Assistance Act
Child Abuse Prevention

FY86 CONTINUING RESOLUTION

Export-Import Bank
Denial of MFN Status to the Products of Afghanistan
Federal Salary Act Amendments
Child Care Services for Federal Employees
Ethics in Government Act Amendments

FY87 CONTINUING RESOLUTION

Contained all 13 appropriations bills
Defense Acquisition Improvement Act
Paperwork Reduction Reauthorization Act
Human Rights in Romania
School Lunch and Child Nutrition Amendments
Aviation Safety Commission Act
Metropolitan Washington Airports

FY88 CONTINUING RESOLUTION

Contained all 13 appropriations bills (3 of 10 had not been considered previously by the Senate)
Cancellation of FY88 Sequester Order
Special House and Senate procedures for considering funding requests for the Nicaraguan Resistance (Contra Aid)
Agriculture Aid and Trade Missions Act

FY91 CONTINUING RESOLUTION

Extension of Certain Medicare Hospital Payment Provisions

Acceptance of Contributions for Department of Defense

Extension of Temporary Increase in the Public Debt

FY92 CONTINUING RESOLUTION

Extension of Sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990

Mr. SIMPSON. In fiscal year 1985, we had hung on the CR the Comprehensive Crime Control Act of 1984, emergency food assistance, child abuse prevention. In 1986, we had hung on the CR Export-Import Bank, denial of MFN status to products in Afghanistan—that was a ripper; that kept us up for a couple of days—Federal Salary Act amendments, child care services for Federal employees, Ethics in Government Act—that was a riotous occasion.

In 1987, the CR—and we were not in power here—we had all 13 appropriations bills tacked in there: Defense Acquisition Improvement Act, Paperwork Reduction Reauthorization Act, human rights in Romania, school lunch and child nutrition amendments, Aviation Safety Commission Act, Metropolitan Washington airports—all of it hung on the CR by those of the other faith.

So I just wanted to touch upon that lightly, and as far as I know what is being hung on this CR is one amendment, and we are debating it. And we should.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, for all the reasons given by the Senator from Nebraska and a lot of other Senators, both on the floor and from remarks in other places, this CR is not the place to make major changes in terms of the restrictions that are placed on the use of non-Federal funds by private organizations. It is a complicated area, and the changes that have been made by the Senator from Wyoming from his previous language are significant changes. We believe they will include a multiple—not just a small percentage more of the organizations and entities out there—but a large percentage not covered by the previous language which would be covered by the new proposed Simpson language.

But, I must say, when I am trying to understand the Senator's language, I wonder if I could ask for the Senator from Wyoming to help me understand his language here. I would like to work through it with him because it seems to me it is not only the wrong place to do this legislating, but this is a complicated issue and it is very unclear as to what he is trying to do. So, if the Senator from Wyoming might help me through this, on page 1 of his amendment on line 11, at the last line it says that any grantee receiving more than $125,000——

Mr. SIMPSON. What page, Mr. President?

Mr. LEVIN. One. Any grantee receiving more than $125,000 should be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Code.

When I look at 4911(c)(2)(B) of the Code, what I see are restrictions in the amount of lobbying activity for an organization to retain eligibility under their 501(c)(3) status. And it looks as though you spend—for instance, if your exempt purposes expenditures are between $500 and $1,000 but not over $1 million, that you are allowed lobbying nontaxable expenditures of $100,000.

Just to give one example, so, under 4911, a 501(c)(3) that has exempt purposes expenditures between half a million and a million dollars can retain that 501(c)(3) status and still spend $100,000 on lobbying—plus a certain percentage of the excess, but at least $100,000.

But, then, when I look at the Senator's language on page 16 of his amendment, line 6, here—although previously we were told that a 501(c)(3) can spend as much on lobbying as is allowed under 4911, suddenly we are told on line 6 that the chief executive officer of this entity must certify that the grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year.

So, on page 1 we are told follow the 4911 rules, which permit up to $225,000, in some cases, plus 5 percent of the excess. It is complicated but it is obviously more than $25,000. We are told on page 1 of this complicated amendment that the 501(c)(3) which is being covered here now, the other grantees which are being covered here now, are permitted to spend the amounts permitted under 4911. And then, lo and behold, a few pages later we are told the chief executive officer has to certify that the grantee spent less than $25,000 on lobbying activity.

My question of my friend from Wyoming is, which is it? Is it the 4911 limit or is it the $25,000 limit?

Mr. SIMPSON. Mr. President, the Senator from Michigan and I know each other too well. I enjoy the spirited energy that he conveys.

I want to say that what the Senator is speaking of here and bringing up is what I am intending to do. There is no mystery. You cannot misread two sections. If they spend less than $25,000 they do not have to report. That is what this says. The word "or" is there on that line, "or," line 8. They have options.

Page 16 just gives the exemption. Page 16 just gives the exemption. It says "or," and then it goes on to say if you spend more, you will estimate it. That is what it says.

So, to go back—I can go back into the code. We can do that, as I say, into the night. I am perfectly prepared. I might have to run off and get some light snack or something, but I am ready to do that.

The section of the Internal Revenue Code on that section, at the bottom of section 4911(c) page 630(C) of the 1986 Code, subtitle (d), chapter 40 is quite clear. It talks about the exemptions and lobbying expenditures and what they are. Expenditures for the purpose of influencing legislation: The nontaxable amount, the net purpose, the exempt purpose. All of those things are there.

It says, simply, in this bill, in sum, if you spent less than $25,000 you just have to say so. If you spent more than that, you have to estimate it. That is sole purpose of the amendment.

Mr. LEVIN. I thank the Senator for that clarification. I take it that the records, of course, would have to be kept so that certification could be made. But I think at least that clarification helps on that one point.

I am wondering, both the Senator from Wyoming and Idaho said, at least I believe that both have said, there is no question being raised about the limit on private funds which will be spent for lobbying. Is that correct? Or is this in fact not restricting the limit of non-Federal funds that can be spent for lobbying?

Mr. SIMPSON. Mr. President, the Senator mentioned an individual? Was that not your words?

Mr. LEVIN. Entity. No, the entity.

Mr. SIMPSON. Because individuals are not covered in any way.

Mr. LEVIN. No, I am talking about the entity.

Mr. SIMPSON. There are no restrictions—no new restrictions of any nature. We are simply describing grantees. We are including the phrase "grantees." That is a word of, I think, some substance. A grantee, that is somebody receiving taxpayers' money. And there are no new restrictions, only—the only difference is that Federal grantees, those receiving taxpayers' money, would be subject to the formula governing 501(c)(3).

Mr. LEVIN. To clarify this further, we are adding a new class of people covered by a restriction on the use of private funds for lobbying, and the unanswered question, so far that is, is how many additional people—or entities to be more precise—how many additional entities would be covered by the restrictions than were previously covered?

On that I gather we do not have an estimate, in terms of a percentage such as 50 percent more or 100 percent more or 2 times as many or whatever; is that a fair conclusion? That we do not have an estimate as to the multiple or percentage increase in the number of entities covered by the restrictions that previously were in the Simpson language?

Mr. SIMPSON. Mr. President, I would have no estimation of that. When we started our work months ago, I recall that it took us quite a while to find out

how many 501(c)(4)'s there were, and how many of them really got into this lobbying game, and how many did not. But, we have not said, here, in this amendment, that only non-Federal funds are counted. We leave the formula to apply to Federal and non-Federal funds received, as is the current law.

(Ms. SNOWE assumed the chair.)

Mr. THOMPSON. Madam President, will the Senator yield for a question?

Mr. SIMPSON. Yes, indeed.

Mr. THOMPSON. As I listen to the debate, it appears that there are large organizations with millions of dollars of assets that make millions of dollars a year and they are receiving substantial amounts of money from the Federal Government, and you are seeking to place some requirements on them with regard to their lobbying activities. As I listen to this, there is a question that perhaps has been answered or addressed before, which I would think anybody listening to this would raise, and that is: Why is the Federal Government subsidizing these large organizations to start with?

Mr. SIMPSON. Madam President, I am very pleased that question has been asked. That is the nub. Why? Why should an organization that receives tremendous amounts of money in dues, tremendous amounts of money in unrelated business activities, a tremendous benefit by mailing through the Federal postal authority—and I asked for only one when I started. But this amendment and my work pertains to every single one of these, whether from the Christian right to the evil left. I hope people are hearing this exactly because that is exactly what we are talking about. And the Senator from Tennessee is absolutely correct.

What is the purpose of allowing that to occur when they receive money from the Federal Government, when in a sense they are awash in money and have an awesome power, which is called the unlimited lobbying expense? They can raise as much as they want and they can spend as much as they want without any limitation whatsoever, and then take the Federal grant money and make it fungible, which gives them more ability to try to get more money out of the Federal Government.

I have a question that I might ask of the Senator from Michigan, since it is question time. Does the Senator from Michigan, Madam President, believe that the existing limits on lobbying by 501(c)(3) corporations are improperly restrictions of use of private funds?

Mr. LEVIN. Madam President, in those cases, the people who contribute to those organizations get a tax deduction. So there is a true tax subsidy. But what the Senator from Wyoming is doing is then saying that every organization that gets a grant should be treated the same way, that every organization that is doing our work—where we give them a grant to deliver a meal, or to reduce the amount of drunk driving, or to clear up our blood supply, or to do the hundreds of other things that we want people to do for us—should be treated in the same way.

These are people that are performing services that we want private entities to perform. I thought we were trying to get away from having Federal employees perform all these services. So we make grants to entities to perform these services for us. Those are grantees. They are not spending that grant money to lobby. That is a violation of existing law. And the OMB has said they cannot find one violation; not one.

The problem with this proposal is that now we are treating those entities in the same manner as we previously treated entities for whom a tax contribution was tax deductible where there really is at least arguably a tax subsidy. So there is a very big difference.

But, if I may say to my friend from Wyoming, whether or not the Senator agrees with me, there surely is a major change in this legislation from the legislation previously adopted by the Senate. To now include all grantees is a significant substantive change. This is not a slight change, and it has no place on the CR.

Mr. SIMPSON. Madam President, I still would ask the question. It has not yet been answered. Does the Senator from Michigan believe that the presently existing limits on lobbying by 501(3)(c)'s are improper restrictions of use of private funds? That is the question I am asking—not about children or vaccinations or things that I believe in, too. That is what I am asking.

Mr. LEVIN. For the funds which those organizations have spent with tax deductible funds, people who contributed those funds received a tax deduction. That is a very significant difference and, it seems to me, represents a very different situation in terms of the restriction on lobbying because there was a true tax subsidy.

But, by definition, the Federal grantees that we are talking about are using private funds for lobbying purposes, and that is a very different kind of an animal. I think the arguments that apply to it are very different. But, again, whether or not this Senator is right in his conclusion, whether or not the Senator from Wyoming is right, or the Senator from Michigan is right, surely this represents a significant change in policy. And that is to be argued, it seems to me, properly in a legislative arena on a legislative bill and not on a continuing resolution.

Mr. SIMPSON. Madam President, I will not go further. The Senator and I will visit together and break bread and resolve this one. But there are existing limits on lobbying, on 501(c)(3) corporations, and everyone should hear that. And there have not then been improper restrictions of the use of private funds. No one is alleging violations. What is objectionable to me about the spending limits under 501(h) is why should they not cover those who are administering public money? I am interested in people who are administering public money. That is what I am interested in. And these people that give to the 501(3)(c)'s are called taxpayers. And in the case of Federal grantees, the taxpayer is contributing to them. They have no choice. Should they then be forced to support the various activities of those organizations that they do not concur with?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 3049, AS MODIFIED

Mr. CRAIG. Madam President, I send a modification of my amendment No. 3049 to the desk.

The PRESIDING OFFICER. The Senator has the right to modify the amendment. The amendment is so modified.

So, the amendment (No. 3049), as modified, is as follows:

In lieu of the language in amendment 3048, insert the following:

III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Codes of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000 unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other

persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term "grant" means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a

Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

(e) The amendments made by this title shall become effective January 4, 1996.

Mr. CRAIG. Madam President, I think the colloquy that has gone on this afternoon between our colleagues from Wyoming and Michigan has been extremely valuable. It has established very clearly that 501(c)(3) organizations in this country that receive a very large share, the lion's share, of the Federal grant dollars comply with the Federal law, and the IRS, too. In fact, the Senator from Michigan said that OMB has reported no violations.

Madam President, the reason there are not any violations is because there is a reporting requirement, and if they spend more than $25,000 worth of lobbying, they are in trouble. So they do not. They are limited by law, and there is a reporting process. There is a mechanism to hold them accountable. In that accountability, they perform those kinds of activities that they choose to under the privilege that the Congress of the United States and the taxpayers have granted them—tax-exemption. That is very simple. That is very clear. That has been established here today. That is the law.

They are required to keep books, but any organization that handles money is required to keep books by either their board or by the IRS, and in all instances the IRS. And so that is nothing new.

There are no new accounting requirements. They have to keep their books. But now there is a requirement, and that is the requirement of accountability, on another group—the same requirement we put on 90-plus percent of those who accept the Federal grants. It is not prohibitive to the clean blood supply, to the vaccinations, to the feeding. What is prohibitive is that if that group chooses to lobby, they have limits. They must decide whether they are going to be tax exempt and carry out the mandate of their grants and the goal of their organization or whether they are going to aggressively get involved in lobbying. It is a matter of either/or, of choice. It is not prohibitive in that sense. It is a matter of choice, decisionmaking. If they want to lobby and they have an interest to lobby, they ought to go create another organization with separate books so that the money does not cross spend, it is not fungible, so that the taxpayers do not find themselves subsidizing.

That is what the debate is about. We are taking the law that currently governs 90-plus percent of these organizations and putting it to the others with the same requirements and then a formula. In fact, we are even more liberal. We say that if you get above a certain amount, you can spend a certain amount. And until that time there is a very simple sliding formula that says here is the limitation—nothing more and nothing less. It is a mirror in which to look at themselves and to decide if they need to decide that they may be doing something wrong and would want to change. Or if they want to be all grant and no lobby or no advocacy, then that is what they ought to be.

I suggest that those who are providing feeding, who are interested in a clean blood supply and do that work in the private sector that the Senator from Michigan talks about that we have decided can be done better there, they are going to choose to do their job and not to lobby. But if there is a need for them to express an advocacy role, they can form a 501(c)(3) to get it done. That is a separate bookkeeping system, and that is called accountability because we have extended them a very special form of treatment under the law—tax-exempt status. That means they are by definition subsidized by the taxpayers of this country. Therefore, the taxpayers of this country have the right to ask for accountability under the law, and that is what we ask for.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. I thank the Chair.

We are on the Simpson amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Madam President, let me speak briefly on this amendment.

Let me make three central points, not as an expert on all of the technical detail but I think I speak for the State of Minnesota, or a vast majority of people in my State when I say, first of all, this amendment really is an obvious effort to gag nonprofit organizations. I do not think it makes any

sense. Day after day, we have been hearing from a majority in the House and some of my other colleagues about the importance of voluntarism and the value of the private sector in our society.

We talk about James Madison, and we talk about Thomas Jefferson, and I can think of the Alex de Tocqueville classic about America, the importance of mediating institutions. That is what these nonprofits are all about. They are the key to an effective civil society. They are ones who get people to participate in a democracy. They are ones who represent the interests of the middle class, of workers and poor people.

By the way, all too often they are the only voices for the voiceless.

So it does seem to me that this provision—and I have not seen exactly all that is in this modification—would make it very difficult for these groups to fully participate in the democratic purposes of this society. And to the extent that is true, I think it is a loss.

Moreover, I think it is a bit deplorable that those who are talking about these kinds of restrictions and are talking about the nonprofit sector, when it comes to others who feed the most from the public trough, the defense contractors and the big businesses, if we want to talk about people who are receiving hundreds of billions of dollars a year, do not gag them at all.

I would not be in favor of that anyway, because I think it is a violation of the first amendment to the Constitution, but it does seem to me that there is a sleight of the hand here that we ought to understand.

On the one hand, we go after these nonprofits that are all too often, as I said, the only voice for the voiceless, organizations that do wonderful work, that contribute greatly to the civil society, that do a lot of effective social service work and charity work and all of the rest. On the other hand, when it comes to big military contractors, big companies that receive all sorts of benefits, contracts, money from the Federal Government, when it comes to all sorts of large corporations which receive all of these various tax breaks, we do not have any such restrictions on them.

It seems to me that this is a double code. It is the same double code—those big contractors, they have the big bucks; they are the heavy hitters; they have the lobbyists. This is not lobbying reform. I have been involved in lobbying reform and the gift ban. This is nothing more than an effort to gag nonprofit organizations.

I must say to my colleagues that I find this even more troubling. I was at a press conference today. The Office of Management and Budget released a study—Dr. Rivlin deserves a lot of credit for her intellectual honesty—that what we passed that we called welfare reform will, in fact, on the House side, lead to over 2 million more children being impoverished in America; on the Senate side, a little over 1 million children will be impoverished as a result of legislation that we passed that we called "welfare reform."

At the time that we do that we now want to gag these nonprofit organizations which are quite often the only voice for those citizens, including the children. It is a bit outrageous.

Finally, Madam President—and I will be relatively brief because I imagine we have a vote coming up soon—I think the definition of political advocacy is such a broad definition, and we are not talking about lobbying, which is restricted. We are not talking about narrow partisan activity. We are saying that if an organization, a nonprofit organization wants to testify before the legislature, somebody wants to write an op-ed piece, somebody wants to do an educational forum, you name it, they may not be able to do that.

I think it is transparent what this is all about. I think it has already had a chilling effect in this country. And this is an amendment that ought to be voted down.

In any case, even if I was for it—and I am not—it is a gag order. It is an absolutely outrageous double code, with no such effort focused toward military contractors, big corporations. Such an effort should not be focused on them anyway; I would not be in favor of that because of basic first amendment guarantees, but, in addition, it should not be on this continuing resolution.

We are talking about whether or not the Government is going to continue to function, for God's sake. We are talking about whether or not we can govern here in Washington. I think people are sick and tired of these games and these amendments that get put on this kind of legislation.

Let me conclude by talking about another issue, since I think I have a little bit more time, about which I am deeply troubled.

And that has to do with my concern about the low-income energy assistance program which, Madam President, I know is very important to a State like Maine.

This program, the low-income energy assistance program—and I was tempted to do an amendment on this continuing resolution; I will not at this time because I think this is very, very serious business—but this is a 6-month heating season program, it is not really a 1-year program. And it is extremely important that the cold weather States get this funding and get this funding out to people.

It is true that some LIHEAP funds are used for cooling in places like nursing homes, but in the vast majority of the cases it is cold-weather States. And this money is used to help low-income people pay for furnace repairs and replacements, for fuel and propane tanks being filled, and for emergency assistance to avoid utility shutoff.

Madam President, I will tell you what we are doing right now. By not getting the money out to these communities, by having it essentially 30 percent of what it should be, we are basically forcing people to freeze on an installment plan.

Madam President, as I said before, this is a stopgap budget bill. If we continue to allocate these dollars, small in amount, for emergency heating assistance for elderly people, people with disabilities, people with children in this fashion, we are going to have some citizens who are going to freeze to death in this country. And then we will be ashamed. Then we will take the action.

But, my God, Madam President, I do not want to wait until that point in time. I want to make it clear to my colleagues that we cannot continue to fund programs like the low-income energy assistance program on an ad hoc, partial basis without doing serious harm to millions of families, some of the most vulnerable citizens in this country, who depend upon this program for their very survival during the winter.

Madam President, I was considering an amendment to this bill to provide additional LIHEAP funding for the States. But I am not going to do it because we are on the brink of a Government shutdown. I think that would be irresponsible. But I am not going to continue to let this go on month after month, allowing people to freeze on the installment plan. Is that what we want? Do we want to have vulnerable elderly people freeze, some perhaps even freeze to death, before we act to provide adequate low-income energy assistance funding? I do not think so. And I do not think that is what people voted for last year.

I do not think we can let this happen. I think we are going to have to do something soon. And if we do not do something soon, that is exactly what is going to happen. It could happen in North Dakota, it could happen in Alaska, it could happen in Maine, it could happen in Michigan, it could happen in Minnesota, it could happen in any number of the cold weather States in this country.

Madam President, this Low-Income Energy Assistance Program has been cut already by 25 percent this past year, and the House of Representatives urged its elimination altogether. The total cost of low-income energy assistance for citizens across this country does not equal one B–2 bomber, and in the House of Representatives they want to eliminate the program.

This program right now is down $1.2 billion from 10 years ago, and the need is growing. I have just said to my colleagues that I am extremely worried

about what is going to happen. What I am hearing in my State is the funds are going to be depleted in the coming weeks.

What is going to happen during the rest of the winter in Maine or in Minnesota or in West Virginia, you name it? What happens in February? What happens in March or later if a cold snap occurs and people are held up without fuel oil or propane or electricity to run their thermostats? What then are we going to do?

Madam President, the Low-Income Energy Assistance Program in my State of Minnesota serves about 110,000 households, over 300,000 people. These are poor people. These are elderly people, people with disabilities, families with children. This year we are expecting to provide a supplement of an average of only $200 for the whole winter. The average fuel bill in Minnesota for the vulnerable elderly is between $1,800 and $2,000 a year. So people are carrying most of these costs.

The continuing resolution which the House passed last night and upon which we are going to act today provides that only a small percentage of the funds requested by the States in the first quarter, the funds that they need to run the program, are going to be there.

Madam President, I just simply have to say one more time that I am concerned. We have this only at about 30 percent of the normal rate. Minnesota is planning cuts of about 50 percent in benefit levels and will be unable to provide assistance to all eligible applicants under the current circumstances. In addition, many programs had to turn away recipients from the crisis program because of this erratic Federal funding. As a result, there are 900,000 households who have empty fuel tanks or who need electric utility connections who have not been served under LIHEAP, and the number is growing.

Madam President, one final point. There have been criticisms of this program, many of them coming from warm weather States. But let me just say to my colleagues, this is an effective, highly targeted program that serves 6 million low-income families and helps them pay their energy bills. More than two-thirds of these LIHEAP households have annual incomes of less than $8,000 a year, and one-half of these households have annual incomes below $6,000 a year.

I just simply ask my colleagues this question, because I have seen this happen before: Are we going to continue to not provide the funding? Are we going to continue to do this on this ad hoc, sporadic basis? What is going to happen?

I already know what is going to happen. Congress diddles, a few sad stories of vulnerable elderly people without heat appear, and then a few more, constituents contact their Members of Congress as the cold worsens, and then a couple of people are found dead in their apartments in the upper Midwest, or in New England, because they were knocked off LIHEAP or were otherwise unable to get their electricity or fuel bills paid and got shut off, or because they were too ashamed, too weak, or unable to bring themselves to ask their families to pay for the bills.

And then Congress acts. That is the scenario. That is what is going to happen. We are not providing what is not an income supplement, but a survival supplement. People are not going to be able to afford to pay their heating bills, and people are going to go without. And they are going to be too ashamed to ask or they are going to be too ashamed to turn to their families if their families can provide them with the support, and then they are going to freeze to death. That is not how this process should work. Americans deserve better.

That is not what we are about, letting the vulnerable elderly freeze to death on an isolated farmstead or in an urban high rise. We can do much better. And we should start now. We should not continue to provide pitifully inadequate LIHEAP funding to bleed the program for months while Congress struggles to get its work done, to allow people to freeze to death on the installment plan. We can do better. Americans insist on it.

I do not think I should do this amendment today, but if this goes on to December—and I know what this is going to mean to people in my State and a whole lot of other States—I am going to bring this amendment to the floor, and I am going to insist that we provide this funding for this program because I will be darned if on my watch as a U.S. Senator from Minnesota, people are going to freeze to death in the United States of America.

What are we about? Where is our compassion? Where are our priorities? Where are our values? When are we going to get real again? Madam President, that is where we are heading right now in this Nation, and we have got to do better, and the sooner the better. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, have the yeas and nays been called for on the pending issue?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CRAIG. I call 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.

Mr. CRAIG. I believe it is important to explain the important principles underlying this effort.

I am pleased to have been working with my colleague—and my good friend—the Senator from Wyoming [Mr. SIMPSON], to try and craft a consensus proposal in this area. This is one of the most important efforts going on in the 104th Congress. This is a truly critical issue. This effort already is known by various names: "Ending Welfare to Lobbyist," "Advocacy and Lobbyist Reform," "Defunding Political Advocacy," "Prohibiting Grants for Political Activity," and a "Taxpayers Declaration of Independence from the Special Interests," among others.

It's been joked that the hype used in describing any given issue is inversely proportional to its true importance. That is not the case with today's topic. In terms of forcing the Government to focus on its true and proper constitutional purposes, this effort may be second only in importance to passage of the balanced budget amendment to the Constitution. Both of those efforts remain work-in-progress at this point.

JEFFERSONIAN PRINCIPLES

Earlier this year, the Senate, by a single vote, put on hold the most important legislation to come before it in decades, the balanced budget amendment. Speaking to that very idea 200 years ago, Thomas Jefferson said, if "it were possible to obtain a single amendment to our constitution * * *" he wanted that to be an article "taking from the federal government the power of borrowing."

As timely as today's newspaper, Jefferson anticipated the Simpson-Craig and Istook-Ehrlich-McIntosh amendments when he said:

> To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

I want to make a distinction here: Sometimes, the Government uses tax dollars for actions that someone may disagree with. That's the nature of majority rule and the nature of decision-making in a republic. But it's a totally different thing to confiscate tax dollars from one person and use them to subsidize the lobbying and political advocacy on behalf of someone else's private-interest views.

I am not alone in believing that this practice flies in the face of the first amendment. The Supreme Court in its Beck decision said as much when it prohibited unions from using agency fees from nonmembers to pay for political activities.

GENERAL PRINCIPLES

Both the Simpson-Craig and the Istook-McIntosh-Ehrlich initiatives are efforts to enact a badly-needed taxpayers declaration of independence from the special interests. They both serve the same set of general principles:

Public money should be spent on the public interest, and not on the political agendas of special interests.

The Government should not give special interests money to pay for lobbying for more money.

Taxpayers should not be compelled to fund special interest lobbying that is against their own interests. To force them to do so really does amount to a violation of their first amendment rights.

Our efforts are about ensuring Government integrity and responsible stewardship of taxpayer dollars.

This is not an issue of left-versus-right: It's about rules that should apply across the board.

Left, right, and center, service or social organizations, they'd simply have to decide: Take the taxpayers money or lobby the taxpayers representatives—but you can't do both. To do both is a conflict of interest.

Our goal simply is to erect a solid wall between lobbying and advocacy activities, on the one hand, and other activities funded in whole or in part by the taxpayers, on the other hand.

LEGISLATIVE STATUS

Very briefly, here's what the action on this issue has been in recent weeks, and where it's headed:

Senate Action: On July 24, the Senate adopted, 59–37, the Simpson-Craig amendment to the lobbying reform bill, S. 1060. That amendment would prohibit Federal funds going to nonprofit groups covered by Internal Revenue Code section 501(c)(4) that engage in lobbying activities.

On August 5, the Senate adopted, by voice vote, the Simpson-Craig amendment to Treasury-Postal appropriations H.R. 2020, which was modified: Instead of all Federal funds, the prohibition extended only to awards, grants, loans; the effective date was set at January 1, 1997; and groups with gross annual revenues less than $10 million were exempted.

While watered down, the August 5 amendment put the Senate on record on a second vehicle in favor of the principle that fungible Government funds should not be used directly or indirectly to subsidize interest group lobbying, and prompted consideration of this issue in the Treasury-Postal appropriations conference committee, an appropriate venue because of its coverage of general Government activities.

Frankly, I would not have supported these modifications to our amendment if I thought this were the final product. I saw it, and I believe ALAN SIMPSON saw it, as our way to raise the issue on one of the legislative vehicles most likely to become law this year.

House Action: On August 3, the House rejected, 187–232, an amendment to strike the Istook-McIntosh-Ehrlich language in the Labor-HHS-Education appropriations bill, H.R. 2127. The reform language prohibits Federal grants to any groups including both nonprofit and for-profits, that engage in lobbying or political advocacy; pass-through funding to related groups is also covered; groups are exempt if they spend less than 5 percent of their first $20 million of non-Federal revenues and 1 percent of additional revenues on lobbying or advocacy.

CURRENT STATUS

House conferees sought to incorporate the Istook-McIntosh-Ehrlich amendment into the Treasury-Postal conference report. ALAN SIMPSON and I have been working with the House principals to try and forge the strongest possible combination of the best of both of the Senate and House provisions.

Sixty Republican House Members sent a letter to the Speaker saying they will oppose the Treasury-Postal conference report unless the Istook-McIntosh-Ehrlich amendment is included.

In the Senate we sent a letter, with 25 cosignors, to urge the Treasury-Postal conferees to consider the full range of issues addressed by both versions and to blend the Simpson-Craig and Istook-McIntosh-Ehrlich amendments into the strongest possible combination.

Twenty-five Senators last month wrote the Senate conferees on the Treasury-Postal appropriation bill urging they support the strongest possible language that reflects the best of both the Simpson-Craig and the Istook-McIntosh-Ehrlich amendments.

Unfortunately, that conference deadlocked. That's one reason we are here today, debating this amendment. Another reason is that both the Senate and House have voted for these principles twice, by significant majorities. We are just trying to work out the details of the precise language.

Madam President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 24, 1995.

Hon. RICHARD SHELBY,
Chairman, Subcommittee on Treasury, Postal Service, and General Government, U.S. Senate, Washington, DC.

Three times in recent months, the Senate has voted for the principle that federal grants should not be used, directly or indirectly, to subsidize lobbying and political activity by special interest groups. Versions of the Simpson-Craig Amendment were added to the Lobbying Reform bill and the Treasury-Postal Service-General Government Appropriations bill. The House took a different approach to the same problem, passing the Istook-McIntosh-Ehrlich Amendment. The two bodies passed their respective amendments by solid, bipartisan majorities.

We are writing to urge the conferees on the Treasury-Postal Appropriations bill to consider the full range of concerns addressed by both the House and Senate proposals. We urge you to adopt in conference the strongest possible language that reflects the best of both the Simpson-Craig and the Istook-McIntosh-Ehrlich amendments. The Treasury-Postal bill, which covers "general government" functions, is a most appropriate vehicle to carry this reform.

The Senate approach applied a stronger funding ban to a narrower range of recipients. It also reflected Senate recognition that some groups exist for the purpose of charitable pursuits and some groups are really veiled lobbying and advocacy organizations. The House approach applied to all organizations, non-profits and for-profits, with a flexible approach that still allows federal grantees to engage in significant lobbying and advocacy activities with their non-federal funds. It also recognized that regulating some types of organizations to the exclusion of others may result in "shell game" reorganizations. Both approaches recognized the problem of the fungibility of federal dollars.

Like you, we have promised our constituents that we would work to balance the budget and change the way Washington does business. Continuing to subsidize lobbying and advocacy by large, special interest organizations runs counter to this purpose. It also runs counter to First Amendment principles by forcing taxpayers to subsidize political activities with which they disagree.

Therefore, we urge the conferees to combine the best of both proposals into a strong, effective, workable reform that would rein in public financing of lobbying and political advocacy. Thank you in advance for your consideration.

Sincerely,

Larry E. Craig, Alan K. Simpson, Jesse Helms, Mitch McConnell, Strom Thurmond, Slade Gorton, Trent Lott, Kay Bailey Hutchison, Orrin G. Hatch, Spencer Abraham, Bob Smith, Conrad Burns, Craig Thomas, Larry Pressler, Don Nickles, Lauch Faircloth, Bill Frist, Paul D. Coverdell, Dirk Kempthorne, James M. Inhofe, Frank H. Murkowski, Rick Santorum, Phil Gramm, John McCain, Rod Grams.

Mr. CRAIG. Madam President, many groups who claim to speak for grassroots members or large groups of Americans actually use Federal dollars inappropriately to amplify the voices of a few.

Organizations which receive funding, in spite of major lobbying activities, include:

The American Association of Retired Persons, who received more than $73 million in a 1-year period;

The Environmental Defense Fund, which has benefited from more than $500,000 in taxpayer funding;

The World Wildlife Fund, which received $2.6 million in Federal funding between July 1993 and June 1994;

The National Council of Senior Citizens, which receives 96 percent of its funding from the Federal Government, to the tune of $71 million in 1 year;

Families USA, which received $250,000 from the taxpayers between July 1993 and June 1994, and tried to mobilize last-ditch support for President Clinton's health care plan last year through a nationwide bus tour;

The Child Welfare League of America, which received more than $250,000 in Federal funds and launched an ad campaign opposing the Contract With

America's welfare reform bill, saying, "More children will be killed. More children will be raped."

Our reforms would prevent Federal subsidies of lobbying by conservative groups, too. It would apply to groups like the National Rifle Association and the Christian Coalition, too, if Congress and the bureaucrats ever were tempted to fund them.

DOLLARS ARE FUNGIBLE

It is already supposed to be illegal to spend Federal funds directly on lobbying the Federal Government.

However, organizations still can draw on a combined pool of vast amounts of private and public money.

Having many pipelines into one pool still allows a group to use the entire pool in such a way that it maximizes its lobbying muscle.

Federal money can supplant other funding to other activities that still support lobbying, such as overhead and travel.

This means the Federal Government is indirectly subsidizing millions of dollars of lobbying by special interest groups each year. All the groups need to accomplish this is creative accounting.

Our amendments simply would not allow both activities to continue within the same organization.

We need to prevent Federal funding from indirectly subsidizing lobbying activities by being used to free up other funds, and, as recognized in the Istook-McIntosh-Ehrlich amendment, prevent one organization, like a 501(c)(3), from being able to pass through, essentially to launder, the money through to another organization, like a 501(c)(4).

Our amendments would not prohibit an organization from conducting educational or charitable operations under 501(c)(3) status and conducting lobbying through a related, but completely separate, independently financed, 501(c)(4) organization.

The key here is to ensure the total separation of funds, with an impenetrable wall between taxpayers' dollars and dollars for private-interest lobbying and political advocacy.

REAL LOBBYING REFORM

In July, the Senate recognized that this kind of amendment is about—real lobbying reform, integrity in the grant, loan, and award process, and clean government, and good government.

Congress and the public have been correctly focused on lobbyist and gifts to legislators.

We also need to do something about Government's gifts to lobbyists.

There has been a growing phenomenon of more and more Federal tax dollars going to advocacy groups, which then allows them to use these taxpayer dollars to argue their maybe very narrow point of view.

Federal grants to private grantees now totals an estimated $39 billion, with no effective accountability. This contrasts with the way that Congress has enacted a complex set of controls to make sure contractors can not use contract proceeds for improper purposes.

This practice of sending billions of fungible dollars into the coffers of lobbying groups undermines the people's confidence in their government.

BALANCING THE BUDGET

This reform is a good place to look for help in balancing the budget.

With nearly a $5 trillion debt, a $200 billion deficit, and the very real concern that this year for the first time this Congress is going to establish increasingly narrow and tighter public priorities as to where taxpayer dollars get spent, it is high time we do the same in this area.

FREE SPEECH

I opened with a discussion of Thomas Jefferson and the Constitution. Opponents of our reforms have tried to use the first amendment against us. Their arguments simply don't hold up.

We should never restrict the right of the citizen, or the group, or the organization to be an advocate before their Government.

At the same time, the Government is under no obligation to promote, and should not be subsidizing, directly or indirectly, their activity as an advocacy group.

There is a difference between free speech and sponsorship. The American people have a clear, intuitive understanding of that difference. Unfortunately, too many Members of Congress, bureaucrats, lobbyists, and special interest groups have lost that understanding. These proposals seek to restore that distinction. As a matter of fundamental rights and constitutional law, we want to protect free speech. Lobbying and political advocacy are speech. But we are under no obligation at all to subsidize anyone's lobbying or political agenda.

No one reveres the personal liberties of the Bill of Rights more than the two Senators standing before you today. One of the most impressive accomplishments of the Istook-McIntosh-Ehrlich team is that they had their proposal thoroughly reviewed by constitutional scholars. We are comfortable that our reforms not only are consistent with the first amendment—they would promote first amendment principles.

CONCLUSION

I am optimistic that we will make progress, and ultimately enact legislation, in this area. The time is right, the supporters are dedicated, and, most importantly of all, critical principles of good government are at stake.

Madam President, I ask unanimous consent to have printed in the RECORD some research information that shows that over 70 percent of the American people agree with us on the Simpson-Craig amendment.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

WHAT THE AMERICAN PEOPLE HAVE TO SAY ABOUT WELFARE FOR LOBBYISTS

On September 26–30, 1995, the Luntz Research Companies conducted a national study of 1,000 adults on a number of important national issues, including public funding of special interest groups that lobby the government. The results were:

Tax dollars should not be provided to nonprofit organizations which, directly or indirectly, use these funds to lobby federal state or local officials for their special interest agenda.

Agree: 70 percent.
Disagree: 26 percent.
Don't Know: 4 percent.

Would you be more likely or less likely to vote for your Member of Congress if he or she did not support a law to stop federal funding of nonprofit organizations which, directly or indirectly, use these funds to lobby government officials for their special interests.

More Likely: 31 percent.
Less Likely: 56 percent.

Mr. CRAIG. Madam President, I ask unanimous consent to have printed in the RECORD a copy of a legal opinion obtained by our assistant majority leader and the majority leader of the other body, from a constitutional expert.

This explains why the House-passed Istook-Ehrlich-McIntosh amendment is constitutional.

Since the Simpson-Craig amendment is more lenient in its treatment of grantees who lobby, it is even more obviously constitutional.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

TIMOTHY E. FLANIGAN, Esq.,
Washington, DC, November 1, 1995.

Re Recent Changes to Proposed Limits on Political Advocacy by Recipients of Federal Grants.

Hon. TRENT LOTT,
Majority Whip, U.S. Senate, Washington, DC.
Hon. RICHARD K. ARMEY,
Majority Leader, House of Representatives, Washington, DC.

DEAR SENATOR LOTT AND REPRESENTATIVE ARMEY: You have asked that I supplement a letter dated July 19, 1995, in which I addressed the constitutionality of proposed legislation, sponsored by Representatives Istook, McIntosh, and Ehrlich, that would impose limitations on political advocacy by recipients of federal grants. (A similar proposal has been advanced in the Senate by Senators Simpson and Craig.) In particular, you have asked whether any of the various changes made to the proposed legislation since my initial letter would affect my conclusion that the legislation is constitutional. These changes, which are currently reflected in a proposed revision to H.R. 2020 (the "bill"), include clarifying the ability of affiliates of federal grantees to engage in political activity, loosening the restrictions on political activity by federal grant recipients within certain dollar limits, and clarifying that the bill places no restrictions on an individual's use of non-federal funds. The changes merely reinforce the view expressed in my previous letter that the proposal is constitutional.

Opponents of the proposal have leveled only three constitutional arguments against the proposal: (1) that it establishes unconstitutional conditions on the receipt of federal grants; (2) that it violates the equal protection component of the Fifth Amendment's Due Process Clause by discriminating against federal grantees vis-a-vis federal contractors; and (3) that its disclosure provisions violate a purported constitutional right to engage in anonymous speech. Each of the arguments rests on a selective and inaccurate reading of Supreme Court decisions which, when fairly read, provide clear support for the proposal.

First, as discussed in more detail in my letter of July 19, the bill does not establish an unconstitutional condition because it expressly permits political activity by affiliated organizations that receive no federal funds. Indeed, the current bill goes even further than the previous version to make clear that affiliate organizations that do not receive federal grants are not affected by the limitations on political advocacy.

The Supreme Court has expressly upheld such a mechanism as a method to avoid constitutional difficulties. In *FCC v. League of Women Voters*, 68 U.S. 364 (1984) (Brennan J., writing for the Court), the Court observed—and indeed appeared to recommend to Congress—that Congress could prohibit public broadcasting stations that received as little as 1% of their funds from the federal government from engaging in any editorializing so long as the statute allowed those entities to create affiliates who were not barred. *See id.* at 400.[1] By expressly affording federal grantees that option, therefore, the bill is valid under the Court's unconstitutional conditions analysis.

Opponents of the bill have sought to avoid the effect of *League of Women Voters* by taking out of context a single sentence from the Court's opinion in *Rust v. Sullivan*, 111 S.Ct. 1759 (1991). That sentence draws a general distinction between restrictions directed against "entities" rather than simply "programs." Their references, however, derived not from the Constitution but from the regulations challenged in that case, which applied only to Title X programs. Thus the *Rust* Court had no occasion to revisit its analysis of prohibitions on "entities" in *League of Women Voters*. Moreover, this narrow reading of *Rust* collapses completely when the sentence is read together with the remainder of the paragraph in which it appears. Barely four sentences later, the Court specifically reaffirmed its conclusion in *League of Women Voters* that a flat prohibition on certain speech activities by recipients of federal funds "would plainly be valid" if Congress permitted the recipients to establish affiliates to engage in that activity with non-federal funds. *See Rust* 111 S.Ct. at 1774 (quoting *League of Women Voters*, 468 U.S. at 400).

Rust also made clear that the Constitution by no means bars restrictions on the use of non-federal funds. The Court specifically rejected the argument that the application of the Title X regulations to non-federal funds used in Title X programs was unconstitutional because they penalized privately funded speech. *See Rust*, 111 S.Ct. at 1775, n. 5. The Court moved that a party wishing to engage in the prohibited speech could "simply decline the subsidy."

The "equal protection" argument against the bill also fails. The gravamen of this argument is that Congress may not treat grantees differently from federal contractors without a compelling reason for doing so. This argument, however, is not supported by the relevant case law. Congress is simply not constitutionally prohibited from controlling grants and contracts through different regulatory schemes.[2]

The Constitution does not forbid Congress from making a rationally based, content-neutral distinction between contractors and grantees. Strict scrutiny would not, as some opponents have claimed, apply to the distinction between contractors and grantees. It is "not at all like distinctions based on race or national origin" that are subject to strict scrutiny under an equal protection analysis. *Regan v. Taxation With Representation*, 461 U.S. 540, 548 (1983) (rejecting equal protection challenge to limitations on political activities by organizations exempt under Section 501(c)(3) of the Internal Revenue Code). Moreover, strict scrutiny does not apply merely because the restrictions on recipients of federal grants might affect the exercise of their First Amendment rights: "[A] legislature's decision not to subsidize the exercise of a fundamental right does not infringe the right, and thus is not subject to strict scrutiny." *Id.* at 549. Rather, the distinction between contractors and grantees must only rest on a rational basis. There is no reason that Congress could not rationally determine that the nature of a contract, involving a bargained-for exchange and judicially enforceable rights, presents a less serious risk of misuse of federal funds than a federal grant.

The third argument—that the bill's disclosure requirements violate a generalized right to engage in anonymous political activity—fails because no such right exists. The Court has never articulated such a right and the case law relied on by the bill's opponents merely serves to underscore the constitutionality of the bill's modest disclosure requirements.

The bill's disclosure provisions are significantly less burdensome than others on lobbying and campaign activities that have been upheld by the Supreme Court. For example, Congress has for many years imposed extensive disclosure requirements on those who lobby it. The Federal Regulation of Lobbying Act, for example, requires of any person or organization who solicits or accepts money to lobby Congress to submit a detailed quarterly disclosure of the name and address of any contributor of more than $500 and the name and address of the recipient of every expenditure greater than $10. *See* 2 U.S.C. §264. The Supreme Court held that that statute did not violate the First Amendment, stating, in an opinion by Chief Justice Warren, that Congress "is not constitutionally forbidden to require the disclosure of lobbying activities." *United States v. Harriss*, 347 U.S. 612, 623 (1954).

The present bill is far less restrictive. It requires a "brief description of the taxpayer subsidized grantee's political advocacy," together with good faith estimates of the grantee's expenditures on political advocacy and political advocacy threshold. *See* §702(a)(3)(B)(vi) and (vii). Indeed, the Federal Regulation of Lobbying Act, which the Court has upheld against First Amendment challenge, goes well beyond the bill by applying to anyone who lobbies Congress, regardless of whether they receive any public funds at all.

The Supreme Court only last term reaffirmed that such disclosure requirements do not violate the First Amendment. In *McIntyre v. Ohio Elections Comm.*, 115 S.Ct. 1511 (1995), the Court struck down a state law which prohibited anonymous political pamphleteering. In reaching that conclusion, however, the Court specifically distinguished and reaffirmed its earlier holding (in *Buckley v. Valeo*, 424 U.S. 1 (1976)) that upheld disclosure requirements for "independent expenditures," i.e., the use of private funds. *McIntyre*, 115 S.Ct. at 1523. The Court emphasized that "[d]isclosure of an expenditure and its use, without more, reveals far less information" than the requirement before the Court in *McIntyre* that political leaflets identify their author. *See McIntyre*, 115 S.Ct. at 1523. While noting that the information required to be disclosed in *Buckley* "may be information that the person prefers to keep secret, and undoubtedly often gives away something about the spender's political views," the Court reaffirmed that such disclosure requirements are not barred by the First Amendment. *Id.*

For these reasons, I believe that the bill's limitation on federal grantees' political advocacy and its accompanying disclosure requirements would likely withstand constitutional scrutiny.

Very truly yours,

TIMOTHY E. FLANIGAN.

FOOTNOTES

[1] The Court stated:

"Of course, if Congress were to adopt a revised version of [the statute] that permitted noncommercial educational broadcasting stations to establish 'affiliate' organizations which could then use the station's facilities to editorialize with nonfederal funds, *such a statutory mechanism would plainly be valid* under the reasoning of *[Regan v. Taxation With Representation*, 461 U.S. 540 (1983)]. Under such a statute, public broadcasting stations would be free, in the same way that the charitable organization in *Taxation With Representation* was free, to make known its views on matters of public importance through its nonfederally funded, editorializing affiliate without losing federal grants for its non-editorializing broadcast activities."

League of Women Voters, 468 U.S. at 400 (emphasis supplied). The bill expressly adopts the same structure approved by the Court in *League of Women Voters*. Organizations receiving federal funds could create lobbying affiliates to engage freely in political advocacy, but without federal funds.

[2] It is important to note that the bill applies to *all* grantees, corporate or non-profit. To the extent that corporations receive grants, they would be subject to the same restrictions as any "public interest" organization receiving grants. Moreover, although the bill applies only to federal grantees, federal contractors are already subject to regulatory regimes restricting their lobbying activities. *See, e.g.*, Federal Acquisition Regulation, 48 C.F.R. §3.803 (requiring disclosure of lobbying activities), §31.205-22 (restricting lobbying costs allocable to federal contracts).

[1] Footnotes follow at end of article.

Mr. CRAIG. Madam President, a few moments ago a Senator speaking said we are trying to gag the nonprofits.

How clearly can I make myself to say no, no, no, it ain't true. This is the for-profits, too. These are the organizations that both lobby and receive grants and are for profit. They are included now. This is a matter of reporting. This is a matter of choice. This is a matter of establishing your priorities of what you are. This is not about gagging.

Are we gagging the 501(c)(3)'s? They do not believe so, because they are doing what they are supposed to do under the law. That is all we are establishing here is a priority and a criteria that we have already established in a variety of areas in the IRS Code of our country. There is absolutely nothing wrong with that approach.

If there is an organization that feels they are being gagged, I might suggest that that organization is misusing the current law and find themselves embarrassed because they got caught misusing the Federal dollar.

I yield the floor.

Mr. LEAHY. Mr. President, imagine the 4-H Club being banned from receiving any Federal grants because it spent too much money letting people in the hard-to-reach areas of rural America know about changes to agricultural laws. Imagine Planned Parenthood being forced to spend millions of dollars defending itself against suits filed by anyone ideologically opposed to their mission.

Well, if House Republicans have their way, you have to imagine much longer—you will be able to see it for yourself.

The authors of the so-called Contract With America would have you believe that they want to get government out of people's lives. Apparently that commitment does not extend to people who disagree with them. The Istook language is a thinly veiled attempt to gag non-profit organizations, to bind them up in bureaucratic red tape and prevent them from letting Congress or the public know about the impacts of Federal legislation.

It is no wonder that the American people hold such a low opinion of Congress. Today, more than 5 weeks into the fiscal year, only 2 of the 13 appropriation bills needed to run the Government have been signed into law. But instead of making a serious attempt to pass a continuing resolution that will keep Federal workers at their desks, House Republicans have chosen to send to the Senate a resolution sprinkled with items from their ideological wish list.

There are 800,000 Federal employees who have bills to pay and families to support, who will not be paid starting Tuesday if a continuing resolution is not passed. The Istook amendment has no place in the continuing resolution, it has no place in law. I urge my colleagues to strike the Istook language and send the President a continuing resolution that he can sign.

Mr. LIEBERMAN. Mr. President, I join in support of the motion to strike the so-called Istook amendment from the continuing resolution. I will not speak long because, as a Congress, we have spent far too much time on this already and there is so much more we need to accomplish.

The Istook amendment is in my view nothing more than a solution in search of a problem.

Who could argue with this solution's ostensible justification—prohibiting Federal grantees from using tax dollars to lobby the Government. No one, I suspect. My evidence: this practice is already illegal, and has been for a long time.

If charities or other nonprofits are violating that law and all the regulations that govern how they account for and spend Federal grants they may receive—and I have not heard persuasive evidence that they are—no new law and its accompanying regulatory burdens and bureaucracy should be adopted before examining whether better enforcement of the existing laws and regulations wouldn't address the problem. I though that we had evolved as a Congress where our first response to a problem or a perceived problem was not slapping yet another layer of laws and bureaucracy on top of an already complicated regulatory structure. Using Government funds to lobby is already illegal and charities are already limited in what they can spend overall on lobbying and still retain their charitable tax status.

In my view, this proposal has a curious old government feel to it—despite the revolutionary credentials of this amendment's proponents.

Similarly, the Istook provision has a Federal bias that I thought was no longer fashionable. It extends the Federal Government's regulatory reach into the affairs of local, private organizations, even affecting the way they may spend their own, privately raised dollars. For example, it defines political advocacy so broadly that local charities will have to measure and document the time and resources they spend trying to influence the decisions of local administrative bodies because they may be affiliated with national charities. Under the Istook provision, national charities and nonprofits must include the political advocacy expenses of any of its local affiliates in calculating whether it has exceeded its threshold limit.

At year's end, will the Hartford, CT, chapter of the Boys & Girls Clubs have to calculate whether the time and resources it would like to spend seeking permission from the local zoning board to expand its building tip the national Boys & Girls Club operations over the Istook threshold edge and put all Boys & Girls Clubs grants at risk?

I have to assume that the supporters of this amendment did not intend that effect. But they have cobbled together such a complicated, layered regulatory scheme regulating so-called political advocacy at all levels of government, that absurd consequences are inevitable.

For example, the amendment limits the ability of Federal grantees to purchase or secure any goods or services from any other organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded the greater of $25,000 or 15 percent of the other organization's total expenditures. So not only will the charities and nonprofits that are subject to this provision have to keep detailed records concerning how much they spend on their own broadly defined political advocacy, but they will have to make sure that the local stationery or computer stores from which they are buying their supplies are documenting their expenditures for political advocacy.

In most cases, of course, those businesses won't likely be spending anywhere near 15-percent of their revenues on traditional lobbying, but it is not inconceivable that in a particular year, a small business might spend that much in a combination of litigation challenging a State or Federal law or seeking a zoning variance or pursuing other local or State administrative challenges. Under Istook, all those activities are considered political advocacy and would have to be included in the calculus of whether that small business has reached the 15-percent threshold.

And, regardless of whether that 15-percent threshold is reached, the small businesses and others will still have to keep records if they want to sell computers, furniture, or other products and services to Federal grantees like the A.S.P.C.A., the American Foundation for the Blind, CARE, World Vision or the American Lung Association, and MADD.

In summary, this solution will only succeed in wasting the time, resources, and energy of everyone that must comply with it and every government agency that must implement it. It will enrich the lawyers and accountants who inevitably will be hired to decipher its byzantine regulatory structure. And, it will do all this, while not incidentally, impinging upon the constitutional rights of millions of citizens across the country to make their views known to their Federal, State, and local officials.

To quote from the executive director of the Litchfield, CT chapter of Mothers Against Drunk Driving, which has received small NHTSA grants to conduct lifesaving highway safety programs, MADD has spent the last 15 years trying to make drinking and driving socially unacceptable by the American public and this outcry from the public has resulted in more effective laws, stronger enforcement and lives saved. I cannot believe that the Senate would want to silence the voices of these drunk driving crash victims and concerned citizens whose sole purpose is to save lives just because the organization they support with their donations receives a small grant from the Federal Government to do good work.

Don't we have enough real problems to deal with without manufacturing artificial ones? Do we really want to adopt a convoluted new law on a continuing resolution that will do little other than get in the way of the people who, on a day-to-day basis, are doing some of the most important work in our society—the Red Cross, the American Cancer Society, the Boy Scouts of

America, Catholic Charities. I urge my colleagues to support the motion to strike.

Mr. BIDEN. Madam President, I am pleased to see that Senator SIMPSON has proposed to remove the so-called Istook amendment from this bill.

This is a bad idea. It is unconstitutional, and raises a host of important questions for which we have heard no adequate answers. It is clear to me right now that it must be stripped from this continuing resolution.

I fully agree with my friend and colleague from the Judiciary Committee, the distinguished Senator from Wyoming, that there is no way this proposal will pass the Senate, and there is no reason for this proposal to be under debate here today.

We have not had a single hearing in the Senate on the impact of this radical rewriting of the laws covering the speech and freedom of association of thousands of charitable, non-profit organizations—not to mention the millions of other organizations that would be caught in its net.

It adds new, unexamined restrictions on the activities of this country's most valuable and honored local and national charitable organizations.

From my own State of Delaware, I have heard from the YMCA, from the Boys' and Girls' Clubs, from the Delaware Nature Society, from Delaware Easter Seals, the Delaware Chapter of the Multiple Sclerosis Society, from Mothers Against Drunk Driving, from virtually all of the non-profit organizations that serve my State.

Madam President, all of them have told me that this proposal would strike at the heart of their most critical functions—to administer, at the local level, grants to keep our kids off drugs, or to educate the public about life-threatening diseases.

The Istook provision threatens these groups with legal action if they run afoul of an Orwellian web of restrictions, spending rules, reporting requirements—limits on whom they can associate with, and what they can say.

Madam President, this proposal would create a thought police of private citizens—who, for a 25 percent share of the treble damages levied against, say, the Mothers Against Drunk Driving, would have the incentive to drag them into court to prove that they did not purchase—with their own funds—office supplies from a business that spent 16, instead of 15, percent of its own funds for political advocacy the previous year.

This proposal extends the long arm of Federal Government restrictions to the very local charitable organizations we are told should really be doing the jobs now done by Federal bureaucrats.

What hypocrisy, Madam President! On the one hand, we are told that decentralized, local, community-based groups should take up the burden of supporting those hit hardest by cuts in Federal assistance programs.

But on the other hand, it is those very groups that this proposal would threaten if they trip over any number of arcane reporting requirements or ambiguous limits on "political advocacy."

And let us not kid ourselves, Madam President—this is intended to trip them up. That is why they removed Veterans from the coverage of the bill—because enough of us complained about it.

That is a clear admission that the bill will hurt non-profits. The problem is that they have only protected one group—not all of the others equally deserving of protection, instead of the vindictive harassment of this proposal.

The groups still affected by this proposal are those who have been chosen to fulfill public policy goals through grants to engage in outreach, education, and other activities.

Those grants purchase a service—from the Boys' and Girls' Clubs, from the YMCA, from the Easter Seal Society—to promote public policy goals. Those goals include healthier, drug free kids, cleaner air—goals that are indeed well-served by local, decentralized groups.

Take one example of how this could work. Imagine a local non-profit group in Dover, DE, like the Big Brothers and Big Sisters—a group that receives Federal grant funds and engages in the activities restricted under this proposal—advocating and encouraging others to advocate for policies that help children.

Anyone looking for a 25 percent share of the treble damages—three times the amount of the grant—would have the incentive to find some shortcoming in the reporting, some illegal association, some proscribed expression on an issue of public policy, that would expose the group to litigation.

The burden of proof would be on them to prove that they were in compliance.

Imagine what well-funded corporate interests could do with a few well-placed lawsuits that kept those pesky non-profits tied up in court and in legal costs instead of engaging in government-restricted "political advocacy."

Today's Wall Street Journal chronicles the fight between Beer Wholesalers and Mothers Against Drunk Driving, focusing on the impact of the Istook proposal on non-profit groups. I am sure we can imagine many other ways this provision could be used to chill the advocacy work of groups that some people might find inconvenient.

Madam President, the American people certainly want reform in the way we do business around here. But this is not what they want—a tool in the hands of powerful special interests to silence non-profit charities.

This is a nightmare, a page out of the play book of every petty, small-minded despot who tried to stamp out inconvenient opinions.

It puts every organization of any kind—every business that receives anything of value from the Federal Government—on notice that they not only are under restrictions on their own political activities, but must monitor the activities of those they do business with.

It recruits a thought police with a financial incentive to seek out every misstep by every local chapter of every national charity.

Madam President, this proposal has no business on this bill. It has no business on the floor of the Senate today or any other day.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Madam President, again, colleagues are trying to figure out how to vote on this thing. This is significant change in law. It is significantly more than what was passed, and I supported the Senator from Wyoming when he had an amendment earlier. This is 17 pages long. This is not a little modification. This is 17 pages long. It is not clear to me at all what the impact of this is going to be. I know it expands considerably from what this body voted on before.

But what I object to most of all is that we are being told that a continuing resolution to allow the appropriations process to go forward is not going to pass in the House of Representatives unless the Senate agrees to this provision. That is what we are being told.

Last week, the distinguished Senator from Wyoming—and I supported him—raised a point of order against an attempt to lift the earnings cap on Social Security income and reference it to a committee. That should be referenced to a committee. In this particular case, we are saying no, this is so important, we have to attach it to the continuing resolution.

We are being held up, Madam President, by a small group of people, and I urge colleagues, I know there will be a lot of them coming down here and saying, "Well, I guess I have to vote for the Simpson amendment, it probably is all right." It probably is not all right. There are 17 pages in there.

I know there are more 501(c)(4)'s because we lowered the floor from $10 to $3 million, and the language in here looks to me to be pretty ambiguous in a couple of areas. What we are basically doing is changing the Internal Revenue Service Code. This is a change in the law as relates to the Internal Revenue Service Code, and all these organizations are going to have to ask themselves the question: How am I going to make sure I am in compliance?

In order to demonstrate they are in compliance, they are going to have to do things they currently do not do. The

Senator from Wyoming came down and targeted a few 501(c)(4)'s that are a problem. Using public money to lobby is illegal now, so if there is a problem, if I have a 501(c)(3) or 501(c)(4) that is lobbying in an illegal fashion, let us file a charge against them, for gosh sakes. That is typically the conservative approach.

For gosh sakes, let us not just change the law to apply to everybody if I have a few bad apples out there. Let us target it and make sure we make those organizations that are receiving public money, if they are using the public money to lobby, let us file a criminal or civil charge against them.

No, that is not what we do. We have a couple of people over in the House of Representatives who were opposed by some 501(c)(3) or 501(c)(4) and they are on a vendetta, and they say, "I don't care if I shut the Government down." That is their position. They said it publicly. Mr. Istook said: I do not care if the Government shuts down. I do not care what happens to the country. I want to get my revenge. I want to get my little pound of flesh here.

The next thing I want to say is this is a substantive thing. All of us are out there at the community level and trying to figure out what do I do about child support problems; what do I do out there with programs dealing with domestic violence; what do I do with child care, and so forth?

Guess what? We hold a meeting out there and who do we meet with? We meet with 501(c)(3)'s and 501(c)(4)'s. We are asking them to take on more responsibility as we cut back and try to balance our budget. That is what we are doing.

The very moment that occurs, we are passing legislation that—as I said, I do not know what the impact is going to be, but I know from the IRS evaluation that they are going to request a lot more information than they are currently requesting from hundreds—I am not going to say it is every 501(c)(3) and 501(c)(4), but it is dramatically more than what this body voted on in the Treasury-Postal appropriations.

Make no mistake, the reason we are taking it up here is the group that supported it over in the House could not even get a majority in the Treasury-Postal appropriations bill. They are willing to shut it down. They are willing to say, "I know I don't have a majority. I know I don't have the votes to get this thing done. I don't care. But I'm going to threaten and I am going to use the threat, if possible, to try to get this thing done," even though, as I said, most of us have not even had the chance to evaluate what this is going to do.

I supported the effort of the Senator from Wyoming to put restrictions on 501(c)(4)'s, a $10 million limitation. This drops that down to $3 million. It has some language in there.

I am not saying every 501(c)(3) is going to be affected, but it certainly appears to me that a number of them, if not a large number of them, are. The IRS is going to at least have to ask the question, if that is the case.

I believe that we should vote no on this amendment. The Senator from Wyoming and the Senator from Idaho have made a good-faith effort to try to produce something that would be a compromise with this minority in the House, 70 of whom have written a letter saying, "We're not going to vote for a continuing resolution unless we get this done."

One more thing. The American people want us to reform our lobbying laws and campaign finance reform laws. Madam President, this is very significant. I know some disagree. Some on my side said this really is not lobbying reform. I see it as at least tangentially lobbying reform. The House has not passed lobbying reform. These very Members that are offering this language, why do they not force their leadership to pass lobbying reform? This body passed lobbying reform. This body passed legislation.

I ask them, you are out there talking about lobbyists interfering with the process, you are out there talking about the special interests doing this or that and the other thing, why do you not enact the Senate legislation, let us conference that and change the law having to do with lobbying?

Let us do the same thing with campaign finance reform. I endorsed the proposal of Senator MCCAIN, Senator THOMPSON, and Senator SIMPSON last week. We have to change the law so people feel more power and greater opportunity to participate in democracy. Far too many people believe that the special interests control the process around here, but very few of us honestly would say, we understand special interests around here, but who are the dominant special interests?

Come to mind the dominant special interests, the YMCA? Come to mind, when you are trying to think of the dominant special interest hanging out in the rotunda out here that have the greatest money influence, the Red Cross? Did they spend a lot of money on the telecom bill? I do not think so. I do not see any full-page ads from the Red Cross saying, "Support disaster relief appropriations." They have a relatively small amount of impact.

If you really want to clean this process up, pass lobbying reform along the lines of what the Senate did. Pass campaign finance reform in a bipartisan way. It is long overdue that this body does it. For far too long, we have acted as if we are more concerned about covering our rear ends and keeping our jobs than we are in seeing that democracy functions in a fashion and the taxpaying citizens feels they have an opportunity to influence what we do.

This amendment should be rejected and we should, furthermore, as we reject it say to the House of Representatives, "When it is time to do a continuing resolution, we are going to do a continuing resolution. We are going to keep the Government going, and we are not going to kowtow to a relatively small number of people who want to change our laws."

Moreover, for those who look at the detail of the legislation, once you get beyond that, we have to say this just goes too far. It goes too far. It goes too far. Where have I heard that before? I hear it almost every time I go home.

This is not in the Contract With America. This was not asked for when the so-called mandate was given last November. I hope that my colleagues, for a whole range of reasons, will reject this amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I intend to vote against this amendment. The Senator from Nebraska, I think, makes a persuasive and compelling case. I want to stand up and discuss a little bit the process that has brought us to this point.

How many deadlines have been missed? How many dates have been ignored? How many circumstances that are required of us in law have been essentially disregarded with respect to the budget process, the reconciliation process?

We now have a continuing resolution on the floor of the Senate. Why do we have that? It is because the Congress has not done its business. The fact is, we did not meet budget deadlines; we did not meet the reconciliation deadline; we did not meet appropriations bills deadlines.

Now, the Republicans control the Congress. They won the last election. They have an agenda called the Contract With America. Some of it has made some sense. I voted for some of it. Some of it is totally goofy, totally off the wall, and is never going to get passed and never should be passed. But because they have a lot of new people who brag about the little experience they have in legislating, and because we now find ourselves with a contract that includes proposals that make no sense—you know, to go sell our lakes so that we can get some short-term money in to reduce the deficit.

I do not understand some of this thinking. Sell the dams and lakes so we can jack up electric power rates and sell them to the private utility companies. Sell the fishing lakes. This makes no sense at all. There are a whole series of proposals that make no sense. But because that is the agenda, and we have those folks bragging about how little experience they have legislating, we now find ourselves with this record.

One party controls all of Congress and presumably has the votes to do

what it wants to do. Well, on April 1, the Senate Budget Committee is required, by law, to report a budget resolution to the Senate. That was 45 days late. It did not get here on April 1. Nobody was stopping them from doing their work. It just did not get here. So 45 days later it got to the Senate.

On April 15, the law says that the Congress should complete action on its budget resolution. Well, 75 days later that happened. It did not happen on April 15; it happened on June 29.

The House Appropriations Committee is to report its bills out by June 10. Well, that did not happen on June 10; it happened on October 26—138 days later.

The law says that on June 15, the Congress should complete action on the budget reconciliation. Well, that is 5 months and still counting. We have not completed action on that. That is why we are here today on the floor of the Senate on a Thursday talking about a continuing resolution, which has now been amended by some people who want to talk about lobbying reform on a CR that is necessary because the majority party has not been able to do its work for 5 months to get a reconciliation bill, as required by law, on the floor by June 15.

I do not understand this notion of efficiency or effectiveness from a party that is supposed to do something by June 15, and now, as a result of not doing it, requires us to debate a CR, and then they bring to us some last-minute 15- or 20-page amendment on lobbying reform—a position they say is required because the new people in the House will not accept anything less, despite the fact that the House has not passed lobbying reform.

Forgive me, my school was a small one—a high school class of nine—and I thought I graduated near the top, but I just do not understand what we are talking about here. Congress is to pass all appropriations bills by September 30.

The fact is, in times past, when the Democrats controlled the Congress, we did not always get all these bills passed by September 30. But you cannot find a much worse record than you will find this year. You cannot find a record that is much worse than what happened this year on appropriations bills. Virtually none of them have gotten through this process.

First of all, we are talking about 5 months—we missed, by 5 months, the requirements in law for the reconciliation process. And because of that, we have to do a continuing resolution and also a debt extension.

Now we find ourselves here, on the eve of all of this, doing a tap dance with a bunch of folks who brag that they can shut the Government down, they can cause a default. They might want to brag about that, but I do not know who they would want to brag to. It is not much of an accomplishment in my book.

The American people ought to expect us to decide to do what we should do by law—pass these bills, meet and do the compromises that are necessary. You can think of, over a couple of hundred years, some pretty difficult circumstances that created wide divisions between people in this Chamber and in the House of Representatives, wide divisions between the parties, and the requirements of a democracy, even though it is not very efficient, is that somehow, in some way, at some appropriate point you come together and compromise and reach a conclusion. Presumably, you do it with the best interest of the country in mind.

We have a circumstance now where we are told that, well, we cannot reach a conclusion. We have a Contract With America, they say, and this contract with America says the center pole of our tent is a big tax cut. It is true, we are in debt up to our neck. It is also true that every dollar of the tax cut will be borrowed during the next 7 years. It is also true that we will add hundreds and hundreds of billions of dollars to the Federal debt. But we need a tax cut. If we do not get this tax cut, half of which will go to families earning over $100,000 a year or more, then we are prepared to shut the Government down. We are prepared to decide that we will not meet our debt obligations. The American Government will default on its debts. That is what they say.

I hope that Members of the House and the Senate, on both sides of the political aisle, will decide that this is not the time to offer amendments. Let us pass the continuing resolution. Let us do what we are required to do—provide a bridge by which we then seriously negotiate away the differences in the reconciliation package, pass the reconciliation bill, tell the American people that we understand what concerns them. We are spending more than we are taking in, and we are charging the bill to the kids in the future, and we have to stop that. So they have not thoughtfully tried to compromise our way through this process. And we are reducing the budget deficit, we are going to balance the budget, and we are going to do it the right way.

But it ought not be a source of pride for anyone to decide that they can, by themselves—or a group of like-minded people—decide to shut this Government down in the coming day or two.

I guess my hope is that we can decide in the next few hours here, in the next couple of days as well, that this kind of amendment does not belong on this. The Senator from Idaho knows this does not belong on this CR. He knows that. Everybody on that side of the aisle knows that. This is not a place to stick these amendments.

The Senator from Minnesota stood here and spoke about people freezing in the winter. I can think of 100 people who would like to offer an amendment to a CR because they have something that just gnaws at them, which they know is wrong and they want to fix. You know that a President would have to sign a CR at some point to keep the Government open. So everybody in this Chamber could stand up and insist that, "On my watch, I intend to do this, and I can care less whether it is inefficient or dilatory." Everybody has that right.

The fact is, that is not the right way to do it. This amendment does not belong here. This is a continuing resolution, a short-term continuing resolution, a bridge to get from here to there, a bridge that creates a time during which, hopefully, both parties can come together and resolve these differences.

I do not think there ought to be a tax cut. Further, I do not happen to think we ought to add $7 billion to military spending or to build star wars, and I do not think we ought to buy 20 new B-2 bombers at $32 billion each. I do not think we ought to kick 55,000 kids off of Head Start, or that we ought to take disabled veterans and say, "We do not think you should have health care."

I think what we ought to do is decide where we disagree and see if we can think through this clearly and patiently, over a period of days, and reach a solution. I know there is a lot of politics involved—probably on all of our parts here—when we talk about these things. But in the final analysis, a default is not about politics; it is about the failure of all of us to do what we ought to do. A shutdown of Government services is not about politics. That is about failure.

Shame on everyone in this Chamber and in the House Chamber if this Government defaults. Shame on everybody in politics if there is a default on the debt obligations, or if there is a shutdown of Government. It ought not happen, it should not happen, and every single person serving in Congress ought to work to prevent it from happening.

We can, through some basic level of cooperation, decide to start at this moment, especially on a continuing resolution—yes, even on a short-term bridge with respect to the debt—get from here to there so we can negotiate away these differences and reach an acceptable compromise that is good for this country. That is what the American people require of us. That is what the American people expect of us.

Now, I am sure the Senator from Idaho and the Senator from Wyoming, both of whom I have great respect for, they are both good legislators, I am sure they feel they are offering this amendment because there is leverage on another side, and this is the right public policy anyway so we should respond to it.

The fact is, I can think of, as I said, 100 different people who want to offer

something that they think will advance their interests or the interests of the country on this very legislation, but it ought not be advanced on this legislation.

We ought to pass this short-term CR and we ought to pass a short-term debt extension. We ought to get the leaders of both political parties in the House and the Senate together, pronto, to sit down and address these questions in a thoughtful way and come to a conclusion that the American people expect.

Madam President, I will have more to say on the CR later. I wanted to make the point that I made when I started. We have been subject to a lot of criticism—we Democrats. I understand that. Part of it, incidentally, is well deserved.

I understand we were in charge for some long while. There were times when we did not do the right things. We overspent, we were too programmatic; every national ache we put a quarter in the vending machine, and go on to address another problem before we determine if that program worked.

I understand it is our fault and I accept that. But we have made life a lot better for a lot of Americans.

I say to those who are now running the Congress and who are now responsible for meeting these deadlines, this is not much of a record. We find ourselves toward the end of the year and we have a circumstance where a reconciliation bill that was supposed to have been passed over 5 months ago is nowhere near being passed—not even out of conference; a CR that is necessary to get us over the hump is now on the floor of the Senate and being tortured with amendments.

That is no way to run a railroad and no way to run a Senate. I hope we can meet deadlines and meet our responsibilities, solve problems and advance the interests of this country, and I hope we can start doing that in the next couple of days. I yield the floor.

Mr. CRAIG. Madam President, I will be brief. I think the Senator from Ohio wants to speak.

I have been listening to my colleague, and what I am hearing, does that meet the straight-face test? Well, it did not. I tried it on and it did not work because continuing resolutions under some other party's control—let me talk about 1986, after the Senate had been regained.

Continuing resolution: Export-Import Bank, denial of MFN status for products to Afghanistan, Federal Salary Act amendments, child care services, Federal employees, Ethics in Government Act, all on a continuing resolution.

I know the Senator from North Dakota and I prefer a clean continuing resolution but it has not happened very often in the Congress of the United States. So it really does not mean a great deal to come to the floor and argue that when in 1987 we brought a continuing resolution over, it contained all 13 appropriations bills. That is reality. That is real.

It contained a Defense Acquisition Improvement Act, it contained Paperwork Reduction Reauthorization Act, human rights for Romania, school lunch and child nutrition amendments, Aviation Safety Commission Act, metropolitan Washington airport—all things, very important, that got stuck on a continuing resolution.

In 1988—as I think back, I think his party was in control of the Senate; he might well have been here at that time—contained all 13 appropriations bills once again. Cancellation of fiscal year 1987 sequestration order. Special House and Senate procedures for considering funding requests, and so on and so forth. In 1991, extension of certain Medicare hospital payments provisions.

The point is made, Madam President, the point is made that continuing resolutions have been and remain vehicles to move legislation on in this Congress.

What is important for our colleagues tonight as I think we are very close to voting on these amendments, Madam President, is to remember if you want to strike the Istook amendment you vote for the Simpson-Craig amendment. Several of our colleagues have said that is what they want to do. But they want to retain the essence of the language that they voted for some weeks ago. That is exactly what the amendments of the Senator from Wyoming and my amendments do.

If you want to pass Istook and fail to pass our amendments, what will the House do to the CR? I am not sure. I do not understand what might happen. I do understand what could happen.

That is, if we take the simple amendments that bring us back to where we were, the majority of the Senators, a unanimous vote of the Senators with some modifications now, placed us some weeks ago with a substantial assurance if we do that we will pass the CR as we have it before us, that is how we ought to vote. That vote means that you vote for the Simpson-Craig amendments.

Madam President, we are well behind on the work of the Congress. Again, I think of the straight-face test on those arguments. The Senator from North Dakota knows about 60 votes. He knows it well. He knows what has happened here, on the floor and in committee, and the very clear obstructionist tactics that have occurred on occasion on this floor that put us where we are today—needing to use a continuing resolution.

The majority leader and the Speaker of the House for 25 hours were with the President of the United States just the last week and the President never once wanted to discuss the very critical nature of the budget, the debt limit, and the continuing resolution in that unique opportunity.

Now, I wish the President would come to the table, but he stays in the White House and all he talks about is veto, veto, veto.

Well, the Senator from North Dakota talks about the urgency of this CR. How urgent is it if the President is now saying, "I will veto it"? It does not seem to be very urgent. It appears this President wishes to play the political game. He, too, has a responsibility for running the Government of this country.

I say, Mr. President, come out of the White House, get away from your veto game, come to the table. We are trying to move substantive legislation to deal with the priorities of this Congress and the responsibilities of managing this Government.

I hope we could pass the CR. I hope we could pass it with the Simpson-Craig amendments. Mr. President, I hope you sign it.

I yield the floor.

Mr. GLENN. Madam President, I will yield in a moment to the Senator from North Dakota, but I ask my distinguished colleagues who made the remarks about the trip and the President not being willing to discuss things, it is my understanding when that chart was made from people that were there, sitting with Senator DOLE and Speaker GINGRICH, that the President was back half a dozen times or so, had lengthy discussions with him about things and was told that they still did not have their side together on some of these issues and did not want to discuss them.

I was told that by a person who was present, right there, at the time. I think as far as the President not coming out of the White House, that is not true.

Mr. CRAIG. Will the Senator allow me to respond very briefly?

Mr. GLENN. Yes.

Mr. CRAIG. I can only state what the majority leader told me as it relates to him having been there. That is not secondhand. That is firsthand.

Mr. GLENN. The firsthand was a person sitting beside him at the same time.

I yield to the Senator without losing my time.

Mr. DORGAN. I heard this and read it in the newspaper and I have talked to someone who was there with the President.

I do not know that we need to discuss it at great length, but the fact is the story the Senator from Idaho recounts is not true. The Senator from Idaho was not there, but we have heard from people who were and I do not know that we need to discuss that much further.

I can only charitably describe the Senator from Idaho's argument that because something was done in 1986 to

the CR, "I am justified in offering amendments now," I can only characterize that argument as pursuing business as usual. It is the same response I got on the issue of Social Security, the trust fund and so on. Business as usual is not what the American people expect.

I already admitted that we did not always move this agenda the way we should have. You look a long while before you find us 5 months late on a reconciliation bill, and it is a little specious to suggest that the reason the reconciliation bill is not on the floor of the Senate is because Democrats offered 30 amendments. Everybody knows that is not the case. The reason the reconciliation bill did not get here is because the majority party could not get its work done.

It is one thing to want to drive the train. It is another thing to drive it on time. The circumstance we find ourselves in now is a reconciliation bill that was supposed to be here and done by June 15, was not done, was not here, and it was not our fault. It was the people who were running this place who could not get agreement among their own troops.

I guess the point I want to make is, I think the defense I heard is, "We are for business as usual." That is what the Senator from Idaho is saying. Business as usual is not good enough, not good enough for the American people and not good enough for us. And I hope business as usual, one of these days, is dead and buried, and reform and change is the notion of the day. That would include, in my judgment, all of us deciding to pass a clean CR, create a bridge during which, in the next several days, we can resolve these issues on behalf of the American people and move forward.

I appreciate the indulgence of the Senator from Ohio.

Mr. GLENN. I believe Senator JEFFORDS wished to give his statement. I yield to him without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today in support of Senator CAMPBELL'S motion to strike from the continuing resolution the language restricting political advocacy with private funds. I am opposed to the inclusion of this language in the continuing resolution, and in any bill. This provision is nothing more than a political slogan in search of a problem.

There is probably not a Member of Congress that has not been on the receiving end of criticism from a group or groups that receive Federal funds. It is irritating at times, but it is hardly cause for closing down the Government.

Nor is it sufficient justification for forcing organizations to choose between seeking grants to do work on behalf of the Federal Government and saying how they think that Government, or any government for that matter, can be improved.

It seems to me that we should invite such criticism rather than discourage it. Instead, this provision is designed to dampen debate from some of the parties that are in the best position to add to it.

Apart from being questionable public policy, I think this provision is of questionable legality. Everybody has a lawyer's opinion to buttress his or her position, but it seems strange to me how this provision can withstand judicial scrutiny. It must have seemed strange to its proponents as well, because they felt constrained to include section 306, which states that "Nothing in this title shall be deemed to abridge any rights guaranteed under the First Amendment."

I doubt this is a novel approach, but I cannot off the top of my head think of a similar situation where we have attempted to anticipate and decide a near certain legal challenge. I have my doubts how much deference the courts will give this provision.

The Supreme Court has long held that it is an important first amendment right for individuals to be able to freely talk to their elected representatives. While the Federal Government is allowed to place restrictions on the use of the Federal money it grants, the Supreme Court has expressed concerns in the past with the Federal Government placing restrictions on the use of purely private money to talk to their elected representatives.

The provision before us would change dramatically how private funds could be used by Federal grantees. Under current law, tax exempt groups do face limits on the amount of lobbying they may conduct. But those limits would undergo a wholesale transformation. Not just lobbying of Congress would be restricted, but so, too, would be lobbying of city councils, State agencies, and State legislatures. As a result, if your State chamber of commerce has an employee or two that lobbies in the State house, the executive branch or enters into judicial or agency proceedings, it might well be barred from seeking Federal funds to promote economic development or tourism.

Further, the imposition of these restrictions will create a whole new practice for lawyers. This language provides incentives for lawyers to sue organizations by rewarding them with a substantial share of recovered dollars. Organizations could be sued for up to 10 years, further clogging up the American courts. In a time when the Congress is trying to reduce the number of frivolous lawsuits, creating this new boon for lawyers is counter productive.

There are many small organizations in my State of Vermont that receive Federal funds that would be unable to effectively communicate with their local officials because of the limits that these restrictions will place on them. These restrictions will keep my constituents from discussing such local issues as the school board, property taxes, and paving roads with their local or State representatives. I would like to include for the RECORD a brief description of some programs in my State of Vermont that will be affected by these restrictions if they are enacted.

Mr. President, let me again reiterate my strong opposition to the inclusion of this language in the continuing resolution, and strongly urge my colleagues to support Senator CAMPBELL'S motion to strike.

I ask unanimous consent a brief description of the programs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT

Addison County Parent Child Center uses a part of their federal grant money to maintain a program for young fathers who have been disenfranchised from the education system and from business. Many of these young men have had problems in the judicial system as well. This program teaches them not only parenting skills, but includes a job training component. The Center serves over 150 families in Addison County.

The Center also helps these families learn to have a voice in their local and state governments. As a part of their family empowerment program, they take these low income young families with them to the state legislature to teach them about their government and how their voices can be heard.

Vermont Development Disabilities Council is funded by a federal grant authorized under the Developmental Disabilities Act (P.L. 103-230). A significant portion of the grant dollars are used to teach parents how to protect their rights and improve the availability of services. Federal money is also used to fund the publication of a newspaper. The Independent, which reports on issues of concern to the disabled and the elderly.

The Council has also worked to change Vermont building access standards to comply with those of the Americans with Disabilities Act. Currently, the state of Vermont uses antiquated building access codes that provide less than adequate access for the disabled and the elderly.

The Vermont Public Transportation Association receives federal money in part through Medicaid and the Federal Highway State Fund, a large portion of which they use to provide public transportation for people to and from doctors' offices and hospitals. Many of these people are elderly and disabled. The Association has 1,300 volunteer drivers who make over 420,000 one way trips a year transporting people to hospitals which, in some cases, are as far as 50 miles away.

The Association advocates on behalf of the elderly and disabled in these rural communities on a variety of transportation issues.

The American Heart Association in Willston, Vermont receives federal money through the State Department of Health, some of which they use to form community based anti-smoking coalitions for youth.

Their federal dollars are used to teach children not to smoke. They also advocate on behalf of these children in order to pass legislation that would keep cigarettes out of the hands of minors.

Mr. GLENN. Mr. President, I want to add my voice to those in opposition to the Istook amendment which the House has added to this continuing resolution.

Advocates, if I can use that term, of this provision have clothed it in rather attractive language. It has been presented as ending "Welfare for Lobbyists," as they call it. If this were truly the case, in fact, if this were a commercial product, I reckon that the FTC would be investigating it for false claims. It is a real misnomer.

For one true expert in this area, turn to the distinguished senior Senator from Michigan [Mr. LEVIN]. He and I spent many years on legislation to achieve real lobbying reform, which we finally passed this summer. That measure truly brings sunshine and accountability into the netherworld of lobbying by special interest groups. The public finally will be able to know who is paying what to whom to lobby Congress and the administration on which issue. Whether it is a dubious project or a special tax loophole.

That is real and substantive lobbying reform. I find it curious that many of the proponents of the Istook amendment—and their outside allies—have been so strangely silent—almost invisible—about pushing this bill on the House side. If they had spent half as much time on true lobbying reform legislation as this assault on nonprofit and charitable organizations, dare I say this reform would have already been signed into law by the President. So while I do not doubt their sincerity, I do question their motives.

One Member whose motives and sincerity I do not question is the senior Senator from Wyoming. I know that he has attempted to explore some of these issues through the committee hearing process, as it should be done. I also know that he has worked hard in trying to negotiate an acceptable compromise.

The amendment offered by Mr. ISTOOK will have a profound and chilling effect on the ability of nonprofit and charitable organizations to continue advocating on the behalf of people and issues. It will have a devastating effect on the whole nonprofit sector, particularly small community-based organizations.

It will impose severe burdens and mounds of paperwork on nonprofit groups. This, at a time when we are asking them to provide more public services while we provide less money. "Try to privatize things," so we are told here, yet we are making it more difficult to do exactly that. Again, I find it very ironic that many of the ardent proponents in this ill-conceived endeavor have been leaders in the effort to cut out regulatory red tape and reduce the costs of paperwork on businesses and industry. But for these nonprofits we will be creating more rules, more bureaucracy, and more court litigation. We will just drown them in a sea of paperwork and audits.

This legislation is also unnecessary. It restricts the amount of privately raised funds a Federal grantee can use to do advocacy and lobbying. But current law already metes out harsh penalties if such Federal funds are used by nonprofits and charitable groups to pay for such lobbying activities. And my understanding is that there is no orchestrated pattern of such organizations misusing Federal funds to lobby.

So if we peel away this veneer, it is not quite what you do with the money, it is what you say. And just maybe, who you say it to, which, in turn, raises a constitutional issue. For the Supreme Court has ruled it violates the first amendment to condition the receipt of Federal funds on relinquishing protected rights of speech. This amendment will have a chilling effect on the right of citizens—individuals and associations alike—to petition their Government.

I also have concerns with the definition used for "political advocacy."

It is so broad that almost any public role assumed by a nonprofit or charitable group on an issue or matter before Federal, State, or local governments would be covered. Moreover, individuals receiving some form of public assistance—such as WIC, disaster relief funds, NIH research grants, LIHEAP grants, you name it—could also be regulated.

Now if a Federal grantee spends more than the specified threshold on advocacy, it will be barred from receiving Federal grants. Grantees will also be limited in who they associate or do business with. They will need certification from all of their vendors that they—the suppliers—are within the specified limits on how they use their own money for political advocacy.

Mr. President, it is my understanding that one of the original requirements which has since been changed in the amendment as now proposed would have sent some of the complaints over to GAO for further investigation. That in its original form points out some of the weaknesses in some of our budget cutting here today because you talk about the potential of sheer frivolous lawsuits, and one of the things they were going to do with the original version of this as the main enforcement mechanism was going to be through what could be called a bounty hunter provision where any citizen could have taken their complaints regarding the use of such funds by these organizations directly to an agency inspector general, or the General Accounting Office.

While I want to point out in the original version of this we have already cut GAO by 25 percent in 2 years, at the same time we are going to assign them an additional tax. I know this has now been cut out. I wanted to point that out—that this is what we are doing in one piece of legislation after another; requiring some of these agencies to do more at the same time we cut their budgets.

We have been dealing in complex, substantive, constitutional, philosophical, and policy terms. But where is the impact going to be felt the most? The impact will be on real people; people with real problems, people who need help, who need society's help the most. These are the people most vulnerable in today's world, and who will depend so much on the nonprofit groups for essential services as Federal funding gets slashed.

I have received many letters from Ohioans on the Istook amendment. These are people helping the homeless, for the sick, providing shelter to women and children, and treating the mentally impaired. Listen to their voices. Hear their pleas, at least while they're allowed to make them known to us. They are on the frontlines—we need their input, we need their help.

Mr. President, their pleas are just heartrending, some of them. They are trying their level best to give people help, and this would cut back on their ability to do exactly that. Here is what they are saying:

OHIOANS SPEAK OUT ON ISTOOK AMENDMENT

The Columbus YWCA Interfaith Hospitality Network has a volunteer base of over 7,000 individuals and 100 religious congregations attempting through grassroots efforts to provide comfort and short-term hospitality to homeless families. During 1994 we served over 2000 individuals of which over 1200 were children. We are concerned about our guests and their futures, and want assurance that our voices, and theirs, will always have the opportunity to be heard.—YWCA, Columbus.

Faith Mission is dedicated to providing life saving and live improving services to homeless women, children and men and anyone in need. People come to our door, at times, with nothing but the clothes on their back and are in desperate need of not only basic life support (food, clothes), but also services to help them regain self-sufficiency and move on to become contributing citizens to their community. If this bill passed, Faith Mission would be restricted from effectively providing these services, like job referral, medical services, mental health care referrals and support groups from chemical dependency and domestic violence.—Faith Mission, Columbus, Ohio.

Berea Children's Home and Family Services provides healing and nurturing care to over 8,000 children and families who reside in Ohio. These abused and neglected children have no public voice of their own. In addition to the therapy they receive from our residential treatment and in-home therapy programs, they look to us to also be their advocates. We will be unable to adequately serve these victimized children if the Istook

amendment is introduced in a Senate bill and eventually approved by Congress.—Berea Children's Home and Family Services, Berea, Ohio.

Through the last several decades, an effective partnership has been built between government and private, non-profit organizations to address many of the social problems of the day. One of the major reasons this has worked has been the ability of non-profits to inform legislators about what programs work and advise them about more effective ways to address problems. With the severe budget cuts to social programs currently being considered and passed, churches and non-profit organizations are being asked to do more with less. We have a responsibility to not only serve, but to stand up for the poor and vulnerable. This plan appears to muzzle the concerns of many of your constituents.—Catholic Charities, Diocese of Toledo.

The amendment will restrict Family Services' ability to help community groups become politically active in regard to matters that would improve their neighborhoods and the community at large. We would not be able to discuss with legislators the need for funding of important service programs to pregnant and parenting teenagers, the deaf and battered women.—Family Services, Akron, Ohio.

If these unprecedented restrictions go through, organizations like ours will be forced to choose between providing services to people in need and providing a voice for the people we represent. Vital community services will be jeopardized and government will be cut off from the insights of the very organizations that are closest to people government is trying to serve.—Caracole, Inc., Cincinnati, Ohio.

I fear that publicly funded agencies, which deal with issues of drug abuse, domestic violence, sex abuse, etc., will find themselves in positions where they will have to forfeit their ability to impact on future legislation or public interest litigation, because they received any federal funds, regardless of amount.—Mental Health Services East, Inc., Cincinnati.

The Achievement Center for Children provides a comprehensive array of services for children with physical disabilities and their families. These children have already been dealt a difficult hand in life through no fault of their own. Their issues and concerns need to be heard and understood.—Achievement Center for Children, Cuyahoga County.

Vital community services could be lost because organizations would not be able to share their knowledge of people in need and types of services needed with legislators and others in the position to provide assistance. The Istook amendment would impose restrictions only on federal grants which go primarily to non-profit organizations. It would not impose restrictions on federal contracts which go primarily to for-profit organizations. These corporations would continue to be able to lobby the government.—Alcohol, Drug Addiction, and Mental Health Service Board, Lima, Ohio.

Every Woman's House realizes that the commitment by Congress to addressing the issue of domestic violence is meaningless if vital programs, such as those offered by our agency, are not funded. The Istook Gag Order may eliminate any political advocacy on any governmental level and make the acceptance of any federal money subject to stricter reporting requirements, therefore limiting the available funding to domestic violence agencies.—Every Woman's House, Wooster, Ohio.

It is the small independent non-profit organization that does most of the social service work in your district. Almost all of them get some money from the federal government and depend on it to survive. Most are too busy trying to help people have time to communicate with you on a regular basis, but do work closely with local officials as collaboration among agencies and departments create private/public partnerships. These efforts would come to a halt if the Istook Amendment goes into effect.—Ohio Parents for a Drug Free Youth.

Lobbying with federal dollars is already illegal and penalties for violating the rules are severe. Our organization is well aware of this. Nonprofit groups speak for the public interest and represent large numbers of ordinary citizens and vulnerable populations who lack the skill/resources to assert their basic rights. This type of legislation limits not just lobbying, but free speech as well. Indeed, we view it as an assault on the First Amendment rights we now enjoy.—League of Women Voters of Oxford, Ohio.

As a parent of a 13 year old mentally retarded son who has no speech, I know how important speech is. Please do not take away my voice. I need to use it for my son's many needs and other children/adults like him.—N.K., Parma, Ohio.

When Alexis de Tocquerville visited the United States, he marveled at the natural tendency of Americans to form voluntary organizations to carry out the will of the people.

Our vast non profit system is the result of that tendency. The present Congress, in its mindless rush to take government out of involvement in society, looks to the non profit world to pick up the shattered pieces. And, now, through the Istook Amendment, that same Congress is trying to silence the very groups that society will need to depend upon to survive."—Cleveland Institute of Art.

To be fair, I have received a few letters from Ohioans. I am always glad to have the benefit of their views, too, although in this particular case we do disagree.

But I was struck by the fact that the vast majority of those supporting the Istook amendment indicated they were involved in the beer wholesale or retail business. Their letters were almost identical and so many contained the following phrase:

Moreover, the Center for Substances abuse Prevention (CSAP), working with their Neo-Prohibitionist allies, regularly promotes political activism, pushes anti-beer wholesaler legislation at the federal, state, and local level, and they pursue these activities with taxpayer dollars.

Mr. President, the Center for Substance Abuse Prevention is under the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services. Yes, it is federally funded. But what does it do? It supports hundreds of nonprofit groups, financing after-school and summer activities for youths, counseling for pregnant women, drug-free workplace programs, education efforts and good-health workshops. It also offers training, manages a clearing house for prevention information, and develops anti-drug education and promotion campaigns.

I happen to think this is a worthy goal, and one that most Americans heartily support. The ravages of drug and alcohol rip apart our families, break up marriages, and destroy lives. Real lives and real people.

Whatever we can do to prevent such abuse and educate people—particularly our young adults—should be encouraged. The Federal Government does have a legitimate role in this area. The key is to make sure alcohol products are used responsibly. I don't consider myself a prohibitionist and would oppose efforts to do just that. But in this particular case, what concerns me is the fact that some in the beer and alcohol industry fear that by promoting efforts aimed at moderation and responsibility, the Federal Government is a threat to their livelihood. Their ultimate fear is that first comes moderation, next comes prohibition. So the real interest here is how much they sell, the bottom line, and their overall profits. It is not about policy.

I also have received a letter from the Mothers Against Drunk Driving [MADD]. That organization receives a small Federal grant from the Department of Transportation to conduct workshops on highway safety and impaired driving. They also get a grant from the Department of Justice for serves and assistance to victims of drunk drivers.

Again, I would bet most Americans would applaud their efforts. But for some, apparently, the message is too much. They don't want to hear it. Why? Because MADD has been involved in State initiatives to curb drunken driving and tighten blood alcohol content levels for drivers. You would think this would be in the public interest—getting drunk drivers off the road and imposing harsh penalties. But MADD has attracted the ire of the beer and liquor industry. Let me quote from MADD's letter:

MADD takes pride in the role we have played to combat drunk driving and serve its victims and we resent the suggestion that we have been the recipient of "welfare for lobbyists". Most of these so-called lobbyists have paid for the right for their voices to be heard with their blood and tears or the lives of their loved ones.

Mr. President, I like free and fair debate. Let us make policy decisions on the merits and the public's interest. But what galls me even further is the fact not only were these industry groups—along with the Heritage Foundation and the Christian Coalition—spearheading the Istook effort, they were in the back rooms to write it. Talk about lobbying reform. According to an article in the November 8, 1995, Wall Street Journal, during one negotiating session the able senior Senator from Wyoming noticed these parties in the room and told them, appropriately, to get out, or at least words to that effect.

I notice that these groups have worked with some of the primary

House leaders who have been all too happy to attach individual, specific interest riders to appropriations measures. Is this how the game is gong to be played? Where is the real reform here? Who is doing whose bidding?

Mr. President, This amendment is ill-conceived, constitutionally impaired, and just plain un-American. It will stifle the efforts of those on the frontlines who are trying to deal with so many of the tragic problems in today's society. We cannot run from those problems, we cannot pretend they do not exist, though I suppose there are some who who would like that. Let us help those who are helping those most in need by defeating this hostile, chilling, and burdensome amendment.

VOTE ON AMENDMENT NO. 3049

The PRESIDING OFFICER. Is there further debate on the amendment numbered 3049? If not, the question is on agreeing to the amendment of the Senator from Idaho [Mr. CRAIG]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 564 Leg.]

YEAS—46

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kassebaum	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Mack	
Faircloth	McCain	

NAYS—49

Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dole	Kohl	Snowe
Dorgan	Lautenberg	Specter
Exon	Leahy	Wellstone
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—4

Akaka	Kempthorne
Bradley	Lugar

So, the amendment (No. 3049), as modified, was rejected.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Parliamentary inquiry. I make a point of order——

The PRESIDING OFFICER. I inform the Senator the Senate is conducting a quorum call.

Mr. KENNEDY. I make a point of order that there is a quorum present.

The PRESIDING OFFICER. It is too late for that. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I think we have reached some agreement to expedite things. I know many of my colleagues have a lot of things to do, and we would like to finish fairly early this evening if we can. I ask amendments 3037 and 3047, 3046, and 3045 be laid aside to recur at the hour of 6:45.

I put the question on the motion to reconsider.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the motion to reconsider the vote.

The motion was agreed to.

Mr. DOLE. The vote then on 3049, following the vote on a Medicare provision at 6:45; that vote would occur at 6:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Immediately following that vote between now and 6:45, the debate occur on an amendment to strike the Medicare provision offered by the Democratic leader, Senator DASCHLE, and that the votes occur back to back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I say to my colleagues, we hope we can expedite this. That would mean we might be able to finish action on the CR by 7 o'clock. By that time, hopefully, the debt ceiling will be here. We have to deal with that yet tonight, and therefore we can be expected to be in session until we finish that.

It may be there will only be a couple of amendments. In any event, we would like to finish that this evening.

Mr. DASCHLE. Just to clarify one technical point. As I understand it, we have an agreement there would be no intervening action on my amendment.

Mr. DOLE. That is correct.

Mr. KENNEDY. Further, does the Senator understand the time will be divided equally?

Mr. DOLE. Yes.

AMENDMENT NO. 3050

(Purpose: To strike the provision for the determination of the Medicare part B premium for 1996)

Mr. DASCHLE. Mr. President, I have an amendment I send 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 Dakota [Mr. DASCHLE], FOR HIMSELF, MR. KENNEDY, and Mr. ROCKEFELLER, proposes an amendment numbered 3050.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On p. 36:

Strike section 401.

Mr. DASCHLE. How much time would either side have in the debate on this amendment?

The PRESIDING OFFICER (Mr. BENNETT). There is 35 minutes until the vote is ordered. That will be divided equally—17½ minutes.

Mr. DASCHLE. Mr. President, there are a number of problems with this continuing resolution. We have been dealing in the last couple of hours with one of the more egregious problems having to do with the Istook amendment.

But something more critical and more important and deeply troubling to us is the fact that there is a premium hike for Medicare beneficiaries incorporated in this continuing resolution.

I want to take just a couple of minutes to explain what it is we are referring to and talk briefly about why it is so important that we deal with this problem.

In 1974, Congress recognized that seniors should not be subjected to Medicare premiums whose growth outpaced the growth of Social Security income. As a result, back then we voted to limit the percentage increase in part B premiums to no more than the percentage increase in Social Security benefits.

Then, in 1982, Congress voted to suspend the COLA limitations and instead limit premium increases to 25 percent of Part B program costs. Congress voted to continue to limit the premiums to 25 percent of Part B costs in 1984 and again in 1987.

In 1990, Congress intended to cap the part B premium at 25 percent by setting in law specific dollar amounts for the premium for each year from 1991 through 1995. This was done to protect seniors from potentially higher than anticipated rates of health care cost growth. However, the projections upon which these dollar amounts were based have now been calculated as too high. Thus, the 1995 premium covers slightly

more than 31 percent of program costs despite congressional intent to limit the beneficiary burden to 25 percent.

Consequently, in the law that we passed in 1993, Congress reset the premium at a percentage equal to 25 percent of program costs for 1996 to 1998.

That will change if this legislation passes.

Next year, if nothing happens, part B premiums return to covering 25 percent of Part B costs. Clearly, the 31.5 percent premium that beneficiaries had to absorb this year is due to an unintended glitch in the law.

There was no design to put it at 31 percent. The design was to stipulate a dollar amount so that we did not have to stipulate a percentage. The Republican majority is now attempting to lock in that glitch, by statute, for all perpetuity. The Congressional Budget Office says the monthly premiums, which are currently $42.50, will go to $53.50 under this continuing resolution. This is an increase of more than 25 percent in the dollar amount of the premium.

Mr. President, I think it is very clear that this is going to be extraordinarily difficult for many seniors. Seniors' average income today is under $18,000. Forty percent of seniors have incomes under $10,000. Seniors now spend more than 20 percent of their income on health care. Rural seniors—who are typically older, poorer, and sicker—will be disproportionately hurt by this policy. And, because the money for these premiums is taken directly out of Social Security checks, this premium increase also amounts to a Social Security cut.

Mr. President, this is not the place, regardless of whether or not one would view this to be the right thing to do, to consider such a proposal. This is not the time to debate whether or not we are willing to increase premiums by $11 a month for every participating senior across this country and to lock-in an inadvertent percentage increase. Today the questions are: Is this the right vehicle? Is this the right time? Should we be doing it outside the context of Medicare reform? Outside of a debate on deductibles and other issues that relate to what seniors are going to be asked to absorb?

There is absolutely no reason why this needs to be in a short-term continuing resolution. It is unrelated to continued Government financing. It has no impact on the hospital insurance trust fund. It does not protect and preserve Medicare, as some of our Republican colleagues claim they want to do. It has nothing to do with attacking fraud and abuse. It does not provide seniors with more choices. It does not cut Medicare costs. It simply shifts costs directly from the Federal budget onto the backs of seniors. That is wrong. There is no reason why seniors should be singled out. It leaves all other parts of Medicare untouched.

Why? To create the pool of resources necessary to fund the Republican tax break package for the wealthy, provided the Republican majority has their way. This is going to hurt seniors.

We do not need to do that. This ought not be done in this bill. This is the wrong time, the wrong place, the wrong approach, and the wrong effort directed entirely at those who can least afford it.

So, Mr. President, for all those reasons, I urge my colleagues to join with us in support of this amendment. I am pleased that the distinguished Senator from Massachusetts and Senator from West Virginia have agreed to cosponsor this legislation. They have been in the forefront of this legislative effort from the very beginning. I applaud them for their cooperation, their help, and their dedication to ensuring that seniors are protected from unfair policies.

With that, I yield such time as he may consume to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the minority leader, Mr. President.

Mr. President, I thank the Presiding Officer.

Mr. KENNEDY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Ten minutes forty seconds.

Mr. ROCKEFELLER. Mr. President, I will just take 5 minutes.

Mr. President, this amendment is a no-brainer. We are giving every Senator a chance to separate him and herself from a truly dumb idea concocted in the other body. Before us is a continuing resolution—the legislation that pays the bills for the Federal Government to function starting on Tuesday—now being used as a freight train for baggage that does not belong on this train. With this amendment, we are saying throw the Medicare premium increase over the side before it is too late. With this amendment, vote for tossing out the provision to increase the monthly premiums that 30 million senior citizens pay to receive Medicare's part B coverage, otherwise known as physician care and services.

No matter what you think seniors should pay for the Medicare, the continuing resolution is not the bill to hitch onto. If you want seniors to pay 100 percent or 2 percent of the costs of their Medicare, this bill is not the time, the place, or the vehicle for setting the price tag of Medicare premiums.

In fact, I am incredulous that anyone would want to increase Medicare premiums ahead of doing a single thing to improve, save, or reform Medicare.

The Members on the other side of the aisle told Americans they should be in the majority of Congress. They won the elections last November to do that.

But Mr. President, being in charge also means being responsible. Being in charge means making sure that on Tuesday, the Federal Government can open national parks, enforce law and order, answer the phones when veterans are calling about their benefits or try to visit a VA hospital, process student loans and passport requests, and perform thousands of other responsibilities that Members of Congress are supposed to be here watching over. Being in charge does not mean throwing the kitchen sink onto the basic piece of legislation to fund the Government. And it sure does not mean throwing in a Medicare price increase for senior citizens, hoping it just slips through. Can someone explain the sudden rush to raise Medicare premiums?

The cost of seniors' Medicare premiums should be determined when Congress decides Medicare's overall future. Vote for this amendment to take this issue off of the CR, and put it back where it belongs—in the discussion of Medicare's future, what is a fair share of costs for seniors to bear, and whether Medicare should be cut to save Medicare or cut to pay for tax breaks for the rich. That all still needs to be settled, and it is going to take some more work, I assure everyone listening.

Instead, here we are faced with an absolutely critical bill for Congress to get enacted in the next 48 hours, with an 11th-hour addition designed to make sure senior citizens pay more for their Medicare beginning in January 1996. How ridiculous can you get?

Let me be very clear: Unless you vote to strip this bill of the Medicare baggage, you will vote to send senior citizens on Medicare a total annual bill for their part B premium of $642—$1,284 a year for couples—starting in January 1996. The provision misplaced into this bill will charge seniors an extra $11 more a month, an extra $132 more a year, in order to keep getting Medicare coverage for physician care. This bill is not the place to approve a Medicare price increase for seniors.

We already know why so many Republicans want to increase the cost of Medicare premiums for 37 million seniors. In fact, we already know why the Republican budget calls for $270 billion in Medicare cuts. It is simple. The same Republican budget spends $245 billion on new tax breaks for the wealthiest Americans and all kinds of corporations. Raiding Medicare is the idea, ignoring the fact that only $89 billion is needed to keep the trust fund solvent for 10 years.

It is that simple and it is that wrong. This is not about preserving and protecting Medicare. And the provision in this continuing resolution is not about making sure the U.S. Federal Government will still function on Tuesday. This provision is a premium hike designed to collect more from Medicare beneficiaries in January, money to pay for tax breaks for someone else.

The provision in this bill will put a new burden on seniors who already spend more than one-fifth of their income on insurance, prescription drugs, long-term care services and other health care needs not covered by Medicare. It is wrong to burden seniors with more costs so that there will be money to pay for tax breaks for the wealthy.

This Medicare premium provision does expose a basic truth. Cutting Medicare by $270 billion—that is $181 billion more than the Medicare trustees call for to protect the Medicare trust fund—is not needed to preserve the Medicare program. How do you preserve today's Medicare program by insisting that seniors pay higher premiums than would occur under current law?

You do not. This is not about preserving anything, improving anything, or protecting anything. This is about targeting seniors as a financing source for the Republicans' budget that is going to hurt seniors, not help them in the least.

Increasing costs for Medicare beneficiaries as part of a bill to keep the Federal Government up and running does not make any sense at all. It is a rifle shot aimed at the millions of seniors who rely on Medicare.

It should be struck from this bill and I ask my colleagues to vote for our amendment to get it out of this absolutely vital bill that must be passed now, must be clean of debris completely, totally, and immediately.

I thank the Chair.

Mr. DASCHLE. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Seven minutes ten seconds.

Mr. KENNEDY. On the other side?

The PRESIDING OFFICER. Seventeen minutes thirty seconds.

Mr. DASCHLE. Does the Senator desire some time at this point?

Mr. KENNEDY. Please.

Mr. DASCHLE. I yield 5 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the bottom line on this particular proposal is that it is a $51 billion tax increase on seniors, and 83 percent of that tax increase will effectively go on people who are making $25,000 or less.

So you are taking $50 billion out of the pockets and the pocketbooks of senior citizens. That does not surprise me about the Republican proposal. Since we know that the tax increase in the Republican budget will hurt those who make less than $30,000 a year—51 percent of all Americans—their taxes will be increased. This is going right along with it. They will be taking effectively $51 billion out of our seniors.

What does that mean for the average family? It means that they will have a reduced Social Security check.

This chart indicates how these premiums are going to be taken out of the Social Security COLA in this next year and the hardship it is going to have, particularly on the lowest percentile. Those that make $5,300 a year will find out that with a $136 Medicare premium increase, they will only have $3 of that COLA left to them. And so it goes right down through the rest of the middle income.

This premium increase will reduce the COLA's for those senior citizens at the lowest level by 98 percent, by 66 percent for those receiving the average benefit and over half for those that are getting $10,000 a year. And we have to ask ourselves why? The reason for it, as the minority leader and Senator ROCKEFELLER pointed out, is to pay for the $245 billion tax break for wealthy individuals.

If you did not have that tax break, Mr. President, you would not need to have this tax increase for those on Social Security. That is the bottom line.

If you are going to have the $245 billion in tax breaks for wealthy people, you have to get $51 billion in this particular continuing resolution, and the way that you do it is to wipe out the Social Security COLA for those at the lowest level. I think it is unjustified. Senator DASCHLE had offered the amendment to ensure the integrity of the Medicare trust fund. That was rejected by all the Republicans except one. That would have ensured the integrity of Medicare and the Social Security System and it would have meant not one dime increase in premiums, not one dime increase in deductibles. We ought not permit this back-door attempt of the Republicans to add this kind of an additional tax on the senior citizens of this country.

Earlier today I spoke of my intention to join with my colleagues in introducing this amendment. The Republican proposal to increase the Medicare part B premium included in the continuing resolution is unacceptable on any vehicle—and it is particularly unacceptable on a continuing resolution designed simply to keep the Government operating.

This proposal is a part of the broader Republican assault on Medicare—a proposal that will devastate senior citizens, working families, and children in every community in America. It extends an open hand to powerful special interests and gives the back of the hand to hard-working Americans. It makes a mockery of the family values the Republican majority pretends to represent.

The Republican assault on Medicare is a frontal attack on the Nation's elderly. Medicare is part of Social Security. It is a contract between the Government and the people that says, "Pay into the trust fund during your working years, contribute to the growth of your country by working hard, supporting your family, and educating your children, and we will guarantee good health care in your retirement years."

It is wrong for Republicans to break that contract. It is wrong for Republicans to propose deep cuts in Medicare in excess of anything needed to protect the trust fund. And it is doubly wrong for Republicans to propose those deep cuts in Medicare in order to pay for tax breaks for the wealthy. You don't need a degree in higher mathematics to know what is going on. The $270 billion in Medicare cuts; $245 billion in new tax breaks disproportionately targeted at the wealthiest individuals and companies in America.

The cuts in Medicare are harsh and they are extreme—$280 billion over the next 7 years. Premiums will double. Deductibles will double. Senior citizens will be squeezed hard to give up their own doctors and join private insurance plans.

The fundamental unfairness of this proposal is plain. Senior citizens' median income is only $17,750. Forty percent of all senior citizens have incomes less than $10,000 a year. Because of gaps in Medicare, senior citizens already pay too much for the health care they need, especially prescription drugs and long-term care. But under the Republican budget, elderly Americans will pay $71 billion more out of their own pockets over the next 7 years—an average of almost $4,000 for each elderly couple.

The Medicare trustees have stated clearly that $89 billion is all that's needed to protect the trust fund for the next 10 years—$89 billion, not $280 billion.

Our Democratic alternative provides that amount of savings. We don't need to raise premiums an additional dime. We don't need to raise deductibles a dime. We need to give senior citizens real choices, not force them to give up their own doctor.

The Republican Medicare plan also deserves to be rejected because of the lavish giveaways to special interest groups in the House and Senate proposals.

The insurance industry got what it wanted—the chance to get their hands on Medicare and make billions of dollars in additional profits.

The American Medical Association got what it wanted—no reduction in fees to doctors, and strict limits on malpractice awards.

The list goes on and on. The clinical laboratory industry got what it wanted—their labs no longer have to meet strict Federal standards to guarantee the accuracy of results. The nursing home industry got what it wanted—Federal standards to prevent abuse of patients in nursing homes will be eliminated. The pharmaceutical industry got what it wanted—the right to charge higher prices for their drugs.

Because of this unjust Republican plan, millions of elderly Americans will be forced to go without the health care they need. Millions more will have to choose between medical care and food on the table, adequate heat in the winter, or paying the rent.

Senior citizens have earned their Medicare benefits. They've paid for them, and they deserve them.

It is bad enough that the Republicans have proposed this unjust plan. It is worse that they have taken the single largest cost increase for senior citizens—the increase in the Medicare part B premium—and attached it to this continuing resolution.

Cuts in payments to doctors are not included in the continuing resolution. Cuts in payments to hospitals are not included in the continuing resolution. The only Medicare cut in this bill is a proposal to impose a new tax on the elderly and disabled.

The Republican strategy is clear. Try to rush through their unacceptable proposals—because they know that they cannot stand the light of day. Try to force the President to sign them into law—with the threat of shutting down the Government if he refuses to go along.

The part B premium increase is especially objectionable, because it breaks the national commitment to senior citizens in Social Security. Every American should know about it. Every senior citizen should reject it.

Medicare is part of Social Security. The Medicare premium is deducted directly from a senior citizen's Social Security check. Every increase in the Medicare premium means a reduction in Social Security benefits.

The Republican plan proposes an increase in the part B premium and a reduction in Social Security which is unprecedented in size. Premiums are already scheduled to go up under current law, from $553 a year today to $730 by 2002. Under the Republican plan, the premium will go up much higher—to $1,068 a year.

As a result, over the life of the Republican plan, all senior citizens will have a minimum of $1,240 more deducted from their Social Security checks. Every elderly couple will pay $2,480 more.

The impact of this program is devastating for moderate- and low-income seniors. It is instructive to compare the premium increase next year—the portion of the Republican plan tucked into the continuing resolution—to the Social Security cost-of-living increase that maintains the purchasing power of the Social Security check. One-quarter of all seniors have Social Security benefits of $5,364 a year or less. The COLA for a senior at this benefit level will be $139 next year.

The average senior has a Social Security benefit of $7,874. The COLA for someone at this benefit level is $205.

But under the Republican plan the premium next year will be $126 higher than under current law. Average-income seniors will be robbed of almost two-thirds of their COLA. Low-income seniors will be robbed of a whopping 90 percent of their COLA.

Senior citizens have earned their Social Security and Medicare through a lifetime of hard work. They built this country and made it great. Because of their achievements, America has survived war and depression. Tonight is the eve of Veterans Day, when we honor those who sacrificed for our country. Many of those veterans depend on Medicare. It is wrong to take away their benefits, and it is especially wrong to do so to pay for an underserved tax break for the wealthiest individuals and corporations in America.

The Republicans' attack on Medicare will make life harder, sicker, and shorter for millions of elderly Americans. They deserve better from Congress. This cruel and unjust Republican plan to turn the Medicare trust fund into a slush fund for tax breaks for the wealthy deserves to be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, there are two horses the Democrats like to ride. One is Social Security, and the other is Medicare.

They like to ride both of them at the top of their lungs, as has been indicated here this evening.

Let us talk about Medicare, which is the subject before us. There are a lot of deceptive statements being made here this evening in connection with Medicare. One is that you are increasing the premiums. First, let us make clear what we are talking about. Under Medicare, there is part A. There is a trust fund and that pays for the hospitalization. Part B is an insurance program. It is a voluntary insurance program that senior citizens can take if they so choose, and about 99-plus percent choose the part B insurance program.

What does the part B insurance program do? It covers the cost after the deductible for physicians. That is what part B is.

Let us look at a little bit of history. When part B was set up under Medicare in the early 1960's, the thought and, indeed, the plan was that the beneficiary, the insured, would pay 50 percent of the premium and the Federal Government would pay the other 50 percent of the premium.

However, due to the fact that it was set in dollars and medical inflation came along, what started out as a dollar premium that equaled 50 percent soon slid down, down, down and became less than 25 percent, something like 18 percent. So then we changed the law, and we provided that it be 25 percent as a minimum. But over the past several years that rose, and it currently is at 31.5 percent. That is what it is now. And so this idea that by staying at 31.5 percent we are increasing the premium is absolute, total nonsense.

It is important to remember this. The Federal Government is now paying, for the total part B premiums, as its share, namely the 69 percent that it pays, with the insured paying 31.5 percent, $42 billion a year, and we believe that the 31.5 percent premium that is currently being paid is a fair premium. It is not 50 percent, as the authors of the legislation originally provided, and it is not 40 percent, but it is 31.5 percent. That is what the Republicans have provided.

The argument is, well, do not do it on this bill. Do it on something else. The problem is that unless we provide on this bill that it be at 31.5 percent, due to the mechanics of the machinery for Social Security and the withholding, and so forth and so on, because this is a premium that is deducted from the benefit of the Social Security recipients—in other words, when they choose to have the insurance, they provide that the premium be deducted from their Social Security income, and in order to keep it at this particular figure, 31.5 percent, it is required that legislation be enacted. That is why we are here this evening.

Mr. DASCHLE. Will the Senator yield on that point?

Mr. CHAFEE. That is right. Yes.

Mr. DASCHLE. Will the Senator indicate what it will revert back to if this legislation is not passed?

Mr. CHAFEE. It will revert to the 25 percent that we have long since bypassed. It is now at 31.5 percent. Who set it at 31.5 percent?

Mr. DASCHLE. But the Senator does confirm it reverts back to 25 percent.

Mr. CHAFEE. A Democratic Congress—a Democratic House of Representatives, a Democratic Senate—provided that it be at the 31.5 percent. And to say this is an increase when that is what is being paid now is just plain not so.

Now, Mr. President, you could say, well, it ought to go to 25 percent. Well, why not have it go to 10 percent or, indeed, more attractive and more appealing I suppose is no charge. Have the Federal Government pay it all. But we believe that when we look at these programs, when we look at the cost of $42 billion, for the beneficiary to continue paying at the same percentage he or she is currently paying is fair.

Now, they do not say, well, it is unfair to pay 31.5 percent. Is that the viewpoint of the Senator from Massachusetts, I wonder?

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. KENNEDY. I will answer in 30 seconds. What is completely unfair is

to raise $51 billion, according to CBO, from low-income people in order to pay for a tax break for the wealthiest individuals. That is what is unfair. I wish the Senator had addressed the issue of the tax break for the wealthy. The Senator has not even referred to it. This provision raises $51 billion, I say to the Senator, here it is, right here in the chart. And you are using that $51 billion as part of your $245 billion tax break for the wealthy. The Senator has not even talked about that in his explanation.

Mr. CHAFEE. Now, Mr. President——

Mr. KENNEDY. I reserve the remainder of my time.

Mr. CHAFEE. I would ask that I have 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President that is what you call a syllogism. Does he believe that the premium should not be 31.5 percent? Suddenly we get talking about tax breaks for the rich. There is no tax break for the rich provided in this legislation. What we are saying is——

Mr. KENNEDY. I will take——

Mr. CHAFEE. Let me finish.

Mr. KENNEDY. I will be glad to answer the question.

Mr. CHAFEE. We are on my time.

Mr. KENNEDY. I will be glad to answer the question.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor. Does he yield the floor?

Mr. CHAFEE. I know I am against sturdy competition, particularly in the volume level, but I would like to finish.

We believe that a beneficiary paying 31.5 percent is fair. As you know, under the current law, when an individual is unable to pay the premium, then Medicaid can step in. That is the current law of the land. Medicaid is there to cover the deductibles. Medicare is there to pay the part B premium. But we believe that it is fair for the beneficiary to pay 31.5 percent with the Federal Government paying 68.5. That is a pretty good deal.

So that is what this is all about this evening. It has nothing to do with the rich. You can read the language, and there is no tax cut for the rich. I do not know where they get that from. It has nothing to do with that. It is whether it is fair to say to the beneficiaries you are getting a very good deal here.

And you cannot beat it for paying not the entire premium. Indeed, there is no means testing here. There is no suggestion, as we have proposed and subsequently presumably it will come along in later days, that the more affluent pay more. That is not included here. I would be happy if it were. But that is not in this particular program.

So, because of the mechanics that have to take place, it is important that this legislation be approved.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Could I have just 30 seconds to respond?

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. I yield 1 minute to the distinguished Senator.

Mr. KENNEDY. I want to make it clear that I do think the raising to 31 percent, which this proposal does, is unfair. And I want to tell you why. Because it was a guarantee to the seniors, "Work hard, pay your taxes, and you are going to have affordable health care." Under the Republican proposal, you will be adding some $2,400 to the cost of health care to every senior citizen in this country. You are going to be denying them access to health care. And you are doing it to have the tax breaks for the wealthy.

And that, I say to the Senator, is unfair. And at the 31 percent, the premium will emasculate the cost-of-living adjustment under Social Security. The Republicans said, "We aren't going to touch Social Security," and yet they are effectively wiping out the COLA for the poorest of our elderly people.

I yield the remainder of the time.

Mr. DOMENICI addressed the Chair.

Mr. ROTH. I yield 4 minutes to the Senator.

Mr. DOMENICI. Mr. President, let me say to the senior citizens of the United States, "The Federal Government is paying for your insurance, everything except hospitalization which you paid for in trust from your salary. We have decided to pay a premium for your health insurance. And we pay it for nobody else in America."

There are families with a husband and wife, and four kids, making $22,000 a year, working hard, trying to get ahead. We do not pay any health insurance premium for them, but because we want to take care of our seniors, we pay for theirs. How much do we pay, and how much does the senior pay? At this point in time, the senior citizen pays 31.5 percent and the taxpayers of America, because we want to take care of seniors, pay 68.5 percent.

That is the fact. All this amendment says is that it is going to stay at 31.5 percent. It is not going down to 25 percent or 20 percent or 10 percent. We say to the seniors, "Is it not fair that you pay 31.5 percent"—that is what it has been for awhile—"while the taxpayers pay all the rest, while we try to get a balanced budget for the United States, so that our children and grandchildren will have a chance at making a decent living and increasing their standard of living?"

By the way, we do not pay the health insurance premium for a husband and wife and four children. They may have insurance; they may not. We do not pay it from the taxpayers of America. So what we did is say, "Let's get a balanced budget on this score. Let's just leave the premium at 31.5 percent, with the taxpayers paying all the rest." When we were finished with all of this, we found we had an economic dividend. That dividend said you have a surplus in the budget of the United States. All we said to the seniors of the United States is, "We would like to give that money back to the taxpayers." Ninety percent of that economic dividend is going back to the taxpayers of America who earn $100,000 or less a year.

Everything I have said is fact. Now, you can turn it around however you would like, but I do not believe there are going to be very many senior citizens who are going to be angry at us when we say, "We will keep on paying 68.5 percent of the cost of your insurance, but we would like to give the American people a tax break, with most of it going to men and women who have children, by way of a tax credit and a little tiny bit so that we can have the economy grow."

What is the matter with that? It seems to me that is the best thing we can do for seniors and by far the best thing we can do for their children and grandchildren. And that is the way it is.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Delaware has 7 minutes.

Mr. ROTH. Mr. President, I rise in opposition to the amendment. This legislation sets the part B monthly premium for 1996 at 31.5 percent of part B costs, the exact same percentage of cost beneficiaries cover today through their premiums. I might point out that the Senate has already approved this change in the budget reconciliation bill.

Mr. President, if we do not make a change in the part B premium, the percentage of part B spending that beneficiaries cover through their premiums will drop on January 1. And as I said, beneficiaries now pay for 31.5 percent of part B spending through premiums, and as of January 1 of this next year it would drop to 25 percent. If we do not pass this legislation by next week, the Social Security Administration tells us it cannot change the premium for another 4 months because of the time it needs to reprogram its computers.

This part B premium change is a downpayment on restoring fiscal security to part B. I might point out that part B is strictly voluntary on the part of our senior citizens as to whether or not they enroll in it. A lot of attention has been focused on the need to restore solvency to the part A trust fund. But part B spending is also a major problem.

The Medicare trustees, trustees appointed by President Clinton, in their

1995 report on the part B trust fund, pointed out that part B costs have increased 53 percent in the last 5 years and costs grew 19 percent faster than the economy as a whole. In my view, it simply does not make sense to let the part B premium go down when, in fact, part B costs are exploding.

Let us remember where the rest of part B spending comes from. It comes from taxes, taxes paid for by the American people. And even under the reconciliation bill, the taxpayer subsidy of part B will be almost 70 percent of part B costs. The public trustees—again, the same trustees appointed by President Clinton—of the Medicare program termed the part B subsidy a major contributor to the fiscal problems of the Nation. In other words, this subsidy is a direct contribution to our deficit.

Some will undoubtedly claim that this premium change will burden American seniors. We do not think so. The premium change, as I said, simply continues the current level of beneficiary cost-sharing among 36 other Medicare beneficiaries. We think this is fair. We urge the Members of this Chamber to defeat this amendment.

I yield the floor, reserving the remainder of my time.

Mr. GRAHAM. Mr. President, would the Senator from Delaware yield for a question?

Mr. ROTH. Not right now. First I want to yield time to the distinguished Senator from Wyoming.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator has 2 minutes 44 seconds remaining.

Mr. SIMPSON. Mr. President, I do not know how much has been covered here, but if ever we are going to get anything done with regard to these programs, this is it. I do not want anyone to forget in this body that when this remarkable program was put together—and, remember, it is voluntary—it was never part of any contract. This is voluntary.

This is an income transfer; 69 percent of the premiums on part B are paid by the people who maintain this building and 29 percent are paid by the beneficiaries regardless of their net worth or their income. This is absurd.

If we cannot even means test part B premiums, which are simply voluntary, we will never get anything done, period. But here is the key. Remember when this program started, I say to my colleagues—do not miss this—under the 1965 law, this was to be a split of 50–50. Everyone in this body knows it, 50 percent was to be paid by the Government, the taxpayers, and 50 percent by the beneficiary. Everybody who is in this debate knows that.

How did it then get to 25 percent? It got to 25 percent by people who knew they could get reelected by simply coming to the floor and saying, "Oh, you shouldn't have to pay 50 percent of that premium; you should pay 45 percent."

Mr. FORD. Mr. President, can we have order in the Chamber? It seems we have some visitors. We need decorum here.

Mr. SIMPSON. I thank my friend from Kentucky. "No, no, you should not have to pay 50 percent, you are beleaguered, tortured."

Bosh, it is a voluntary program. It is $46.10 a month; $46.10 a month to people who are floating in a golden parachute. This is absolutely bizarre, when the thing was originally 50–50 and now we have it to 25–75 and now we want to say 31 is too much? Ask the people who are called "Joe Six-Pack" how they feel about paying 70 percent of the premium for somebody who is loaded. This is crazy.

Mr. GRAHAM. Will the Senator from Wyoming yield for a question?

Mr. SIMPSON. Yes.

Mr. GRAHAM. In the Finance Committee, you offered an amendment which would have the effect of causing high-income Medicare beneficiaries to pay a larger percentage of the cost to the program; is that correct?

Mr. SIMPSON. That is correct.

Mr. GRAHAM. That was adopted by the Finance Committee.

Mr. SIMPSON. It was a very fine bipartisan vote of 15–5.

Mr. GRAHAM. Would this proposal of setting the percentage at 31.5 percent obviate your amendment which would have set a higher percentage for high-income Medicare beneficiaries?

Mr. SIMPSON. Obviously, it would. If we cannot maintain the current level of 31.5 percent, we are in deep trouble, to go back to 25, to strike everything we are trying to do in means testing.

Mr. GRAHAM. What I am saying is, if we retain the provisions in the continuing resolution, it appears to mandate that we set the computers at 31.5 percent for all beneficiaries, the rationale being if we do not act now, it will be too late to adjust those computers.

Would that not have the effect of eliminating the opportunity to do what your amendment calls for, which is to have a different percentage for high-income beneficiaries?

The PRESIDING OFFICER. All time has expired.

Mr. SIMPSON. I do not know how better to explain the situation. If you are going to change this formula, obviously the means testing or affluence testing, as I call it, of part B premiums cannot be done properly if you are going to give more of a break to people regardless of their net worth or income.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. DASCHLE. How much time remains on our side?

The PRESIDING OFFICER. Two minutes, 10 seconds.

Mr. DASCHLE. I yield 30 seconds to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the Democratic leader.

The Republicans are asking seniors to pay more than Congress intended because they want seniors to pay more. They think they should pay more, and this, I warn my colleagues, is the beginning of the Republican plan to ask seniors to pay more for their health care coverage.

Mr. DASCHLE. Mr. President, let me associate myself with the remarks of both our Democratic Senators. The Senator from Florida and the Senator from West Virginia have made a point I was going to make in response to the Senator from Wyoming. The fact remains that seniors pay more for their health care than any other group of people in the country. That is not disputable. They pay more than anyone else. Yet, this amendment requires them to pay even more than they pay today. That is what this issue is about and no one ought to be misled about that.

I want to make two final points, reiterating what I said earlier about the importance of this legislation and confirming what the distinguished Senator from Rhode Island said earlier.

Current law dictates that 1996 premiums will revert back to the 25 percent level. The continuing resolution seeks to change this and lock-in the premium at 31 percent. We have debated this, we have discussed it, we have analyzed it, we have consulted and we have concluded over a long period of time that 25 percent is the figure that we ought to lock-in for seniors to pay their fair share, given the fact that they already pay more in out-of-pocket costs and in higher deductibles than any other segment of the population.

Mr. President, we made a commitment 30 years ago that seniors would get health care, and it would be affordable. That commitment is now jeopardized if this amendment is not adopted. I hope Senators on both sides of the aisle will recognize that and support it as this legislation comes before us tonight.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 3049, AS MODIFIED, UPON RECONSIDERATION

The PRESIDING OFFICER. The question recurs on amendment No. 3049, as modified, offered by the Senator from Idaho [Mr. CRAIG]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator for Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator for Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 565 Leg.]

YEAS—49

Abraham	Faircloth	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brown	Grams	Pressler
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kassebaum	Thompson
D'Amato	Kempthorne	Thurmond
DeWine	Kyl	Warner
Dole	Lott	
Domenici	Mack	

NAYS—47

Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Breaux	Hollings	Nunn
Bryan	Inouye	Pell
Bumpers	Jeffords	Pryor
Byrd	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Simon
Exon	Lautenberg	Snowe
Feingold	Leahy	Specter
Feinstein	Levin	Wellstone
Ford	Lieberman	

NOT VOTING—3

Akaka	Bradley	Lugar

So the amendment (No. 3049), as modified, was agreed to.

Mr. SANTORUM. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3045, 3046, 3047, AND 3048

Mr. DOLE. In light of the vote, I now ask that the amendment 3048 be agreed to, and amendments 3047, 3046 and 3045 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I wish Senators would just stop and look around. I wish Senators would just take a look at what is going on on the floor.

Mr. President, I will not object, but I want to retain the floor briefly on a reservation of objection.

I wish Senators would just look around this Chamber. If you have not looked around, do it. I do not mean to be discourteous to our colleagues from the House. They have the privilege of the floor. I would defend their privilege, their right to the privilege, as long as it is in that book. And it is in there—the book on Senate Rules. But it is a little disconcerting to see them down in the well, buttonholing Members of the Senate. I resent that. I resent that. If there is ever a time when they want my vote, where they would like to see me vote a certain way, such conduct would turn me the other way.

All the while I have been speaking, a House Member has been standing over there laughing and grinning. I do not mean to be discourteous to House Members, but to me that comes with very poor grace.

I have been in this Senate now 37 years. I used to be a Member of the House. Not once have I ever gone over there and attempted to buttonhole Members of the other body during a vote.

I hope that the Chair will insist on better order in the Senate. That might go for some of our own Members, as well.

I try to sit in this chair here most of the time. I know that we all are prone to forget and chat with colleagues as they come in on the floor because we have not seen them. They have been in committee meetings and so on. If that Chair will make that gavel heard, here is a Senator who would sit down. I respect that Chair and I respect that gavel.

I hope that House Members will show a little respect for this body and for the privilege of the floor which they have been accorded. And I hope that we Senators will help the Chair to insist on that.

Mr. President, I thank the Chair.

I remove my reservation.

The PRESIDING OFFICER. Is their objection to the request of the majority leader?

Without objection, it is so ordered.

So the amendment (No. 3048) was agreed to.

So the amendments (Nos. 3045, 3046, and 3047) were withdrawn.

Mr. DOLE. Mr. President, what is the pending business?

AMENDMENT NO. 3050

The PRESIDING OFFICER. Under the previous order, the question occurs now on amendment No. 3050 offered by the minority leader, Mr. DASCHLE. On this question, the yeas and nays have been ordered.

Mr. DOLE. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I think most of our colleagues are here and have been notified, if we might have consent that this be a 10-minute vote, and then, following that, there will be a rollcall vote on final passage of 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from South Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 566 Leg.]

YEAS—52

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kassebaum	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kerrey	Thurmond
Dole	Kyl	Warner
Domenici	Lott	
Faircloth	Mack	

NAYS—44

Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Leahy	Specter
Feingold	Levin	Wellstone
Feinstein	Lieberman	

NOT VOTING—3

Akaka	Bradley	Lugar

So, the motion to lay on the table the amendment (No. 3050) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader is recognized.

Mr. DOLE. I would ask that we have 1 minute before the next vote so the chairman of the committee, the Senator from Oregon, may offer a technical amendment which has been agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3051

Mr. HATFIELD. Mr. President, I have two technical amendments that have to be offered, and they have been cleared on the other side of the aisle by Senator BYRD. They relate to a technical amendment for the U.S. Information Agency and in relation to the DC amendment. So I send these to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 3051.

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 amendment is as follows:

In Sec. 101. (a) after Educational Exchange Act of 1948, insert: "section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236),".

On page 10 at line 19, after the period insert the following: "Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85-451, as amended."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 3051) was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 115) was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 567 Leg.]

YEAS—50

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Mack	

NAYS—46

Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Reid
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Snowe
Exon	Leahy	Wellstone
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—3

Akaka	Bradley	Lugar

So the joint resolution (H.J. Res. 115), as amended, was passed.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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, has H.R. 2586 arrived?

The PRESIDING OFFICER. It has.

DEBT LIMIT EXTENSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 2586, the debt limit; that there be two amendments in order, the first to strike the Department of Commerce elimination, to be offered by the Senator from Michigan [Mr. ABRAHAM], and the second, a clean debt limit to be offered by Senator MOYNIHAN, or his designee, and that following the disposition of those amendments, the bill be advanced to third reading and final passage, to occur all without any further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I do not intend to object, I wonder if the majority leader would have any interest in entering into a time agreement to give our colleagues some indication of what the schedule might hold. I know there is very little disagreement on the first amendment. And while there may be disagreement on the second amendment, it is not our intention to debate it for a great deal of time. So we might be able to enter into a time agreement on that one and stack the three votes to accommodate Senators tonight.

Mr. DOLE. On the first amendment to strike the Department of Commerce elimination, I will just ask that there be a motion to strike and a voice vote, without debate. That will not take any time. I do not think the second will take long. I have talked to the Senators from New York and Delaware.

Mr. DASCHLE. I suggest 20 minutes, 10 minutes per side.

Mr. DOLE. On the Moynihan amendment?

Mr. DASCHLE. Yes.

Mr. HOLLINGS. Reserving the right to object, Mr. President, I have seen a lot of remarkable things occur, and when they occur in our favor, I do not want to object. But the distinguished Senator from Michigan is the one that wants to get rid of this Department.

Mr. DOLE. He still does, but not tonight.

Mr. HOLLINGS. That is why, if he is going to make a motion, I want to make sure we are not playing games.

Mr. DOLE. It is coming out.

Mr. HOLLINGS. I will join him in the motion to strike then. We have unlimited time right now, is that correct?

Mr. DOLE. We hope that if we proceed on this basis, it will be a very quick disposal of that provision in this particular bill.

Mr. HOLLINGS. You are going to voice vote it?

Mr. DOLE. Yes.

Mr. HOLLINGS. That would suit this Senator, if we can have 5 minutes.

Mr. DOLE. On a side?

Mr. HOLLINGS. Well, at least for me.

Mr. DASCHLE. How about 20 minutes on a side for both amendments.

Mr. DOLE. Twenty minutes equally divided on each amendment.

Mr. COHEN. Reserving the right to object, Mr. President. As I understand it, then, after the one motion to strike the Commerce Department provision, which will take very little time, there will be one other motion to strike everything else, so that those of us—at least myself—would not have an opportunity to express my support for including a balanced budget within a 7-year timeframe and a prohibition against delving into any Social Security and pension funds, and limited to that, I would have to accept the other

provision added by the House. In other words, it is either all or nothing after we delete the Commerce Department provision.

Mr. DOLE. Then it goes back to the House, and there will probably be some negotiations. Some would say there would be progress. I hope the Senator from Maine can support progress.

Mr. DASCHLE. I am told that we have a request for an additional 10 minutes on our side on the Commerce Department, so that would require 20 minutes on our side on Commerce.

We would be satisfied with 10 minutes on the second amendment.

Mr. DOLE. So there would be 10 minutes additional time for Senator BYRD on the Commerce Department?

Mr. DASCHLE. That is right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, is it then in order that we would have three votes stacked—two amendments and final passage?

Mr. DOLE. Part of the agreement is we dispose of the first amendment by voice vote. The other two would be rollcalls.

The PRESIDING OFFICER. That would be 50 minutes on the agreement. The yeas and nays have not yet been ordered.

Mr. DOLE. I ask for the yeas and nays on the Moynihan amendment and on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. I ask unanimous consent that the first vote at 8:50 be a regular 15-minute vote; final passage will be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Madam 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. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3052

(Purpose: To preserve the Department of Commerce)

Mr. ABRAHAM. Madam President, I send to the desk an amendment to strike title II of the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 3052.

Mr. ABRAHAM. 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:

Strike title II.

Mr. ABRAHAM. Madam President, the section of the bill which I am moving to strike is quite an important section and quite an important policy issue to me and to a number of Members of this body. It pertains to the Department of Commerce. It pertains to efforts a number of us have launched this year in separate legislation to basically eliminate the umbrella we call Department of Commerce and reassign a number of the programs and functions of that Department to other areas of Government, but dramatically reduce the overhead and the bureaucracy by eliminating the umbrella called the Department of Commerce.

Obviously, I am a strong advocate of this legislation in that I am the chief sponsor of the freestanding bill which was introduced earlier this year. I support very much the effort to dismantle the Department and reassign its relevant functions.

It had been my hope—and it remains my hope—to find the right time and the right vehicle to pursue this objective. Indeed, in the Senate Governmental Affairs Committee, the bill, which was initially my bill, has gone through hearings, and it has been marked up and reported out of committee with favorable report to the full Senate.

It is my hope that at another time—hopefully very soon—we will have the opportunity to look either at the package that came out of the Governmental Affairs Committee as a freestanding bill or some combination of that package and the one that was included in the bill that I am seeking to strike tonight.

Madam President, the simple fact is that this is not the right time and this is not the right vehicle for us to consider this important question of the Department of Commerce. There are many compelling arguments, some of which I will make during our brief time tonight to discuss this issue. But I think the purpose of giving concentration of focus of the Senate on this very vitally important issue tonight is not the right time. For that reason, I send this motion to the desk.

I yield the floor. I retain the remainder of our time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, there is a saying that a man's opinion is still a man's opinion. I wonder. My colleague from Michigan has a motion to strike title II, which I agree with. But in all candor, I believe his sincerity and that it is still his intent that we abolish or repeal the Department of Commerce. I, though, want to see that title II is stricken from this bill and any other measure.

I have never seen legislation and Congress itself reach such a ludicrous position of trying to rid itself of one of the most formative departments. I never say that lightly. Under article I, section 8, the first designated duty to the National Congress is to collect taxes, the second one is to borrow money, and the third one is to regulate commerce.

You will not find the Department of Agriculture, you will not find the Department of Energy, you will not find Housing in these measures in the National Government's Constitution. You find commerce.

Here, right in the midst of what you might call the economic war, we want to dismantle the front line entity that is really waging the battle to rebuild the economic strength of the United States of America, and Secretary Ronald Brown is doing an outstanding job. To dismantle or strike or eliminate this particular Department at this hour would be like in the middle of the Cold War getting rid of the Pentagon.

Madam President, you just could not understand the history of the United States if you did not go back into the original debates with respect to the Declaration and the Constitution itself and the exchange taking place soon after between the Founding Fathers and the former mother country, and especially with what corresponded at that particular time with Secretary Alexander Hamilton. The British said, now that you have became a little fledgling nation, you trade with us what you produce best and we trade back with you what we produce best. That nonsense that you continually hear to this day—"free trade, free trade."

Alexander Hamilton wrote his views on that suggestion in a booklet called Report on Manufactures. It is over in the Library of Congress. And without reading that, I only say that it can be summed up in two words: "Bug off."

Hamilton told the British that we are not going to sit and remain your colony, shipping back our natural resources, our grain, our iron, our foodstuffs, and bringing in the manufactured products. It carries me immediately to Akio Morito, the founder of Sony, some years ago before his death, in Chicago where he was lecturing about emerging nations. He said emerging nations must build up a strong manufacturing sector, and that power that loses its manufacturing power ceases to be a world power.

That is the position we are in at this particular moment. At this particular moment, we have come from having at the end of World War II 50 percent of

our work force in manufacturing down to, 10 years ago, 26 percent, and now today at 13 percent. We are going out of business.

The thrust of eliminating the Department of Commerce is nothing more than the thrust that America go the way of England —specifically, a delightful Parliament, debating each other with scandal sheets and everything else to read but losing, generally speaking, its influence.

And we do. If we lose our economic power, we lose our international foreign policy power, if you please. No one cares today any longer about the 7th Fleet or the threat of a nuclear attack. Money talks in the global competition and in global politics.

Madam President, I rise in strong opposition to these proposals to dismantle the Department of Commerce [DOC].

To begin with, I strongly object to the process being used. A major piece of authorizing legislation does not belong on the debt limit bill. Moreover, the version before us now has been available to Senators only since this morning. The House Republican leadership rewrote the bill and only published it last night—38 densely-packed pages of the RECORD that no one here has had time to review. Finally, no version of the DOC dismantling legislation has ever been presented to the Senate for full and regular debate. In short, adding this dismantling proposal to the debt limit bill is the worst possible way to consider major legislation.

Second, I strongly disagree with the substance of this proposal. It is astounding that in the middle of the global economic fight some of our colleagues propose to abolish the Federal agency that promotes exports, enforces our trade laws, works with industry to create new job-creating breakthrough technologies, and otherwise does so much to promote economic growth. I know that many of our Republican colleagues do not like the current Secretary of Commerce, since he helped the President win the White House in 1992. And I know that some Republicans want a trophy, and have therefore gone after the Cabinet department with the smallest budget.

But to abolish the Commerce Department in the middle of the economic fight is like abolishing the Pentagon at the height of the cold war. This is the last department we should abolish in this post-cold war world. The proposal is utter nonsense, and it is nonsense that will hurt every American company and worker.

The bottom line is that in today's global economy almost every American job is at risk. Nearly every company, and nearly every worker, faces growing foreign competition. Millions of jobs depend on exports, and millions in the future will depend on whether the United States stays at the cutting edge of new technologies. These are bread-and-butter issues to American families, and we need to strengthen—not weaken—American exports and competitiveness.

According to the November 6, 1995, issue of Business Week, a new report compiled by the U.S. intelligence community for the Trade Policy Coordinating Committee, chronicles the bare knuckles brand of capitalism employed by our competitors. Here are some examples:

The French Government warned an African government that it would withdraw government guarantees on outstanding loans if Acatel did not win a $20 million telecommunications switching equipment contract.

A Japanese company won a $30 million supercomputer order from Brazil after the Bank of Japan said it would credit the purchase against Brazilian debt to Tokyo.

Officials at Airbus Industries threatened to block Turkey and Malta from entry into the European Union unless they purchase Airbus jets rather than jets from Boeing or McDonnell-Douglas.

In the face of this brutal competition, some of our colleagues in the House want U.S. business to walk down this dark alley unarmed and unaided.

We need a Cabinet department, and a Cabinet Secretary, whose job is to fight for exports, fight to keep America's lead in technology, and provide important support services to business. The proposal before us, however, is a giant step backwards.

We also should note that this proposal does not reduce bureaucracy. It creates bureaucracy. House and Senate Republicans have discovered that many of DOC's functions are important after all, so while they abolish the Department they create several new independent agencies. Of course, each new agency has to have its own budget office, personnel office, congressional relations office, and inspector general. The result is more bureaucracy. It would be much cheaper and more effective to keep these functions where they are, in the Commerce Department.

Finally, major government reorganizations should not be done piecemeal. This House-passed proposal is ad hoc box-shuffling, with no great attention to either today's national priorities or the functions of other departments and agencies. Just blowing up one department without attention to all the others is a poor and backward way to reorganize our Federal Government.

SOME BACKGROUND

Madam President, before we consider abolishing the department that does the most to promote American jobs and profits, we should remind ourselves of some important history.

For 45 years we were engaged in a life and death struggle against the forces of totalitarianism. Through steadfast commitment and sacrifice we emerged triumphant. During the cold war we willingly subordinated our economic interests to sustain the western alliance. Now, in the post cold war era we must channel the same energy and commitment into rebuilding our economic strength. With the fall of the Berlin Wall and the collapse of Communism, this nation has entered into a new era of competition, one in which the exercise of power and influence will be determined by economic strength.

Madam President, our strength as a nation is analogous to a three legged stool. One leg is our military strength, which remains preeminent. One leg is our values as a nation. From feeding the hungry in Somalia to supporting democracy in Haiti, our values as a nation remain strong. When we look at our economic strength, however, that leg is fractured. A recent OECD report discovered that the United States has the worst income distribution in the industrialized world. Three-quarters of our citizens in the age group of 18 to 25 cannot find a job that pays more than the official poverty level. We have one of the lowest savings rates in the industrialized world. In private sector capital spending, the United States lags behind our competitors.

We have fallen behind in key technologies including flat panel displays, laser diodes, and ceramic packages for the semiconductor industry. We have a $9.9 billion trade deficit in computers and peripherals and $3.7 deficit in telecommunications equipment. Over the last decade we have posted nearly $1.4 trillion worth of trade deficits. The reason for this is clear. For too long we have been held back by slavish adherence to an outmoded 19th Century view of capitalism. This view was appropriate for David Ricardo's British Empire but has no place in an era of "high tech" competition where government provides the comparative advantage for industry. This "hands off" notion of economic development flies in the face of our own history. From Alexander Hamilton's Report on Manufactures, to Henry Clay's "American System" of manufacturing, to Lincoln's development of the American rail system, to NASA's technological breakthroughs, the government has played a crucial role working with industry to stimulate economic development.

While some in Congress foolishly propose dismantling DOC, our economic competition around the world does not share our shortsighted desire to tear down government. The dynamic economies in Asia have evolved into economic powerhouses by developing close links between business and government with one goal in mind, to become export super powers. The invisible hand of the market did not develop Korea's world class semiconductor industry. Instead, the iron fist of decrees laid down by Korea's Ministry of Trade kept out

foreign competition unless they licensed their technology to Korean companies. That iron fist was complemented by the largesse of Korea's Treasury which provided subsidies in the form of below market loans and closed the markets to U.S. computer chips while Korean manufacturers dumped chips into the U.S. market below the cost of production.

Europe is nurturing the information technology industry courtesy of billions in subsidies from the European Community for massive research projects like JESSI, ESPRIT, and EUREKA. The law of comparative advantage no longer applies in America's top export industry where Airbus captured 30 percent of the market by flaunting international trade rules, and China forced Boeing to build planes in the Guan Zhao province rather than Seattle, Washington.

This is the competition we face. In today's new world economy, it makes absolutely no sense to eliminate the one cabinet department that looks out for the business community and for one of our Nation's most important functions—interstate and foreign commerce. We need to strengthen the Department of Commerce, not blow it up into ineffective fragments. Strong U.S. Government backing for U.S. companies and workers in trade, technology, and other areas is vital if the United States and our constituents are to prosper. The facts show that the Department of Commerce is working, fighting for American business. Today, in fact, DOC is more successful at promoting exports and other activities than we have seen in decades. Its various units support and benefit each other, making the Department's total much more than the sum of its parts. It would be a grave mistake to break up this winning team of business and Government working together. If we retreat now, we will lose exports, we will lose much of our technological edge, and we most assuredly will lose jobs.

Article I, section 8, of the Constitution says that Congress shall have the power to regulate commerce with foreign nations, and among the several States. Our Founding Fathers knew the importance of a Federal role in support of commerce. In the first days of our Republic, Alexander Hamilton wrote his famous Report on Manufactures and called for Government policies to assist U.S. industry. Theodore Roosevelt created the Commerce Department, and in the 1920's, Secretary of Commerce Herbert Hoover turned the Department into an export powerhouse.

COMMERCE DEPARTMENT SUCCESSES

Today, the Commerce Department provides the needed tools for helping Americans to succeed in the new global, high-technology world. Consider a few of its successes:

The Department's export promotion efforts have been a huge success, helping American companies over the past 2 years to sell over $24 billion in American goods and services, and creating or saving over 300,000 jobs. Its export control program will allow billions more in export sales while successfully preventing the sale of sensitive technologies to unfriendly governments. Yet the House-passed dismantling bill would downgrade these export efforts, eliminating the Cabinet officer responsible for export promotion and burying these functions under an official whose main responsibility is trade negotiations, not exports.

In technology, the central economic battleground of the future, DOC supports industry's own efforts. DOC-supported manufacturing extension centers, begun under the Reagan Administration, have helped over 15,000 small firms to improve their operations and profits, leading the firms themselves to calculate that each $1 of DOC investment leads to $8 in company revenues or savings. The House-passed DOC dismantling legislation abolishes the centers program.

The Advanced Technology Program, started under the Bush administration and still new, is already helping dozens of companies, most of them small businesses, to develop new breakthrough technologies that the private capital markets will not finance because they are not guaranteed to make short-term profits. New developments will reduce the costs of computer chips, lead to cheap compact color TV displays, and create machines that can safely hold human bone marrow cells outside the body and use that bone marrow to create new blood cells. The House-passed bill would terminate the ATP.

The National Institute of Standards and Technology (NIST) laboratories have existed since Theodore Roosevelt established them in 1901. They help the FBI and the Nation's law enforcement crime labs ensure accuracy in drug analyses and DNA fingerprinting. They help industry with a wide range of new measurement techniques which help many companies improve precision and quality and cut costs. Yet the House-passed language would reduce the NIST labs to first 75 percent, and then 65 percent, of their fiscal year 1995 funding.

The National Oceanic and Atmospheric Administration [NOAA] is steadily improving the warning time and accuracy of weather and climate forecasts, with economic and safety benefits ranging from improved flood forecasts to safer airline flights.

NOAA also assists the Nation's $50-billion-a-year commercial fishing industry and $70 billion-a-year marine recreational fishing industry by monitoring fishery harvests and collecting management information. Yet the House DOC dismantling language would reduce NOAA's budget drastically—first to 75 percent of its fiscal year 1995 appropriation, and then to 65 percent the second year after enactment and in all subsequent years. These draconian reductions will affect weather and fisheries services throughout the country.

The Economic Development Administration is one of the few Federal programs that give rural areas a chance to share in economic growth.

The Bureau of Economic Analysis is now substantially improving economic and trade statistics, to give both business and government a more accurate picture of where America stands in the new world economy.

A DEPARTMENT THAT IS WORKING

Madam President, contrary to what some may believe, these various parts of the Department work closely together and reinforce each other. NIST, for example, works with the International Trade Administration [ITA] and U.S. industry to monitor new product standards in other countries. They identify when foreign product standards are used not to protect local safety but as nontariff barriers against American products. Similarly, the Patent and Trademark Office advises ITA when foreign governments appear to use their patent policies in ways which hurt U.S. technology companies.

There are other examples. NIST and ITA's United States and Foreign Commercial Service are working closely with several friendly countries, including Saudi Arabia, to ensure that their new product standards are compatible with American goods and services.

NIST and NOAA, in turn, are developing new measurement techniques for helping the fishing industry to locate fish stocks. The Census Bureau regularly provides important information on the state of U.S. manufacturing to companies and the trade and technology units of the Department.

The National Telecommunications and Information Administration [NTIA] performs a critical role in forcing government users to become more efficient in their use of spectrum radio frequency and overseeing the governmental uses of the spectrum. NTIA has played a critical role in identifying frequency bands for reallocation to the private sector, which ultimately led to auctions that brought in over $9 billion to the U.S. Treasury.

In this era of economic competition, the Commerce Department is the arsenal of business. It is the Commerce Department through the ITA that rings up sales for U.S. business—from Boeing and McDonnell Douglas airplanes in Saudi Arabia to Raytheon radars in Brazil. It is the Commerce Department that enforces the trade laws that enabled the steel and semiconductor industries to beat back predatory trade practices.

In the critical technologies that are the battleground of the 21st Century, it is the Commerce Department that is

leading the way in developing and commercializing new and emerging technologies. While the Commerce Department is at the cutting edge of technological development, its Export Administration is walking the fine line between promoting U.S. exports and keeping our critical technology out of the hands of terrorists. Finally, it is the Commerce Department's economic statistics that provide the date which drive America's financial markets.

This Department is not only working. Its units are working effectively together and with American business to save and create jobs.

A PIECEMEAL APPROACH

Madam President, finally we should oppose this proposal not only because it does not belong on the debt limit extension and because it is substantively wrongheaded. We should also oppose it because it is a piecemeal approach to government reorganization, a proposal written without apparent attention to the rest of the government's operations.

In the 1950's, I had the privilege sitting on one of President Hoover's commissions on government reorganization. Believe me, there is a right way—a comprehensive, thoughtful way—to consider government reorganization. And the proposal before us is not the result of a comprehensive, thoughtful process. It is far too piecemeal.

INDUSTRY VIEWS

Madam President, these objections to the House language are not just my views or the those of other Senators. They also are the views of a very large portion of the American business community. For example, I have letters from the National Association of Manufacturers, the Chamber of Commerce, and a major ad hoc industry coalition consisting of over 60 major corporations and trade associations. Let me quote from the NAM letter:

> We feel equally strongly that the goal of such a reduction [in the size of government] should be a government that can deal effectively with the demands of the 21st century global economy. We agree with Peter Drucker's observation that the government should be giving "primacy to the country's competitive position in an increasingly competitive world economy".
>
> The Congress will not be able to meet this challenge if it tries to do so in a piecemeal fashion, taking on one agency or program at a time with the hope that everything will fit together in the end.

I ask unanimous consent that at the conclusion of these remarks these three letters be printed in the RECORD, as well as a copy of the Business Week article I cited earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

WHAT ARE OUR PRIORITIES?

Mr. HOLLINGS. Madam President, the choice before the Senate is actually very simple and stark. It is a matter of priorities. Either we back our companies and workers, or we do not. Either the United States gets into the global economic fight, or we do not.

DOC supporters believe that our Government, like every other major government in the world, should take prudent steps to support its industries and workers—to help win at exports, technology, and other areas. This Department is fighting every day for American business, and it is succeeding. We should not break up the cooperative effort of business and government that has developed in recent years.

Opponents of the Commerce Department would leave American business out there with no backing, no assistance, and fewer economic prospects. It makes one wonder whether or not export jobs and high-tech jobs are a priority with these opponents.

In the final analysis, does anyone really believe that the American people want the Government to do less to promote American exports and export-related jobs? Does anyone really think that the American people want less effort to enforce our laws against unfair trade practices? Does anyone really believe that the American people want none of the Government's $72 billion annual research budget used to help create new breakthrough technologies that will create the industries and jobs of the future? Does anyone really believe that the American people want to call a halt to modernizing our weather stations, or completing economic development projects in hard-hit rural communities across the land? Of course not. It is time that we get past trophy-hunting and start thinking about the economic interests of our people.

I urge our colleagues to strip this provision from the debt limit legislation now before us, and I urge them, as well, to drop the entire idea of killing the Commerce Department.

We should want to win in the global economy, not quit the field. If Senators and Representatives feel they must kill a cabinet department, let them pick one whose elimination will not leave our companies and workers more vulnerable to economic competition. Let them not break faith with the millions of Americans who want Government to promote their economic interests in this harsh new world economy, not abandon them. As for myself, I will continue to oppose this foolish and destructive proposal.

EXHIBIT 1

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, November 8, 1995.

Hon. ROBERT J. DOLE,
U.S. Senate, 141 Senate Hart Office Building, Washington, DC.

DEAR BOB: The effort to bring the federal budget into balance by reducing the size of government is one that the NAM strongly supports. We feel equally strongly that the goal of such a reduction should be a government that can deal effectively with the demands of the 21st century global economy. We agree with Peter Drucker's observation that the government should be giving "primacy to the country's competitive position in an increasingly competitive world economy."

The Congress will not be able to meet this challenge if it tries to do so in a piecemeal fashion, taking on one agency or program at a time with the hope that everything will fit together in the end. A coalition of companies and associations sent the entire Congress a letter on November 7 making this same point. The NAM is in broad agreement with the views expressed in this letter. A piecemeal approach to restructuring will yield fewer satisfactory results—and less budget savings—than a comprehensive approach that maps out where we're going from the start.

This is why the NAM supports the establishment of a bipartisan commission to recommend how to restructure the government, particularly in those areas dealing with our international economic interests and responsibilities. The key to the success of such a commission is to make sure that something happens once its work is finished. There must be event-forcing mechanisms to ensure that its recommendations are acted upon. Accordingly, the NAM believes that the Congress should explore ways to provide a government reform commission with powers similar to those provided to commissions dealing with the closing of military bases.

Combined with the significant steps already taken in 1995 to reduce departmental and agency budgets, the establishment of such a commission would underline the continuing commitment of this Congress to downsize the government and increase its effectiveness. The efforts to accomplish this goal come at a time when the global economy and our role in it are increasing. In restructuring the federal government, we need a long-term plan to be implemented over the next several years that reconciles these complex and conflicting trends. The NAM believes that a bipartisan commission could develop such a plan and that this could be done in such a fashion to ensure that the work of the commission is acted upon and not just buried. We urge you to support this recommendation.

Sincerely,

JERRY J. JASSNOWSKI.

AD HOC INDUSTRY COALITION,
November 7, 1995.

Hon. ROBERT J. DOLE,
Senate Hart Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: We would like to convey our strong support for a thorough and comprehensive review of the federal government's organization and functions. We consider this an essential step in the development of a successful strategy to reduce the federal budget deficit and increase the overall effectiveness of government.

We are greatly concerned, however, by present congressional efforts to effect budgetary savings through the dismantlement of a single department. Our concerns about this approach rest primarily on two factors. First, adverse competitive effects are likely to arise from the splintering and/or elimination of several important functions presently performed by the Commerce Department. Second, such a piecemeal approach to restructuring will likely encounter more serious hurdles—and ultimately yield less cost savings—than a more comprehensive approach to such an important task.

We are not writing to defend the status quo. The many changes that have occurred

in the international economy in recent years justify a review of the structure and functions of the federal government to ensure that the United States is well-prepared to compete in the 21st century. There are undoubtedly various activities now performed by the U.S. government that require streamlining, consolidation and, in some instances, elimination. At the same time, there may be other functions in which increased activity may be justified.

These matters have an impact on the ability of the United States to create jobs, sustain its economic growth, and participate effectively in the international marketplace. It is, therefore, vital that any moves to restructure or reorganize the federal government be undertaken only after a thorough and careful analysis of all of the functions performed by government. A hastily crafted or piecemeal approach to such an important task is bound to yield a sub-optimal result and could even have unintended adverse effects.

Questions regarding the role of the federal government in sustaining our nation's economic growth and international competitiveness demand a comprehensive review through a process that is open to all who have a stake in the outcome, and such matters involve more than a single department's functions. Accordingly, we urge you to refrain from moving forward in the present manner and to work instead toward the establishment of a non-partisan commission whose task would be to develop within a specified timeframe recommendations on how to restructure the Federal Government overall to best support the Nation's competitive and strategic needs in the coming decades.

Together with present steps to trim existing agencies' budgets, such a review process would clearly reflect a seriousness of intent to tackle Federal Government spending while also ensuring that all who have a stake in the outcome have the opportunity to be heard in the course of a thoughtful and rational debate.

We stand ready to work with you toward this end. We believe there is much to be gained from such an approach. In the meantime, we appreciate your consideration of our views and would welcome the opportunity to discuss this with you further in the coming days.

Sincerely,

ABB Inc., Aerospace Industries Association, Aetna Life and Casualty Company, AlliedSignal Inc., American Iron and Steel Institute, American Textile Manufacturers Institute, ARCO, Armstrong World Industries, Inc., AT&T, Bedell Associates, Bethlehem Steel Corporation, The Boeing Company, Burlington Industries, Inc., Computer & Communication Industry Association, Corning, Incorporated, Cray Research, Inc., Dresser Industries, Inc., Economic Strategies Institute, Enron Corp., ENSERCH Corporation, FED Corporation.

Floral Trade Council, Florida Partnership of the Americas, Fluor Corporation, Footwear Industries of America, General Electric Company, Guilford Mills, Inc./Guilford International, Honeywell, Inc., Hughes Electronics Corporation, IBM Corporation, Institute of Electrical & Electronics Engineers—United States Activities, Institute for Interconnection and Packaging Electronics, International Business-Government Counsellors, Inc., Litton Industries, Inc., Loral Corporation, LTV Steel Company, McDermott Incorporated, Mission Energy Company, Motorola, Inc., Nelson Communications Group.

NPES The Association for Suppliers of Printing and Publishing Technologies, Occidental Petroleum Corporation, Oracle Corporation, Pro Trade Group, Raytheon Company, Rockwell International Corp., Samsonite Corporation, Semiconductor Equipment and Materials Institute, Small Business Exporters Association, Software Publishers Association, Springs Industries, Stone & Webster Engineering Co., Stratus Computer Inc., Summa Four, Inc., Tandem Computers Inc., Tenneco Inc., Textron Inc., The Timken Company, Torrington Company, United Technologies Corporation, U.S.-Mexico Chamber of Commerce, USX Corporation, Varian Associates, Inc., Western Atlas, Inc., Westinghouse Electric Co.

STATEMENT OF U.S. CHAMBER OF COMMERCE ON INTERNATIONAL COMMERCE AND TRADE REORGANIZATION

The U.S. Chamber reaffirms that enactment of legislation to achieve a balanced federal budget by 2002 is among the most important tasks facing the 104th Congress. All actions to restructure or reorganize U.S. agencies and programs, including those relating to U.S. competitiveness in international commerce and trade, must be taken in a manner that is consistent with the U.S. Chamber's balanced-budget objective.

The U.S. government should approach the task of restructuring the international commerce and trade sector by considering what its objectives are before determining how best to proceed. Any reorganization of such government functions should only be initiated after a careful and thorough analysis that includes consideration of inputs from involved officials and potentially affected private parties.

The U.S. Chamber believes that the U.S. government should avoid a piecemeal approach to restructuring and should consider instead the full range of issues relating to any reorganization. Such a comprehensive approach will facilitate achievement of greater streamlining and reduction in overhead costs through the consolidation or elimination of duplicative functions than would occur under an approach that addresses selected portions of U.S. government activity affecting international commerce and trade.

To this end, Chamber supports the bipartisan establishment of a process to (1) examine comprehensively the matter of restructuring and reorganizing all of the international commerce and trade functions of the U.S. government, and (2) within a specific time frame, make recommendations on how to proceed in a manner that ensures the enhanced effectiveness of U.S. government functions critical to U.S. competitiveness in the international marketplace while contributing to the achievement of U.S. budget-balancing objectives.

To determine what, if any, consolidation, streamlining and/or elimination of programs/functions is appropriate, this process should adhere to the following objectives:

Approach this task with no preconceived notion about the outcome, but rather, should weigh all available information in making its recommendations.

Maintain a strong voice for U.S. commercial interests at all levels within the U.S. government alongside those of labor, human services, foreign policy, national security and other critical elements of our society and government. The U.S. government cannot afford to relegate commercial interests to secondary status.

Recognize and give high visibility to both the role of advocacy of U.S. commercial interests within the U.S. government and abroad and the coordination/balancing of U.S. policy among the several affected U.S. government agencies within and without the international commerce and trade sector.

Require a cost-benefit analysis and justification of all U.S. government international commerce and trade functions. This should include an analysis of whether the programs/functions can be made available by the private sector.

Avoid consolidation of programs into government entities whose missions are not dedicated primarily to the advancement of U.S. commercial interests at home and abroad.

Harmonize Congressional oversight to correspond to the international trade and competitiveness-related functions.

Maintain a strong relationship among all entities engaged in international trade and competitiveness-related functions and strengthen private-sector consultative mechanisms.

Maintain and improve the independent credit management integrity of all financial service functions within the U.S. international commerce and trade sector.

Recognize the importance of the strong enforcement and implementation of trade agreements and laws.

Background.—The U.S. Chamber, since 1983, has advocated a focused, cost-effective, coherent U.S. government international trade policy and infrastructure. Such a policy and infrastructure does not now exist. U.S. government international commerce and trade functions are presently administered and/or supported by more than fourteen agencies driven by often conflicting policy objectives and, while costing more than $3.5 billion per year, without a singularly focused budget discipline.

The national interest requires the attainment of a "level playing field" for the commercial interests of the U.S. in global markets. That interest can best be served while addressing the national interest of balancing the federal budget if the President and the senior advisors and officials of that office are supported by a cost effective, focused infrastructure. Such an infrastructure must put the U.S. government in a position to:

Negotiate and enforce trade agreements that require the reduction or elimination of unfair foreign trade barriers and distortions;

Use access to the U.S. market as leverage to obtain access to foreign markets; and

Enforce U.S. trade laws to remedy the adverse effects of foreign dumping, subsidization and other unfair trade practices;

Provide appropriate export development services and advocacy to counter foreign government-supported competitors;

Limit the imposition of export and other trade controls to those absolutely necessary to achieve legitimate U.S. national security objectives.

The President and Congress, with the support of the private sector, should articulate an international trade policy and create a responsive supporting infrastructure that will.

Provide support services that are critical to a competitive U.S. commercial position internationally, but are not available from the private sector;

Subject federal export-oriented programs and/or activities to quantifiable cost-benefit evaluation featuring the U.S. employment consequences, the dollar-value of exported U.S. goods and services, and the "value-added" content of exported U.S. goods and services.

Maintain the capacity, where appropriate, to effectively match subsidization and other

forms of assistance offered by our major trade competitors on a selective basis;

Provide assistance to capital projects in other countries that have enduring value to the host country and are distinguished by substantial U.S. company participation.

More specifically, a successful U.S. commerce and trade infrastructure should incorporate programs and activities that:

Recognize the importance of a strong voice for commercial interests in the development of U.S. policies. The commercial interests of the U.S. must not be relegated to secondary status. The nation cannot afford to reduce the effectiveness of U.S. international trade programs that are a linchpin of the competitiveness of U.S. industry.

Recognize the crucial role that only the U.S. government can play in providing in-country support to American exporters of goods and services. U.S. government support in the form of foreign market information-gathering and official advocacy in necessary if U.S. exporters are to enjoy a level playing field in competing for a share of these emerging growth markets.

Provide competitive financial services, e.g., financing and insurance that are not otherwise available but are required to help U.S. companies remain competitive and penetrate foreign markets. To maintain a broadly competitive position, the United States must preserve or expand the contribution of those federal agencies that help U.S. exporters compete and prosper.

Recognize that as part of the U.S. government's strategic plan to selectively match the subsidization assistance offered by our major competitors, the U.S. government should be prepared to fund project-related feasibility studies and planning activities.

Recognize that the U.S. government must be prepared to take meaningful actions to provide American companies an opportunity to compete fairly in the global marketplace. Negotiation and enforcement of trade agreements to remove trade barriers and open markets, and enforcement of U.S. trade laws against dumping, subsidization, intellectual property violations and other unfair trade practices are necessary complements to a successful export promotion and job growth strategy.

Recognize that to the extent that there is a requirement for U.S. export controls, such controls should not deter the export of U.S. products when other nations are freely marketing competitive products.

A WORLD OF GREASED PALMS—INSIDE THE DIRTY WAR FOR GLOBAL BUSINESS

Intrigue fairly leaps off the pages of the classified U.S. government report. A German electronics giant pays bribes to win export sales. France demands 20% of Vietnam's telecommunications market in exchange for aid. A European aerospace company threatens to block European Union membership for Turkey and Malta unless their national airlines purchase its planes.

It's all part of a nasty, multibillion-dollar war being waged over global markets. A secret Commerce Dept. study, newly prepared with the help of U.S. intelligence agencies, catalogs scores of incidents of bribery, aid with strings attached, and other improper inducements by America's trading partners. In the case of strings-attached foreign aid, the deals may violate international trade pacts. And the cost of such practices to the U.S. economy appears enormous. In 1994 alone, U.S. intelligence tracked 100 deals worth a total of $45 billion in which overseas outfits used bribes to undercut U.S. rivals, the study says. The result: Foreign companies won 80% of the deals.

SANCTIMONIOUS?

Among the main culprits are some of America's staunchest political allies: France, Germany, and Japan. The corporations involved aren't cited by name in the study, which has been in the works for months and key parts of which were reviewed by Business Week. But government sources identify premier European hightech companies—including Germany's Siemens, France's Alcatel Alsthom, and the European airframe consortium Airbus Industrie—as among the major practitioners. Foreign governments and companies, of course, gripe that the Clinton Administration has been doing lots of aggressive advocacy of its own to win deals for U.S. business. "Each time we win a deal, it's because of dirty tricks," says an Airbus official with bitter sarcasm. "Each time Boeing wins, it's because of a better product."

Indeed, many officials overseas view the U.S.'s holier-than-thou attitude about shady business practices as naive and hypocritical. As word of the report's contents gradually leaks (some 50 copies recently were distributed to Congress and key agencies), U.S. trading partners may be angered to learn how closely American spies are tracking their dealings. Indeed, the growing role of the CIA and its sister shops in commercial information-gathering already is controversial, with critics contending that the spies are inappropriately trying to justify $28 billion budget in the post-cold-war era. But former CIA General Counsel Elizabeth J. Rindskopf says the CIA is simply responding to demands from other U.S. government agencies for information to help level the global playing field.

There's more to it than that. "As the importance of geopolitical struggle has declined, conflict has found a new home," says Edward N. Luttwak, senior fellow at the Center for Strategic & International Studies. "Commercially, the atmosphere has become envenomed." Economic trends tell the tale: The U.S. is more dependent than ever on exports to fuel its economic growth. Europe and Japan are saddled by slow growth.

Heightened global competition adds to the temptation to seek advantages through questionable tactics—particularly in key sectors such as aerospace, where demand is weak. "Companies and governments are more willing to resort to unconventional methods to make a sale because any sale is precious," says Joel Johnson, international vice-president for Aerospace Industries Assn. of America.

During the next decade, the pervasiveness of such practices spells trouble for U.S. companies girding to compete for an estimated $1 trillion worth of overseas infrastructure projects. American business already is handicapped by the U.S.'s comparatively puny spending on export promotion. The Commerce report, which also reviews legitimate competitive practices such as trade missions and financial aid to exporters, revels a stark gap. In 1994, for every $1,000 of gross domestic product, France spent more than 17¢ on export-promotion programs; Japan, more than 12¢. In contrast, the U.S. spent 3¢.

Even so, Republican trade hawks on Capitol Hill want to slash funds for Commerce's trade programs. Commerce officials hope the competitive-practices report will help derail those moves. It's certainly a timely showcase for Commerce Secretary Ronald H. Brown to reemphasize his role as roving advocate for American business. "The findings are alarming," Brown told BUSINESS WEEK. "There is no question that we have been dramatically outgunned by our global competitors, and many of those competitors use, to be kind, unsavory practices."

WADS OF CASH

But to some European executives, the Clinton Administration doesn't shy away from questionable arm-twisting. An Airbus official calls President Clinton's 1993 phone call to King Fahd of Saudi Arabia to lobby for Boeing Co. and McDonnell Douglas Corp. a "blatant" disregard for the rules. "The power of the American government is far greater than any European government," the official says. Too bad, retorts one U.S. official: "If we're going to provide a security umbrella for a country, it's reasonable to expect our companies to get treated fairly."

Certainly, not all U.S. companies have clean hands. In October, a former vice-president at Lockheed Martin Corp. was sentenced to 18 months in prison and a $125,000 fine for bribing a member of the Egyptian Parliament to win an order for three C-130 cargo planes. The case is surprising because Lockheed was at the center of a bribery scandal in Japan nearly 20 years ago and has signed a consent decree to refrain from such practices. That paved the way for the 1977 Foreign Corrupt Practices Act, which bars U.S. companies from paying bribes to win business.

Some U.S. companies find creative ways to skirt the law. To secure a mining venture in a developing nation, an American company recently flew officials from the country to the U.S., put them up in a fancy hotel for a week, and gave them a wad of cash for a shopping spree. A U.S. intelligence source says the trip is problematic: "What's the difference between giving an official shopping money and handing him an envelope of cash in his office?"

But U.S. and other trade experts have little doubt that overseas companies are more likely to offer bribes because their cultures and legal systems permit it. In France, foreign payments to middlemen are considered legitimate business tax deductions. Germany has similar rules, though officials in Bonn say they might junk them if there were an international accord to outlaw bribery.

Even so, there's little U.S. support for easing antibribery laws. Instead, many American executives are urging the Administration to mount an aggressive campaign to get foreigners to play more by U.S. rules. For starters, open up to public scrutiny the contracting process for projects funded by multilateral development banks, says Calman J. Cohen, vice-president of the Emergency Committee for American Trade, a group of 60 chief executives of America's leading exporters.

U.S. officials vow to fight for reform. And foreign trading partners may find that a good idea. As long as everyone—including the U.S.—promises to play by the rules.

Mr. BOND. Mr. President, I join my colleagues in expressing opposition to including this provision to eliminate the Commerce Department on this measure.

Regardless of the position one takes on the issue of eliminating the Commerce Department, I do not believe it is proper for it to be included in the measure before us today.

Personally, I have strong concerns about one section of this proposal to eliminate Commerce—that is the section which reorganizes the trade functions.

I take a second seat to no one in my desire to cut government spending and eliminate the budget deficit. Removing this huge burden from the backs of our children and grandchildren should be our top priority.

I believe that one way to reduce the deficit is to eliminate and downsize agencies—and there are several agencies which I have suggested for elimination.

Certainly, the Commerce Department can stand some severe downsizing and reorganization. No one can argue that it is a well-thought-out, streamlined agency. That does not, however, mean we ought to do that trimming with a meat-axe.

Instead, we must do it carefully—in a way that ensures we do not destroy programs critical to our national or economic security. I am concerned that the proposal before us today will have just such an impact—that is, it will harm our economic security and it will cost jobs.

Exports are absolutely critical to our Nation's economic health and security, and they will become even more so in the global economy of the 21st century. If we are to maintain our place as the world's leading economy, we will have to increase our share of the world market. The competition will be tough and other companies will come to the field armed with a wide array of tools provided by their governments—from high-level sales assistance to concessional financing, and even in some cases, outright bribes.

American firms need at least a helping hand if they are to remain able to compete in this rough atmosphere. Providing that edge is the job of our trade promotion and finance agencies, led by the International Trade Administration of the Commerce Department.

Generally, I would be the last one to argue that government ought to be playing a more active role in any aspect of business. As chairman of the Senate Small Business Committee, I hear daily from business owners who have suffered at the hands of government bureaucracy and overregulation. The fact is, however, that if smaller firms are to enter and be successful in the global marketplace, they will, in many cases, need the support and encouragement of the government. Companies entering the international marketplace are vying with foreign competitors who have the active assistance and involvement of a wide range of government agencies and officials. Without the support of agencies such as the U.S. & Foreign Commercial Service, the Export-Import Bank, OPIC, and TDA, American firms would often be left behind.

I would note, however, that it is not only small firms that need this assistance. Even huge companies cannot compete if their foreign competitors are getting special assistance from their home governments in terms of financing and marketing help.

In many parts of the world, customers are used to dealing with government officials and private firms need the added help of a senior official—such as the Secretary of Commerce—to win sales.

And it is important to remember that the support of government is critical in other areas, as well—ensuring a level playing field in trade with other countries, for example, as we saw earlier this year with the Japanese auto parts talks; and in the type of hands-on, high-level marketing we have seen by Commerce Secretary Ron Brown and President Clinton. Government can also play a role by ensuring that our laws and regulations do not impede exports. For example, in the International Finance Subcommittee which I chair, we are working on a rewrite of the Export Administration Act, a step which is badly needed to eliminate outdated and unnecessary controls and ensure that controls are doing the job they were intended to do—keeping critical technology out of the hands of our enemies, rather than keeping U.S. firms from being competitive.

Certainly, government cannot—and should not—do it all. But it is clear these agencies can provide the extra little bit needed to turn a near loss into a win.

Unfortunately, the debate in Washington this year has not focused on the importance of exports or the importance of ensuring that American firms remain competitive. Instead the debate has turned to the need to eliminate "corporate welfare," and unfortunately—and I believe wrongly—these programs have been labeled corporate welfare.

Members can criticize these programs, but the fact is they are responsible for creating and saving thousands of good-paying American jobs that would otherwise go to Paris, Ottawa, London, or Osaka. I don't want to see that happen, and I am certain most other Senators do not either.

This is not just an abstract argument I am making—we are talking here about real contracts and real jobs.

Earlier this year, Secretary Brown testified before my subcommittee in a closed session to present a classified report detailing some of the activities that other countries are using to win deals for their companies. The report noted activities that are widely accepted such as high-level marketing. However, it also detailed questionable and illegal activities such as threats of aid cutoffs and outright bribes.

It is a fascinating report, and I urge my colleagues to go to S-407 and read it before voting to weaken our trade promotion and finance agencies which I would note, are funded at the lowest level of any major trading nation.

The proposal before us today is significantly better than proposals that were offered earlier this year, at least with regard to the trade portions.

Instead of eliminating huge parts of the trade promotion and finance staff, it eliminates only a portion, and consolidates them into a single agency—the new Office of the Trade Representative.

This new organization would bring together the existing Office of the Trade Representative, the Trade and Development Agency and the Commerce Department's International Trade Administration and Bureau of Export Administration. It would be headed by the U.S. Trade Representative, who would be designated a Cabinet officer by this administration. It would not, however, be a department.

There are a number of problems I see with this proposal. First, it brings together under one roof our good cop and bad cop on trade. I believe it will be very difficult for the head of this agency to do both jobs—to travel to a country and beat up on them at one meeting for not buying enough U.S. automobiles and then turn around and offering to sell them American built airplanes. It just does not seem like it will work as well as the current system where Mickey Kantor negotiates and enforces, and Ron Brown sells.

Second, this proposal would downgrade the status of many of our trade official which will have significant consequences in other countries where rank and face are important.

Third, this provision mandates spending cuts that would have a devastating impact on our export agencies. Already this year, I had to fight off an attack on the funding for these trade agencies—cuts that would have brought 600 layoffs out of the International Trade Administration alone and which would have forced us to close nearly half of all domestic offices, and which would have left us without Commercial Officers in many parts of the world. There was overwhelming support for restoring the money when the bill was considered on the floor.

I would note that the funding cuts would also hit the Bureau of Export Administration—the agency charged with enforcing our export control laws on high-tech exports. That is a problem for two reasons. First it will mean U.S. firms selling computers, telecommunications equipment, machine tools and other high-tech products will likely have to wait longer for licensing—likely losing sales as a result. Just as important, however, it is likely to result in poorer enforcement of the export laws designed to prevent the proliferation of weapons of mass destruction. That is precisely the wrong way to go at a time when we are seeing the growth of groups such as the AUM sect in Japan.

Perhaps we ought to be considering reorganization of our trade agencies. If

we do, however, I think it should be with a clear understanding of what we are doing. And, I for one, am not convinced that we have that understanding.

Thus, I urge my colleagues to reject this provision and to allow the Senate to get on with the pressing business at hand.

Mr. LIEBERMAN. Mr. President, I oppose the attachment of the House Commerce dismantling bill to the debt limit bill. This is not the way to consider how to organize trade and technology functions. The President has requested a clean debt limit bill without extraneous, unrelated bills attached to it. Clearly the inclusion of the Commerce dismantling legislation weighs down the debt limit bill and should not be considered as part of it.

This is a backdoor attempt to make economic growth the victim of our budget axe. Trade, telecommunications, technology, weather services. That is what is at risk. The House's intent to eliminate this department is just not rational. In our enthusiasm to make cuts to balance the budget we are losing sight of the reason we want to balance the budget in the first place—to make our economy stronger. The irony is that by cutting the trade and technology programs we are cutting programs that are already making our economy stronger. We will be defeating our own purpose.

I am particularly concerned about keeping the technology and trade functions integrated in the Department of Commerce. Within the Department of Commerce there are programs that work with the private sector to foster new ideas that may underpin the next generation of products. This is one of the few places where there are information channels that ensure that the ideas generated in our world class research institutions find their way into the marketplace. Previous administrations had the foresight to realize that we are entering a new era, an era where economic battles are as fiercely fought as any previous military actions. New kinds of technology programs were begun with bipartisan support to make sure that the United States was well armed for these economic battles. I do not want to see us lose our technology edge in the marketplace, because this edge translates directly into jobs for our work force, new markets for American business, improvements in our balance of trade, and from this economic success, needed revenues for our treasury. The home of technology is with our trade programs where they will have the most impact and do the most good for our economy. The Technology Administration is a critical component of the Department of Commerce and we need to make sure its key functions are maintained. Yet the pending legislation would scatter Commerce agencies and slash technology spending.

Making changes in technology and trade functions at this juncture in time must be done extremely carefully. New markets are emerging in developing countries. Conservative estimates suggest that 60 percent of the growth in world trade will be with these developing countries over the next two decades. The United States has a large share of imports in big emerging markets currently, in significant part because of the efforts of the Department of Commerce. While we are making changes in the Department of Commerce, our foreign competitors are increasing their investment in their economies. Competing advanced economies are just waiting for us to make a move that will weaken our economic capacity. We cannot afford to dismantle successful programs that are making and keeping the United States competitive. We should be sure that changes we make will be improving the Government's efficiency and improving the taxpayer's return on investment.

The kind of technology programs that I am advocating are not corporate welfare. I find the term in this context not only inaccurate, but offensive. American industry is not looking for a handout. Quite the contrary. These programs are providing incentives to elicit support from the private sector for programs that are the responsibility of the government. Times are tough and the government needs to cut back, so we are looking for the handout from private industry, not the other way around. Let me explain.

Our goal should be, not to try and categorize research, but to make investments that are appropriate, and that strengthen our economy. I believe that there is an important and legitimate role for government to play in technology research. The National Association of Manufactures has spoken out strongly in favor of the kind of technology programs that are run by the Department of Commerce. I would like to read some quotes from their statement about Federal technology programs:

The NAM is concerned that the magnitude and distribution of the R&D spending cuts proposed thus far would erode U.S. technological leadership.

A successful national R&D policy requires a diverse portfolio of programs that includes long- and short-term science and technology programs, as well as the necessary infrastructure to support them. The character of research activities has changed substantially in the past decade, making hard and fast distinctions between basic and applied research or between research and development increasingly artificial. R&D agendas today are driven by time horizons not definitions. In short, rigid delineations between basic and applied research are not the basis on which private sector R&D strategies are executed, not should they be the basis for Federal R&D policy decisions.

The NAM believes the disproportionate large cuts proposed in newer R&D programs are a mistake. R&D programs of more recent vintage enjoy considerable industry support for one simple fact: They are more relevant to today's technology challenges. For example, "bridge" programs that focus on the problem of technology assimilation often yield greater payoff to a wider public than programs aimed at technology creation. Newer programs address current R&D challenges for more effectively than older programs and should not fall victim to the "last hired, first fired" prioritization.

In particular, partnership and bridge programs should not only not be singled out for elimination, but should receive a relatively greater share of what Federal R&D spending remains. These programs currently account for approximately 5 percent of Federal R&D spending. The NAM suggests that 15 percent may be a more appropriate level . . .

Given the critical importance of R&D, far too much is being cut on the basis of far too little understanding of the implications. The world has changed considerably in the past several years, and R&D is not different. Crafting a Federal R&D policy must take stock of these changes; to date this has not happened.

As the major funder and performer of the R&D in the U.S., industry believes its voice should be heard in setting the national R&D agenda. The Congress and the Administration should draw on industry's experience and expertise in determining policy choices. For example, as a guide to prioritizing Fedeal R&D programs, the NAM would favor those programs that embody the following attributes: Industry-led; cost-shared; relevant to today's R&D challenges; partnership/consortia; deployment-oriented; and dual use.

We believe these criteria provide the basis for creation of a template for prioritizing federal R&D spending.

In sum, the NAM remains firmly committed to a balanced federal budget. But we also firmly believe that the action taken thus far in downsizing and altering the direction of U.S. R&D spending is tantamount to fighting hunger by eating the seed corn. We urge the Congress to consider carefully the impact of R&D on U.S. economic vitality and to move forward in crafting an R&D agenda that will sustain U.S. technological leadership far into the future.

I would like to describe two programs in which I have taken a particular interest, the Advanced Technology Program [ATP] and the Manufacturing Extension Program [MEP], both eliminated by the pending bill.

ATP

Dr. Alan Bromley, President Bush's Science Advisor in 1991, determined a list of 20 technologies that are critical to develop for the United States to remain a world economic power. There has been very little disagreement among analysts and industry about the list. No one company benefits from these technologies, rather a variety of industries would benefit with advances in any one of these areas. These are the kinds of areas that form the focus areas of the ATP. The focus areas are determined by industry, not by bureaucrats, to be key areas where research breakthroughs will advance the economy as a whole not single companies.

There is no doubt that industry benefits from partnering with the Government. The nature of the marketplace

has changed, and technological advances are a crucial component in maintaining our stature in the new world marketplace. Product life cycles are getting more and more compressed, so that the development of new products must occur at a more and more rapid pace. The market demands products faster, at higher quality and in wider varieties—and the product must be delivered just in time. Innovative technological advances enhance speed, quality, and distribution, to deliver to customers the product they want, when they want it. Ironically, the competitive market demands that companies stay lean and mean, diminishing the resources that are available for R&D programs that foster the kind of innovation necessary to stay competitive. Because of all of these pressures, industrial R&D is now focused on short-term product development at the expense of long-term research to generate future generations of products.

The conclusion is clear. This short-term focus will lead to technological inferiority in the future. Our economy will suffer. Some of my colleagues in Congress believe that basic research will provide the kind of innovation necessary to generate new generations of high tech products. On the contrary, we have seen historically that basic research performed in a vacuum, that is without communication with industry, is unlikely to lead to products.

In this country, we have the best basic research anywhere in the world. There is no contest. Yet, we continue to watch our creative basic research capitalized by other nations. We must improve our ability to get our brilliant ideas to market. Basic research focuses on a time horizon of 10 to 20 years. Product development focuses on a time horizon of less than 5 years, and sometimes much shorter than that. It is the intermediate timescale, the 5 to 15 year timeframe that is critical to develop a research idea into a product concept.

We have a responsibility to make sure that our private sector does not fall behind in the global economy. Diminishing our technological preparedness is tantamount to unilateral disarmament, in an increasingly competitive global marketplace. Government/industry partnerships stimulate just the kind of innovative research that can keep our technological industry at the leading edge. These partnerships help fill the gap between short term product development, and basic research.

American companies no longer survive by thinking only about the national marketplace. They must think globally. Familiar competitors like Japan and Germany, continue to compete aggressively in global markets. New challenges are coming from India, China, Malaysia, Thailand, some of the leading Latin American nations and more. We cannot afford to let jobs and profits gradually move overseas to these challengers, by resting on our laurels, complacent in our successes. Other countries, seeing the success of the ATP, are starting to imitate it, just as we are considering doing away with it. Our competitors must be chuckling at their good fortune, and our short-sightedness. We simply cannot afford to eliminate ATP, as the bill proposes.

MEP

The state of manufacturing in this country is mixed. On the one hand our manufacturing productivity is increasing, but on the other hand we are losing manufacturing jobs by the millions. Manufacturing which once was the life blood of our economy is bleeding jobs overseas. We need to provide the infrastructure that insures that our manufacturing industry flourishes.

As I look at our manufacturing competitors, I am struck by how little we do to support this critical component of our economy. In the United States we are used to being the leaders in technologies of all kinds. Historically, English words have crept into foreign languages, because we were the inventors of new scientific concepts, technology, and products. Now when you describe the state-of-the-art manufacturing practices you use words like kanban and pokaoke. These are Japanese words that are known to production workers all over the United States. Kanban is a word which describes an efficient method of inventory management, and pokaoke is a method of making part of a production process immune from error or mistake proof thereby increasing the quality of the end product. We have learned these techniques from the Japanese, in order to compete with them.

In a global economy, there is no choice, a company must become state-of-the-art or it will go under. We must recognize that our policies must change with the marketplace and adapt our manufacturing strategy to complete in this new global marketplace. The Manufacturing Extension Program [MEP] is a big step forward in reforming the role of Government in manufacturing. This forward looking program was begun under President Reagan, and has received growing support from Congress since 1989.

The focus of the MEP program is one that historically has been accepted as a proper role of government: education. The MEP strives to educate small and mid-sized manufacturers in the best practices that are available for their manufacturing processes. With the MEP we have the opportunity to play a constructive role in keeping our companies competitive in a fiercely competitive, rapidly changing field. When manufacturing practices change so rapidly, it is the small and mid-sized companies that suffer. They cannot afford to invest the necessary time and capital to explore all new trends to determine which practices to adopt and then to train their workers, invest in new equipment, and restructure their factories to accommodate the changes. The MEP's act as a library of manufacturing practices, staying current on the latest innovations, and educating companies on how to get the best results. At the heart of the MEP is a team of teachers, engineers, and experts with strong private sector experience ready to reach small firms and their workers about the latest manufacturing advances.

Another benefit of the MEP is that is brings its clients into contact with other manufacturers, universities, national labs and any other institutions where they might find solutions to the problems. Facilitating these contacts incorporates small manufacturers into a manufacturing network, and this networking among manufacturers is a powerful competitive advantage. With close connections, suppliers begin working with customers at early stages of design and engineering. When suppliers and customers work together on product design suppliers can provide the input that makes manufacturing more efficient, customers can communicate their specifications and timetables more effectively, and long-term productive relationships are forged. These supplier/customer networks are common practice in other countries, and lead to more efficient and therefore more competitive, design and production practices.

The MEP is our important tool in keeping our small manufacturers competitive. We are staying competitive in markets that have become hotbeds of global competition, and we are beginning to capture some new markets. More importantly, companies that have made use of MEP are generating new jobs rather than laying off workers or moving jobs overseas. These companies are growing and contributing to real growth in the U.S. economy. For each Federal dollar invested in a small or mid-size manufacturer through the MEP, there has been $8 of economic growth. This is a program that is paying for itself by growing our economy.

Each MEP is funded after a competitive selection process, and currently there are 44 manufacturing technology centers in 32 States. One requirement for the centers is that the States supply matching funds, ensuring that centers are going where there is a locally supported need. In summary, the MEP provides the arsenal of equipment, training, and expertise that our small and mid-sized manufacturers need to keep them in the new global economic battlefield.

The ATP and the MEP are critical technology investments. They are both run under the auspices of the National Institutes of Standards and Technology, NIST. This legislation would

completely cut these programs. In addition to these NIST programs, NIST itself is at risk. NIST would be renamed to its previous title, National Bureau of Standards and merge with NOAA. The research programs at NIST would be drastically cut. I would like to bring to my colleagues' attention, a recent letter sent by 25 American nobel prize winners in physics and the presidents of 18 scientific societies. As the New York Times put it "Budget cutters see fat where scientists see a national treasure". These scientists are shocked and appalled that we could think of making major cuts in NIST and its programs. According to the scientists "It is unthinkable that a modern nation could expect to remain competitive without these services" and they continue "We recognize that your effort to balance the budget is forcing tough choices regarding the Department of Commerce, however the laboratories operated by NIST and funded by the Department of Commerce are a vital scientific resource for the Nation and should be preserved in the process of downsizing the Federal Government." These scientists are the leaders of the scientific community and we should not ignore their advice.

The rush to obliterate the Department of Commerce is senseless. In an attempt to streamline government function, the House proposal takes one agency and creates three: OUSTR [Office of U.S. Trade Representative], the Patent and Trademark Office, which becomes a separate government-owned corporation, and NSOAA [National Science, Oceanic and Atmospheric Administration]. This dismantlement effort in the end is box shuffling. It will scatter a consolidated agency among a long series of other agencies and cost money to enact, not save money. Creating such chaos only to achieve fragmented programs is irresponsible. Investments in the trade and technology functions in Department of Commerce are investments in our future economic health, in high wage jobs for our workers, in the American dream. To dissolve or reorganize it should not be taken lightly.

Mr. LEVIN. Mr. President, this debt ceiling legislation also includes an entirely new regulatory reform overhaul, language which we have not seen before it was sent over from the House today. The effort to force a comprehensive and complex proposal through on a debt ceiling bill is irresponsible.

We have been working on regulatory language for months in the Senate. As much as I am a strong proponent of regulatory reform, I cannot understand how we can be asked to legislate language dropped upon us under the time pressure of a bill which is necessary to protect the full faith and credit of the United States. Such an effort is unprecedented and unwarranted. Its inclusion in the debt limit legislation threatens this necessary bill and does not advance the cause of regulatory reform.

No responsible Member of Congress should be playing Russian roulette with the full faith and credit of the United States, but that's exactly what's going on here today.

By sending us a bill loaded with proposals that the House knows the President will find unacceptable, it is asking the Senate to join it in forcing the President to play the game of Russian roulette. The House has handed the Senate a loaded gun and dared us to send it on to the President.

It is Russian roulette with five bullets in the six chambers.

We should not do it. We should unload the bullets and send a clean bill to the President that does nothing more than provide the debt limit increase needed to meet this country's financial obligations.

The bill sent to us by the House makes default more likely. It risks not only our credit around the world, but also people here at home. This is a game that could blow up in our faces, with tighter credit, higher rates for business, higher mortgage and car loan rates for consumers. No responsible legislator should play this game with the American economy.

Besides playing with the full faith and credit of the United States, the bill includes legislative bullets that are unrelated to debt management. The debt ceiling legislation is merely used as a means to wall these provisions off from thoughtful debate and amendment. These measures are unprecedented and extreme proposals to change the way we issue Federal regulations, promote business through the Commerce Department, and limit access to the courts.

Mr. President, I support the motion to strike from the debt ceiling bill the provisions that would dismantle the Department of Commerce.

Dismantling cost-effective programs that support U.S. trade and industry defies common sense. It is foolhardy. It is bad for the country and bad for my home State of Michigan.

The Department of Commerce is the Federal agency that is in the trenches, on a day-to-day basis, fighting for American business and American jobs in the global trade wars.

These trade wars are ones we can't afford to lose. Trade means growth, profits and jobs. U.S. exports, 90 percent of which are manufactured goods, provide many of the high-wage jobs American families need to survive.

The Commerce Department advances U.S. trade by helping U.S. firms meet export requirements, find new market lower manufacturing costs and develop new technologies. Its programs provide practical, cost effective and proven ways to increase U.S. trade. Slashing these programs strikes at the heart of American competitiveness.

The bill's proponents claim that ending this agency would shrink government and save money. In reality, this bill would replace one agency with two, cut trade programs by 25 percent, eliminate successful industry programs, and dictate a raft of bureaucratic box-shuffling that would cost money rather than save it.

The Commerce Department is a Federal agency whose mission isn't to regulate business, but to assist American firms build exports, profits and American jobs. This bill threatens each and every one of the Department's trade and industry programs.

When legislation to dismantle the Department of Commerce was first referred to the Senate Governmental Affairs Committee, on which I sit, I went to businesses across my State of Michigan to ask how they felt about it. The business community let me know in no uncertain terms how foolhardy they think dismantlement is.

Michigan is the third largest exporting State behind California and Texas. Last year, $35 billion in exports supported 100's of 1000's of Michigan jobs. Ninety-eight percent of Michigan's exports were manufactured goods. Literally thousands of Michigan companies use Department of Commerce trade and industry programs to increase their exports, improve their operations and grow their businesses.

These trade and industry programs don't provide handouts, but cost-effective support for some of the hardest working companies in our State—companies providing the high-wage jobs Michigan families need.

The chorus of praise for these programs from the Michigan business community include terms not often applied to government programs. Here are a few samples taken from letters.

"I cannot begin to comprehend the thought processes behind the abolishment of the one governmental agency that is so in tune and involved with the United States taking its rightful place in the * * * global economy," wrote Second Chance Body Armor of Central Lake, MI.

"[O]pponents to the Department of Commerce must have their heads in the sand * * *" wrote Electro-Wire Products of Dearborn, MI.

"(Abolition) would not save any tax dollars and would result in less effective enforcement of U.S. unfair trade laws," wrote Medusa Cement of Charlevoix, MI.

"[Dismantling programs to develop U.S. and international industry standards] is misguided and completely detrimental to the future of the entire manufacturing sector," wrote Redco Corporation of Troy, MI.

Letters supporting Department of Commerce programs have flowed in from a wide variety of businesses and organizations, including the World Trade Club of the Greater Detroit

Chamber of Commerce; Ann Arbor Area Chamber of Commerce; The Right Place Program in Grand Rapids; Michigan Quality Council in Rochester; Perceptron in Farmington Hills; Whirlpool Corp. in St. Joseph; Masco in Taylor; and more.

That's just a few from Michigan. The Department of Commerce has thousands of letters from businesses across the country opposing dismantlement of its trade and industry programs.

Right now, the United States is dead last among its major trading partners in spending to build exports. Germany, for example, spends twice as much as we do. Japan currently invests 35 percent more than the United States on a per capita basis in civilian technology and plans to double the country's R&D spending by 2000. But this bill would slash U.S. spending on exports, manufacturing, and technology development by significant amounts.

The bill would slash 25 percent from all trade programs, for example, endangering enforcement of unfair trade laws, export assistance for small business, and trade negotiations. Export assistance offices in four Michigan cities that help thousands of Michigan companies break into foreign markets and build exports, might be lost.

The bill would eliminate altogether the Manufacturing Extension Partnership Program that helps small- and mid-sized manufacturers get lean and mean enough to compete globally. It would close centers like the Michigan Manufacturing Technology Center which helps 1,000 small- and mid-sized Michigan manufacturers each year. Earlier this year, when asked to eliminate funding for this program, the House and Senate refused on a bipartisan basis to do so.

The bill would eliminate the Advanced Technology Program which encourages research into state-of-the-art, cross-cutting technologies critical to future exports. Since 1990, this program has pumped over $73 million into Michigan firms, promising competitiveness gains, new markets, and new high-wage jobs. Under this bill, that investment in our future would be seriously diminished.

The bill would also play havoc with the National Institute of Standards and Technology, a little known but key agency in the fight to lower trade barriers to U.S. goods by negotiating international industry standards and winning acceptance of U.S. standards. The bill would transfer it to a new agency, give it new responsibilities and then cut its budget by 25 percent. The end result would be nothing less than a serious blow to the technical infrastructure supporting U.S. industry, research, trade, and competitiveness.

We've spent weeks here on the Senate floor talking about the need for cost-effective Federal programs. Well, here's an agency that has them, and we're being asked to cut them by a fourth or eliminate them altogether.

The export assistance offices targeted for 25-percent cuts, for example, cost $27 million annually. Studies show that for every dollar spent, new exports generate $10 in new tax revenue. In 1994, this $27 million investment generated $25 billion in new U.S. exports and $2.5 billion in new tax revenues. Not to mention the jobs and income generated for U.S. workers.

The Manufacturing Extension Partnership targeted for elimination cost $71 million in fiscal year 1994. A study of just 500 manufacturing companies that used the program to modernize their operations found that these companies had experienced $167 million in new sales, investments, and cost savings and generated 3,400 new jobs. Taxpayers are getting an 8 to 1 return on every dollar spent on this program.

The Advanced Technology Program, also targeted for extinction, has been in operation for only a few years, but initial data shows the program is accelerating technology development, encouraging productive partnerships between American firms, and producing new jobs at 90 percent of the small firms surveyed. Why eliminate this effective spur to American competitiveness?

The Commerce Department trade and industry programs represent a small percentage of the Department's entire budget, yet produce enviable results and the praise of business and community members alike. These are exactly the low-cost, high customer satisfaction programs that we want from government. So why are these the programs on the chopping block?

Dismantling these programs is not the only problem with the bill provisions in this area. There are many more, including abolishing the Economic Development Administration, eliminating a whole host of marine and Great Lakes research programs, fundamentally changing the Patent and Trademark Office, eliminating important telecommunications and broadcasting programs, alerting a key NAFTA implementation office; the list goes on.

The bill impacts a very large number of programs and agencies. It proposes, in effect, a fundamental restructuring of our trade agencies, the National Oceanic and Atmospheric Administration, key statistics agencies, and others. I don't disagree with all of the changes being proposed. The problem is that these changes would be made without the benefit of an overall government reorganization plan, a plan that is a key part of the Senate bill that passed the Governmental Affairs Committee on this topic. Making the fundamental changes called for in this bill before an overall reorganization plan has been devised is putting the cart before the horse. It's a mistake.

The final point I would like to make is to repeat what I have said elsewhere. The proposal to dismantle the Commerce Department has no business on the debt ceiling bill. It has nothing to do with ensuring that the United States is able to meet its financial obligations, and it is being presented in a context that shortcircuits both debate and amendment.

For reasons of both policy and process, I urge my colleagues to reject this bill's unthinking and short-sighted demolition of trade and industry programs important to American business, American workers, and American jobs.

Mr. President, the habeas corpus provisions added to this bill in the House of Representatives have no place in a continuing resolution either.

Under current law, an unconstitutional State court decision may be overturned in Federal court. For a violation of the Federal Constitution, there is a Federal court remedy. Under the bill before us, that would no longer be true.

Under this bill, the Federal courts would be powerless to prevent unconstitutional State court actions unless the Supreme Court has already ruled on the specific type of violation at issue—even if every single Federal Circuit Court of Appeals had already ruled that such actions violate the plain words of the Constitution.

Under this bill, the Federal courts would be powerless to grant a constitutional claim that was wrongly denied by a State court, as long as the State court acted in a "reasonable" manner. This standard establishes a whole new concept—the "reasonable" violation of the U.S. Constitution.

Under this bill, the Federal courts would be powerless even to help those who were found guilty because the prosecution withheld evidence proving their innocence. In its simplest terms, this bill would render Federal courts powerless to defend the U.S. Constitution and to protect the innocent from imprisonment or even execution.

Mr. HOLLINGS. Madam President, how much time do I have?

The PRESIDING OFFICER. Four minutes fifty-two seconds.

Mr. HOLLINGS. I yield 2 minutes 50 seconds to my distinguished colleague from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank my good friend, the Senator from South Carolina, who has fought for these issues for a long time.

I am very glad that the Senator from Michigan does not want to eliminate the Department of Commerce because, as the Senator from South Carolina says, it seems to me that is the closest thing to unilateral disarmament as this country could accomplish. There is an enormous battle going on right now, and we are not winning. Just exactly at

the time that the United States is reducing our defense civilian research and development, the Japanese—whose economy is not in particularly good shape—are doubling their nondefense research and development. Either we are going to be training the next generation of engineers who will manufacture products which will in fact be the kind of products that give high wages—in fact, if you look at 1992 and the high-technology products, those wages in the manufacture of those products were $41,000, and other wages that did not relate to that were closer to the upper 20's. So are we going to be producing the next generation of engineers, or is it going to be the Japanese?

One of the arbiters of that—not the entire arbiter of that, but one—is the work done by the Department of Commerce. The concept of eliminating the Department of Commerce is just so fundamentally shocking to me, because it works every day with small businesses and large businesses in very creative ways.

Mr. President, this is an amendment to clean off what I call the graffiti that has been scrawled onto the debt ceiling measure before us. In the other body, something called Department of Commerce Dismantling legislation was tossed onto this debt limit bill. This is an embarrassing way to deal with something as profoundly important as the full faith and credit of the United States of America. The amendment to erase the Commerce Department Dismantling part from this bill should be adopted; and I truly hope it will be delivered with the kind of strong, bipartisan signal that I am convinced exists among us.

Everyone in the Senate knows that Americans want us to insist on a more effective, better-managed, better-organized federal government. I would not even try tonight to recite how I believe both the Administration and many of us here in the Senate have pursued that goal in the past several years.

But Americans are not asking us to insult them. If you look at what the Commerce Department Dismantling bill would actually end up costing us—and how much it would end up hurting us—this idea is one to stop, and stop now.

Actually, the elimination of the Department of Commerce is a terrific way to strengthen our foreign competitors and weaken the United States economically. The supporters of such a move may not intend to do that—but the effect would be the same. The Department of Commerce is the agency that day-in and day-out is working with America's businesses—from the smallest in size to our major corporations—to research the latest technologies, export our products to every conceivable market, enforce our laws against unfair and destructive trade practices that hurt American workers and businesses, and perform a series of other missions that we cannot afford to abandon for a single minute.

Look at what happened in the other body when they took the Department of Commerce into their operating room. They did not simply wipe out an agency. They were forced to take division after division and actually create new agencies with new addresses and new bureaucracies to make sure the work still gets done. The legislation in this debt limit bill would waste taxpayers' money and many years' effort on taking apart many parts of the Commerce Department only to transplant them someplace else.

The dismantling legislation does try to eliminate completely a few aspects of the Commerce Department's work. Among the major targets are the programs that invest in technology and represent a significant part of this country's commitment to research and development.

Mr. President, this is exactly the wrong time to back away from R&D, especially in the emerging technologies that determine whether this is the country that will make the new type of computer chip or whether it will be Japan * * * whether ours will be the country to stay ahead in telecommunications or whether we just hand our competitive edge and markets over to Europe. Will we continue to manufacture the products that pay our people higher wages and support a middle-class, or will we trade places with other countries scrambling to claim our place in an increasingly competitive world—and watch wages in America go down and down?

A report just released by the President's Council of Economic Advisors rang some clear warning bells about this country's economic future. They are warnings, they are not a death notice—yet. The Council looks at the budget cuts being proposed this year in Federal non-defense research, amounting to a 30-percent cut by the year 2002, and flashes a glaring red light to alert us of the danger we face. As we speak, Japan is planning to double its government support of non-defense R&D. We simply cannot retreat from investing in science, in technology, in innovation, and expect to produce the prosperity and standard of living that supports the American way and the American dream. It is just not possible.

This country has such a proud, long history of innovation and optimism about the future through our commitment to education, to research, and to knowledge. When we think of ourselves as a nation, we think of ourselves as intellectual pioneers and entrepreneurs. We think of Alexander Graham Bell, Thomas Edison, the Wright Brothers, the space program, and, now, the new pioneers like Bill Gates. American support of technology and research has led to the success of the airplane, the jet engine, computers, and even the Internet.

This is what the Department of Commerce is about—it operates a series of programs that do everything from working as a partner with industry to developing new path-breaking technologies, to running a series of manufacturing extension centers that exist to help small- and medium-sized businesses in every single State learn how to take advantage of technology. These are the programs that generate jobs, exports, and opportunity in West Virginia and in every other State of the Union.

The Commerce Department is the missionary agency for exporters, small, medium, and large. Anyone who has worked with the U.S. & Foreign Commercial Service knows how hard they fight for the best interests of American firms abroad. They have done yeoman's work on trade missions I have led for West Virginia companies in Japan and Taiwan. It is my strong belief that we were so effective in those missions, in large part, because FCS officers put business first. The dismantling legislation would eliminate their presence in this country and merge the foreign offices with the United States Trade Representative's office. USTR does not want or need to be burdened with having to negotiate on the one hand and promote and enforce on the other.

This dismantling is not about better government. It is not about improving our trade promotion. It is not about making the enforcement of our trade laws work more efficiently. And it is certainly not about making it easier for our trade negotiators to do their jobs.

If this were about better government, we would not be burdening the U.S. Trade Representative with a big and unfamiliar bureaucracy. If this were about better government we would not be creating a bunch of new agencies. If this were about better government, we would not be asking our trade agency to balance trade negotiation, trade law enforcement, and trade promotion. If this were about better government, we would not be relegating our Nation's trade agenda to a lower level, taking it out of the Cabinet, and moving the business of American business off the Nation's agenda.

Again, abolishing the Department of Commerce is an excellent way to strengthen our foreign competitors and weaken the United States economically. I find it hard even to conceive how the proponents concocted such a notion.

At a time when our country has to compete with more than 120 other nations for markets and jobs, where is the logic in eliminating the single agency dedicated, day-in and day-out, to outdoing our competitors in exports and trade?

At a time when technology is the proven key to America's economic

growth, to success in selling products in foreign markets, and to defining our national belief in progress and innovation, where is the sense in killing off our already-modest support for American technology? The Department of Commerce provides a set of useful and necessary tools to help small and medium-sized businesses get a better handle on technology and to invest in longer-term R&D aimed at making major technological advances and ensuring that the U.S.—not our competitors—will have the high-wage jobs and high-tech industries.

When we are fortunate to have one agency focused on American business and industry, with a voice in the Cabinet, a direct link to the President, and proven clout in the world, how does one come up with the idea of getting rid of it?

If I believed in conspiracies, I would find myself thinking that this back door effort, this attempt to attach a lame piece of legislation to the debt ceiling—a piece of legislation that could not get through the Congress on its own—was some kind of foreign plot to steal American jobs, break our trade laws, and force a technological and economic surrender. That is what this bill is—surrender on the field of economic and technological competition—and that is why proponents know that if they tried to ride this broken down horse of legislation through on its own, the Senate in its good sense would put it out of its misery.

I say to my colleagues, resist the temptation to flash in front of the American people an easy symbol of your commitment to deficit reduction and shrinking government. Resist making a vague ideological point at the expense of your Nation's best interests. Think of what you would feel about abolishing the Department of Defense at the height of the cold war. This legislation before you is the same lunacy—suggesting economic disarmament at the very time when the United States should be beefing up our arsenal of trade enforcement, export promotion, technology investment, and local economic development.

So I am glad that the Senator from Michigan is going to wait until another day to try to do this. I will be here at that time to try to defeat that effort. But I am glad it is not taking place this evening.

I thank the Presiding Officer.

Mr. HOLLINGS. I yield a minute to my distinguished chairman, Senator MOYNIHAN.

Mr. MOYNIHAN. Madam President, almost as an aside but a serious one, I note that a part of the provision that we are about to strike would combine the Bureau of the Census with the Bureau of Labor Statistics. And as the Senator from South Carolina knows, in article I, section 2 of the Constitution, we provide for a decennial census and that has been our great strength and source of data for this country. But there has come a time when consolidating makes sense. The Canadians have done this, with Statistics Canada, at considerable success, something I think in time we ought to do. I simply make that observation.

I yield back the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. I yield myself such time as I need.

I appreciate some of the points that have been made. We have had these discussions in the context of committee debates and so on on this issue, but I think it is important to make two points.

First, my position with respect to the Department of Commerce has not changed. As the prime sponsor of this legislation, I remain committed to it. Tonight is just not the night I think this debate should occur.

There are a lot of arguments made which suggest that somehow the Department of Commerce makes the engine of this country's free enterprise system function. I have talked to business people in my State and business people across the country. They do not share that opinion. In fact, a recent poll that was conducted by the Chamber of Commerce of Detroit, MI, which is a very bipartisan organization, indicated 47 percent of those polled supported eliminating the Department of Commerce, only 6 percent were opposed, and the rest just did not have an opinion.

The fact is that the Department of Commerce as currently comprised is not a Department that deals exclusively with, or for that matter in large measure with, commerce and creating jobs and opportunities. In fact, the largest operation within the Department is NOAA, the National Oceanic and Atmospheric Administration. It is, indeed, the largest subunit of the Department of Commerce, and while it has some connection with activities relating to commerce, not much of it does. In addition, a large part of the Department of Commerce is what I guess we would term duplicative of other aspects of the Federal Government.

In fact, a GAO study recently indicated that the Department of Commerce shares its mission with at least 71 Federal Departments, Agencies, and offices. Indeed, that overlap is what we should be trying to eliminate in Washington, and the purpose of the bill which I have introduced is designed to eliminate that duplication, to save the taxpayers' money while retaining those parts of the Department of Commerce that make the most sense.

Indeed, as former Secretary of Commerce Bob Mosbacher has indicated, "The Department is nothing more than a hall closet where you throw in everything that you don't know what to do with."

Indeed, that is what the Department of Commerce has become. It was not intended to be that type of a department, but that is what we find. We find trade functions in the same place as the weather bureau. And while many Americans, I think with justification, complain about what is going on here in Washington, as I tell people what the various functions of the Department of Commerce are, they scratch their heads in total puzzlement: Why would you be putting all these different, diverse, unconnected, and unrelated activities under one roof? The answer is that the Department has survived simply as the catchall of things that do not seem to fit in other places.

The legislation which I will be bringing back to the floor finds the right place for the different functions of Commerce that ought to be retained and eliminates those that do not.

Let me just speak about one special area because I know it is one of concern to people on both sides of the aisle, and that is the trade responsibilities of the Department of Commerce or more broadly the trade activities of the Federal Government.

Much has been made of the role that Commerce plays with regard to trade. Indeed, it does play a role. But interestingly enough, only 8 percent of the total Federal spending on trade promotion in this country is actually directed by the Department of Commerce. The other 92 percent falls under other Agencies of Government and other Departments. So, in fact, as with many other things in the Commerce Department, Commerce is not in charge of trade. It just plays one of a number of governmental roles with respect to trade.

Our legislation is designed to try to bring these trade functions together under one roof where there can be coherence and strategy, people pulling together to try to help our country be more effective. Indeed, I would say to those who would say we have to have the Department of Commerce because of the great trade deficit, if that is the case, why are we running these huge deficits?

One of the goals I have is to bring these trade functions together more coherently so that we can try to address trade issues not just in the competition sense, not just in the ways the U.S. Trade Representative's office does, but also in the strategic sense as I think can better be done where the trade functions are comprised in one area of Government rather than across many, many different areas.

Finally, the people in my State think all the bureaucracies in Washington

are too large, but they especially find it puzzling as to why we have to have the Commerce Department with 37,000 employees making an average salary of, I think it is about $42,000 a year. That is more than the average salary of the families in Michigan; 37,000 people represents more people than live in cities such as Traverse City, MI; Port Huron, MI, Jackson—almost all the cities of Michigan. It is a huge bureaucracy that is a very well-paid bureaucracy, and while many of the people there are doing good jobs, some of these functions are no longer needed and many would run more efficiently and effectively and help produce in fact more positive results if they were better assigned than is currently the case.

Later we will get to these issues in more detail, and I look forward to that debate at a future point.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. How much time do I have remaining?

The PRESIDING OFFICER. One minute, 30 seconds.

Mr. HOLLINGS. I yield to the Senator from Ohio.

Mr. GLENN. Madam President, I rise in strong opposition to dismantling of the Commerce Department as part of the debt limit.

First of all, as a matter of process, the debt limit should be kept clean, and strictly limited to its purpose—to provide the Federal Government legal authority for a specified period so that it can meet its debt obligations. We should not be considering Commerce dismantlement as part of the debt limit. Nor should it be part of some "catch-all" bill like the continuing resolution or reconciliation bill.

In taking this action, I believe that the Republican majority is engaging in a high-stakes poker game where the fate of our economy and the Federal Government's ability to pay its debts is being wagered in an effort to win the prize of shutting down the Commerce Department. This is precisely the type of political brinkmanship that leaves the American people with such a sour taste about Congress and about government. It is completely and utterly irresponsible to use the threat of a Federal default to force the shuttering of a Cabinet Department. This proposal represents a total perversion of the legislative process.

I also object to it on substantive grounds as well.

We live in a economically inter-dependent world—a world in which trade and technology—the two primary missions of the Commerce Department—are playing an increasingly important role. I am a strong supporter of the current Commerce Department for those reasons. We need a strong advocate for U.S. business at the Cabinet table, and I believe that Secretary Brown has been very effective in playing that role. During the 2 days of hearings before the Committee on Governmental Affairs, he was praised by both Republicans and Democrats alike for his performance. The majority even notes in the Committee report that Secretary Brown "has received high marks for his active promotion of American exports." Under his leadership, the Commerce Department has been transformed from a bureaucratic backwater into an export promotion dynamo. For example, the Wall Street Journal reported just over a month ago how he and the Department made an all-out effort to secure a $1.4 billion contract in Brazil for a consortium of U.S. companies. If you ask the executives in those companies, they will tell you that they would have lost that contract to foreign competition if it had not been for the personal efforts of the Secretary.

The Department spends about $250 million a year in trade promotion, which in 1994 yielded $20 billion in exports for U.S. companies. That amount supports about 300,000 U.S. jobs. The Department's International Trade Administration has done an outstanding job back in our home States—it has a network of 73 U.S. offices and 130 offices overseas—and ITA estimates that for every taxpayer dollar it spends on export promotion, $10.40 is returned to the Federal treasury through tax revenues generated by exports. Also, the Department has very capably assisted the USTR in our Uruguay Round and NAFTA trade negotiations on issues ranging from auto parts, to textiles, to international copywrite law. Not surprisingly, these efforts, combined with a sound Clinton administration economic policy, have helped lead to a 17 percent increase in U.S. exports for the first 5 months of this year.

We are entering the information age, spurred by rapid changes in information technology. It is an exciting time. The private sector is leading the way into the information economy. And that is as it should be. But are our colleagues aware that the Federal Government established the first computer information network? It was developed by the Department of Defense and was called the ARPAnet. The ARPAnet was the predecessor to today's Internet. In so many other areas of technological advancements that we readily take for granted, the Federal Government took the initial role of funding the R&D for technologies that later ended up powering our economy and improving our way of life. The Commerce Department is playing a key part in this development. NIST's Advanced Technology Program has been funding R&D in a cooperative partnership with the private sector to develop the technologies of tomorrow. The National Telecommunications Information Administration has been providing grants to develop the National Information Infrastructure, the so-called Information Superhighway. And the Technology Administration is coordinating interagency R&D on building the automobile of the 21st century. But this measure rejects the approach in investing in the technologies of the future by cutting and terminating a number of technology programs. These cuts and terminations reflect 19th century "know nothing" or Luddite thinking, not 21st century wisdom and foresight. They disregard the fact that our most competitive industries, from computers to agriculture to aerospace, were developed with Federal R&D assistance. And they fail to recognize that Japan, our foremost competitor, is planning to double its non-defense R&D spending by 2000 and will surpass the U.S. in total nondefense R&D spending by 1997. I can imagine that Tokyo's leaders are raising toasts of sake as they watch us on CSPAN today.

This is not to say that the Commerce Department could not be reorganized so as to strengthen its mission and improve its effectiveness. I have sponsored legislation in the past to reorganize the trade and technology functions of the Federal Government, to bring them together under one roof in a Department of Industry and Technology. However, I did not propose destruction of the Department and the scattering of its component parts.

I am an advocate of looking at the need to restructure and reorganize the entire Federal Government, and to do it carefully and in an integrated way, not just on a piecemeal basis. That is why I favor the establishment of a bipartisan commission to design the government of the 21st Century. The basic structure of the Federal Government really has not changed much over the last 25 years. And I do not believe its current structure reflects the changes that our economy and society has undergone recently. So it needs to be examined and a bi-partisan, expert commission is really the best approach to take. Two years ago the Committee on Governmental Affairs supported the creation of such a commission to submit legislative recommendations on restructuring the Federal Government that Congress would have to consider on a "fast-track" basis. I still support this approach, and I offered an amendment in markup to establish such a commission as a substitute to the Commerce dismantling bill. Unfortunately, that amendment lost on a party-line vote.

If this legislation were about reorganizing the Commerce Department, or about implementing a rational downsizing plan for the Department, then I believe that we could work together with the majority to produce good legislation. But this legislation is not about reorganizing the Federal Government's trade and technology

programs to better coordinate them and improve their efficiency. Nor is this legislation about a rational downsizing of the Department. That is underway now. The Department is reducing its 35,000 person workforce in line with the President's plan to reduce the overall Federal workforce by 272,000 positions by 1999. Under the leadership of the National Performance Review, the Department is examining the privatization of the National Technical Information Service, parts of NOAA, as well as other programs. It is phasing out the Travel and Tourism Administration and modernizing Census collection.

What this debate is about is the elimination of a Cabinet Department for purely symbolic and political reasons. It is about tacking a hide on the wall, putting a trophy on the mantle.

Further, this proposal applies a blowtorch to $1 billion worth of Federal agencies and programs in the Department, melts them down and terminates them. Agencies that survive will be hobbled by a large cut.

Most of that cut will fall on NOAA, at $1.9 billion the largest remaining agency and the home of the National Weather Service. And we are considering these draconian cuts at a time when the Florida coast continues to be battered by hurricanes. That is just plain foolish. The House Bill also ends many of the Great Lakes programs important to the midwest. Further, both House and Senate Appropriations Committees have rejected such deep cuts in NOAA's budget. Those Committees also preserved the Economic Development Administration, recognizing its value to economically-distressed regions of the Nation, especially those that have been negatively impacted by base closing. Yet this measure terminates the EDA.

This measure transfers some of the Federal Government's trade agencies into the U.S. Trade Administration, consolidations that I have supported in past legislation. But unfortunately these agencies are being transferred into an administration and not a Cabinet Department. When our companies are fighting for large government contracts overseas and are competing against a Team Japan, or a Team Germany, I think it makes a difference when the respective foreign government gets the call from a U.S. Cabinet Secretary, as opposed to a lower ranking administrator.

In the Committee report on the Senate bill, the majority discusses how downsizing and streamlining has been taking place in the private sector. I believe that an examination of the restructuring undertaken by the private sector is relevant in this context. Independent studies of private sector restructuring efforts show that their success is a hit or miss proposition and depends on several factors. A 1993 survey of over 500 U.S. companies by the Wyatt Company revealed that only 60 percent of the companies actually were able to reduce costs in their restructuring efforts. Both the Wyatt Survey and a similar one conducted by the American Management Association concluded that successful restructuring efforts must be planned carefully with a clear vision of their goals and objectives, and that proper attention be given to maintaining employee morale and productivity. Otherwise, the costs of reorganization may outweigh its benefits.

I believe that government reorganization is a complicated task that cannot be successfully accomplished without serious study and deliberation, especially if it is going to achieve the dual goal of improving government efficiency and reducing costs. That means Commerce reorganization should follow, not precede the recommendations of a bipartisan commission. We should not be reorganizing the Commerce Department first and then forming a government commission to restructure the rest of government, as has been proposed. That does not make any sense. My hope is that the majority will abandon its narrow focus on the Commerce Department and focus instead on the more important issue of reorganizing and streamlining the Federal Government to improve the efficiency and cost-effectiveness. Until then, I will continue to oppose this legislation.

Mr. HOLLINGS. I thank the distinguished Senator from Ohio, the former chairman of our Governmental Affairs. He lead the sober consideration of this particular issue in the committee, and we are all indebted to him.

Specifically, the Department of Commerce gives the businessman Cabinet-level status and voice at the Cabinet table.

What the Senator wants to do with this academic percentage argument and otherwise is say, yes, Labor should have a voice. No one has intimated we should do away with the Department of Labor. The farmer, he should have it. No one has intimated we should do away with the Department of Agriculture. But the businessman in the global competition should lose his voice and leadership.

I do not know where the Senator got the 8 percent, but I can tell you 90 percent of the job creation has come through Secretary Ronald Brown. He has traveled tirelessly the world around getting different deals for the manufacturing jobs here in the United States of America. I wish I just had more time to go down the list—the International Trade Administration, which was recommended and instituted by President Nixon; the National Oceanic and Atmospheric Administration is nothing more than the extension of the Environmental Science Services Administration.

I believe the Chair is indicating that my time is up. But I have been handling the financing part for 25 years on the Appropriations Committee. We have cut back because the pressure has been brought in State, Justice, Commerce for a great endeavor in law enforcement, and as a consequence we have been cutting back on State's budget and particularly in the Department of Commerce.

Do I have any time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. Let us voice vote.

Mr. ABRAHAM. Madam President, could I inquire how much time we have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 2 minutes, 25 seconds.

Mr. ABRAHAM. I yield as much time as he may need to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. ROTH. First, Madam President, I congratulate my distinguished colleague from Michigan for the leadership he has demonstrated in helping develop this most important piece of legislation to dismantle the Commerce Department. This basic legislation is important, and I think it is also workable.

During my tenure as chairman of the Governmental Affairs Committee, I held hearings to determine the best way to prepare the Federal Government for the 21st century, the best way to streamline and make it more efficient and effective. Our hearings came to two certain conclusions: First, that the Federal Government is obsolete in its present form, a 50-year old relic that is structurally incapable of meeting the needs of the 21st century. And it is so rife with duplication and fragmentation that, according to the GAO, some six agencies perform each major mission.

Our second conclusion was that the Commerce Department is a microcosm of almost everything that is wrong with the Federal Government as a whole. There is no better place to begin eliminating wasteful bureaucracy and restructuring core missions to meet the needs of the 21st century.

This proposal contains restructuring actions with broad bipartisan support. The bill transfers the Census Bureau and the Bureau of Economic Analysis to the Department of Labor, Bureau of Labor Statistics, as a first step toward creating a single Government statistics agency. It unifies critical trade functions within a single Cabinet-level agency, the Office of the United States Trade Representative.

For almost two decades now, I have personally advocated the elimination of Commerce and the creation of a trade agency. The Governmental Affairs Committee has passed similar

bills to achieve this same purpose in previous sessions of Congress.

This provision also creates a bipartisan "Citizens Commission on the 21st Century Government" to move from Commerce to the bigger picture of what the government of the future should look like and how it should perform. The Commission is directed to reexamine missions and functions of the Federal Government in the 21st Century, and fundamentally restructure the bureaucracy to improve productivity and service delivery. The Commission will produce its first report by July 31, 1996, for fast-track consideration before the end of the 104th Congress. This time frame is ambitious, but it must be kept to meet the public's mandate for change.

The issues to be addressed by the Commission will require bold, bipartisan action. The Governmental Affairs Committee has reported restructuring commission bills in previous sessions of Congress. The last one, sponsored by Senators GLENN, LIEBERMAN and myself, passed the Committee nearly unanimously in 1993.

It preserve important funding authorities of the Economic Development Administration and the Minority Business Development Agency by transferring them to other agencies which perform very similar functions.

This will allow us to meet our budget targets while eliminating wasteful bureaucracy. It will also allow the best programs from EDA and MBDA the chance to compete for continued life within new agencies.

What we have before us this evening is an excellent starting point for the comprehensive, governmentwide restructuring the public demands. Today's government is characterized by huge, hierarchical bureaucracies. As we heard from GAO, during our hearings, there is wholesale duplication, overlap, and fragmentation in functions and spending.

In a nutshell, the taxpayers are paying for one agency to set a policy or perform a function, another agency to contradict that agency, plus several other agencies who receive funding to perform some related role. As a result, an extensive patchwork of coordinating committees has been created to prevent the bureaucracy from grinding to a halt.

The Commerce Department has been described as a loosely knitted "holding company" of agencies pursuing unrelated missions. Its management systems and controls are on GAO's high risk list.

It directly serves only a small number of favored American firms and industries. Many in the business community have serious doubts that it adds sufficient value to justify its continued existence. Almost all of the experts agree: Commerce should be restructured to eliminate wholesale duplication and fragmentation and bring coherence to the management of its important functions.

Let me be clear about one thing, with this provision we are not on a warpath to arbitrarily terminate agencies. We are not out to collect scalps to mount in a trophy case.

Nor are we engaged in a superficial shell game which merely redraws boxes on an organization chart. Our objective is to reduce costs and improve services throughout our government

Commerce has no single mission or function as an exclusive province. The GAO found that it shares its four major functions with 70 other Federal organizations. We must change this organization structure, if we are to give the taxpayers efficient and effective performance of the functions now being performed by Commerce.

Sadly, the Commerce Department is typical of the waste and inefficiency that pervades our Government. That is why it makes an ideal starting point in the governmentwide restructuring that is necessary to prepare America for the next century.

The PRESIDING OFFICER. All time having expired, the question occurs on agreeing to amendment No. 3052.

The amendment (No. 3052) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

AMENDMENT NO. 3053

(Purpose: To provide for a temporary increase in the public debt limit)

Mr. MOYNIHAN. 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 New York [Mr. MOYNIHAN] proposes an amendment numbered 3053.

Strike all after the enacting clause and insert the following:

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on the later of—

(1) December 12, 1995, or

(2) the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature,

the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,967,000,000,000, or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States (and to ensure full investment of amounts credited to trust funds or similar accounts as required by law) through such period.

Mr. MOYNIHAN. Madam President, I ask that the measure be read in its entirety to define and illustrate its brevity and its purpose, which is to send to the President a clean extension of the debt ceiling.

There can be no question in my mind that we put in jeopardy the interests of the United States if we restrict the ability of the Treasury to redeem its debts. One of the greatest assets we have is that the U.S. Treasury bond is the firmest, most solid debt instrument in the world.

I have a letter from Alan Greenspan, our distinguished, revered Chairman of the Board of Governors of the Federal Reserve System, saying, "Our word is among our most valuable assets." It is essential that we honor our obligations in order to make our securities the keystone of world financial affairs.

I ask unanimous consent that Chairman Greenspan's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE SYSTEM,
Washington, DC, November 8, 1995.

Hon. ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: You have asked me about the effects of a default on U.S. Treasury obligations should the Treasury run out of cash as a consequence of the debt ceiling not being raised in a timely manner.

As I stated before your Committee in September, I do not think the issue of default should be on the table. Without question, the federal government must take steps to assure that its budget will be in balance by early the next century. The vitality of our economy depends on accomplishing this goal. If, for some unforeseen reason, the political process fails and agreement is not reached, it would signal that the United States is not capable of putting its house in order and would have serious adverse consequences for financial markets and economic growth.

Nonetheless, there are many avenues to an agreement, and the full faith and credit of the United States need not be part of the process. The United States has always honored its obligations. Our word is among our most valuable assets. It is an essential element in making our securities the keystone of world financial markets. A failure to make timely payment of interest and principal on our obligations for the first time would put a cloud over securities that would dissipate for many years. Investors would be wondering when we would next allow our credit worthiness to become embroiled in controversy. Breaking our word would have serious long-term consequences. There are much better ways to bring our budget credibly into balance.

Sincerely,

ALAN GREENSPAN,
Chairman.

Mr. MOYNIHAN. I also ask unanimous consent that an excerpt from a report by the Congressional Budget Office stating that the debt ceiling is an extraneous issue as regards Federal spending in a day when entitlement spending comprises two-thirds of our outlays, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE ECONOMIC AND BUDGET OUTLOOK: AN UPDATE

(From the Congressional Budget Office)

* * * At one time, the debt ceiling may have been an effective control on the budget when most spending was subject to annual appropriations. But discretionary spending is now a much lower proportion of total spending, amounting to only 36 percent in 1995. Under the recently adopted budget resolution, discretionary outlays will continue to fall further to 27.5 percent by 2002. The rise in mandatory spending and growth of the trust fund surplus has turned the statutory limit on federal debt into an anachronism. Through its regular budget process, the Congress already has ample opportunity to vote on overall revenues, outlays, and deficits. Voting separately on the debt is ineffective as a means of controlling deficits because the decisions that necessitate borrowing are made elsewhere. By the time the debt ceiling comes up for a vote, it is too late to balk at paying the government's bills without incurring drastic consequences.

As a result, because raising the debt ceiling is considered to be "must pass" legislation, the debt limit is frequently used as a device to force action to obtain some other legislative goal. For example, in 1990, the Congress voted seven times on the debt limit between August 9 and November 5 as the budget summit meetings progressed and the Congress considered the resulting budget resolution and reconciliation bill.

WHAT ARE THE CONSEQUENCES OF NOT RAISING THE DEBT LIMIT?

Financial markets find the debt limit a periodic source of anxiety. The government has never defaulted on its principal and interest payments, nor has it failed to honor its other checks. However, even a temporary default—that is, a few days' delay in the government's ability to meet its obligations—could have serious repercussions in the financial markets. Those repercussions include a permanent increase in federal borrowing costs relative to yields on other securities as investors realize that Treasury instruments are not immune to default.

Failing to raise the debt ceiling would not bring the government to a screeching halt the way that not passing appropriation bills would. Employees would not be sent home, and checks would continue to be issued. If the Treasury was low on cash, however, there could be delays in honoring checks and disruptions in the normal flow of government services. Carried to its ultimate conclusion, defaulting on payments would have much graver economic consequences—such as loss of confidence in government and a higher risk premium on Treasury borrowing—than failing to enact discretionary appropriations by the start of a fiscal year.

Mr. MOYNIHAN. Finally, Madam President, I call attention to one of the many extraordinary measures we are adding to this bill—the repeal of habeas corpus. The great writ of habeas corpus ad subjiciendum, "produce the body before the court," is the foundation of our legal system of liberties.

I have commented that if I had to live in a country which had habeas corpus but not free elections, or vice versa. I would take habeas corpus every time. It is article I, section 9, of the U.S. Constitution.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Nothing in our circumstances requires the suspension of habeas corpus, which is in effect what this provision would do. To require a Federal court to defer to a State court judgment unless the State court's decision is "unreasonably wrong" will effectively preclude Federal review in these matters. This it seems to me is appalling. It would transform our State courts—not the Federal courts established under article III of the Constitution—into the ultimate arbiters of constitutionality. Very few Senators share that view. We had a vote in this regard last summer. There were eight of us who voted against the Comprehensive Terrorism Prevention Act of 1995, which contained an almost identical habeas corpus provision. Shortly before that vote, I received and powerful letter from the Emergency Committee to Save Habeas Corpus, a group of 100 of the Nation's most distinguished attorneys, legal scholars, and civic leaders. Its cochairs are four former U.S. Attorneys General, two Republicans and two Democrats: Benjamin Civiletti, Edward H. Levi, Nicholas DeB. Katzenbach, and Elliot L. Richardson, all of whom adamantly oppose this habeas corpus provision.

Madam President, I ask unanimous consent that the letter from the Emergency Committee to Save Habeas Corpus, and the list of its members, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMERGENCY COMMITTEE
TO SAVE HABEAS CORPUS,
Washington, DC, June 1, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN:

We understand that the Senate may act next week on the habeas corpus provisions in Senator Dole's terrorism legislation. Among these provisions is a requirement that federal courts must defer to state courts incorrectly applying federal constitutional law, unless it can be said that the state ruling was "unreasonably" incorrect. This is a variation of past proposals to strip the federal courts of the power to enforce the Constitution when the state court's interpretation of it, though clearly wrong, had been issued after a "full and fair" hearing.

The Emergency Committee was formed in 1991 to fight this extreme proposal. Our membership consists of both supporters and opponents of the death penalty, Republicans and Democrats, united in the belief that the federal habeas corpus process can be dramatically streamlined without jeopardizing its constitutional core. At a time when proposals to curtail civil liberties in the name of national security are being widely viewed with suspicion, we believe it is vital to ensure that habeas corpus—the means by which all civil liberties are enforced—is not substantively diminished.

The habeas corpus reform bill President Clinton proposed in 1993, drafted in close cooperation with the nation's district attorneys and state attorneys general, appropriately recognizes this point. It would codify the long-standing principle of independent federal review of constitutional questions, and specifically reject the "full and fair" deference standard.

Independent federal review of state court judgments has existed since the founding of the Republic, whether through writ of error or writ of habeas corpus. It has a proud history of guarding against injustices born of racial prejudice and intolerance, of saving the innocent from imprisonment or execution, and in the process, ensuring the rights of all law-abiding citizens. Independent federal review was endorsed by the committee chaired by Justice Powell on which all subsequent reform proposals have been based, and the Supreme Court itself specifically considered but declined to require deference to the states, in Wright v. West in 1992.

We must emphasize that this issue of deference to state rulings has absolutely no bearing on the swift processing of terrorism offenses in the federal system. For federal inmates, the pending habeas reform legislation proposes dramatic procedural reforms but appropriately avoids any curtailment of the federal courts' power to decide federal constitutional issues. This same framework of reform will produce equally dramatic results in state cases. Cutting back the enforcement of constitutional liberties for people unlawfully held in state custody is neither necessary to habeas reform nor relevant to terrorism.

We are confident that the worthwhile goal of streamlining the review of criminal cases can be accomplished without diminishing constitutional liberties. Please support the continuation of independent federal review of federal constitutional claims through habeas corpus.

Sincerely,

BENJAMIN CIVILETTI.
EDWARD H. LEVI.
NICHOLAS DEB. KATZENBACH.
ELLIOT L. RICHARDSON.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the tally on the vote to repeal habeas corpus indicating the eight Senators who voted "no" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Democrats: Feingold, Moseley-Braun, Moynihan, Pell, Simon, and Wellstone.

Republicans: Hatfield and Packwood.

Mr. MOYNIHAN. Madam President, I yield the remainder of my time to our gallant and distinguished sometime chairman of the Committee on Government Operations, the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank my distinguished colleague from New York. I will be brief because I know the hour is late, but I cannot help but comment on one part of this debt limit bill that came over to us, and that is on regulatory reform.

I am somewhat dismayed, Madam President, to report that the debt limit bill passed by the House contains an amendment by Representative Walker that, if enacted, could end up removing

the protections for the American people on health and safety and the environment that have been painstakingly built up over decades. The amendment takes up 13 pages in the CONGRESSIONAL RECORD, new proposals, many of them, sprung on us, being introduced over there, just came out in the RECORD today, not time enough to really analyze these things, and purports to be a regulatory reform bill. It is not regulatory reform. It is regulatory dismantlement. It is regulatory elimination.

The amendment does contain all the buzzwords associated with reg reform like cost-benefit analysis, risk assessment, judicial review and the like. But this amendment is not meant to reform anything. It is, in fact, an extremist approach to regulation. And I do not use that word lightly. It is an extremist approach to regulation that would overturn existing environmental law and tie up in endless litigation the agencies whose missions are to ensure we have clean air, clean water, and safe food.

Madam President, the documented deaths of innocent children and adults from E. coli poisoning that would have been prevented if there had been tough standards and regulation provides stark and deadly evidence of what the stakes are with respect to this issue.

I am in favor of regulatory reform, fought for it, fought for it in committee, fought for it here on the floor, as all my colleagues will remember. And I worked hard in committee and on the floor to get a reasonable regulatory reform bill before the Senate. We passed a reasonable bill out of the Governmental Affairs Committee with more Republican support than Democrats because it was a unanimous vote of our 8–7 committee. And on the floor we almost passed it. It got 48 votes.

But this amendment, the Walker amendment, is not reform. The Walker amendment borrows from the original House bill that many of my colleagues on the other side of the aisle could not stomach either. They did not like it either. It also borrows from the Dole-Johnston bill that we debated for weeks, which is a seriously flawed bill itself. The Walker amendment contains, for instance, a supermandate that the proponents of the Dole-Johnston bill said they were opposed to. That provision would override existing health, safety, and environmental laws by prohibiting the issuance of health-based standards that may not meet harsh cost tests.

The Walker amendment would make it difficult to issue health-hazard assessments and would create new defenses for lawyers to use to prevent enforcement over Federal health and safety laws.

The Walker amendment would repeal the difficult Delaney clause without providing any appropriate substitute.

Finally, the Walker amendment contains judicial review provisions that are applicable to the detailed procedural steps of the amendment that amount to a lawyer's dream. The lawyers' full-employment bill is what this Walker bill should be called. And anyone concerned about tort reform would find the judicial review procedures in this amendment truly a nightmare.

Madam President, when the Dole-Johnston bill was being debated both privately and on the floor, it was frequently claimed that if the Senate passed a moderate reg reform bill, the House would go along with it in conference. Well, the Walker amendment certainly gives lie to that idea. It gives us a measure of the validity of that claim. The House in this case took a not-so-moderate Senate bill which is seriously flawed in many respects and could not resist turning it into an extremist proposition. I use that word not ill-advisedly. It is an extremist proposition that is riddled with special interest provisions harmful to the American people.

Madam President, I repeat, I want reg reform, but not at the expense of the health and the safety of the American people or of the environment. There is no justification for the Walker amendment, particularly on this particular debt limit bill that is so important. If it survives in the Senate, the President will just have to veto the debt limit bill on this ground alone, and we will fight that battle another day.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Madam President, I believe we have used up our time.

The PRESIDING OFFICER. The Senator has 1 minute 43 seconds.

Mr. MOYNIHAN. We will withhold and reserve that for purposes of rebuttal.

Mr. ROTH. I yield 4 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I have just had an opportunity to look at the amendment of the good Senator from New York. This is essentially to make moot the entire exercise. He makes moot the shifting of the date to December 12. The language reads, "or * * * the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature * * *"

And then he makes moot the cap in the extension of the debt limit which reads, "$4,967,000,000,000," but then it says—here is another one of these famous words—"or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States."

You have, in effect, made moot the concept that we would extend it to the 12th, and then we would set a fixed amount and then it would snap back. This is totally unacceptable.

It then proceeds to say bring in the Social Security trust fund, as if this making moot what we are trying to achieve here is necessary to protect the fund.

The extension or the resolution that has come to us from the House specifically sets a date, specifically sets an amount and specifically says that you may not use the trust funds to deal with this issue—protecting.

This is just a totally unacceptable amendment, and I encourage all of our colleagues to oppose it. I think given the circumstances that we are faced with that the date should be specific and the amount should be specific and we should not be moving to this clever technique of adding "or," "except."

There has been a lot of discussion about the cooperation between the Senate and the House and the President over this issue. The President has alluded to the fact we have not cooperated. I just have to say the President has not been here long enough to cooperate. He is getting ready to leave the country right in the midst of this to go to Japan, and then he comes back and turns around and goes to Europe.

This administration is going to have to come to the table and deal with the Congress on balancing the budget, on welfare reform, on the tax policy and on the Medicare questions. I just think he has failed to do so, and I do not believe the amendment of the Senator from New York helps to bring that real collaboration together.

I yield back my time to the Senator from Delaware.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I yield such time as I may use.

The temporary debt increase we propose this evening will allow the Treasury to make benefit and interest payments for another month. It will allow the Government to meet its obligations and that, I believe, is the right decision. For that reason, I must oppose the Moynihan amendment.

I oppose the Moynihan amendment because, first, it would strike provisions that would protect the Social Security, Medicare and other trust funds. Not only would it strike those provisions, but it provides discretion, as my distinguished colleague from Georgia pointed out, it provides discretion to the administration to exceed even the temporary debt limit for amounts reasonably necessary to meet current spending requirements.

To sum it up, there is really no dollar limitation under this temporary increase as provided under the Moynihan amendment, nor is it clear as to what period of time it would cover.

Madam President, beyond this, I want to emphasize our legislation

would protect the integrity of trust funds, like Social Security and Medicare, by requiring the Treasury to automatically invest FICA receipts.

Further, it would only allow the disinvestment of these trust funds for benefits paid. In other words, the Treasury will not be allowed to use these protected funds to discharge other financial obligations of the Government. In the past, Treasury has allowed these trust funds to be underinvested. This will no longer happen, and our legislation will ensure that Social Security benefits are paid on time. This is important. The right decision is to keep the obligations Government has made. The right decision is to protect the integrity of these trust funds.

The Secretary of the Treasury will not be allowed to sell or redeem securities, obligations or other assets of the trust funds and special accounts during this period. The only exception will be when it is necessary to pay benefits and administrative expenses of the cash benefit programs, and these programs not only include Social Security, but Federal Civil Service and military requirements, as well as unemployment insurance.

Again, these are important contracts Government has made with the people. As an added measure of security for those who depend on these programs, this legislation requires the Secretary of the Treasury to report to Congress and the GAO 3 days before making a sale or redemption of securities from the trust funds or special accounts during this period of debt limitation, and it would also require the GAO to monitor compliance with these provisions and report its findings.

Madam President, we must pass this legislation. We must increase the debt limit on a temporary basis. This is the only way to let the Federal Government continue its smooth operation. It is the only way we can follow through with our historic work of getting a balanced budget without disrupting financial markets.

I point out, there are other provisions included in this legislation, but time does not permit me to speak about each of these at this time. However, because of the importance of these provisions, especially those that restrict the authority of the Secretary of the Treasury to underinvest or to disinvest trust funds, I oppose the amendment of the Senator from New York.

I yield the balance of my time to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute 30 seconds.

Mr. DOMENICI. Might I inquire, after this time has expired, is there any time left on other amendments, or are we finished for the evening?

The PRESIDING OFFICER. All time will have expired but for the 1 minute 40 seconds left for the Senator from New York.

Mr. DOMENICI. Madam President, I wanted to talk about the comments of the Secretary of the Treasury today. They bear on what we are talking about here. The Secretary is doing his dead level best to make the markets respond adversely to what is going on in Washington, even though there is no reason for them to do that. I was glad to read in the papers this morning that many of the bond people—those who sell bonds, and the like, in New York City are up to him; they decided that is what he is trying to do—to scare the market into reacting adversely, so that, in turn, he will scare the Republicans so they will not react so tough on the President in terms of insisting that we get a balanced budget and some negotiations out of this President. That is what this is all about.

So now they are going to veto this bill, and the principal reason must be that we are saying you cannot disinvest funds in the Social Security trust fund and in the civil service retirement fund and use that to pay our debt as it comes due. If it is not that, why else were they going to veto the bill that the Finance Committee reported out? The only thing on it of substance was that.

So it seems to me that in saying, "We are going to veto it because it ties our hands," they are acknowledging there is no problem with default. If we do not tie his hands, he has all those other moneys to use to pay the debt, so there will not be a default. So who is he kidding? He is not kidding us. We want them to get serious about negotiating for a balanced budget. That is what he ought to be doing. Instead of planning to close the Government, he ought to be planning with us how to keep it open.

I yield the floor.

Mr. MOYNIHAN. Madam President, to conclude the discussion on this succinct and, I hope persuasive proposal, I plead with my fellow Senators to understand what my friend of so many years, the chairman of the Budget Committee, has just said. The President will veto this measure. He has to do it for the reasons set forth by the Senator from Ohio about regulatory reform, the repeal of habeas corpus, a horrendous measure, and so on. He will veto it, and then we will have a crisis and put in jeopardy the credit worthiness of the United States. The great asset that Alexander Hamilton secured for us in the end of the 18th century will have been squandered for no purpose whatever.

Can we not simply get on with our reconciliation bill, work out these issues there instead of on the debt ceiling? Or do we need a crisis in midweek? Surely, Madam President, we do not.

I plead with the Senate, do not create a crisis. Let us govern as the orderly body that we have been for two centuries. It is far beyond the realm of the imagination what we might do.

I understand the yeas and nays have been ordered.

Mr. ROTH. Madam President, I move to table the Moynihan amendment 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3053.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mrs. BOXER] are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 568 Leg.]

YEAS—49

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Campbell	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—47

Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Chafee	Johnston	Reid
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Specter
Exon	Leahy	Wellstone
Feingold	Levin	

NOT VOTING—3

Akaka	Boxer	Lugar

So the motion to lay on the table the amendment (No. 3053) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I rise to speak against the pending bill to increase the debt limit.

I think it is fair to say this session of Congress has been as partisan as any in history. We have had a lot of disagreement, and there have been a lot of games. Fortunately, in this Chamber, there have been occasional demonstrations of rational bipartisan consensus. I am pleased when that happens, because it means we are taking care of the peoples' business.

Well, if there is one issue that should be above partisanship, it the Federal debt limit. This issue goes to the very core of our economy.

A couple years ago, I was a housewife and a mother living on the west coast, so I have a pretty good sense of how most people view issues like this. Most of my friends and family know this is a pretty complicated issue. They may not know how to completely explain it, but they do know it makes our economy work. And because of that, we have a responsibility as elected officials to deal with this issue clearly and decisively.

As a member of the Senate Banking Committee, I have listened to the complex issues that affect the ups and downs of our economy. The debt limit issue affects the Treasury Department's ability to buy and sell bonds, to pay interest, and to manage the economy in the most positive direction possible.

Nearly everything that happens on Wall Street, or in the real estate markets, is pegged to Government bond rates. Nearly every low-risk investment portfolio, every adjustable rate mortgage, every savings plan in the country is tied to Government bonds and interest paid on those bonds.

Every single person in this country—from the average working family, to the top-flight stock broker—has an interest in seeing this issue held above partisan bickering, and protected from the kind of political shenanigans we have seen all year long.

We should be considering a straight, clean debt limit extension to keep the economy going, and to allow the Treasury Department to meet its obligations to bond holders. But unfortunately, we are not.

We are considering a Christmas tree, Mr. President. This bill is loaded down with provisions that have nothing to do with Treasury bonds. Everyone on this floor is aware of it.

This bill has reg reform provisions, something the Senate has defeated three times before. It eliminates the Commerce Department, when export promotion is more important than ever. And it changes the law to loosen up death penalty guidelines.

What does any of this have to do with Treasury bonds and the economy? Nothing.

This bill is simply another in a long line designed solely to score partisan political points. It makes a mockery of commonsense; at best, it amounts to political extortion, wit an increasingly healthy economy held hostage. At worst, it is reckless endangerment of the national economy and the household budget.

Mr. President, it is time for us to put aside hot-button political agendas, and start focusing on solving the Nation's problems.

This Senate passed a bill to balance the budget almost 3 weeks ago. And nothing has happened since then. We have had no debate. No conferees have been appointed. No progress has been made. Why? So the majority can back us up against the debt limit, and play an elaborate political game with the President, with the economy at stake.

What happens if we pass this bill? With so much unnecessary baggage attached, this bill will be vetoed. And rightly so, in my opinion. And unless we can get our act together by Monday, the Government will default on its loans for the first time in history.

At the end of the day, the people will feel worse about Congress than ever, and with good reason. All because partisan politicians could not get together to solve problems, but had to play politics instead. It's a pretty sad scenario.

I have heard my colleagues say the Senate is the saucer that cools the cup. Well, we need a little cooling off. We need a clean debt limit extension, and then we need to return to the budget debate. In short, we need to take care of the peoples' business. But with this bill, we are not even close. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to address an issue of tremendous importance to our Nation. It does not involve the arcane details of the Federal budget, but does touch directly the lives of every one of our citizens.

Mr. President, it is the issue of personal safety. It is the issue of reducing crime on our streets by imposing swift and appropriately strong punishment on those who prey on our streets.

Last June, I spoke to my colleagues in support of the habeas corpus provisions included in the anti-terrorism bill. I think it is unfortunate that I must say again, five months later, that habeas corpus reform is still needed, now, just as much as it was then, in the immediate aftermath of the tragic and reprehensible bombing in Oklahoma City.

Habeas corpus reform is still needed because our streets are still unsafe and those who commit the most heinous crimes still abuse the court system to prevent their sentences from being carried out.

It is needed because swift punishment—including the death penalty where appropriate—is critical in our efforts to ensure the personal safety of all of our citizens.

It is needed because the deterrent effect of the death penalty is weakened when it cannot be imposed swiftly after a verdict has been reached in a fair trial.

Mr. President, habeas corpus reform is needed because since the death penalty was reinstated in California in 1978, more prisoners on death row have died of natural causes than have been executed.

Let no one doubt the magnitude of this problem. For example, in California there are currently 428 convicted criminals on death row—that is 18 more than when I last spoke to the Senate on the immediate need for habeas reform.

This problem is not unique to California, however. According to the Administrative Office of the U.S. Courts, during the year ending June 30, 1995, there were 14,637 prisoner petitions for habeas corpus review in U.S. district courts alone. 156 of these cases were death penalty cases.

On June 7, on the same day the Senate overwhelmingly passed habeas corpus reform as part of the anti-terrorism bill, the longest serving member of California's death row population, Andrew E. Robertson, marked the 17th anniversary of his incarceration. Five months later, he still avoids punishment. Mr. President, that is unconscionable.

Another case deserves scrutiny as well. Seventeen years ago, Keith Daniel Williams was convicted of fatally shooting Miguel and Salvadore Vargas and Lourdes Meza in Merced, CA while stealing a $1,500 check that he and his friends had used to buy a car from Miguel Vargas.

Williams was found guilty of planning the killings and, after shooting the two men, raping Lourdes Meza in the back of the car before shooting her and leaving her naked body in a field.

This vicious killer told a psychiatrist that after one of his accomplices broke down when Williams had ordered him to shoot the woman, Williams intended to kill him, too, but decided not to when, and I quote, "the dude started sniveling and crying."

Keith Daniel Williams admitted killing these three innocent people, but 18 years of courtroom maneuverings have kept this cold-blooded murderer from receiving the punishment he deserves for his horrible crimes.

Just last spring, the 9th U.S. Circuit Court of Appeals said Williams was not denied a fair trial by the actions of his lawyer—who failed to hire a psychiatrist, obtain Williams' medical records or present any favorable evidence at the penalty phase.

Following this decision, his lawyer said he would seek a rehearing before an 11-judge panel and, if that failed to stop the execution, appeal to the U.S. Supreme Court. According to California's Deputy Attorney General, those appeals could take a year to 18 months, even if no new hearings are granted.

A newspaper article on this case published 7 months ago was titled, "Triple

Killer a Step Closer to Execution." Mr. President, that final step may take another year. That is just plain wrong.

Sadly, there are many other cases similar to the one I just described and their crimes are among the most horrific imaginable. I will not burden my colleagues with the gruesome details, but I do believe the Senate, and the American people, need to know of the abuse of the legal system by individuals convicted in courts of law for the most vile and violent crimes and I think it necessary to mention one more example.

Bernard Hamilton murdered a woman—the mother of two boys, one of whom was only 3 weeks old—in San Diego in May 1979. His victim disappeared on her way to class. She was last seen in her van in the parking lot of the school she attended.

Her body was later found with the head and hands removed; they have never been recovered. The body was clothed only in bra, underpants, and socks.

Bernard Hamilton was arrested in Oklahoma in possession of his victim's van and had been using her credit cards. He was convicted of first degree murder for this brutal crime.

After his first State habeas petition was denied he went to Federal court and last year two judges on the 9th Circuit ordered the sentence vacated on a claim that was rejected by six Justices on the California Supreme Court and one dissenting judge on the 9th Circuit.

This cold-blooded killer is now in the midst of a new penalty trial—more than 16 years after the murder.

To add insult to injury, Hamilton represented himself at his penalty retrial and blamed the victim's husband, who never recovered emotionally from the death of his wife before his own death last year.

For the victims of the kind of violent crimes I've just described, justice will not fully have been done until those responsible have been tried, convicted and the death penalty imposed and swiftly carried out.

I am very pleased to say that the habeas provision included in the bill currently under consideration by the Senate is designed to do just that. The habeas corpus provision is identical to those included in the anti-terrorism bill passed the Senate by a vote of 91 to 8 last June, and one I believe which strikes an appropriate balance between the need to assure due process to those convicted of both capital and non-capital crimes and the need of any rational judicial system to bring cases to closure.

Indeed, Mr. President, that is particularly important not only the integrity of our judicial system, but for the victims of capital cases.

Most importantly, Mr. President, this bill provides habeas petitioners with "one bite at the apple." It assures that no one convicted of a capital crime will be barred from seeking habeas relief in Federal court, and appropriately limits second and subsequent habeas appeals to narrow and suitable circumstances.

Furthermore, Mr. President, the bill requires States which provide for counsel that habeas appeals must be filed within 6 months of when a State prisoner's conviction becomes final, or in States where standard for the adequacy of counsel are not adopted, such appeals must be filed within 1 year.

Third, Mr. President, time limits are also imposed upon courts. The bill requires that Federal courts must act promptly on habeas appeals and establishes a mechanism by which courts of appeals will screen habeas petitions before they are permitted to go to a Federal District Court for resolution.

Finally, Mr. President, unlike the crime bill proposals that I and the Nation's law enforcement officials opposed two years ago, this bill does not dictate to the States precisely what counsel competency standards are adopted. Rather, it properly provides states with an incentive to formulate their own plans by making expedited time tables I have just described available for states to do so.

Mr. President, the time for habeas corpus reform is long overdue. Too many of our streets are dangerous, too many of our citizens are scared, too many of our courts are clogged with endless, meritless prisoner appeals. I urge my colleagues to support the habeas corpus reform provisions in this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR], is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA], and the Senator from California [Mrs. BOXER], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 47, as follows:

{Rollcall Vote No. 569 Leg.}

YEAS—49

Abraham	Brown	Coats
Ashcroft	Burns	Cochran
Bennett	Campbell	Coverdell
Bond	Chafee	Craig
D'Amato	Helms	Santorum
DeWine	Hutchison	Shelby
Dole	Inhofe	Simpson
Domenici	Kempthorne	Smith
Faircloth	Kyl	Snowe
Frist	Lott	Specter
Gorton	Mack	Stevens
Gramm	McCain	Thomas
Grams	McConnell	Thompson
Grassley	Murkowski	Thurmond
Gregg	Nickles	Warner
Hatch	Pressler	
Hatfield	Roth	

NAYS—47

Baucus	Ford	Levin
Biden	Glenn	Lieberman
Bingaman	Graham	Mikulski
Bradley	Harkin	Moseley-Braun
Breaux	Heflin	Moynihan
Bryan	Hollings	Murray
Bumpers	Inouye	Nunn
Byrd	Jeffords	Pell
Cohen	Johnston	Pryor
Conrad	Kassebaum	Reid
Daschle	Kennedy	Robb
Dodd	Kerrey	Rockefeller
Dorgan	Kerry	Sarbanes
Exon	Kohl	Simon
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	

NOT VOTING—3

Akaka	Boxer	Lugar

So the bill (H.R. 2586), as amended, was passed.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, there will be no more votes this evening. There will be a number of votes on Monday.

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. 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.

UNANIMOUS CONSENT AGREEMENT—H.R. 2491

Mr. DOLE. Mr. President, I ask unanimous consent that at 10 a.m. on Monday, November 13, the Chair lay before the Senate a message from the House on H.R. 2491, the reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate then insist on its amendment, agree to the House request for a conference, and prior to the Chair being authorized to appoint conferees on the part of the Senate, that there be four motions to instruct the conferees, which under the statute are limited to 1 hour each, and that the time to be divided: 40 minutes

for the offeror of the motion; 20 minutes for Senator DOMENICI or his designee. Those motions are as follows: A motion to instruct regarding Social Security; a motion to instruct regarding health care; a motion to instruct regarding Medicare tax cuts; a motion to instruct regarding nursing standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I further ask unanimous consent that following disposition of the motion to instruct, the Chair be authorized to appoint conferees on the part of the Senate, without any further debate or action.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT—H.R. 927

Mr. DOLE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 927, the Cuba sanctions bill, for the appointment of conferees at 2 p.m. on Monday, November 13, and any votes ordered will commence at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONTINUING RESOLUTION AND THE LABOR, HHS AND EDUCATION APPROPRIATIONS BILL, H.R. 2127

Mr. SPECTER. Mr. President, as chairman of the Labor, HHS and Education Appropriations Subcommittee, I wanted to take a minute to update the Senate on the status of the Labor, HHS and Education appropriations bill, H.R. 2127 as it relates to the continuing resolution and the implications of the Senate's inaction on the bill for programs of the Departments of Labor, HHS and Education.

As Senators know, the Labor, HHS and Education Appropriations bill for fiscal year 1996 is still on the calendar. Efforts to bring it up in the Senate have been met with a filibuster due to the "striker replacement" provision. I opposed that provision being added to the bill in committee, because of the view that controversial legislative riders do not belong on an appropriation bill, but should be considered through the authorization process. In the case of the Labor, HHS and Education Appropriations bill, the legislative riders included by the House have stalled action on this important bill in the Senate, and indefinitely postponed funding for education, health, job training, and social service programs in this fiscal year.

While the continuing resolution will ensure that some funding will be available for these programs, it is only on a short-term basis and at a minimal level. For example, a central difference between the House passed and the committee reported bills involves funding for the Low Income Home Energy Assistance Program [LIHEAP]. LIHEAP provides funds to states to help low income households meet their fuel bills during the winter months when costs soar due to cold weather. A high percentage of the program's beneficiaries are elderly and disabled people who need help in paying their fuel bills.

Mr. President, it is already getting very cold in many parts of the Nation, with a major Canadian cold front making early November feel like winter in much of the midwest and northeast. Under the terms of the continuing resolution, less than $200 million will have been made available to the States. This is far short of the $600 million requested by the States to get through the first quarter of the fiscal year. This comports with the historic average of 60 percent of the annual appropriation for LIHEAP being allocated to the States in the first quarter.

Many States have begun receiving requests for assistance, and under normal circumstances would begin distributing funds to participants at this time. However, because of the present stalemate in the Senate on the Labor, HHS and Education Appropriations bill, States have no idea how to plan for this winter's program, and hundreds of thousands of low income families are left wondering how they will be able to meet their winter heating bills. Low income households, as well as Governors and local officials across the country are waiting to learn whether, and how much, funding will be appropriated for this winter's LIHEAP program.

Funding for education programs also are held hostage to the stalemate on H.R. 2127. Education program funding levels recommended by the House fall almost $3.6 billion below the fiscal year 1995. The Senate bill, as reported by the Appropriations Committee on September 15, includes funding for education programs which is $1.6 billion above the House passed levels. Under the terms of the CR, however, the lower levels of the House bill become the funding levels for the upcoming period of the CR. Absent action on the Senate bill, and a conference with the House, future funding levels for these education programs likely will continue at House passed levels.

Finally, Mr. President, the terms of the CR maintain funding for medical research supported by the National Institutes of Health at the 1995 level of $11.3 billion. But, there is clear consensus between the Congress and the President that medical research is a priority, deserving of increased funding in fiscal year 1996. Despite a 7-percent reduction in the subcommittee's allocation, the President's budget, the House passed bill, and the Senate reported bill, nonetheless recommended increases for NIH of no less than $300 million. Without Senate action on the Labor, HHS and Education appropriations bill, medical research funding will be frozen indefinitely, thereby stalling new discoveries for understanding the causes and cures of diseases.

I will support this continuing resolution because it provides critical short-term funding for Federal activities. But I also want to make clear, it is time for the Senate to act on the Labor, Health and Human Services, and Education appropriations bill. Let us stop the filibuster, agree to bring up the bill, debate it, and let the Senate work its will. The critical programs in this bill deserve the attention and debate of the Senate. The American people are waiting for the Congress to complete its work.

EPA ENFORCEMENT NEEDS SCRUTINY

Mr. DORGAN. Mr. President, I have supported policies to protect our country's environment, and I have backed the Environmental Protection Agency's efforts to enforce environmental laws. It is not a coincidence that we now use twice as much energy in America than we did 20 years ago and yet we have both cleaner air and cleaner water. That results from the determination by our country and the Congress to place limitations on those who are dumping pollutants into our rivers, streams, and lakes, and into our air.

This is a success story. We have made real progress in our fight to clean up our environment.

I am proud of my support for those efforts. But, Mr. President, I have come to the floor of the Senate today to discuss a couple of cases dealing with environmental protection that concern me. There are occasions, I am certain, where enforcement actions taken by those who are given police powers to make sure our environment is protected, become unfair, unreasonable and, in some cases, downright punitive.

Two such legal actions have been filed against two North Dakota manufacturing companies and I want to discuss them today. Because they involve an important matter of public policy, I want to offer my opinions on them.

Both of these examples are enforcement proceedings involving the EPA and now also entail filings in court. As a result, I am unable to pursue the matter further directly with the Agency. I regret that because I would like the opportunity to sit down in person and review in detail, with officials at EPA and with the officials in the two North Dakota companies, EPA's justifications for taking the kind of action it has taken against these firms.

So my alternative is to discuss these cases on the floor of the Senate and use information that is on public file in the two court actions and information that has been provided me by the companies as well as information that was provided to my staff from the Environmental Protection Agency prior to the final enforcement action being taken. I will use that information today to discuss the actions that have been taken against these two companies and ask whether this represents fair enforcement of our environmental protection regulations and whether it represents the routine kind of enforcement actions that the EPA has been taking against other companies around our country.

If these cases are judged by the EPA to be fair, and if these are representative of the enforcement actions taken around the country against other companies, then I understand much, much better the anger that exists in America against the bureaucracy because I think the action taken in these two cases is just plain unfair and punitive beyond reason.

Mr. President, let me describe the two EPA cases in North Dakota as I understand them. Once again, this description comes from the information filed in court actions against the two companies which is public information, information provided my office by the two companies, as well as information offered by the EPA during the process of its development of an enforcement action against the companies.

First, there is the Sheyenne Tooling and Manufacturing Co. which produces farm implements and steel parts in Cooperstown, ND. The second case is the Melroe Division of the Clark Equipment Co. which produces the Bobcat skidsteer utility loader in Gwinner, ND.

Both cases are remarkably similar. They began several years ago—in 1992 for Melroe and 1993 for Sheyenne Tooling—when EPA sent the two firms compliance orders instructing them to sample and test their wastewater. That testing has been a Clean Water Act requirement since 1986. When the sampling turns up excess contaminants, the wastewater must be pretreated before it is discharged into a sewer system. Unfortunately, neither firm was aware of those aspects of the law. There was an assumption that the treatment requirements were being handled by the city sewage plants into which the wastewater flowed.

The companies had received no communications from EPA on the requirements and no problems in that area had been pointed out during regular visits from the State Health Department. Though neither company was aware of the requirements, when they learned of them, they took steps to comply immediately.

Upon the notification by EPA that they had the responsibility to sample and test their wastewater, both companies immediately tested. When that testing determined that there were occasions when the wastewater did not meet EPA standards, both firms then acted quickly to take steps so that their discharges were brought within permissible limits. In every way, they worked cooperatively, promptly, and successfully to fix the problem.

Months later, however, EPA stunned them by demanding the payment of huge penalties—$1.9 million in the case of Melroe and $320,000 from Sheyenne Tooling. EPA said the fines were punishment for the companies' failure to sample, test, and treat their wastewater ever since the implementation deadline of 1986.

When the firms resisted fines of that amount, the Justice Department filed suit in Federal court to demand the money. Expensive and exhausting court actions now face both firms. The court action against Sheyenne Tooling only began in April, but in the action against Melroe, which has been going on for 18 months, the Justice Department has already secured 1,000 pages of depositions and required Melroe to turn over more than 5,000 documents.

In the case of Sheyenne Tooling, a small firm of just 60 employees, its problem was with an excess of zinc in its wastewater. Its zinc electroplating department is an insignificant part of the company, accounting for only 2 or 3 percent of its sales and an even smaller share of its profits.

As a result, it offered to eliminate its plating operation. However, EPA discouraged that and suggested ways to bring the operation into compliance. EPA did not tell the firm that for every day it continued out of compliance it could be fined $25,000. If Sheyenne Tooling had known that, it would have ended its zinc plating immediately. Instead, however, it spent $12,000 for equipment and took care of the problem.

Despite its forthright and good faith work to correct the situation, Sheyenne Tooling has ended up faced with this $320,000 penalty. The fine is of such a size that it will devastate the company, a major blow to the employees and to Cooperstown, a rural community of only 1,300 people.

In the situation at Melroe, the firm is said to have discharged excess amounts of lead, copper and, most significantly, zinc. A key part of the problem as it worked toward a solution was that it had trouble even identifying the source of the zinc. It suspected a paint, but the paint's ingredients label did not list that metal and, when the paint manufacturer was quizzed about the matter, it initially denied zinc was in the paint. Eventually, it was determined that the paint did indeed contain the metal and the supplier was required by Melroe to reformulate it to eliminate the zinc.

Melroe had several wastewater streams that flowed into the city sewer system. In one of the two key streams, the only problems were from the questionable paint. The other stream discharged just 17 gallons of wastewater a day. An important point to note is that manufacturers are allowed to combine their wastestreams before allowing them to flow into the public sewers.

If Melroe had done that, the combined volume of water would have been such that the metal contaminants would have been diluted enough so that Melroe would not have had any excessive discharges of pollutants except for the sporadic and unusual zinc paint phenomenon.

In addition to switching, as I have already noted, to a paint that was definitely zinc free, Melroe also installed almost $200,000 worth of equipment which completely eliminated all its problems. Despite that, EPA sought the $1.9 million fine. Melroe has offered to pay a $200,000 penalty, but EPA remains determined to hold out for a substantially larger amount.

EPA believes that these punishing penalties are necessary to deter potential offenders and to recoup any possible savings the firms might have accrued by not performing the sampling and pretreatment in earlier years. It argues, in addition, that there was a risk of environmental harm, even though no harmful impacts have been documented.

In similar cases I am aware of in North Dakota, EPA sought penalties of $60,000, $40,000, $25,000 and $15,000 and generally settled for less. I am at a loss to understand why it now wants penalties of $1.9 million and $320,000 in the two cases I am discussing.

Mr. President, those are the facts about these two cases as I know them. As I indicated, because of the enforcement action initiated by the EPA and now the court action by the Justice Department to collect civil penalties against these two companies, I am constrained from intervention with EPA.

But I want the record to show that I think this represents terrible judgment, inappropriate sanctions, and an

unreasonable punishment for these companies.

I have no sympathy for a rogue company that, knowing the rules, violates those rules and pollutes the air and the water. I have no sympathy for companies that refuse to cooperate with the EPA. I have no sympathy with repeat offenders whose record demonstrates a disregard for our environment. They should be punished.

But I have no fondness for a Government agency that goes to companies that have an excellent record and that willingly cooperate in every respect and who demonstrate a desire to do the right thing and then say to them: "You're guilty of an oversight and you are going to pay dearly for it." That kind of heavy-handed, bureaucratic misjudgment is what is causing a relentless anger in the American people that is directed at their Federal Government.

I have spent most of my 15 years in Congress taking on the big economic interests. I have fought to shut down the S&L junk bond scandal, opposed the corporate raiders on Wall Street, fought the drug companies for pricing abuses, taken on foreign corporations for tax avoidance, and opposed tax subsidies for oil companies. So I find myself in an unaccustomed role today bringing to the floor a case of two corporations, one large and one small, who I think have been wronged by the EPA.

Originally, when I reviewed the complaint of these two companies, both of which have an excellent reputation, both of which the North Dakota Health Department considers cooperative and responsible firms, I concluded that they were treated unfairly.

But because my hands are tied in an enforcement matter such as this, there has not been much I could do beyond simply commiserating with them and telling them that I thought they were treated unfairly. But, if we legislators who created the EPA, and who wrote these environmental protection laws, are unwilling to stand up and ask the policy questions that we should be asking in circumstances like this, then we deserve all the ill will that is directed toward the Federal Government.

Unless we are prepared to point out the cases of bureaucratic excess and unfair consequences and then try to do something about them, we should not be surprised by a citizenry that is justifiably angry.

I hope those in the Federal Government who read these examples will understand that they hold the power to enforce the laws of this country in an appropriate, fair, even-handed manner, but they also have the responsibility to rein in those who would use that power in ways that are not fair and not even-handed. That is what we expect and that is what the American people demand.

ACDA DIRECTOR HOLUM GOES TRICK-OR-TREATING

Mr. HELMS. Mr. President, I suppose that I am supposed to be discouraged, or at least surprised, that the Director of the Arms Control and Disarmament Agency overspoke himself—again—on Halloween by calling me an isolationist and by falsely asserting that I am holding both the Chemical Weapons Convention and this country's national security hostage. Perhaps he was playing trick-or-treat, and if he had stopped by our house, Dot Helms would have placed several pieces of candy in his bag.

Seriously Mr. President, I had assumed that Mr. Holum had better control of himself than that—but I suppose he is so concerned about losing his place on the Federal bureaucratic totem pole that he is suffering a case of nervous jitters.

His holding hostage outburst on Halloween is ludicrous on its fact. The Chemical Weapons Convention was first submitted as a treaty in the 103d Congress, and Congress refused to ratify it at that time because a number of questions on issues such as verification and cost had gone unanswered. They are still unanswered, and any reasonable prudent American is likely to agree that the convention's approval must wait until the Senate can be certain what it will cost and the degree of risk in premature approval of it.

Mr. President, I also find very sad Director Holum's strange assertion that the effort to consolidate ACDA's functions within the Department of State is what he called an isolationist attack on arms control. That one, as the saying goes, is off the wall—and Mr. Holum knows it.

The first suggestion about abolishing ACDA was proposed by the Clinton administration in 1993; the State Department even drafted a comprehensive plan to absorb ACDA personnel and funds. Unfortunately, that proposal by Secretary of State Christopher was debated and defeated—not on its merits, but by the same kind of bureaucratic obstructionism that has impeded S. 908, the Foreign Relations Revitalization Act of 1995, every step of the way.

So it comes as little surprise, Mr. President, that the plan to reorganize arms control has stirred up a hornet's nest. In testimony before the Foreign Relations Committee, one of ACDA's previous Directors, Dr. Fred Ikle, endorsed the plan to abolish ACDA, but warned that:

> Any effort to trim, or to abolish, a bureaucratic entity hurts the pride and prestige of the affected officials, jeopardize job security, and mobilizes throngs of contractors, captive professional organizations, and other beneficiaries of the threatened agency.

When you get right down to it, at the heart of all these protestations regarding the plan to eliminate ACDA are, in fact, no more than a host of self-serving, bureaucratic interests. While nearly every aspect of government is being downsized and streamlined, ACDA's budget request for fiscal year 1996 was increased by 44 percent over the 1995 fiscal year budget. Director Holum's ACDA crowd, you see, proposes to spend fare more of the taxpayer's money and to hire more people. They even tried to commandeer one of the Department of Defense's radar systems in Alaska.

Mr. President, when faced with possible elimination, there's nothing the ACDA crowd will not do or say. It is incredible that anyone will try to argue, with a straight face, that arms control will suffer if ACDA is eliminated. Nonsense, there are today more than 3,100 arms control experts working in more than 25 offices scattered throughout the Federal Government. ACDA employs about 250 of the 3,100, only 8 percent of the total number of arms control experts in the Federal Government. Even the Commerce Department has more people assigned to nonproliferation and arms control. Simply put, arms control is big business, and ACDA is small potatoes, and almost irrelevant. That prompted ACDA Director Holum's outburst on Halloween.

The truth of the matter is that the State Department and the National Security Council are responsible for arms control policy coordination and negotiation, not ACDA. One of ACDA's inspectors general put it best a few years ago, stating that:

> Once arms control became important presidential business . . . Secretaries of State and Defense and national security advisers became the dominant figures in arms control.

Implementation and verification of arms control are conducted by the Department of Defense and the intelligence community. Since 1989 it has been the on-site inspection agency, not ACDA, that had performed on-the-ground verification for all major arms control agreements. Of all the personnel involved in START inspections so far, fewer than 1 percent were supplies by ACDA. In short, abolishing ACDA will not hurt the conduct of this Nation's arms control one iota. It is not an obvious anachronism—and it is time to bid farewell.

By incorporating ACDA's handful of experts in a new, more efficient State Department, Congress can give arms control a comprehensive purview. After all the effectiveness and desirability of arms control depend upon its consideration in the broader foreign policy context. Just as importantly, doing this will save U.S. citizens at least $250 million over the next 10 years. Consolidation makes good business sense and will reduce waste, duplication, and silly bureaucratic turf battles.

Finally, any plan that has been endorsed by five former Secretaries of State, from Henry Kissinger to James

Baker, can hardly be labeled isolationist. Director Holum should dispense with is schoolboy name-calling. Let the issue of consolidation be debated on its merits.

WREATH LAYING CEREMONY AT THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

Mr. THURMOND. Mr. President, in recent months, there have been some disturbing accounts from throughout the Nation about police officers conducting themselves in an inappropriate manner while performing their duties. Regrettably, some members of the media, and people who wish to malign the efforts of law enforcement officers, choose to believe that the actions of a handful of rogue individuals are representative of the entire law enforcement community. That is simply not the case.

As we all know, the job that lawmen and women do is not easy, as a matter of fact, it is one that is extremely dangerous, as well as physically and mentally demanding. It is a job that requires ordinary men and women to commit extraordinary acts on an almost daily basis. In many cases, the situations to which they are dispatched result in injury to officers, and in increasingly frequent cases, the lives of officers are lost.

While law enforcement officers across America labor tirelessly and largely without thanks, the National Law Enforcement Officer Memorial, appropriately located at Judiciary Square, guarantees that those who fall in the line of duty will never be forgotten. Each year, the names of the men and women killed while doing their jobs—keeping us safe—are added to the Memorial. This past October 19th, the names of the 157 officers who were killed last year were placed on the grey Canadian Marble walls which form this solemn Memorial.

As I have done many times in years past, I attended the wreathlaying ceremony held at the Memorial when the names of those killed over the past year were added to the rolls of their fallen comrades. During that ceremony, the Chairman of the National Law Enforcement Officers Memorial, Craig Floyd, and Sharon Felton, the widow of a police officer and a trustee of Concerns of Police Survivors [COPS], made some remarks that I thought were particularly poignant, in that they paid tribute to those police officers who made the ultimate sacrifice, while also reminding everyone in the audience of the challenges and difficulties facing an officer in this day and age. I ask unanimous consent that a copy of Mr. Floyd's and Ms. Felton's remarks be placed in the RECORD following my remarks, so that my colleagues will have the opportunity to read and consider what they said that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, it is sometimes easy to forget just what an enormous task we ask of those who work in law enforcement. It is very easy, from the comfort of an office or a living room, to second guess the decision a police officer was required to make in a split second. I hope that people will take a moment to read and think about what Mr. Floyd and Ms. Felton said last month, and to reflect on the fact that being a police officer is not only difficult, it can be deadly.

EXHIBIT 1.—WREATHLAYING CEREMONY REMARKS

(By CRAIG W. Floyd, NLEOMF Chairman)

Good afternoon ladies and gentlemen. Thank you for joining us as we commemorate the fourth anniversary of the National Law Enforcement Officers Memorial.

My name is Craig Floyd and I am the chairman of the National Law Enforcement Officers Memorial Fund. On behalf of our board of directors, I want to welcome all of you here today.

Nearly a year ago, three law enforcement officers were murdered at D.C. Police headquarters, just one block from this hallowed ground. It was a horrible tragedy that will not soon be forgotten.

Shortly afterwards, Tony Daniels, who was then in charge of the FBI's Washington metropolitan field office, reflected on the shooting in a poignant commentary that was printed in the Washington Post. He said:

"There is no easy way to absorb the events of November 22, 1994. For all of us, I'm sure, the most difficult part of dealing with this tragedy is trying to find a reason for its occurrence—trying to make some sense out of a senseless act . . . We will never know what causes people to do the things they do; we are only left with the aftermath. Yet it is an inescapable fact that the law enforcement community lives in the shadow of death."

Sadly, those words echoed over and over again this past year as we buried one police officer after another. Already this year, we know of 127 law enforcement officers across this country who have been killed in the line of duty. That represents an 11 percent increase over last year's figure for the same period.

On average, one police officer is killed somewhere in America every 52 hours. One out of every nine officers is assaulted and one out of every 25 officers is injured in the line of duty. Across this country, there are nearly 700,000 law enforcement officers who put their lives on the line daily for the protection and safety of others. This memorial is a richly deserved tribute to that extraordinary level of police service and sacrifice.

When this memorial was dedicated 4 years ago, these marble walls that embrace us here today contained the names of 12,561 fallen police officers. Since that time, we have added nearly 1,300 more.

We could have simply allowed those fallen heroes to be buried and then forgotten. But, this nation valued the service and sacrifice of those officers far too much to cast their memories to the winds of time.

We knew that, if given the chance, the voices of those fallen heroes need not be silenced by death. . . . Their deeds might even have more meaning. . . . And their lives would become the example for others. This monument gives them that chance to be heard, to be understood, to inspire.

Each time a single corrupt or bigoted police officer is exposed, come here and listen to the condemnation expressed by thousands of fallen police heroes.

Each time the resolve of our law enforcement officers is challenged, come here and understand just how much our officers are willing to sacrifice for the well being of others.

Each time the constant criticism and second-guessing causes our police officers to think twice about the profession they have chosen, come here and be reminded that you are following in the footsteps of some of the bravest and finest individuals ever to walk the face of this earth.

INTRO TO WREATHLAYING

In a moment, a wreath will be placed here at the memorial to commemorate the fourth anniversary of this monument, and to honor the nearly 14,000 law enforcement officers who have died in the line of duty.

But, before we do that I want to take a moment to recognize all of the police survivors who have honored us with their presence here today. While we cannot undo their loss, we can remind them that they have not been forgotten. Their welfare is important to us all.

At this time, I would like to ask all of the survivors of a fallen officer here today to please rise and be recognized.

Since the last time we met to commemorate the anniversary of this monument one year ago, nine law enforcement officers have been killed in the Washington, D.C. Area. That matches the highest number of local police fatalities ever recorded in a 12-month period.

Three of them died in a single incident. Last November 22, Metropolitan Police Sergeant Henry Joseph Daly, and FBI Special Agents Martha Dixon Martinez and Michael John Miller were savagely murdered in an unprovoked ambush at D.C. Police headquarters.

On February 7, off-duty D.C. Police officer James McGee attempted to stop a robbery in progress. In a few terror-filled seconds, Officer McGee was accidentally shot and killed in a tragic case of mistaken identity.

On April 26, Prince George's County Police Corporal John Novabilski was assassinated by a crazed killer while sitting in his marked patrol car.

Less than 2 months later, that same killer murdered FBI Special Agent William Christian. Agent Christian, who was also gunned down while sitting in his car, was on a stakeout to arrest the man who killed him.

On August 22, Loudoun County Deputy Sheriff Charles Barton was killed in an aircraft accident on the way to pick up a wanted felon. He was the first officer to be killed while on duty in the history of the Loudoun County Sheriff's Department.

And, of course, the two latest fatalities occurred this month. D.C. Police Officer Scott Lewis was gunned down on October 6 in an unprovoked attack while aiding a burglary victim.

Maryland state trooper Edward A. Plank was shot and killed just three days ago after stopping a motorist for a traffic violation.

We have asked the immediate family members of these fallen officers, along with their agency escorts, to assist us with the presentation of the wreath. They have graciously accepted our invitation and will serve as representatives of all police survivors and law enforcers across the Nation.

Leading our procession, we are very pleased to have the Assistant Attorney General of the United States Andrew Fois, who

will be joined by members of the U.S. Park Police honor guard.

CLOSING REMARKS

I would like to close today's ceremony with a poem. It was written by a 16-year-old girl named Megan Hogan. Her father was a Minnesota police officer who was shot and killed six years ago. Megan's poem offers comfort to all of us here today:

My father is now at rest
For a safer place he remains
A world of goodness and beauty
A world without worry or pain.
No fear will he encounter
For a better place he'll be
A place where the sick are healed
And a place where the blinded eyes can see.
My world has forever changed
My life is not the same
But close within my heart
His precious face remains.
I give him my tears
And my prayers I send above
I cherish all our memories
Filled with happiness and love.
He'll have someone to depend on
His helping hand is there to lend
For the Father shall be watching
And in heaven he'll have a friend.
The battle is faced head on
Many obstacles yet to overcome
But in the end, together
This battle will be won!

For the next six hours, a rotating police honor guard will stand vigil here at the memorial as a special salute to America's fallen officers. A reception will be held immediately following today's ceremony at the memorial visitors center at 605 E Street—two blocks to the right. Everyone is invited to attend.

Ladies and gentlemen, that concludes today's ceremony. Thank you all for coming. May God bless you and all of our Nation's police officers.

WREATHLAYING CEREMONY, NLEOM, OCTOBER 19, 1995—SPEECH BY SHARON AJ FELTON, WIDOW/1989 NORTHERN SEABOARD TRUSTEE, COPS

Friends, officers, fellow survivors, special guests—Good afternoon. I am honored to stand before you today and participate in this wreathlaying ceremony to commemorate the fourth anniversary of the National Law Enforcement Officer's Memorial.

I once had the honor of watching a young man's dream come true as he graduated the police academy in Petersburg, VA, on December 7, 1986. He had dreamed of being a police officer since the age of five, and his academy graduation was one of the happiest days of his life.

Just a few years later, I watch that same young man leave the safety of his home to back up a fellow deputy with a routine burglary call. Just a few minutes later, less than a mile from his home, that young 23 year-old officer died in the line of duty. His name was Thomas Felton, Jr., a Sussex County Virginia deputy sheriff. And he was my husband.

Tom did not die as most cops expect to die. There was no hail of gunfire—no dramatic rescue—not even a highspeed car chase. There was only Tom, his patrol car, a freight train, and a terrible twist of fate that brought them all to the same place at 6:37 am on April 29, 1989. He died in an accident. He died in the line of duty.

What became evident in the days to follow his death, was just how many lives Tom had touched as hundreds of friends, family, and fellow officers came to honor his life. Reflecting on his life, they used words like Honesty, Respect, Love, and Honor. And they called him a Hero—not because of the way he died—but because of the way he lived. And they were proud to have known him—as I was.

Today, we are here to honor other officers who have made the same sacrifice in the line of duty—and we use words such as Honesty, Respect, Love, and Honor. Yes, we are here because each of these officers has given his or her life in the line of duty, but I am here to tell you that there are living words, describing the way they each lived, not the way they each died.

Today, we live in a world where "COP" has become a bad word—where law enforcement is unappreciated and where police officers are chastised because of the actions or beliefs of a few who disgrace the badge. I submit to you that these rogue cops are not a true representation of America's law enforcement officers. They are the exception, not the rule.

I ask you today to look at the names engraved in the panels that make up this memorial. Look deep into the names that line this Pathway of Remembrance. These men and women exemplify the true attributes of America's law enforcement officer—Honesty, Respect, Love, and Honor. These are the best of the best—the noblest of the noble—and Yes—law enforcement Is Still a Noble Profession!

We are here today to honor these men and women—who placed themselves along the Thin Blue Line that separate us from total chaos and lawlessness. We are here to mourn their deaths, and in doing so, we celebrate their lives.

This memorial was built for those officers whose names are engraved here. It is for those officers whose names are yet been added, such as DC Metro Officer Scott Lewis and Lynn, MASS Police Officer Gary Twyman who died just last week. And it is for Maryland State Trooper Edward Plank, Jr. who died just two days ago.

It is for those officers who still walk that Thin Blue Line each day in America. And it is for you, the survivors—the families and friends who have also made the ultimate sacrifice—you are the Names Beyond the Wall.

For some of you here today, your grief is very new. Maybe your officer died last year, last month, last week. Just being here may be a struggle for you and the pain may seem to be too much to bear. For others who are further into your grief, the sight of seeing your officer's name may again reopen some of those old wounds as memories flood your minds. Our reactions to this memorial are as different as our losses, but we are still the same. We are survivors. Our officers died and we are left to tell their stories.

This is our place—a place where we come to grieve, to cry, to laugh, to heal, to grow. We bring flowers—we bring letters—we make rubbings of those precious names so we can take a piece of this memorial home with us. We come to remember—and we use words such as Honesty, Respect, Love, and Honor. And we call them Heroes—not because of manners in which they each died, but because of the manners in which they each lived. And we are each better for having known them.

In closing, I would like to share a poem with you entitled "The Names Beyond the Wall."

THE NAMES BEYOND THE WALL

All for God and Country, they walked the Thin Blue Line.
With honor and with valor they lost their fight with time.
We are their survivors—the names beyond the Wall
Our loved ones lost their lives, but we have lost it all.
We are mothers; we are fathers. Brothers, sisters, children, too.
We are wives and we are husbands. We are partners wearing blue.
A gunman killed his brother—A drunk driver killed his wife
A child will miss her Daddy for the rest of her life.
A father's little girl has died—a car crash in the rain.
A widow cries for days now gone—a collision with a train.
A mother lost her son—a daughter lost her dad.
Just another day in America when good has lost to bad.
Forever and a day was stolen from our grip
And now we must forward on a long and lonely trip.
With pride they wore their badge. With glory, gave their lives.
Now names engraved upon this wall are all that's left behind.
Our pride was for their service our joy now turned to tears
the heartache that we suffer will last for many years.
We are their survivors—the names beyond the Wall
Our loved ones lost their lives, but we have lost it all.
We are mothers; we are fathers. Brothers, sisters, children, too.
We are wives and we are husbands. We are partners wearing blue.
All for God and Country, they walked the Thin Blue Line.
With honor and with valor they lost their fight with time.
God bless you all.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, more than 3 years ago, I began these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

As of the close of business Wednesday, November 8, the Federal debt stood at exactly $4,984,440,555,073.81. On a per capita basis, every man, woman and child in America owes $18,921.02 as his or her share of the Federal debt.

It is important to recall, Mr. President, that the Senate this year missed an opportunity to implement a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in that first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a Constitutional amendment.

THE DEATH OF YITZHAK RABIN

Mr. THURMOND. Mr. President, for centuries, the Middle East has been a region plagued with strife, a land where days of violence are often more common than moments of peace, and a place where tragedy is almost routine.

This past weekend, when a young Jewish extremist assassinated the Prime Minister of Israel, Yitzhak Rabin, he committed an act that managed to shock a region and a world that long ago became almost numbed to the seemingly eternal struggle between Jews and Arabs and the death and loss that animosity creates.

By any standard, Yitzhak Rabin served his nation admirably. He was a patriot and a warrior who fought against the Axis powers during World War II, fought for the freedom of Israel, and fought against those who sought to destroy that nation in the years after its creation. He rose to high positions in the Israeli government, serving as Chief of Staff of the Army, Ambassador to the United States, Minister of Labor, Minister of Defense, and was in his second term as Prime Minister at the time of his death. Those accomplishments alone would have been more than sufficient to earn him the accolades of his fellow countrymen, but the journey he led his nation on for peace was one which justifiably earned him the gratitude of the world.

It surely could not have been easy for a man who dedicated much of his life to defending his homeland to sit down with the man who had spent much of his life vowing to overthrow Israel. Nor could it have been easy for Yasir Arafat to sit down with a man who represented the government that the P.L.O. blamed for oppressing the Palestinian people. Yet, these two old adversaries recognized that the time for peace in the Middle East had arrived, and that it was necessary for them to set aside their differences and to forge an agreement that would allow their two peoples to co-exist. It was a courageous decision by both men, and one for which they were strongly criticized, but as Prime Minister Rabin pointed out, you do not have to make peace with your friends.

I suppose that it is not surprising that a man who was a soldier, would die a violent death, but it is surprising that he would die at the hands of one of his own citizens, and it is perversely ironic that his death would come at a peace rally. While the death of the Prime Minister is nothing less than a tragedy that people throughout the world deeply mourn, his passing is an event that must not stand as an obstacle to the peace process. Yitzhak Rabin was a man who was willing to give his life so that the Middle East would be a stable and peaceful land. It is a legacy that all would do well to try and honor.

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 withdrawal 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 THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT—PM 92

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 Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Sixteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1994.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 93

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 Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP FOR FISCAL YEARS 1993 AND 1994—MESSAGE FROM THE PRESIDENT—PM 94

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 Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I transmit herewith the annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for fiscal years 1993 and 1994, as required by section 3938(a)(1) of title 42 of the United States Code.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1103. An act to amend the Perishable Agriculture Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. SENSENBRENNER, Mr. GEKAS, Mr. INGLIS of South Carolina, Mr. BRYANT of Tennessee, Mr. CONYERS, Mrs. SCHROEDER, and Mr. BERMAN.

As additional conferees from the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. OXLEY, Mr. COX of California, Mr. DINGELL, and Mr. WYDEN.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the

two Houses thereon; and appoints Mr. WALSH, Mr. BONILLA, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. LIVINGSTON, Mr. DIXON, Mr. DURBIN, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

At 7:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 104–170).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 470. A bill to amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience (Rept. No. 104–171).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 660. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons (Rept. No. 104–172).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States.

S.J. Res. 38. A joint resolution granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Sidney R. Thomas, of Montana, to be United States Circuit Judge for the Ninth Circuit.

Todd J. Campbell, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

P. Michael Duffy, of South Carolina, to be United States District Judge for the District of South Carolina.

Kim McLane Wardlaw, of California, to be United States District Judge for the Central District of California.

E. Richard Webber, of Missouri, to be United States District Judge for the Eastern District of Missouri.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Ernest J. Moniz, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

George D. Milidrag, of Michigan, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Nancy E. McFadden, of California, to be General Counsel of the Department of Transportation.

Charles A. Hunnicutt, of Georgia, to be an Assistant Secretary of Transportation.

Jane Bobbitt, of West Virginia, to be an Assistant Secretary of Commerce.

Gail Clements McDonald, of Maryland, to be Administrator of the Saint Lawrence Seaway Development Corporation for the remainder of the term expiring March 20, 1998.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard Permanent Commissioned Teaching Staff at the Coast Guard Academy for promotion to the grade of commander: Kurt J. Colella, George J. Rezendes.

The following cadet of the U.S. Coast Guard Academy for appointment to the grade of ensign: Jordan D. Isaac.

The following Regular officers of the U.S. Coast Guard for promotion to the grade of commander:

James E. Bussey III
Andrew T. Moynihan
Timothy R. Quinton
Curtis J. Ott
Mark J. Burrows
Michael P. Rand
Steven D. Hardy
Kevin E. Dale
James M. Obernesser
Patrick T. Keane
Johnny L. Hollowell
Paul D. Jewell
Earle G. Thomas IV
Jack V. Rutz
Jon D. Allen
Robert C. Thomson
John E. Frost
Dennis M. Holland
Michael A. Jett
William D. Baumgartner
Larry R. White
Tracy S. Allen
Stephen E. Mehling
Michael C. Ghizzoni
Daniel N. Riehm
William R. Marhoffer
Brandt R. Weaver
David S. Hill
James D. Maes
Craig M. Juckniess
Michael A. Neussl
George H. Heintz
Joseph W. Brubaker
Jeffrey H. Barker
Michael D. Hudson
Gregory A. Mitchell III
Paul J. Reid
Gregory L. Shelton
Robert J. Wilson IV
Kevin J. Cavanaugh
George A. Asseng, Jr.
Daniel L. Wright
Kathy A. Hamblett
Michael R. Linzey
Christine J. Quedens
Jeff R. Brown
Leroy A. Jacobs, Jr.
Joseph C. Lichamer
Christopher D. Mills
Daniel C. Whiting
Neal J. Armstrong
Robin D. Orr
Kevin L. Maehler
Tinmothy V. Skuby
Patrick J. Dietrich
Harry E. Haynes III
Joseph E. Rodriguez
David J. Regan
Jonathon P. Benvenuto
James A. McEwen
Michael P. Nerino
Tamera R. Goodwin
Douglas S. Taylor
Jean M. Butler
Franklin R. Albero
Robert A. Ball, Jr.
Gary M. Smialek
Robert E. Day, Jr.
Robert E. Acker
Michael E. Raber
Michael D. Inman
Sharon W. Fijalka
Monyee T. Kazek
Austin P. Callwood
Steven P. How
Ian Grunther
Jeffrey R. Freeman
Frederick D. Pendleton
Mark S. Palmquist
Adolfo D. Ramirez, Jr.
Margaret E. Jones
Peter M. Keane
Blaine H. Hollis
John C. Williams
Gregg W. Stewart
Stephen D. Austin
Derek H. Rieksts
Chris Oelschlegel
Thomas D. Hooper
James D. Bjostad
Kevin M. Robb
Margaret F. Thurber
Robert L. Kaylor
Robert M. O'Brien
Paul A. Francis
John A. McCarthy
Donald E. Ouellette
Terrence W. Carter
Davalee G. Norton
Joe Mattina, Jr.
Michael C. McCloughan
Sergio D. Cerda
Paul W. Langner
Edwin M. Stanton
Steven M. Doss
Stephen C. Nesel
Gail A. Donnelly
Roger H. Deroche
Joseph M. Jacobs
Gilbert E. Sena
Stanley M. Douglas
Matthew B. Crawley
Douglas A. McCann
Jay G. Manik
James C. Howe
Judith E. Keene
Philip H. Sullivan
Lance L. Bardo
Eric B. Brown
David W. Kranking
Jonathan S. Keene
Stephen C. Duca
Darrell E. Milburn
Scott L. Krammes

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration.

To be captains

Andrew M. Snella
Evelyn J. Fields
Kenneth W. Perrin
Terrance D. Jackson

To be commanders

Marlene Mozgala
Eric Secretan
Robert W. Maxson
Gary D. Petrae
James C. Gardner, Jr.
Richard R. Behn
Daniel R. Herlihy
Gary P. Bulmer
David J. Kruth
Dennis A. Seem
Paul E. Pegnato
George E. White
Jonathan W. Bailey
Timothy B. Wright
Bradford L. Benggio
Richard S. Brown
Michael W. White
Grady H. Tuell
Paul T. Steele
Garner R. Yates, Jr.
Craig N. McLean
Philip M. Kenul

To be lieutenant commanders

Michael R. Lemon
Jeffrey A. Ferguson
Philip S. Hill
William B. Kearse
John E. Herring
James S. Verlaque
Wiltie A. Creswell III
James D. Rathbun
Matthew H. Pickett
Christopher A. Beaverson
Brian J. Lake
Carl R. Groeneveld
Guy T. Noll

To be lieutenants

Wilbur E. Radford, Jr.
James A. Illg
Steven A. Lemke
Douglas G. Logan
Christopher J. Ward
Michael J. Hoshlyk
Denise J. Gruccio
Michele A. Finn
Matthew J. Wingate
Cynthia M. Ruhsam
Philip A. Gruccio
Barry K. Choy
Michael D. Francisco
Ralph R. Rogers
Mark P. Moran
Kimberly R. Cleary
Pamela K. Haines
Geoffrey S. Sandorf
Katharine A. McNitt
Alan C. Hilton
Richard R. Wingrove
Bjorn K. Larsen
Harold E. Orlinsky
Michael S. Weaver
Douglas D. Baird, Jr.
Thomas R. Jacobs
Graham A. Steward
Stephen C. Tosini
James S. Bosshardt
Juliana Pikulsky
Stephen S. Meador
Lawrence E. Greene
Daniel S. Morris, Jr.
Carrie L. Hadden
Kelly G. Taggart
John C. George
Patrick V. Gajdys
Karl F. Mangels
Dante B. Maragni
Heidi L. Johnson
David A. Score
Stephen F. Beckwith
Kenneth A. Baltz
Victor B. Ross III
Mark S. Hickey
Randall J. Te Beest
Mark J. Boland
Heather A. Parker
Carolyn M. Sramek
James E. Davis-Martin
Stephen J. Thumm
Kurt F. Shubert
Jonathan M. Klay
Joseph G. Evjen
Anita L. Lopez
Anne K. Nimershiem
Ricardo Ramos
Michael Williamson
Neil D. Weston
Jennifer A. Young

To be ensigns

Jeffrey C. Hagan	Dawn M. Welcher
Eric J. Sipos	Christine M. Shibley
Peter C. Fischel	Leslie A. Redmond
William R. Odell	Richard H. Aldridge
James M. Crocker	Raymond A. Santos
Jeremy M. Adams	Kurt A. Zegowitz
Christopher E.H. Parrish	Mark A. Sramek
	Natalie G. Bennett
Joel R. Becker	Eric J. Christensen
Jessica J. Walker	Russell C. Jones
Joel T. Michalski	Jennifer D. Garte

The following Regular officers of the U.S. Coast Guard for promotion to the grade of captain:

John D. Cook	Richard A. Huwel
Michael J. Pierce	David W. Reed
Robert E. Young	Steven G. Hein
Ronald R. Weston	Thomas C. King, Jr.
James L. House	David W. Mackenzie
Peter K. Mitchell	Jerzy J. Kichner
Thomas W. Sechler	Stephen J. Harvey
Lawrence I. Kiern	Richard J. Formisano
Richard A. Koehler	James Rutkovsky
Mark A. Fisher	Raymond J. Brown
David M. Loerzel	Thomas J. Mackell
Daniel F. Ryan II	Walter J. Brawand III
Marcus E. Jorgensen	Allen L. Thompson, Jr.
Michael E. Saylor	Dan Deputy
Gary Krizanovic	Robert J. Papp, Jr.
Stefan G. Venckus	Derek A. Capizzi
Scott W. Allen	Robert G. Stevens
James M. Garrett	Dean W. Kutz
Joseph A. Conroy	Gerald Bowe
Joseph P. Brusseau	Bradford W. Black
James C. Vansice	John E. Williams
Albert F. Suchy IV	Roger B. Peoples
Dana A. Goward	Michael J. Hall
John T. O'Connor	Thomas G. Gordon
Richard S. Hartman, Jr.	Billy R. Slack
Robert M. Wicklund	Roger A. Whorton
Gary W. Palmer	Ben R. Thomason III
Walter E. Hanson, Jr.	Lawrence A. Eppler
Arthur E. Brookds	Gary T. Blore
Charles L. Miller	Lawrence A. Hall
Joseph C. Bridger III	Dennis J. Ihnat
Myles S. Boothe	Fred M. Rosa, Jr.
Thomas D. Johns	Craig L. Schnappinger
Harvey E. Johnson, Jr.	John E. Crowley, Jr.
Dale G. Gabel	Thomas J. McDaniel
Robert A. Hughes	Harlan Henderson
Michael J. Chaplain	Charles T. Lancaster
Domenico A. Diiulio	
Kenneth A. Ward	

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NICKLES:

S. 1406. A bill to authorize the Secretary of the Army to convey to the city of Eufaula, Oklahoma, a parcel of land located at the Eufaula Lake project, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 1407. A bill to amend the Food Security Act of 1985 and the Agricultural Act of 1949 to permit the harvesting of energy crops on conservation reserve land and conservation use acreage for the purpose of generating electric power and other energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 1408. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of an overpayment otherwise payable to any person shall be reduced by the amount of past-due, legally enforceable State tax obligations of such person; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. SPECTER, Mr. PELL, Mr. SIMON, Mr. KOHL, Mr. ABRAHAM, and Mr. MOYNIHAN):

S. Res. 193. A resolution deploring individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the United States Holocaust Memorial Museum; considered and agreed to.

By Mr. DOLE:

S. Res. 194. A resolution to authorize representation by the Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1407. A bill to amend the Food Security Act of 1985 and the Agricultural Act of 1949 to permit the harvesting of energy crops on conservation reserve land and conservation use acreage for the purpose of generating electric power and other energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE ENERGY CROP PRODUCTION ACT OF 1995

• Mr. HARKIN. Mr. President, I introduce a bill which will provide a broad range of natural resource and energy related benefits to our country. This bill provides support for the development of processes which utilize renewable resources for generation of electricity and other energy products. It lessens our county's dependence on imported oil, supports development of new markets for farmers producing energy crops utilized in this process, and provides positive environmental benefits to the soil, water, and air components of our Nation's natural resources. This bill provides the Secretary of Agriculture authority to permit the production and harvesting of energy crops for the purpose of generating electricity and other energy products on land enrolled in the various acreage reduction programs as well as specifically designated demonstration project areas containing land enrolled in the Conservation Reserve Program.

The future of utilizing renewable resources such as energy crops as a fuel for producing electric power and other energy products is bright. However, as in any emerging technology, support is often needed to develop its full potential. The 1992 Energy Policy Act authorized a Renewable Energy Production Program in support of this concept. The bill I am introducing today complements this effort by not only permitting the production of energy crops on land enrolled in various government programs, but also providing an cost-share incentive to establish these energy crops.

One relatively new scientific finding is the benefit of energy crops with regard to carbon sequestration. Colorado State and Washington State Universities have developed protocols to assess the impact of land enrolled in the Conservation Reserve Program specifically on carbon sequestration. Their initial findings indicate that America's grazed land and Conservation Reserve Program lands offer an extremely important environmental benefit of extracting carbon from the air in an amount equivalent to America's forests. Encouraging the production of energy crops as I am suggesting in this bill will help sustain and expand this natural process enhancing air quality.

With regard to land enrolled in the various acreage reduction programs, this legislation would: (1) authorize the Secretary to permit production and harvesting of energy crops in accordance with a conservation plan, and (2) provide a cost share component for the establishment of these crops.

With regard to land enrolled in the Conservation Reserve Program, this bill would: (1) provide the Secretary of Agriculture authority to permit production and harvesting of energy crops in designated demonstration project areas not exceeding an aggregate of one million acres based on competitive joint industry/landowner proposals, (2) provide a cost share component for the establishment of energy crops, (3) provide for a process by which landowners could identify the level of reduction in their annual CRP rental payments in exchange for the opportunity to participate in this program, and (4) an opportunity for Conservation Reserve Program participants, utilizing these provisions, to extend their contracts.

I am proud to be introducing this bill today and welcome other Senators to cosponsor this beneficial environmental and energy legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1407

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 "Energy Crop Production Act of 1995".

SEC. 2. FINDINGS.

Congress finds that energy crops—

(1) provide many of the soil and water conservation and wildlife habitat benefits associated with cover already planted on land enrolled in the conservation reserve program;

(2) can be harvested using best management practices without compromising the conservation benefits being achieved by the conservation reserve program;

(3) can maintain and enhance farm income while allowing land to remain in the conservation reserve program at a reduced cost to the Federal government;

(4) can supply a significant proportion of the energy needs of the United States using domestic resources that are renewable, sustainable, and environmentally beneficial; and

(5) can effectively trap carbon from the atmosphere and provide air quality benefits.

SEC. 3. HARVESTING OF ENERGY CROPS ON CONSERVATION RESERVE LAND.

Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by adding at the end the following:

"(f) ENERGY CROPS.—

"(1) DEFINITION OF ENERGY CROP.—In this subsection, the term 'energy crop' means a herbaceous perennial grass, a short rotation woody coppice species of tree, or other crop, that may be used to generate electric power or other energy product, as determined by the Secretary in consultation with the State technical committee for a State established under section 1261.

"(2) HARVESTING OF ENERGY CROPS IN DESIGNATED DEMONSTRATION AREAS.—In not more than 10 demonstration project areas not exceeding a total of 1,000,000 acres (based on an evaluation by the Secretary of joint industry and landowner proposals to designate areas as demonstration project areas)), the Secretary shall permit an owner or operator of land, located within a demonstration project area, that is subject to a contract entered into under this subtitle to harvest an energy crop on the land if the owner or operator—

"(A) carries out appropriate conservation measures and practices on the land;

"(B) harvests energy crops in accordance with this subsection on not more than 75 percent of the land that is subject to the contract, in accordance with a conservation plan and in a manner and at times of the year that ensure that soil, water, and wildlife habitat subject to the conservation reserve program as a whole are not compromised;

"(C) if harvesting of energy crops on the land is discontinued, maintains grasses or trees on the land for the duration of the contract; and

"(D) submits a bid under paragraph (3) that is accepted by the Secretary.

"(3) BIDS.—To carry out this subsection, the Secretary shall establish a bid system under which an owner or operator of land that is subject to a contract entered into under this subtitle may offer to reduce the rental payments that would otherwise be payable under the contract in exchange for permission to harvest an energy crop on the land.

"(4) COST-SHARING.—The Secretary shall pay an owner or operator of land described in paragraph (2) 50 percent of the cost of converting land under the contract that is planted to grasses not identified as an energy crop to the production of an energy crop.

"(5) DURATION.—The Secretary shall permit an owner or operator described in paragraph (2)—

"(A) to extend a contract entered into under this subtitle for not to exceed 5 years; and

"(B) on expiration of a contract entered into under this subtitle, obtain a priority, at an appropriate rental rate, for reenrollment of the land subject to the contract.".

SEC. 4. HARVESTING OF ENERGY CROPS ON CONSERVATION USE ACREAGE.

Section 503 of the Agricultural Act of 1949 (7 U.S.C. 1463) is amended—

(1) in subsection (c)—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(9) any acreage on the farm that is planted to an energy crop in accordance with subsection (i).."; and

(2) by adding at the end the following:

"(i) ENERGY CROPS.—

"(1) DEFINITION OF ENERGY CROP.—In this subsection, the term 'energy crop' means a herbaceous perennial grass, a short rotation woody coppice species of tree, or other crop, that may be used to generate electric power or other energy product, as determined by the Secretary in consultation with the State technical committee for a State established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

"(2) PLANTING OF ENERGY CROPS.—For purposes of this Act, acreage on a farm that is planted to an energy crop shall be considered devoted to conservation uses if the producers on the farm carry out appropriate conservation measures and practices on the acreage, in accordance with a conservation plan that is approved by the Secretary.

"(3) COST SHARING.—The Secretary shall pay the producers on a farm 50 percent of the cost of establishing an energy crop if the producers agree to maintain the crop for at least 3 crop years.".●

By Mr. HATCH:

S. 1408. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of an overpayment otherwise payable to any person shall be reduced by the amount of past-due, legally enforceable State tax obligations of such person; to the Committee on Finance.

STATE TAX REFUND OFFSET LEGISLATION

Mr. HATCH. Mr. President, I rise to today to introduce legislation to enhance the tax administration cooperation between the Federal Government and the States. In particular, this bill would provide for more efficient cooperation between the U.S. Treasury and the various State tax agencies in the collection of unpaid taxes. Representative ANDREW JACOBS has introduced similar legislation in the House as H.R 757.

Mr. President let me explain how the law currently stands on this issue, why the bill is needed, and what this bill will do.

Currently, the Federal Government maintains a program that allows for a Federal tax refund to be withheld from a taxpayer if he or she has a past due Federal debt. Debts that are eligible for offset under this program include prior year tax debts, child support, student loans, VA housing payments, and others. The refund is used to offset the past due debt. Many States have similar programs to apply State tax refunds against other States debts of a taxpayer.

Under current law, the Internal Review Service [IRS] has the authority to levy or to seize State income tax refunds to satisfy Federal tax debts of taxpayers in the 41 States that have a broad-based individual income tax. Further, the IRS has the authority to enter into reciprocal agreements with State taxing authorities to more efficiently collect tax revenues. One are of cooperative agreement between the IRS and the States in the authority under current law to offset taxpayers' Federal tax debts with a State tax refund. In other words, pursuant to these agreements, if a taxpayer owes a tax liability to the Federal Government and, at the same time, is due a refund from the State taxing authority, that State can withhold the refund allowing it to be offset against the past due Federal debt. Currently, there are 31 States and the District of Columbia that have voluntarily agreed to sign cooperative agreements to allow the IRS to satisfy Federal liabilities with State refunds. In 1993, the States offset about $61 million in debts on behalf of the IRS under these agreements.

Curiously, there is no authority under current law that allows the IRS to enter into additional agreements that would provide for a program to offset State tax debts with Federal tax refunds. Yet, allowing such agreements would save both the Federal Government and the States millions of dollars in lost tax revenue each year.

Mr. President, under this bill the Treasury would be granted the authority to enter into agreements with State tax agencies to offset State tax debts with Federal tax refunds. The effect of this legislation would be better tax compliance and the payment of delinquent tax debts. The bill provides that taxpayers who are due a Federal tax refund and also have a past due legally enforceable debt to a State taxing authority would have 60 days notice to satisfy the past due State debt before the IRS is authorized to release the Federal refund to satisfy the State tax debt.

Mr. President, I am aware that there have been no formal hearings in the Senate on this issue. I also understand that the chairman of the Committee on Finance may have some technical concerns with the administration of this legislation. This is understandable. Technical agreements between the Federal Government and the various States can be complex. I am open to comments and suggestions on the implementation of this new authority. I look forward to working with the Senate Finance Committee on this issue. However, I want to get a bill introduced in the Senate to begin the formal discussions on how we can best satisfy the problems that arise when a taxpayer is due a Federal tax refund while

at the same time owing a State taxing authority delinquent taxes.

I want to inform my colleagues that I am aware that the opportunity may arise for States to offset so-called source taxes under the provisions of this bill. I am supportive of legislation to eliminate source taxes. It is not my intention to allow the proposed refund offset program to be used for the purposes of collecting these source taxes. To my understanding, the State of California has conceded on this issue and is also a strong supporter of this bill. If the source tax language is dropped from the budget reconciliation bill not pending before the Congress, then I am willing to modify the bill to prevent States from this offset program for the collection of sources taxes.

Mr. President, we are entering a more advanced era of computer technology. We should help facilitate the most efficient methods of collecting and administering Federal and State tax revenues. Allowing the Treasury to enter into reciprocal agreements with States moves us closer to this goal. The Nation's Governors have asked for this and I think we should help them in this area. The Federation of Tax Administrators estimates that this program would allow the States to recover between $150 and $200 million in tax debts. in addition, the Joint Committee has scored H.R. 757 to raise $8 million in additional tax revenues over 5 years.

ADDITIONAL COSPONSORS

S. 939

At the request of Mr. SMITH, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1340

At the request of Mr. DASCHLE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1340, a bill to require the President to appoint a Commission on Concentration in the Livestock Industry.

S. 1377

At the request of Mr. LUGAR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1377, a bill to provide authority for the assessment of cane sugar produced in the Everglades Agricultural Area of Florida, and for other purposes.

S. 1399

At the request of Mr. DORGAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1399, a bill to amend title 49, United States Code, to ensure funding for essential air service programs and rural air safety programs, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Mr. SARBANES], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. MOYNIHAN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 193—RELATIVE TO THE HOLOCAUST

Mr. HATCH (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. SPECTER, Mr. PELL, Mr. SIMON, Mr. KOHL, Mr. ABRAHAM, and Mr. MOYNIHAN) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas the Holocaust is a basic fact of history, the denial of which is no less absurd than the denial of the occurrence of the Second World War;

Whereas the Holocaust—the systematic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, alongside millions of others, in the name of a perverse racial theory—stands as one of the most ferociously heinous state acts the world has ever known; and

Whereas those who promote the denial of the Holocaust do so out of profound ignorance or for the purpose of furthering anti-Semitism and racism: Now, therefore, be it

Resolved, That the Senate—

(1) deplores the persistent, ongoing and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust; and

(2) commends the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons.

SENATE RESOLUTION 194—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 194

Whereas, in the case of *Office of the United States Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*, No. 95-6001, pending in the United States Court of Appeals for the Federal Circuit, the Office of the Sergeant at Arms has sought review of a final decision of the Select Committee on Ethics which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f)(1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Office of the Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*.

AMENDMENTS SUBMITTED

THE CONTINUING APPROPRIATIONS JOINT RESOLUTION FOR FISCAL YEAR 1996

CAMPBELL (AND OTHERS) AMENDMENT NO. 3045

Mr. CAMPBELL (for himself, Mr. KERREY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, and Mr. GLENN) proposed an amendment to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes; as follows:

Strike title III of the resolution.

SIMPSON AMENDMENT NO. 3046

Mr. SIMPSON proposed an amendment to amendment No. 3045 proposed

by Mr. CAMPBELL to the joint resolution, House Joint Resolution 115, supra; as follows:

In lieu of the language proposed to be stricken insert the following:

TITLE III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Code 1986, but shall not be subject to the limitation under section 4911(c)(2)(A), unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term "grant" means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

CRAIG AMENDMENT NO. 3047

Mr. CRAIG proposed an amendment to amendment No. 3046 proposed by Mr. SIMPSON to amendment No. 3045 proposed by Mr. CAMPBELL to the joint resolution (H.J. Res. 115), supra; as follows:

At the end of the amendment add the following:

(e) nothing in this title shall be construed to affect the application of the internal laws of the United States.

SIMPSON AMENDMENT NO. 3048

Mr. SIMPSON proposed an amendment to amendment No. 3045 proposed by Mr. CAMPBELL to the joint resolution (H.J. Res. 115), supra; as follows:

In the language proposed to be stricken, strike all after the first word and insert the following:

III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Codes of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000 unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term "grant" means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has one or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a 6-month period.

(12) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

(e) The amendments made by this title shall become effective January 1, 1996.

CRAIG AMENDMENT NO. 3049

Mr. CRAIG proposed an amendment to amendment No. 3048 proposed by Mr. SIMPSON to amendment No. 3045 proposed by Mr. CAMPBELL to the joint resolution H.J. Res. 115, supra; as follows:

In the pending amendment:

Page 2, lines 1-2, strike all between "Code" and ", unless", and insert "of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation of the exempt purpose expenditures over $17,000,000".

DASCHLE (AND OTHERS) AMENDMENT NO. 3050

Mr. DASCHLE (for himself, Mr. KENNEDY, and Mr. ROCKEFELLER) proposed an amendment to the joint resolution H.J. Res. 115, supra; as follows:

On page 36, strike section 401.

HATFIELD AMENDMENT NO. 3051

Mr. HATFIELD proposed an amendment to the joint resolution H.J. Res. 115, supra; as follows:

In Sec. 101. (a) after Educational Exchange Act of 1948, insert "section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236),".

On page 10 at line 19, after the period insert the following: "Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85-451, as amended."

THE PUBLIC DEBT LIMIT ACT OF 1995

ABRAHAM AMENDMENT NO. 3052

Mr. ABRAHAM proposed an amendment to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes; as follows:

Strike title II.

MOYNIHAN AMENDMENT NO. 3053

Mr. MOYNIHAN proposed an amendment to the bill H.R. 2586, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on the later of—

(1) December 12, 1995, or

(2) the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,967,000,000,000, or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States (and to ensure full investment of amounts credited to trust funds or similar accounts as required by law) through such period.

THE VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1995

SIMPSON AMENDMENT NO. 3054

Mr. LOTT (for Mr. SIMPSON) proposed an amendment to the bill (H.R. 2394) to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1995, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b)

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1995. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1995, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the

rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

NOTICE OF JOINT HEARING

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND HOUSE COMMITTEE ON RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a joint hearing has been scheduled before the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

The hearing will take place Thursday, November 16, 1995 at 11 a.m., in room 1324 of the Longworth House Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the Alaska Natives Commission's report to Congress, transmitted in May 1994, on the status of Alaska's natives.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Brian Malnak at (202) 224-8119 or Judy Brown at (202) 224-7556.

NOTICE OF HEARING

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Thursday, November 16, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building, on S. 1224, the Administrative Disputes Resolution Act of 1995.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, November 9, 1995 session of the Senate for the purpose of conducting an executive session and markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent for the full Committee on Environment and Public Works be granted permission to meet to consider the nominations of Dr. Phillip A. Singerman, to be Assistant Secretary of Commerce for Economic Development; and Rear Admiral John C. Albright, NOAA, to be a member of the Mississippi River Commission, immediately following the first vote, Thursday, November 9, President's Room off the Senate Floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, November 9, 1995, at 9:30 a.m. for a hearing on H.R. 1271, the Family Privacy Protection Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, November 9, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 9, 1995 at 9:30 a.m. to hold an open hearing regarding the Aldrich Ames Damage Assessment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, November 9, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to review S. 231, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; H.R. 562, a bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; S. 342, a bill to establish the Cache la Poudre River National Water Heritage Area in the State of Colorado; S. 364, 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; 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 of the boundaries of, Rocky Mountain National Park in the State of Colorado; S. 489, a bill to authorize the Secretary of the Interior to enter into an appropriate form of agreement with the Town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park; and S. 608, a bill to establish the New Bedford Whaling National Historic Park in New Bedford, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATION OF VETERANS DAY 1995

• Mr. FRIST. Mr. President, as we prepare to celebrate Veterans Day 1995, I would like to express my heartfelt respect, thanks, and admiration to each and every American veteran for the sacrifice they made, and the pain they have endured to ensure that the flame of freedom will never be extinguished.

Seventy-seven years ago, at the eleventh hour, on the eleventh day, of the eleventh month, an armistice was signed between the Allies and the Central Powers. As the guns of both the victors and the vanquished fell silent, "the war to end all wars" slipped into history.

For the next 20 years, "Armistice Day" was celebrated with parades and speeches, simple ceremonies, and sacred observances. For many years, American Legion posts across America sponsored special commemorations of Armistice Day during which buglers played "Taps" at 11 o'clock at the main intersections of their towns, and for 2 minutes all traffic and daily transactions ceased, as citizens stopped to honor those who had fallen in defense of liberty.

Mr. President, no one who lived through the horror of World War I believed that such a massive and brutal conflict could ever again occur. Unfortunately, the second World War proved to be even more terrible than the first, with twice and many dead and vastly more material destruction. The intervening years, it seemed, were not the beginning of an era of lasting peace, as so many had hoped, but merely a brief interlude of tranquility that would be shattered many times in the decades ahead.

Today, we celebrate Veterans Day—a day that honors not only the dead of World War I, but all those who have served their country in combat. This Saturday, at Arlington National Cemetery where sentries from the Old Guard still maintain a constant vigil at the Tomb of the Unknowns, we will pay tribute to the more than 1 million men and women who have died in all U.S. wars in the service of their country.

Mr. President, our Nation has undergone many transformations since the heros of the first Armistice Day

marched off to war. The agony didn't end with World War II, the Korean conflict, or even Vietnam, which for the first time, brought another kind of pain to veterans. But thankfully, we now recognize the sacrifice of those men and women, and perhaps we even appreciate it more because recognition was so long in coming.

When a 21-year-old Army corporal named Tom Root returned from Vietnam in 1972, he hid in an airport bathroom, wishing he could change into civilian clothes and so avoid having to run a gauntlet of anti-war protesters. When he and his Illinois National Guard unit returned home from Desert Storm almost a decade later, the parade that received them was 13 miles long.

Mr. President, although we are today at war with no nation, America's young men and women are still being called upon to help preserve peace and freedom in far-off places around the world—which should remind us that although the price of war is high, the price of freedom is even higher, because it never ends.

Those men and women—and all the men and women who served —cannot be honored enough. We must do everything in our power to ensure that they are never forgotten or abandoned—especially not on the field of battle. And we must do everything we can to ensure that the most sacred and visible symbol of America freedom under which so many fought and died—the American flag—is never, under any circumstances, dishonored or desecrated.

Mr. President, throughout history, we have been captivated by images that seem to sum up all the stress or emotion or pathos of a particular event—George Washington's winter encampment at Valley Forge, Gen. Robert E. Lee's final ride to Appomattox along a path lined by ranks of Union troops standing at attention, Winston Churchill bracing Britons to their task.

Just a few weeks ago, we celebrated the fiftieth anniversary of V-J Day. One of the most poignant scenes of World War II, one that will live forever in the hearts and minds of Americans, is the image of a handful of Marines braced against a whipping Pacific wind, raising the American flag over Iwo Jima. That symbol of freedom—that flies over the U.S. Capitol in Washington, that adorns the flagpoles of our schools and communities, that graces the windows and doorways of our homes, that is draped in silent tribute over the coffins of our dead—deserves our protection. It should—and I hope it will—be clearly and explicitly protected by law.

We must keep America's promises to the men and women who so nobly and unselfishly risked their lives to answer to their country's call, and we must forever honor those who, in the words of one soldier-poet, "tasted death in youth that Liberty might grow old."

Mr. President, 2,000 years ago, a Greek historian commemorated the war of his generation and paid tribute to veterans who perished and veterans who came home. I think his is a fitting tribute to all veterans, and I offer it now, in grateful appreciation, to all those who served our country in war and in peace. He said:

> I speak not of that in which their remains are laid but of that in which their glory survives, and is proclaimed always and on every fitting occasion both in word and deed.
>
> For the whole earth is the sepulcher of famous men. Not only are they commemorated by columns and inscriptions in their own country, but in foreign lands there dwells also an unwritten memorial to them, graven not on stone, but in the hearts of men.

May the Almighty God who watches over us all, bless America and protect all who place themselves in harm's way so that we may enjoy the blessings and benefits of freedom.●

ABORTION BAN BILL

● Mr. LAUTENBERG. Mr. President, I am pleased that the Senate has voted to commit this bill to the Judiciary Committee.

Mr. President, the pending bill is proposing a major change in criminal law. For the first time, this body may pass a law making a medical procedure a crime.

If this legislation becomes law, doctors in this country could be thrown behind bars for performing medical procedures that they feel are necessary to protect the life and health of the mother.

The bill also creates a new cause of action for people to sue doctors who perform a certain medical procedure.

Mr. President, we should not make a decision on a bill with these far-reaching implications until we have a hearing.

There are just too many questions about this bill that have not been answered by expert witnesses. Let me mention a few of them:

Is this bill Constitutional?

Does it violate the principles that the Supreme Court established in Roe versus Wade?

Why is the Federal Government criminalizing a medical procedure when medical procedures are typically regulated by the States?

What is the rationale behind the 2-year prison sentence for physicians who perform this procedure?

Will this bill result in hundreds or thousands of new civil lawsuits that will overwhelm our legal system?

What does the term "partial birth abortion" mean? I understand that no such term exists in the medical lexicon. Is Congress just inventing a new medical term to advance a political end?

Which Federal law enforcement agency will enforce this law? Will FBI agents be snooping around physicians' offices? Will the FBI put hidden cameras into examining rooms?

Mr. President, the Senate has not asked any expert witnesses to answer these questions. And before we vote on this legislation, I think we should have the opportunity to ask these questions.

We also should hear from individuals, groups and organizations that will be affected by this bill.

Have we heard testimony in the Senate from any of the following?

The Justice Department?

The FBI?

Constitutional experts?

The trial and criminal bar?

Doctors?

Patients?

Families?

This is the only question that we all can categorically answer. The answer is no! We have not heard testimony in the Senate from any of these parties.

How can the Senate debate such a complicated bill without the input of such persons?

Mr. President, the Senate should be more deliberate and responsible! We should not ram this bill through without proper consideration.

It would be wrong and irresponsible for the Senate to act before we have a hearing on the provisions in this legislation. This is a new proposal that has not been before the Congress in the past.

Before we should be asked to vote, we should have testimony and a committee report on our desks.

Mr. President, I have great respect for the chairman of the Judiciary Committee. We do not agree on many issues but I believe that he is fair. Now since the Senate has voted to commit this bill to the Judiciairy Committee, I trust that he will put together a fair hearing on this bill so that the Senate can make an informed decision.

Once again, I am pleased that the Senate has voted to send this bill back where it belongs—to the Judiciary Committee.●

ELECTRONICS IS BRINGING GAMBLING INTO HOMES, RESTAURANTS, AND PLANES

● Mr. LUGAR. Mr. President, I ask that the attached article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Aug. 16, 1995]

FEELING LUCKY: ELECTRONICS IS BRINGING GAMBLING INTO HOMES, RESTAURANTS AND PLANES

(By William M. Bulkeley)

Think you can avoid gambling? Don't bet on it.

Gambling once involved clandestine dealing with unsavory bookmakers, or trips to the horse track or Las Vegas. But electronics is making it ubiquitous. Innovators are using technology to extend the frontiers of gambling—often to the frustration of regulators.

On-line casinos and sports books are springing up on the Internet. With central

computers in Caribbean tax havens, and play-money bets mingled with real wagers, sponsors think they can evade U.S. laws barring gambling by wire. "Gamble from home in comfort on a Sunday morning in your PJs," suggests a page on the Internet On-line Offshore Casinos, one of the on-line betting parlors.

Get bored flying? This fall, British Airways will experiment with a seat-back electronic system that can be used for gambling on flights outside the U.S. Betting limits, naturally, will be higher in first class.

CHARGE IT

By the end of the year, the Coeur d'Alene Indian tribe in Idaho plans to run a national lottery with weekly $50 million jackpots that will allow players to use credit cards and dial in their number picks over toll-free 800-lines. Graff Pay-Per-View Inc., a publicly held New York-based movie and adult-television programmer, is working on a system to let people participate—by phone or computer—in high stakes bingo games on Indian reservations. It says regulators have approved the idea of "proxy" bingo from home, so long as the game is actually played on a reservation. Graff says it has also acquired a company that does television broadcasts of race-track action "to facilitate Graff's initiative to bring wagering into the home."

Connecticut and New York recently started permitting telephone betting on horse races from all over the country. The horse-racing industry has been able to transmit gambling information across state lines for years.

Experts say electronic technology will accelerate increases in gambling revenues, which have been climbing for years; John Malone, president of cable-television giant Tele-Communications Inc. has called gambling one of the "killer applications" for interactive networks that might justify the cost of building the information highway.

RISKY BUSINESS

But there will be losers, too. Expanded electronic gambling means tougher competition for existing lotteries casinos, riverboats, racetracks, Indian gambling parlors and charity bingo.

Some electronic wagering—especially the kind operated by foreigners that relies on telephone lines and high-speed data transmission—is difficult to monitor and may prove impossible to control. There are no assurances that electronic winners will actually see their jackpots.

And experts say electronic gaming is far more dangerous than old-style betting to the 1% to 3% of the population prone to gambling addiction. Widely dispersed electronic-betting machines, for example, tempt teenagers already fond of video games.

"Electronics as a vehicle of administration for gambling activities changes the experience to make it more dependence producing, "says Howard Shaffer, director of the division on addictions at Harvard Medical School. "As smoking crack cocaine changed the cocaine experience, I think electronics is going to change the way gambling is experienced."

NEW OUTLETS

Operators, however, like technology because it works. State lotteries, for example, are starting to add electronic keno, a game in which a player selects up to 12 of 80 possible numbers and watches to see if they are flashed on a screen. Games happen every five minutes and tempt captive audiences. "Keno brought the lottery product to a distribution outlet that was underused—bars, bowling alleys and restaurants. It's helped states realize 30% to 100% revenue growth," says a spokesman for Gtech Corp., a fast-growing West Greenwich, R.I., company that runs 70% of the world's on-line lotteries. The New York State Lottery will start using Gtech's keno system at 2,250 outlets next month.

Gtech has developed communications systems in outposts from Scotland's Sheltland Islands to the Strait of Magellan in Chile. Bettors can now pick numbers for national lotteries and receive confirmation of their bets via satellite in less than four seconds. Long before places such as Lithuania get reliable national phone service, they will have networks linking urban and rural stores by satellite and microwave to central lottery computers.

Salomon Brothers, in a report on the gaming industry, says Americans lost $41.9 billion gambling legally in 1993, with 30% in casinos and the rest in lotteries. Lotteries now exist in states with 89% of the nation's population, so growth is largely based on introducing new games that get people to play more often.

Still, saturation isn't imminent. Salomon analyst Bruce Turner says that if Americans gambled at the same rate as Australiians—who spend 2.5% of their disposable income on gaming vs. 0.8 here—the U.S. gambling market would be more than $100 billion.

The U.S. is now in a growth phase of a cyclical pattern of gambling expansion and restriction, contends I. Nelson Rose, a Whittier College law professor and gambling expert. Between 1910 and 1930, the only legal gambling in the U.S. was at racetracks in Kentucky and Maryland. Gambling began to spread during the Depression when Nevada relegalized it and many states allowed race tracks. In 1964, New Hampshire approved the first state lottery. Today, there is legal gambling in every state except Utah and Hawaii.

The biggest wild card is gambling on the Internet because it is so difficult to regulate and it offers all types of wagering to anyone who has access to a computer. Players either send money into an account from which they then bet, or charge their bets on a credit card. They take it on faith that they will be paid if they win.

The Justice Department says such online gambling is illegal in the U.S. The department says it will act when it believes a violation of the law has occurred.

VIRTUAL CASINO

Sports International Ltd., which already operates an 800-line telephone betting service from its headquarters in Antigua, has opened an on-line sports book on the World Wide Web segment of the Internet. Players can bet a minimum of $10 picking the World Series or Super Bowl winners. Recent on-line odds quote the New York Yankees at 9-to-5 and the division-leading Boston Red Sox at 4-to-1 to win the American League crown.

Michael Simone, president of publicly held Sports International, says it plans to develop other games. "The cost of managing, and operating the proposed virtual casino is almost nonexistent when compared to a live casino," he says.

Last month, Toronto entrepreneur Warren Eugene began taking blackjack bets via computer, in what he calls the "Caribbean Casino." To play, people must register with E-Cash, a Dutch firm that handles financial transactions on the Internet. Starting with little more than a vision and a colorful Internet home page, Mr. Eugene claims nearly 1,000 people have already deposited money to play.

With his computer in the Caribbean tax haven of the Turks and Calcos Islands, he says he offers a tempting option to gamblers. "They're going to bet with a bookie. They might as well bet with us and keep the money offshore."

CHARGES OF FRAUD

Since U.S. law bars interstate wire transmission of most gambling information for business, Minnesota Attorney General Hubert H. Humphrey III has already filed suit against Kerry Rogers, one of the principals of WagerNet, of Las Vegas. The company is negotiating with the government of Belize for a license for an on-line sports book. The Minnesota suit accuses Mr. Rogers of consumer fraud by representing that the "proposed sports bookmaking service is lawful." Minnesota has even posted its suit on the World Wide Web.

Under racketeering statutes, an American operating an offshore casino might be subject to seizure of his assets, says Mr. Rose, the law professor in California. However, foreign nationals operating offshore casinos are probably beyond the reach of U.S. laws. Individual bettors are hard to track, and are almost never pursued by prosecutors, he says.

On-line operators also face a credibility problem. "In Vegas, you have a gaming commission that comes in and checks the returns. You won't have that in Antigua or Belize," says Earl Gilbrech, a Fountain Hills, Ariz., consultant who works with several Caribbean gaming operators. "Some guy in Idaho isn't going to tell his local newspaper if he wins $22,000. But you'll hear all these people" complaining on-line when they lose.

HIGH ROLLERS

Major casino operators pooh-pooh Internet gaming, saying they prefer to concentrate on resorts that draw high-rolling sociable gamblers. But British Airways thinks electronic gambling can draw goodtime tourists away from rivals. The company says it plans to spend as much as $130 million to put interactive screens on seat backs in 85 long-haul planes if a trial—planned for one Boeing 747 on routes around the world—works out. Screens will let fliers choose from more than 100 movies, play Nintendo games or play blackjack and roulette. Bets will be charged on credit cards.

The Federal Aviation Administration doesn't allow gaming on flights that begin or end in the U.S., so if the airline installs the devices widely, it will turn off gaming functions on U.S. flights. Some localities have tougher rules: Under laws prohibiting gaming devices, North Carolina could try to stop even the gambling-disarmed planes from landing, says one British Airways lawyer.

One big caveat is whether the technology works. In 1993, Northwest Airlines tried a system called WorldLink that included video games and a shopping channel. But it pulled the system in 1994 because at any given time about 10% of the screens didn't work, infuriating passengers.

INVADING THE HOME

Technology's biggest impact may be in bringing betting into the home—the place International Gaming and Wagering Business, a trade publication, calls "gaming's new frontier."

The planned National Indian Lottery would let players pick numbers by phone 24 hours a day, seven days a week. Players would have to preregister with a credit card and get a personal identification number to play.

When the Coeur d'Alene tribe announced its plans last winter it got approval from Idaho and from the National Indian Gaming Commission, but drew a firestorm of opposition from other states. Some have threatened to prosecute phone companies under

gambling statutes if they let customers reach the lottery's 800 number. The tribe dismisses the challenges as "fear of competition" and expects to start its lottery by year's end.

PONIES IN THE LIVING ROOM

The horse-racing industry is embracing technology as its best shot at survival. For years, simulcasting of out-of-state races has let gamblers at tracks place bets during the long intervals between post-times. Several states now permit bettors to establish accounts with a track and then place bets from home while watching races on TV.

IWN Corp., a partially owned subsidiary of NTN Communications Inc., Carlsbad, Calif., has been working with California tracks on a personal-computer-based system that could both receive data on horses in races and let players bet. Dan Downs, president of NTN and a former racing-industry executive, says he expects the system will be tested in Connecticut toward the end of this year.

This month, Churchill Downs, home of the Kentucky Derby, will start testing a television-based home-wagering system developed by ODS Technologies Inc., Tulsa, Okla. Rather than having to actually go to the track, people will be able to watch races on their television sets and use a five-button remote control to place bets—which will be transmitted over telephone lines—right from their own living room.

"The racing industry is dying," says an ODS spokesman. "We want to bring it right into the home and expose it to a wider customer base."•

RICHARD SEWELL

• Mr. GRAHAM. Mr. President, last Saturday, a memorial service was held for a true friend of the State of Florida, Richard Sewell. Dick passed away on October 26 of lung cancer.

A native of Orlando, Dick was well known in Washington and Florida political circles. Dick moved to Washington in 1963 to become an administrative assistant to Rep. Charles E. Bennett, a senior member of the House Armed Services Committee and chairman of the first House ethics committee. In 1966, he served as staff coordinator for the ad hoc ethics committee and helped Bennett draft legislation which resulted in a permanent House Ethics Committee.

Dick left Bennett's staff in 1971 to become director of public affairs for the National Association of Food Chains. In 1972, he assisted Senator Henry M. Jackson in his campaign for the Democratic Presidential nomination, serving as the campaign's executive director in Florida.

In 1973, Dick became the director of Federal Government affairs for Florida Power & Light Co. He remained the utility company's chief Washington representative until his retirement due to illness, in 1994. He was active in energy, environment, and tax issues pending before Congress and Federal agencies, and was the author of numerous published articles on the subject.

In 1986–87, Dick directed FPL's campaign to establish a national award to recognize quality performance by American corporations. Partly through those efforts, Congress enacted the Malcolm Baldrige National Quality Improvement Act in 1987, under which companies compete annually for the Malcolm Baldrige Award.

A lifelong loyal Floridian, Dick was a former president of both the Florida State Society in Washington and the University of Florida Alumni Club. In 1979, he received the university's Distinguished Alumnus Award.

Dick was a past president of the Washington Business-Government Relations Council and the Washington Representatives Research Group. He served on the board of directors of the Public Affairs Council and as a charter member of the board of governors and treasurer of the Bryce Harlow Foundation. In addition, Dick was a former president of the Burro Club, an organization of Democratic congressional aides.

After graduating from public high school in Orlando, he studied journalism at the University of Florida. He received his degree in 1959. From 1957 to 1959, Dick was the sports editor of the Orlando Evening Star. After college, he joined the sports staff of the Atlanta Constitution. He later moved to Jacksonville, FL, where he opened his own public relations firm.

Dick is survived by his wife, Peggy; their two children, Jane and Michael; his mother, Bertie Sewell; and his brother, Walter Sewell. He will be sorely missed.•

GEORGE M. WHITE, ARCHITECT OF THE CAPITOL

• Mr. WARNER. Mr. President, the Architect of the Capitol, George M. White, will retire on November 21, 1995, after 25 years of service.

At a recent dinner honoring Mr. White, Senator DANIEL PATRICK MOYNIHAN offered eloquent remarks on the history of the position of Architect of the Capitol, and of the stamp that George White has made on the Capitol complex.

Mr. President, I ask that my distinguished colleague's remarks made at a dinner at the National Building Museum on behalf of Mr. White be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR DANIEL PATRICK MOYNIHAN AT DINNER HONORING GEORGE M. WHITE, ARCHITECT OF THE CAPITOL—NATIONAL BUILDING MUSEUM, WASHINGTON, DC, NOVEMBER 1, 1995

To begin at the beginning, from the time of George Washington, until just now, the Architect of the Capitol was simply picked by the President and presented to the Congress. George White's predecessor died in 1970. President Nixon asked if I had any thoughts as to a successor. As it happened, I did, for it had been a full century since a President had chosen an architect to be Architect. This was beginning to show. The result was George Malcolm White.

I am aware that the Capitol as we know it is a felicitous accretion of separate elements. Some infer from that that succeeding generations are free to add to the building at their pleasure. I think not. The various parts were designated in the course of one-half century's work by a string of extraordinary minds, both Architects and Presidents. Thus, Jefferson and Latrobe argued at length as to whether the column capitals in the House of Representatives chamber should be modeled after those in the Theater of Marcellus in Rome or the Choragic Monument to Lysicrates in Athens. Latrobe won; although Jefferson had the better case. This tradition had waned. Then George White renewed it.

Like his early predecessors, he is a polymath, with degrees in engineering, in business administration, and in law as well as in architecture. He is registered in and has practiced in all these fields. Beginning in 1988, I had the honor of chairing the Judiciary Office Building Commission, a body which was careful to stay out of George's way as he used his master-planning skills to propose, his legal skills to enact, his business skills to finance, and his architectural and engineering skills to design and construct what is properly judged the finest new government building in a generation, the Thurgood Marshall Federal Judiciary Building at One Columbus Circle.

While the Capitol grounds and several of the buildings in the Capitol complex bear his stamp, George White has made the Capitol itself the focus of his life's work. He added balance and proportion where he found it lacking and improved what was existing when it needed his care. Who else could recognize stone shock in the West Front and repair it to a state better than before the British burned it? From the foundations of the East Steps of the House, to the Minton tiles on the floors, to the murals and frescoes on the walls—indeed, to the crown of the Statue of Freedom atop the Dome which he climbed and made new with great style and at no little peril—all is better than he found it. We perhaps do not yet understand how indebted we are! If you wanted to see his works, look about you.•

THE OCCASION OF THE 80TH BIRTHDAY OF SENATOR BILL PROXMIRE

• Mr. DODD. Mr. President, I rise today to honor a long-time friend and an esteemed colleague. A true populist, his record of outstanding achievements demonstrates what is possible when the highest calibers of independence, integrity, and dedication are brought together in a loyal servant of State and country. Senator Bill Proxmire turns 80 this Saturday, and he deserves our heartfelt praise.

Senator Proxmire retired from this Chamber 7 years ago. When he did, he left it as one of the Senate's most admired Members. Every day, when he came to work after his 100 pushups and his 4-mile run, he brought with him a Puritan work ethic and a unique commitment to a set of closely held principles that set him apart from his colleagues, and will ensure that he is forever remembered as one of this Chamber's finest Senators.

His standards of personal conduct are legendary. He still holds the record for

most consecutive votes in the Senate, having been in attendance for more than 10,000 rollcall votes during the course of 22 years. In his last two campaigns for the Senate, in 1976 and 1982, he refused to take campaign donations. Mr. President, let me reiterate that. Not just PAC money, not just donations above a certain amount. He did not take any money at all, from anyone. In each of these campaigns, he spent less than $200 all of it out of his own pocket, and most of it to pay for postage and envelopes to send back donations offered to him by his supporters. Mr. President, when Senate campaigns nowadays cost millions of dollars, this feat seems remarkable enough. The fact that, in both instances, he won by a landslide, demonstrates the peerless quality of his support and popularity among the fine people of Wisconsin.

His legislative record is equally impressive. Senator Proxmire's independence and integrity allowed him to be a strong leader on daunting issues, making progress and achieving change in areas that others might have forsaken. His battle in the late 1960's and early 1970's to kill the supersonic transport plane is the stuff of legend in the Senate. No matter what one might have thought of the merits of this program, one must admire Senator Proxmire's success in waging an uphill battle against powerful opponents to end an expensive project that he saw as a waste of the taxpayers' money.

Senator Proxmire was simultaneously a stalwart champion of both competition and the individual consumer, reminding us that the interests of the latter are so often best served by the promotion of the former. Early on in his career, he sponsored the Truth-in-Lending Act, which ensures consumer access to information in the lending market and forces banks to compete openly and on equal terms. Senator Proxmire was right when he described this landmark bill as "perhaps more valuable to the consumer than any credit card in his wallet." Later, his leadership was instrumental in securing passage of a 1980 bill deregulating the banking industry to free up financial institutions to offer better services at lower costs to consumers. He was motivated out of a profound belief that consumers would be better served by more choices. History has undeniably proven him right.

Mr. President, I had the privilege and the honor of serving on the Senate Banking Committee for part of the time that Senator Proxmire was chairman of that body. I can tell you that his independence and strength of character allowed him to perform his duties with a never-ending commitment to his role as a beneficiary of the public trust. Beholden to no one except, in his own mind, the people who elected him, he was a tireless advocate for the interests of ordinary people.

Senator Proxmire is perhaps best remembered for his near fanatical devotion to saving taxpayer dollars. He refused to travel abroad at Government expense, and he returned $1 million to the Treasury over 6 years by cutting back on staff expenses. This commitment to personal thrift gave him the credibility to stand up to the waste of taxpayer money elsewhere in the Government. And this he did with a passion and flair for which he will always be remembered in this Chamber, partly through a device uniquely his own: the Golden Fleece awards.

Mr. President, way back in 1975, long before the Vice-President was shattering ash trays on late night television, long before people were citing $200 Pentagon hammers, Senator Proxmire created these monthly awards to highlight particularly wasteful Government spending programs. Dozens of programs earned this dubious distinction; some have said that the Senator's zeal for exposing the waste of taxpayer dollars was matched only by the abundance of candidates from which to choose.

It seems as if everyone who's been around here a while has their own favorite Golden Fleece. Whether it's the research institution that spent $100,000 trying to establish whether sunfish that drank tequila were more aggressive than sunfish that drank gin, the Federal Aviation Administration project to research the body measurements of airline stewardess trainees, or the grant to study why people fall in love, each Golden Fleece not only makes its point about the potential dangers of ill-managed and ill-conceived Government programs, but reminds us of the humor and character of this noble public servant.

Mr. President, I hope that my colleagues will join me in conveying our best birthday wishes and our sincere thanks to Senator Bill Proxmire, who, through over 30 years of loyal service in the Senate marked by independence and hard work, demonstrated his steadfast commitment to serving the people of Wisconsin and the citizens of this Nation.●

HAZEL O'LEARY: IMAGE IS EVERYTHING

● Mr. GORTON. Mr. President, may I pose a not-so-hypothetical question? If you were head of a Government agency, and that agency were being criticized by the press, Members of Congress, and the American public for inefficiency and incompetence; if, Mr. President, you knew that the Government—at the American people's behest—was undergoing a massive effort to cut spending in order to balance the budget, what would you do, Mr. President?

If you are like most people, your answer might go something like this: I would listen carefully to the criticisms, I would take a good hard look at my department and make the necessary changes, and I would do everything possible to save money.

If, however, you are Energy Secretary Hazel O'Leary, the answer is a bit different. Secretary O'Leary, whose Department of Energy is still justifying its own existence, paid $43,500—taxpayer money, Mr. President—for a media analysis company to track her and her department's coverage in the media.

Here's how today's Wall Street Journal describes it:

> Mrs. O'Leary quietly hired an investigative service to poke into the reporters who were poking around the DOE. From April through August, the service, Washington-based Carma International, tracked more than two dozen individual reporters and hundreds of newspapers, magazines and newscasts. It also pored over thousands of stories, giving each one a numerical ranking based on how favorable or unfavorable it was. It then calculated scores for how favorably or unfavorably the DOE fared on various issues, from nuclear waste to Mrs. O'Leary's own reputation. And it scrutinized sources quoted in those stories, coming up with its own "Top 25" list of "Unfavorable Sources."

Wanda Briggs and John Stang, reporters with the Tri-Cities Herald in Washington State, are among those the investigative service monitored.

Mr. President, the foolishness and irresponsibility of this venture boggles the mind. The first, most obvious point to raise is the fact that we are on a mission to balance the budget. For Secretary O'Leary to waste taxpayer dollars on her image is inexcusable. While we in Congress are trying to reduce the size and cost of Government so that we may achieve a balanced budget in 7 years, a member of the President's Cabinet feels free to throw money into frivolous projects.

Oh, and by the way, the Wall Street Journal quotes Secretary O'Leary's spokeswoman as saying that the investigative service "wasn't particularly useful," and that the Secretary read very little of what the service had to offer since "she found it too complicated." I think it's time the Secretary understood that we can neither afford, nor will we allow, $43,000 mistakes.

Second, Mr. President, of all the various responsibilities of the DOE—and they are serious responsibilities indeed—using a private company to analyze Secretary O'Leary's image in the press is, to put it mildly, at the very bottom of the list.

The challenges facing DOE in Washington State alone are stupendous:

At the Hanford Nuclear Site, thousands of tons of nuclear waste lie underground, yards away from the Columbia River, posing a direct threat to the region's safety.

Cleanup at Hanford, while progressing, still demands our utmost attention and concern. The health of the

people of the Hanford region, and of the people all over the country who live near nuclear sites, requires that we remain fully committed to cleaning up the nuclear waste.

That is just in my home State, Mr. President. Across the country, similar problems exist. So it is disturbing to learn that Secretary O'Leary's attention is being diverted by such trivial concerns as what the press is saying about her.

Mr. President, over the last 18 months, almost 5,000 people have lost their jobs at Hanford. They are struggling and will continue to struggle with upheaval and uncertainty in their community. Meanwhile, the Secretary of Energy, someone who has potentially great influence over their fate, pulls a stunt like this. So much for setting an example at the top.

There are a lot of people in this town for whom $43,500 is nothing—less than nothing. In the White House, in Congress, in the agencies, people deal on a daily basis with money in the millions and billions. But Mr. President, for the people of Hanford, that's real money.

There is a man in the Hanford area who lost his job more than 6 months ago. He has talked with my office, and prefers to remain anonymous. For 15 years he worked at Westinghouse as a technologist. He paid his taxes, he was a Boy Scout, he provided for his family. He was laid off on April 28—in the same month that Secretary O'Leary began her quest for a better image. He has two children and two grandchildren. His wife recently had to quit her job due to illness. He is still looking for work.

Coincidentally, Mr. President, this man's salary—before he was laid off—was $44,000. Secretary O'Leary spent over $43,000 for 4 months of useless media analysis. Food on the table, or image enhancement—Mr. President, just where do Hazel O'Leary's priorities lie?•

THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

• Mr. MOYNIHAN. Mr. President, I rise to lament the fact that House Joint Resolution 115 contains a provision to provide for the "orderly termination" of the Advisory Commission on Intergovernmental Relations [ACIR]. This is most regrettable, and ought not to go unnoticed.

The ACIR was created by Congress in 1959—during the Eisenhower administration—"to monitor the operation of the American federal system and to recommend improvements." The commission is independent and bipartisan. Over 30 years ago, under Dr. Alice Rivlin, it commenced ground-breaking research on alternative measures of fiscal capacity. It measures tax effort and representative expenditures and a host of other topics that may appear arcane, but are of enormous importance when it comes to governance. Few people are even aware of the ACIR because it goes about its business quietly, professionally, and dispassionately.

Earlier this year, Mr. President, Congress passed the unfunded mandates bill—Public Law 104-4. That bill generated considerable discussion about our Federal system and the proper roles of and relationships between the various levels of government. At that time, the Commission's unique expertise on such questions was recognized, and Congress delegated much work regarding unfunded mandates to it. The Commission estimated it would need about $1 million over and above its fiscal year 1995 appropriation of $1 million to perform the unfunded mandates work and continue equally valuable ongoing research and projects.

Earlier this year, the House Treasury-Postal appropriations bill (H.R. 2020) zeroed out funding for the Commission. The Senate bill provided $334,000 for the Commission, but stipulated that no further Federal funds would be made available.

This seems to me a good example of an unfunded mandate. But no matter. The ACIR is prepared to continue its operations without Federal funding. I do not know how, but I leave it to them. When conferees met on the Treasury-Postal bill, however, language was inserted that would give ACIR a small appropriation to terminate its operations by April of 1996. Senate Joint Resolution 115 also provides a minimum amount of funding "necessary to accomplish orderly termination" of the Commission. Both the Commission and the Office of Management and Budget [OMB] are concerned that termination is something altogether different from simply not providing Federal funding.

I deeply regret the action of the Treasury-Postal conferees, and I deeply regret that it has carried over to the continuing resolution. Is it necessary to terminate an organization that has indicated it can survive, somehow, without Federal funds?

Mr. President, the first principle of public affairs is that you never do anything about a problem until you learn to measure it. I would add a corollary: if your purpose is not to address problems through government, you will put an end to attempts to measure them. I wonder if that is what is at work here. Surely, we are not going to balance the budget by eliminating the ACIR. What is this all about?

I remember back in December 1981, Edwin Harper, then deputy director of the OMB, issued a memorandum which stated:

> As a result of recent evaluations of certain reporting requirements, it has been decided to discontinue the compilation and publication of the "Geographic Distribution of Federal Funds," effective immediately. Data should not be submitted for fiscal year 1981.

The purpose of that directive was to make it more difficult to quantify the balance of payments between the States and the Federal Government.

Beginning in 1968, the Community Services Administration began to publish annual reports, known as the Geographic Distribution of Federal Funds series, in which expenditures of various Federal programs were broken down by State, and thereafter by counties and towns. It is worth noting that the Community Services Administration was the successor to the Office of Economic Opportunity, the organization established in 1965 to carry out President Johnson's "War on Poverty." As a member of the President's task force that drew up that legislation, I had been much concerned with the question of regional balance in Federal expenditures and, in 1965, made what I believe was the first formal statement calling attention to the loss of industrial jobs in New York. The idea of measuring these matters was an aspect of the poverty program, and it was pleasing to find that our intentions had not been lost on those who followed.

Unfortunately, the task was not done with sufficient vigor. Various Government agencies were simply asked where their money went, and the matter was left at that. Because New York is the banking center of the world, huge amounts of Federal moneys are deposited there, although they are actually in transit elsewhere. No matter: vast sums of foreign aid, payments by the Commodity Credit Corporation, and similar transfers were being recorded as Federal outlays in New York.

As you may know, Mr. President, each year that I have been in the Senate I have issued a report I call the "Fisc" which measures the balance of payments between New York and the Federal Government. You can imagine my surprise—back when the finances not only of New York City, but of the State, as well, were shaky—that the data, such as they were, suggested that New York ran a balance of payments surplus.

Well, we discovered a phantom $14 billion in Federal outlays nominally attributed to New York. When these sums were subtracted from the total, we discovered a large and unmistakably serious deficit in New York's balance of payments. A deficit that persists to this day.

We got to the point where we had tidied up the data. It took some doing. Looking back, if a general judgment may be offered of the period, the Community Services Administration was interested and helpful. The Treasury Department, on the other hand, was aloof and impervious—equally to reason or change. In the end, we turned to the Tax Foundation, a private organization, as our source for data on tax payments, inasmuch as the Treasury Department refused to tell us then—

and still will not tell us—where it gets its money.

And then the new administration came and decided to discontinue the Geographic Distribution of Federal Funds series. It was stopped in order to conceal trends and mute argument.

We protested, and we enacted Public Law 97-326, the Consolidated Federal Funds Report Act of 1982, which directed the Census Bureau to track allocable Federal expenditures. The Census Bureau does a marvelous job. Its Consolidated Federal Funds Report and Federal Expenditures by State report are available on CD-ROM now, containing 10 years' worth of data. It's marvelous.

Mr. President, the ACIR does important, if largely unheralded, work. And we stand on the brink of terminating it. This is a mistake which we will regret. I realize the provision is identical to the conferees' agreement on the Treasury-Postal appropriations bill. But that bill is an unresolved matter. Neither the House nor the Senate has approved the conference report, and even if we were to do that, there is no guarantee the administration would sign it. There is a chance, albeit slim, to correct the mistake.

Mr. President, getting back to my first principle of public affairs, Lord Kelvin stated it best:

> When you can measure what you are speaking about, and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meager and unsatisfactory kind: it may be the beginning of knowledge, but you have scarcely, in your thoughts, advanced to the stage of science.

Mr. President, without the ACIR, our knowledge of important matters will never be anything more than meager. The action we are about to take will harm our capacity to govern effectively.•

TRIBUTE TO AGRI-MARK-CABOT COOPERATIVE

• Mr. JEFFORDS. Mr. President, today I rise to congratulate and pay tribute to the members of the Agri-Mark/Cabot Cooperative. On November 13, 1995, the hardworking Agri-Mark framers dedicate the newly renovated state-of-the art cheddar cheese production facility in Middlebury, VT.

For over 75 years Cabot Creamery has produced superior dairy products from local Vermont farms. Today, only the size of Cabot has changed. Farmers from throughout New England and New York have joined the farmers from Vermont with great pride in producing the highest quality products. Farm fresh milk will be churned into Cabot's award-winning cheeses for stores throughout the country and around the globe.

Mr. President, Cabot products are in high demand. Cabot's special detail to quality gives their products the edge over the competition. In fact, Cabot's own sharp cheddar was acclaimed the best cheddar in the country by the U.S. Cheese Makers Association in Green Bay, WI. That's right, even the competition agrees that Cabot farmers produce the best. In addition to the overwhelming satisfaction of real cheddar lovers, just this year Cabot's Vermont cheddar won first place at the American Cheese Society's annual contest.

Throughout my years in Congress, I have been proud to represent the Vermont dairy farmer. I have worked to protect farmer income, bring stability to the dairy industry, and preserve Vermont's agricultural landscape. This investment of money and sweat from the farmers of Agri-Mark/Cabot comes at a time when Congress is making sweeping changes to the Government's involvement with the dairy industry. I am confident that the farmers of Agri-Mark/Cabot will adapt to the changes of the industry, becoming more efficient, competitive, and productive. I will continue to give the support that the farmers deserve and respect in Congress to allow them to succeed.

Mr. President, I join with the 1,800 Agri-Mark/Cabot farmers in a "Milk Toast to the Future." One hundred years from today, the farmers of Agri-Mark will open a time capsule. In it they will find the past that helped build the future. The dedicated members of this farmer owned cooperative believe that their hard work in the first 75 years is the key to the success in the next 100 years. We must all work together and recognize the value of the family farm to our State and our country. Vermont's farms will survive and remain the backbone of Vermont's heritage.•

AN 80TH BIRTHDAY TRIBUTE TO SARGENT SHRIVER

• Mr. DODD. Mr. President, I rise to pay tribute today to Sargent Shriver, my dear friend for whom I have the utmost respect and admiration, on the occasion of his 80th birthday.

It is rare, in this day and age, to be able to say that a person has truly made the world a better place in which to live. But that is a fitting description of Sargent Shriver. A man of stellar character, faithful devotion, and tireless energy, Sargent Shriver has led a life of philanthropy, compassion, and public service.

Born on this day in 1915, Sargent Shriver earned both his undergraduate and law degrees from Yale University. In 1953, he married Eunice Kennedy—and I say to my good friend Eunice today, she could not have married a better man. Shriver has, at different points in his life, played the roles of Navy serviceman, Newsweek journalist, Merchandise Mart general manager, Chicago Board of Education commissioner, public servant, vice presidential candidate, and Ambassador to France.

But the roles in which Sargent Shriver truly shined are those for which he is best known. In 1961, Sargent Shriver became the chief organizer and first director of the Peace Corps, establishing an organization that would come to the aid of foreign communities needing medical, educational, and technical assistance, while giving millions of Americans the opportunity to share knowledge and culture with those around the world. It was not easy—the critics were numerous and vocal—but he pressed on and the Peace Corps became one of the hallmarks of the Kennedy Administration. Mr. President, Sargent Shriver deserves the gratitude of every American for his work in this capacity. I must add my personal thanks to him, for my own service in the Peace Corps profoundly affected my life.

But Sargent Shriver's commitment to those most in need did not end there. Leading President Johnson's War on Poverty, Shriver ushered in many of the Great Society programs that made the American dream a reality for so many families—programs that continue to bring so much to so many.

And now that he is 80, Mr. President, Sargent Shriver's altruism is far from faded, but rather is as strong as ever. Since 1984, Shriver has served as president, and since 1990, chairman of the board, of Special Olympics International, which was founded by his wife, Eunice. I was privileged to see the glorious results of Eunice's and Sargent's tireless efforts on behalf of this fine organization this past summer, when the State of Connecticut hosted the Special Olympic Games.

It has been said, Mr. President, that a true leader is one who develops leadership in others—one who wants to see every individual succeed to the best of their ability, even if those achievements surpass his own. Through his stewardship of both the Peace Corps and the Special Olympics, Sargent Shriver has sought to encourage and develop the unique talents, energies, and abilities of all individuals, proving that he is indeed among the true leaders of our time.

Mr. President, Sargent Shriver is a humanitarian, an advocate, a public servant, and a leader whose contributions to his country and to his fellow man will endure throughout the ages. I am proud to call him my friend, and I wish him and Eunice all the best on this very special birthday.•

COMMENDING THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of Senate Resolution 193, submitted earlier today by Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) deploring individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the United States Holocaust Memorial Museum.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I rise today to join the Senior Senator from Utah in support of the Hatch-Lautenberg resolution which condemns individuals who deny the historical reality of the Holocaust. It also commends the vital, tireless work of the U.S. Holocaust Memorial Museum. I urge my colleagues to join us in approving the resolution, affirming that this distinguished body, the U.S. Senate, denounces those who deny that the Holocaust occurred.

Mr. President, more than 50 years ago, Adolf Hitler mounted his systematic effort to destroy whole populations—including the Jewish people, gypsies, the disabled, Poles, homosexuals, Jehovah's Witnesses, Soviet POW's and political dissidents. Six million Jews and five million others were murdered. That is a historical fact proven by detailed records kept by the Nazis. Our duty to the survivors of the Holocaust and to those who died on the trains, in the fields, and in the gas chambers is to make sure that their story is told from generation to generation. We must study and reflect on the atrocities of the Nazis, in order to make sure that this dark chapter of history is never repeated.

Mr. President, we have reason to be concerned. A recent poll found that 22 percent of Americans think that it is possible one of the most horrifying events in the history of the world never occurred. Even before the end of World War II, anti-Semitic groups worked to create the illusion that the Holocaust was nothing more than a myth. These individuals, bent on their own agenda of hatred, often pass themselves off as scholars and historians, and their findings as fact, they dispute all personal accounts and physical evidence as mere propaganda. Their allegations are astounding when you consider how well the Holocaust is documented.

In recent years, these individuals have moved from the confines of hate groups and other anti-Semitic organizations to our colleges and universities. On campuses nationwide, in ads placed in university newspapers, they spread their propaganda, lies, and falsehoods in the hope of selling their claims. We must not allow groups attacking the Holocaust to gain ground or respect, nor can we allow the existence of the Holocaust be made a subject of debate. But most important, we can not let the memory of 11 million people fade from our memories.

One of the most important tools we in combating those who would deny the Holocaust is viewing firsthand the horrors that took place in the concentration camps. This was the core concept of a living museum, where visitors could not only walk through and view exhibits, but actually feel them. In 1993, the U.S. Holocaust Memorial Museum opened its doors to the world. Since then, over 5 million visitors have passed through its doors with over two-thirds of those being non-Jews.

I am honored to serve on the memorial council and to be involved in the planning and management of the museum. In this capacity I have met and toured the museum with a number of Holocaust survivors. The stories of these survivors speak volumes of the horror and the stark reality of this event. I find it unimaginable that anyone could view such a collection without a heartfelt feeling of loss for what the victims and their families endured.

Mr. President, I commend the individuals whose vision made the museum a reality. The survivors and families of those lost have shared their stories in a collection that teaches all that are willing to learn about the Holocaust. The building, in the shadow of the Washington and Jefferson Memorials, is a testament to the existence of one of the most tragic events in the history of the world. By acknowledging that the Holocaust did happen, and by educating these nonbelievers, can we help ensure that it will never happen again.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 193

Whereas the Holocaust is a basic fact of history, the denial of which is no less absurd than the denial of the occurrence of the Second World War;

Whereas the Holocaust—the systematic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, alongside millions of others, in the name of a perverse racial theory—stands as one of the most ferociously heinous state acts the world has ever known; and

Whereas those who promote the denial of the Holocaust do so out of profound ignorance or for the purpose of furthering anti-Semitism and racism: Now, therefore, be it

Resolved, That the Senate—

(1) deplores the persistent, ongoing and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust; and

(2) commends the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons.

HISTORIC CHATTAHOOCHEE COMPACT AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 218, S. 848.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 848) to grant the consent of Congress to an amendment of the Historic Chattahoochee compact between the States of Alabama and Georgia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 848) was deemed read the third time, and passed, as follows:

S. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO THE HISTORIC CHATTAHOOCHEE COMPACT BETWEEN THE STATES OF ALABAMA AND GEORGIA.

The consent of Congress is given to the amendment of articles I, II, and III of the Historic Chattahoochee Compact between the States of Alabama and Georgia, which articles, as amended, read as follows:

"ARTICLE I

"The purpose of this compact is to promote the cooperative development of the Chattahoochee valley's full potential for historic preservation and tourism and to establish a joint interstate authority to assist in these efforts.

"ARTICLE II

"This compact shall become effective immediately as to the States ratifying it whenever the States of Alabama and Georgia have ratified it and Congress has given consent thereto.

"ARTICLE III

"The States which are parties to this compact (hereinafter referred to as 'party States') do hereby establish and create a joint agency which shall be known as the Historic Chattahoochee Commission (hereinafter referred to as the 'Commission'). The Commission shall consist of 28 members who shall be bona fide residents and qualified

voters of the party States and counties served by the Commission. Election for vacant seats shall be by majority vote of the voting members of the Commission board at a regularly scheduled meeting. In Alabama, two shall be residents of Barbour County, two shall be residents of Russell County, two shall be residents of Henry County, two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. In Georgia, one shall be a resident of Troup County, one shall be a resident of Harris County, one shall be a resident of Muscogee County, one shall be a resident of Chattahoochee County, one shall be a resident of Stewart County, one shall be a resident of Randolph County, one shall be a resident of Clay County, one shall be a resident of Quitman County, one shall be a resident of Early County, one shall be a resident of Seminole County, and one shall be a resident of Decatur County. In addition, there shall be three at-large members who shall be selected from any three of the Georgia member counties listed above. The Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama County which is located in the Chattahoochee Valley area. The contribution of each party State shall be in equal amounts. If the party States fail to appropriate equal amounts to the Commission during any given fiscal year, voting membership on the Commission board shall be determined as follows: The State making the larger appropriation shall be entitled to full voting membership. The total number of members from the other State shall be divided into the amount of the larger appropriation and the resulting quotient shall be divided into the amount of the smaller appropriation. The then resulting quotient, rounded to the next lowest whole number, shall be the number of voting members from the State making the smaller contribution. The members of the Commission from the State making the larger contribution shall decide which of the members from the other State shall serve as voting members, based upon the level of tourism, preservation, promotional activity, and general support of the Commission's activities by and in the county of residence of each of the members of the State making the smaller appropriation. Such determination shall be made at the next meeting of the Commission following September 30 of each year. Members of the Commission shall serve for terms of office as follows: Of the 14 Alabama members, one from each of said counties shall serve for two years and the remaining member of each county shall serve for four years. Upon the expiration of the original terms of office of Alabama members, all successor Alabama members shall be appointed for four-year terms of office, with seven vacancies in the Alabama membership occurring every two years. Of the 14 Georgia members, seven shall serve four-year terms and seven two-year terms for the initial term of this compact. The terms of the individual Georgia voting members shall be determined by their place in the alphabet by alternating the four- and two-year terms beginning with Chattahoochee County, four years, Clay County, two years, Decatur County, four years, etc. Upon the expiration of the original terms of office of Georgia members, all successor Georgia members shall be appointed for four-year terms of office, with seven vacancies in the Georgia membership occurring every two years. Of the three Georgia at-large board members, one shall serve a four-year term and two shall serve two-year terms.

"All board members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the voting members of the Commission. The first chairman of the commission created by this compact shall be elected by the board of directors from among its voting membership. Annually thereafter, each succeeding chairman shall be selected by the members of the Commission. The chairmanship shall rotate each year among the party States in order of their acceptance of this compact. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the Commission.".

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON S. 395

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of the conference report to accompany S. 395, the Alaska Power Administration bill, that there be 2 hours of debate equally divided between Senators MURKOWSKI and MURRAY, or their designees, and that immediately upon completion of the debate or the yielding back of the time, the Senate proceed to a vote on the adoption of the conference report, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, it is my understanding that this conference report would not be brought up by the leadership prior to Tuesday, November 14.

EXPRESSING THE SENSE OF THE CONGRESS ON UNITED STATES-NORTH KOREA AGREED FRAMEWORK

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 35, Senate Joint Resolution 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

A joint resolution (S. J. Res. 29) expressing the sense of Congress with respect to North-South dialogue on the Korean Peninsula and the United States-Korea Agreed Framework.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MURKOWSKI. Mr. President, I rise today to applaud the unanimous passage of Senate Joint Resolution 29, a resolution which a bipartisan group, Senators HELMS, THOMAS, SIMON, ROBB, and I, introduced in the Senate Foreign Relations Committee last March.

The resolution expresses the sense of Congress with respect to the serious issue of North Korea-South Korea dialog, which was a key part of the United States-North Korea Agreed Framework on the nuclear issue signed last October.

As my colleagues are aware, I have spoken extensively about the problems I see in the Agreed Framework, most recently on September 29 when I introduced S. 1293, a bill to provide for strict monitoring of and controls on U.S. spending on implementation of that agreement. There is no need to repeat those arguments here other than to stress the importance of passing that legislation as soon as possible.

Today I am speaking about only one specific, and critical element of the Agreed Framework: the necessity of a meaningful North-South Korean dialog. Without such a dialog, I am convinced that implementation of the Agreed Framework is unworkable. That's why it is up to us to make sure the North Koreans fulfill that and all of their other responsibilities in the Agreed Framework.

Passage of this resolution is also particularly timely when taking into account South Korean President Kim Young Sam's remarks to the Joint Meeting of Congress this summer. President Kim said:

> Peace on the Korean Peninsula can only take root through dialogue and cooperation between the South and the North, the two parties directly concerned. Without dialogue, nothing can be accomplished. I am thus grateful that both the President and Congress have stressed the central importance of the South-North dialogue.

South Korea remains a trusted and loyal ally, and I believe we must follow a policy toward the Korean Peninsula that keeps South Korea's best interests in the forefront.

Section III.(2) of the Agreed Framework specifies that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula." The Agreed Framework goes on to say in section III.(3) that "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue."

In testimony before the Senate Foreign Relations Committee, Secretary of State Warren Christopher had this to say about these provisions:

> As part of the Framework, North Korea has pledged to resume dialogue with South Korea on matters affecting peace and security on the peninsula. We have made clear that resuming North-South dialogue is essential to the success of the Framework—so important that we were prepared to walk away from the Framework if North Korea had not been willing to meet that condition.

I am gratified that the United States negotiators held firm at least on this issue, that is, including references to these two North-South issues. Nevertheless, and while I remain disturbed about many aspects of the Agreed

Framework, I am concerned that the requirements of success or even progress in the North-South dialog were not spelled out in greater detail. For instance, what is the time line for progress? At what point will the United States stop fulfilling its commitments under the Agreed Framework if there has not been progress in North-South relations?

It is this lack of specificity that led me and my colleagues to introduce this resolution. I know and appreciate that the administration is taking a firm public and private line that North-South dialog is essential. They reiterated that position, jointly with the South Koreans, on November 2–3, during the annual Security Consultative meeting in Seoul. I also appreciate the fact that the administration agreed not to oppose this resolution but rather to work with me on achieving an objective we both support, a strong, renewed dialog between North and South Korea.

However, and this is the key point, as usual, the North Koreans are ignoring their responsibilities and resisting restarting the dialog. That is why the resolution calls on the executive branch to take steps to ensure that the North Koreans understand that the implementation of the Agreed Framework is linked to substantive progress in the dialog between North and South Korea, including through developing timetables for achieving measures to reduce tensions between North and South Korea.

Although not a comprehensive list, such positive measures could include: First, holding a North-South summit; second, dismantling North Korea's reprocessing facility; third, initiating mutual nuclear facility inspections; fourth, establishing North-South liaison offices; fifth, establishing a North-South joint military commission; sixth, expanding trade relations; seventh, promoting freedom to travel; eighth, encouraging exchanges and cooperation in science and technology, education, the arts; health, sports, the environment, publishing, journalism, and other fields of mutual interest; ninth, establishing postal and telecommunications services; and tenth, reconnecting railroads and roadways.

The resolution calls on the President to report to Congress within 90 days regarding the progress made in promoting communication and contact between North and South Korea, and every 6 months thereafter.

Since the signing of the Agreed Framework with the United States, we have seen North Korea go to great lengths to avoid any involvement with South Korea. The North Koreans refused for several months to accept South Korean reactors. The joint press statement issued in Kuala Lumpur by the United States and North Korea did not include a direct reference to South Korea's central role in providing the light water reactors. And the North Koreans had maintained that the United States will be its principal point of contact in the negotiations.

Also, North Korea continues to take steps to try to destroy the Armistice Agreement while insisting that it will only deal with the United States concerning an ultimate peace treaty. Further, North Korea continues to provide evidence that it wants to continue being a rogue nation, for example just a few days ago sending infiltrators into the South to attempt to cause problems for our ally. Mr. President, in sum, just as North Korea's attempts to downplay the role of South Korea while putting distance between the United States and South Korea must not be tolerated, North Korea's misbehavior should be condemned.

I would note one recent development which had some potential for positive change—but then, typically, became a problem area because of the North's irresponsible behavior. North Korea and South Korea recently held talks in Beijing to discuss North Korea's renewed request for rice from its cousins in the South to relieve the food shortage in the North. This followed an earlier successful agreement to ship rice to the North—although the North then acted in its typically boorish fashion by arresting some of those who were trying to help its people. Now, despite the helping hand from the South, the North continues to resist the South's legitimate attempts to use the talks about rice aid to pave the way for greater dialogue.

Mr. President, I do not need to remind my colleagues that 37,000 American soldiers stationed on the demilitarized zone remain in harm's way. We all received a grim reminder of this when a United States helicopter was shot down on December 17, 1994, killing one United States airman and leading to North Korean detention of another on false charges of American espionage.

These American troops are part of the nearly 2 million troops who face each other across a heavily fortified demilitarized zone. Three decades of on-again, off-again talks between Pyongyang and Seoul have produced no significant progress in reducing tensions. Although a cease-fire effectively ended the Korean War in 1953, the two sides technically remain at war, and tensions today are as strong and all-pervasive as they've ever been.

Mr. President, in sum, the Agreed Framework does not adequately address the inevitable underlying tensions between North and South Korea. Nor do I believe that North and South Korea will simply work everything out without some outside assistance. For that reason, I believe that the Clinton administration must take specific steps to ensure that North Korea lives up to its commitments under the Agreed Framework and understands that, if it does not, it will not receive the benefits which have been promised.

This legislation will take us a step in the right direction. I hope our colleagues in the other body will also pass this legislation soon so that the process can begin.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolution be deemed read the third time, passed, the preamble agreed to, the motion to reconsider be laid on the table, and that any statements relating to the joint resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 29) was deemed read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 29

Whereas the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula";

Whereas the Agreed Framework also states the "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmoshphere that promotes such dialogue";

Whereas the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

Whereas the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

Whereas the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops: Now, therefore, be it

Resolved by the Senate and House of Represenatives of the United States of America in Congress assembled,

SECTION 1. STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.

It is the sense of the Congress that—

(1) substantive dialogue between North and South Korea is vital to the implementation of the Agreed Framework Between the United States and North Korea, dated October 21, 1994; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the President should pursue measures to reduce tensions between North and South Korea and should facilitate progress toward—

(A) holding a North Korea-South Korea summit;

(B) initiating mutual nuclear facility inspections by North and South Korea;

(C) establishing liaison offices in both North and South Korea;

(D) resuming a North-South joint military discussion regarding steps to reduce tensions between North and South Korea;

(E) expanding trade relations between North and South Korea;

(F) promoting freedom to travel between North and South Korea by citizens of both North and South Korea;

(G) cooperating in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(H) establishing postal and telecommunications services between North and South Korea; and

(I) reconnecting railroads and roadways between North and South Korea.

SEC. 2. REPORT TO CONGRESS.

Beginning 3 months after the date of enactment of this joint resolution, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth the progress made in carrying out section 1.

SEC. 3. DEFINITIONS.

As used in this joint resolution—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "North Korea" means the Democratic People's Republic of Korea; and

(3) the term "South Korea" means the Republic of Korea.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1995

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 2394, and further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

A bill (H.R. 2394) to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities, and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3054

(Purpose: To propose a substitute)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senator SIMPSON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. SIMPSON, proposes an amendment numbered 3054.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

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 "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1995, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b)

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1995. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1995, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

Mr. SIMPSON. Mr. President, it is a pleasure for me, as chairman of the Senate Veterans Affairs Committee, to summarize and comment briefly on legislation to grant to recipients of VA compensation and dependency and indemnity compensation [DIC] benefits a cost of living adjustment [COLA] increase, effective on checks delivered to them at the first of the year. This legislation is appropriate—even as we proceed this very week to each final agreements with the House on reconciliation measures.

Mr. President, let me assure this body from the get-go that the Committee on Veterans Affairs will meet its reconciliation targets. Indeed, this legislation contains one provision—the so-called round-down provision that I will explain in just a moment—which will help the committee meet its targets. I give this assurance up front—just so all will be comfortable that this Senator has not suddenly gone soft and become a wild-eyed big spender. I surely have not. Even so, however, I believe that the recipients of veterans' compensation ought to receive a COLA—especially since we on the Veterans Committee have found a proper way to reach our reconciliation targets, and get this Nation on a path to a balanced budget, without denying such a COLA.

This bill, which was approved unanimously by the Committee on Veterans' Affairs on September 20, 1995, is simple and straight-forward. It would grant to recipients of certain VA benefits—most notably, veterans with service-connected disabilities, who receive VA compensation, and the survivors of veterans who have died as a result of service-connected injuries or illnesses, who receive dependency and indemnity compensation or DIC—the same COLA that Social Security recipients will receive. So, for example, if Social Security recipients receive a 2.6-percent adjustment at the beginning of next year—as it appears they will—then so too would the beneficiaries of VA compensation and DIC.

The bill would also do one other thing: It would modify the methodology by which VA computes the amount of monthly benefit checks, as so adjusted. VA benefits, Mr. President, are paid in round-dollar amounts. As a result, when a round-dollar benefit amount—say, as an example, the current benefit of $260 per month going to a 30-percent disabled veteran—is multiplied by a Consumer Product Index percentage of, say, 2.6 percent, it almost invariably yields a mathematical product that is not a round-dollar amount. In the case of a $260 benefit check, for example, a 2.6-percent increase would yield a nonrounded number of $266.76.

VA practice, in the past, has been to round up fractional dollar amounts of $0.50 or more, and round down fractional dollar amounts of $0.49 or less. So, in the above case, a 30-percent disabled veteran would get a monthly check next year of $267 under past practice. This bill would direct VA to round down next year in all cases, so,

in the above example, a 30-percent disabled veteran would get a monthly check of $266.

Some might say, "What's the big deal?" They might also say, "Why is SIMPSON boring us with this green-eyeshade, accounting stuff?" I'll tell you why: it is because this simple rounding-down provision—because it affects so many VA beneficiaries, but only to a degree which is painless to each—yields big money over time—big money—in terms of savings and deficit reduction. According to the Congressional Budget Office [CBO], this simple provision will save the taxpayer $520 million over a 7-year period. I repeat: $520 million. That's real money. Real money that benefits taxpayers collectively—and, I daresay, harms no individual VA beneficiary to the point that he or she will even miss the loss.

This simple example of what can be done to balance the budget, Mr. President, ought to strengthen the resolve of each of us to get that vital job done. In the Veterans Committee, we have found ways to reduce the growth of VA's mandatory budget accounts by over $6 billion in 7 years—over $6 billion—and no veterans are going to have to suffer any inordinate harm. Despite the inaccurate, unfair, and unfounded pronouncements of the Secretary of Veterans Affairs, and despite what veterans—and Senators—have heard from service organizations crying wolf, we will not be cutting off compensation benefits to 10- and 20-percent disabled veterans. We will not be taxing or means-testing anyone's compensation benefits—though a good case for doing just that can be made and, in fact, was made by a disabled veteran who is a member of this body, the distinguished Senator from Nebraska [Mr. KERRY], in testimony before the committee. And we will not be establishing a performance-of-duty standard now as a condition to receipt of disability compensation—though I can assure all that this Senator continues to be interested in exploring that option at much greater length. We will, however, be making a huge dent in the deficit.

As I stated when I opened this statement, I want all to understand that we can give our disabled veterans, and their widows, a COLA and still meet our deficit reduction targets. And we will do so. Please, all of you, keep this in mind when any person tries to tell you that the Congress is going to "balance the budget on the backs of the Nation's veterans." It simply is not so. And no one—no one—has seriously suggested such a course. The Nation and the Congress have been good to our veterans. We will continue to be good to our veterans.

Mr. President, I appreciate the time that has been afforded me to address this subject. I ask unanimous consent that at this point that CBO's cost estimate of S. 992, which is the text of the substitute amendment with a minor technical adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 25, 1995.

Hon. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 992, the Veterans' Compensation Cost-of-Living Adjustment Act of 1995, as ordered reported by the Senate Committee on Veterans' Affairs on September 20, 1995.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 992.

2. Bill title: Veterans' Compensation Cost-of-Living Adjustment Act of 1995.

3. Bill status: As ordered reported by the Senate Committee on Veterans' Affairs on September 20, 1995.

4. Bill purpose: This bill would provide 1996 cost-of-living adjustments (COLAs) for veterans with service-connected disabilities and for survivors of certain disabled veterans and would round the increase to the next lower dollar.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998	1999	2000
DIRECT SPENDING						
Spending Under Current Law:						
Estimated Budget Authority	14,176	14,835	15,395	15,976	16,594	17,018
Estimated Outlays	14,422	13,675	15,312	15,928	16,543	18,241
Proposed Changes:						
Estimated Budget Authority	0	−16	−20	−21	−21	−22
Estimated Outlays	0	−15	−19	−20	−21	−23
Spending Under Proposals:						
Estimated Budget Authority	14,176	14,819	15,375	15,955	16,573	16,996
Estimated Outlays	14,422	13,660	15,293	15,908	16,522	18,218

6. Basis of estimate: As specified in the Balanced Budget Act, the baseline assumes that monthly rates of disability compensation paid to veterans and of dependency and indemnity compensation (DIC) paid to their survivors are increased by the same COLA payable to Social Security recipients, and the results of the adjustments are rounded to the nearest dollar. This bill would round 1996 adjustments down to the next lower dollar. The effect of rounding down the benefit was estimated using the current table of monthly benefits and the number of beneficiaries assumed in the CBO baseline.

7. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The bill would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1996	1997	1998
Change in Outlays	−15	−19	−20
Change in Receipts		(1)	

[1] Not applicable.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: On September 29, 1995, CBO prepared a cost estimate for H.R. 2394 as ordered reported by the House Committee on Veterans' Affairs. That bill rounded down the COLA for disability compensation and some DIC recipients. It further reduced the COLA of other DIC recipients.

11. Estimate prepared by: Mary Helen Petrus.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I urge the Senate to pass the pending legislation, S. 992, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1995.

Mr. President, effective December 1, 1995, this bill would increase the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation, or DIC, paid to the survivors of certain service-disabled veterans. The rates would increase by 2.6 percent, the same percentage as the increase in Social Security and VA pension benefits for fiscal year 1996.

Mr. President, there are 2.2 million service-disabled veterans and over 300,000 survivors who depend on these compensation programs. These individuals have made enormous sacrifices on behalf of this Nation. As ranking minority member of the Committee on Veterans' Affairs, I am committed to ensuring that these veterans and veterans' survivors receive the benefits they deserve. I believe strongly that we have a fundamental obligation to meet the needs of those who became disabled as the result of military service, as well as the needs of their families. This

measure fulfills one of the most important aspects of that obligation.

Mr. President, ever since I began my career in public service, I have worked closely with the veterans of my home state of West Virginia, and now, as ranking minority member of the Committee on Veterans' Affairs, I have had the opportunity to work with veterans all across the country. Consequently, I am keenly aware of the fact that the compensation payments that would be increased by this bill have a profound effect on the everyday lives of the veterans and veterans' survivors who receive them. It is our responsibility to continue to provide cost-of-living adjustments in compensation and DIC benefits in order to guarantee that the value of these essential, service-connected VA benefits is not eroded by inflation.

I am very proud that Congress consistently has fulfilled its obligation to make sure that the real value of these benefits is preserved by providing an annual COLA for compensation and DIC benefits every fiscal year since 1976. Most recently, on October 25, 1994, Congress enacted Public Law 103-418, which provided for a 2.8-percent increase in these benefits, effective December 1, 1994.

Mr. President, we cannot ever repay the debt we owe to the individuals who have sacrificed so much for our country. Service-disabled veterans and the survivors of those who died as the result of service-connected conditions are reminded daily of the price they have paid for the freedom we all enjoy. The very least we can do is protect the value of the benefits they have earned through their sacrifice.

Mr. President, I urge all of my colleagues to support this vitally important measure.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time, passed as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2394), as amended, was deemed read the third time, and passed.

AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 194, submitted earlier today by Senator DOLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S.Res. 194) to authorize representation by the Senate Legal Counsel.

The Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, early next year, the substantive provisions of the Congressional Accountability Act of 1995, which, among other things, creates procedures for judicial review of employment discrimination claims throughout the Congress, begin to take effect. Although the 1995 Act will govern all cases that arise after the requirements of the new law takes effect, the Senate's process for review of employment discrimination claims in Senate employment, which was created by the Government Employee Rights Act of 1991, continues to govern older cases. Office of the U.S. Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, now pending in the United States Court of Appeals for the Federal Circuit, is a case initiated under the 1991 act.

The petitioner in this case is the Office of the Sergeant at Arms, which under the 1991 law is the employing office for Senate-paid members of the Capitol Police. The Office of the Sergeant at Arms seeks review of a ruling of the Select Committee on Ethics, which affirmed a decision of a hearing board appointed by the Director of the Office of Senate Fair Employment Practices. The Ethics Committee decision, which was signed jointly by the chairman and vice chairman, held that there had been a failure to reasonably accommodate a Capitol Police officer's disabilities of alcoholism and depression in violation of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as incorporated into the Government Employee Rights Act.

Under the Government Employee Rights Act, a final decision of the Ethics Committee is entered in the records of the Office of Senate Fair Employment Practices, which is then named as the respondent if the decision is challenged in the Federal Circuit. As petitions for review in the Federal circuit challenge final decisions of a Senate adjudicatory process, under the Government Employee Rights Act the Senate Legal Counsel may be directed to defend those decisions through representation of the Office of Senate Fair Employment Practices in court.

Accordingly, this resolution directs the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, in the case of Office of U.S. Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, in defense of the Ethics Committee's final decision.

Mr. LOTT. Mr. President I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas, in the case of *Office of the United States Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*, No. 95-6001, pending in the United States Court of Appeals for the Federal Circuit, the Office of the Sergeant at Arms has sought review of a final decision of the Select Committee on Ethics which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f)(1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Office of the Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*.

MIDDLE EAST PEACE FACILITATION ACT

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2589 just received from the House.

The PRESIDING OFFICER. Without objection. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2589) to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be considered, read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this measure appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2589) was deemed read the third time and passed.

ORDERS FOR MONDAY, NOVEMBER 13, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Monday, November 13; that following the prayer, the Journal of proceedings be deemed approved to date,

that no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately turn to the consideration of the House message to accompany H.R. 2491, the reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, a number of important measures are expected from the House on Monday. Senators are also reminded that the funding resolution for the Government expires on Monday at midnight unless the continuing resolution is signed into law.

Therefore, rollcall votes can be expected during Monday's session of the Senate but will not occur prior to the hour of 5:30 p.m. on Monday.

I further ask unanimous consent that following the appointment of conferees with respect to the reconciliation bill, the Chair lay before the Senate a message from the House on H.R. 927, the Cuban sanctions bill for the appointment of conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following a speech by the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL LLOYD MOSES

Mr. DASCHLE. Mr. President, I would like to take this opportunity to recognize the outstanding life and military career of a veteran of the Second World War: Retired Major General Lloyd Moses who currently resides in Vermillion, SD.

General Moses came from humble beginnings. He was born in 1904 on what was then the Rosebud Sioux Indian Reservation in Fairfax, SD. His mother was half Sioux Indian. His father was a carpenter.

Despite not having a formal grade school education, General Moses graduated from High School and the Black Hills Teachers College, and obtained a degree in Chemistry from the University of South Dakota.

General Moses enjoyed a long and illustrious military career. In 1933, General Moses applied for Active Duty in the U.S. Army and was promoted to the rank of first lieutenant in 1935. During World War II, he served as a battalion commander of the 75th Infantry Division and volunteered to participate with the 507th Parachute Regiment, 17th Airborne Division in "Operation Varsity," the airborne assault across the Rhine River in 1945.

In the Korean War, General Moses commanded the 31st Infantry and in 1955 was promoted to the rank of brigadier general. In 1957, he was promoted to the rank of major general. General Moses reached the pinnacle of his military career in 1960 when, following in the footsteps of other generals such as George McClellan, Andrew Jackson, and Ulysses S. Grant, he became commanding general of the 5th U.S. Army.

His military awards include the Distinguished Service Cross, the Silver Star for heroics in Korea, and the Distinguished Service Medal, the Nation's highest peacetime military award. General Moses retired in 1964 as the highest ranking South Dakotan ever to serve in the U.S. Army.

General Moses remains committed to the promise of education. After retiring from the military, General Moses returned to the University of South Dakota and became the director of the Institute for American Studies.

As an enrolled member of the Rosebud Sioux Tribe, he spent the next 10 years successfully expanding the curriculum of Native American courses at the University in an effort to teach cultural awareness and encourage the continued education of Native American youth. When he retired in 1974, the enrollment of Native American students at the University was at an all-time high, and the Institute for American Studies was rapidly becoming one of the foremost centers of oral history and tradition in the United States.

From such humble beginnings, General Lloyd Moses developed the leadership and education that helped our forces to victory in Europe 50-years ago and has continued to assist our growth as a Nation. His story is proof that great deeds can still come from hard work and a strong mind. And that great men can still come from small places like Fairfax, SD.

WELFARE

Mr. DASCHLE. Mr. President, I did not want to take a long time, but there are a couple of matters I want to address, and I will do that at this time. The first concerns a series of discussions that have been held now over the last several days about reports relating to welfare reform.

A recent report discussed in this morning's Washington Post relating to a study undertaken by the Department of Health and Human Services compares the welfare bills passed by the House and Senate and proposed by Senate Democrats. It examines the income distributional effects of the Republican budget, and it estimates how many children will be put into poverty by the various welfare plans.

The report uses two different definitions of poverty, the official poverty measure and an alternative. It is under the alternative, not the official measure, that over 1 million children are put into poverty.

The report represents a range for the Democratic alternatives because the Office of Management and Budget did not have the time to develop a full model of the effects of that plan.

Mr. President, I think it is very important to note that the 1.2 million figure is reached using an alternative definition of poverty never before relied upon by the Federal Government.

When people say "poverty," they usually mean the official poverty measure, which counts only a family's cash income such as AFDC and SSI and Social Security checks they receive.

Using the official measure of poverty, the Senate-passed bill would increase the number of children in poverty from 15.5 million to about 15.8 million, or an increase of 1.9 percent. Under the official poverty measure, the Senate Democratic alternative would not increase poverty at all.

Let me repeat that, Mr. President. Under the official poverty measure, the measure that we have used for decades, the Senate Democratic alternative would not increase poverty at all.

The alternative measure counts cash and in-kind income, such as food stamps and EITC, as well as AFDC, SSI, and Social Security, which exaggerates the poverty effect of the bill.

So while the numbers released concern me, I do not think that they ought to argue that somehow we ought to turn our backs on welfare reform. We simply cannot keep the status quo. We need to restructure our welfare system. We need to require people on welfare to work, and be responsible parents. We need to remember that the current system keeps 9 million children in poverty. That is the status quo, Mr. President. Nine million children today live in poverty as a result of the programs, the framework, and the institutions that we have in existence.

I want to make a couple of more points with regard to the numbers.

First, we should note that the statement that the Senate bill will put 1.2 million more children in poverty is based on an alternative definition, and that definition has never been used before.

Second, and perhaps more importantly, more children will be put into poverty only if the welfare system that we are proposing fails.

So I believe that we need to recognize four points, Mr. President, as we consider welfare reform.

First of all, the apples and oranges comparisons that the data makes is something that everybody ought to completely appreciate prior to the time we come to any conclusion. The fact is, using official poverty definitions, the Senate-passed bill does not

increase the level of poverty for children at all.

We can say, regardless of whether one uses the official or the new alternative definition of poverty, that the Democratic bill is vastly superior to the Senate-passed bill, and the Senate-passed bill is at least four times superior than the House-passed bill.

So, as we have articulated all the way through this process, the Work First proposal that Democrats laid out that we debated, that we voted for unanimously, is by far the best version of all.

Second, I think it ought to be emphasized that no one said that this was the last word on welfare reform. I do not know of a colleague on this side of the aisle who is content to say, all right, we have now done welfare reform, and there is nothing else to do. I think it is critical that everyone understand this is the first installment. This is the first opportunity for us to build a new infrastructure, to take what we have done, to analyze it, to see how well the States work with it, and to come up with ways in which to make it better in subsequent years. There is not one program that we have not done that with.

I submit that regardless of what happens on welfare, we are going to revisit this issue again and again.

So it is critical, it seems to me, that everyone understand. We want to build a new system, and we do it one step at a time. What we have attempted to do with the Senate-passed bill, with the Democratic bill in particular, is to provide the foundation.

Third, I think it is fair to say that it is vastly superior to the status quo. That was what we said before. I think the study confirms that it is better than the status quo now. What we have attempted to do is to improve upon the status quo, to create a new system, a new infrastructure, an emphasis on work, trying to get people off of welfare and into work, creating welfare opportunities in offices that will become work opportunities once this legislation passes.

So we are not satisfied with the status quo. We need to build upon it. We recognize the importance of creating new opportunities to do that. We do not want people on welfare. We want people to find new opportunities in work, in education, and in creating new lives. That is what this is designed to do.

Finally, I think it is very important that we know that much of what we did a couple of months ago as we considered welfare reform we did with an expectation that the other pieces of the safety net will still be there, that we will have an earned income tax credit that makes work pay, that we will do all we can to ensure kids are adequately cared for with regard to their nutritional needs, that we ensure everyone has at least a minimal amount of health care as a result of Medicare and Medicaid, that we do not gut the program today, to provide for meaningful housing. That safety net, regardless of what we do in welfare, is critical, if we indeed are concerned about not moving people back into poverty.

So I would only reiterate that we are beginning a process that will take some time to complete. We hope that we have created an opportunity for a lot of people at long last to make work pay, to find new ways to ensure that they will not be dependent upon welfare as they have in the past, recognizing that the status quo is unacceptable, and encouraging in as many ways as we can with new mechanisms so people can go out and find the jobs and find the opportunities that we hope will be there as a result of what we are attempting to do now.

SETTING THE RECORD STRAIGHT

Mr. DASCHLE. Mr. President, I think it is important that I take just a moment to describe something I guess I never thought I would have to do, but I suppose it is important to set the record straight.

Somewhat baffling to me has been a debate over the public airwaves and in the press about what actually happened on the way to Israel. Did the President come back and talk to the leadership? Did he express his desire to work with the Republican leadership in an effort to resolve our outstanding differences? Senator DOLE, Speaker GINGRICH, Minority Leader GEPHARDT, myself, and others were on the airplane. The four of us were in a room that allowed us, I think, to safely say we know exactly what happened.

There is a contrast here that is very interesting to me. In my view, Senator DOLE, our majority leader, has taken the high road in this whole debate and has made it very clear that he is not going to become involved in it. I applaud him for taking that position. At least, as I understand it, that is his position. I have not heard him make any public comment on it. Unfortunately, the Speaker, for whatever reason, has chosen to make this an issue.

I can recall at least a half dozen occasions the President, during that very brief trip, both coming and going, came back and talked to us, expressed a desire to work together to find ways in which to resolve our difficulties with the debt limit, with the continuing resolution, with reconciliation. He expressed a desire to get together. He made the effort to suggest that whenever there was an understanding about what the consensus was with regard to the debt limit and the continuing resolution, we would be ready to go to work.

I do not know what else he could have done, frankly. No one has ever faulted the President for not being gregarious. He demonstrated that quality in spades on his way over and on the way back. I think he could probably tell you from memory what books each one of us were reading. He checked them all out, asked about them.

So, Mr. President, I think it is a silly debate. I hope we get it behind us. We have much more important things to talk about. But I do think it is important to set the record straight for fear that somebody out there might have thought that during this entire trip there was no dialog, no discussion, no discourse on what we ought to do, no opportunities to talk about what we have attempted to do here today.

There was a great deal of opportunity. And the hallways work both ways. I do not recall the Speaker making any effort to go to the head of the plane. If he was so concerned, if he wanted to speak with the President, I did not see any guard saying the Speaker is not allowed up into the front section of the airplane.

But, again, it is silly. The issue is, can we put aside our differences and begin working in a meaningful way to accomplish what we know we must against very difficult deadlines?

So I hope in good faith we can do that. We made an effort at that today, and I know we will again on Monday. I know the President cares deeply about using every opportunity he has available to him to ensure that the dialog is there, the opportunities for discussion are there, and the opportunities to resolve these outstanding differences be created whenever possible. He did that on the airplane going over. He did that on the airplane going back. He will do it again next week. He will do it whenever the situation arises.

With that, 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. 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.

The leader should understand that we are under a unanimous consent order to adjourn.

Mr. DOLE. I ask unanimous-consent that following my statement, we do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, this Saturday, November 11, America will celebrate Veterans Day—the day we set aside to honor the men and women who defend our country and preserve our peace and freedom.

Veterans Day was originally called Armistice Day. It was first celebrated in 1919, to mark the end of a war that was to have ended all wars.

Two years later, the remains of four unknown American soldiers were brought to a town square in a small French town. An American sergeant placed a bouquet of white roses on one of the caskets, designating the American Unknown Soldier of World War I.

The casket was brought across the Atlantic, and our Nation laid this hero to rest in Arlington National Cemetery on November 11, 1921.

Seventy-four years have now passed since that ceremony, and in that time, thanks in part to the efforts of the citizens of Emporia, KS, Armistice Day became Veterans Day.

That change became necessary because, as we all know, the First World War did not end all wars. Today, caskets bearing the remains of other Unknown Soldiers who fought in World War II, in Korea, and in Vietnam, now rest in Arlington alongside countless other American heroes.

Mr. President, in the early days of World War II, Gen. George Marshall was asked whether or not America had a secret weapon. And the General said, "Just the best darned kids in the world."

Those words were true then, and they have remained true throughout this century. America has succeeded and democracy and freedom have flourished only because the best darned kids in the world were willing to risk their life for their country.

On Saturday, I hope all Americans will pause to remember those who stood boldly in harm's way, defending freedom and liberty around the world.

As we remember those who served in the conflicts of yesterday, let us not forget the men and women who fill the ranks of our Armed Forces today. They share with the veterans of past conflicts the same values of duty, courage, and sacrifice.

Today's All-Volunteer Force—Active and Reserve—stands ready to defend our individual freedoms and our national ideals. At the same time, they are asked to take on new, additional missions around the world. As always, they complete each new mission with professionalism and excellence. They give us all reason to be proud.

Mr. President, veterans know better than anyone else the price of freedom, for they have suffered the scars of war. On this Veterans Day, we can offer them no better tribute than to protect what they have won for us. That is our duty. They have never let America down. We will not let them down.

ADJOURNMENT UNTIL 10 A.M., MONDAY, NOVEMBER 13, 1995

The PRESIDING OFFICER. Under a previous order, the Senate stands in adjournment until 10 a.m., Monday, November 13, 1995.

Thereupon, the Senate, at 10:15 p.m., adjourned until Monday, November 13, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 9, 1995:

NATIONAL CREDIT UNION ADMINISTRATION BOARD

YOLAND TOWNSEND WHEAT, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING AUGUST 2, 2001, VICE ROBERT H. SWAN, TERM EXPIRED.

DEPARTMENT OF JUSTICE

ROBERT S. LITT, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JO ANN HARRIS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, U.S.C.

To be admiral

ADM. HENRY G. CHILES, JR., 224-52-5014.

IN THE PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

RICHARD J. HODES
WILLIAM E. PAUL
DOUGLAS G. PETER

To be senior surgeon

MELINDA MOORE

To be surgeon

THOMAS R. HALES
SCOTT F. WETTERHALL

To be senior assistant surgeon

MARY M. AGOCS
JAMES P. ALEXANDER, JR.
ARTURO H. CASTRO
GEORGE A. CONWAY
THERESA DIAZ VARGAS
NINA J. GILBERG
LANA L. JENG
PHILIP R. KRAUSE
DAVID E. NELSON
PATRICK J. OCONNOR
CAROL A. PERTOWSKI
ROSSANNE M. PHILEN
STEVEN G. SCOTT
JESSIE S. WING

To be senior assistant dental surgeon

LEONARD R. ASTE
GEORGE G. BIRD
APRIL C. BUTTS
LISA W. CAYOUS
SHERWOOD G. CROW
BRET A. DOWNING
SCOTT K. DUBOIS
EDWARD D. GONZALES
JOSEPH G. HOSEK
MICHAEL D. JONES
STEVEN J. LIEN
AARON R. MEANS, SR.
SAMUEL J. PETRIE
ROY F. SCHOPPERT III
DARLENE A. SORRELL
JAMES N. SUTHERLAND
CHARLES S. WALKLEY
EVAN L. WHEELER

To be nurse officer

NORMAN J. HATOT

To be senior assistant nurse officer

GARY W. BANGS
ROBYN G. BROWN-DOUGLAS
PRISCILLA A. COUTU
ROBIN L. FISKE
COLLEEN A. HAYES
INDIA L. HUNTER
BRANLEY J. HUSBERG
CHRISTOPHER L. LAMBDIN
WANDA F. LAMBERT
MICHAEL D. LYMAN
MARY Y. MARTIN
SHARON D. MURRAIN-ELLERBE
PAUL J. MURTER, III
STEVEN R. OVERSBY
TERESA L. PAYNE
RICKY D. PEARCE
CANDICE S. SKINNER
ERNESTINE T. SMARTT
YUKIKO TANI
MARY E. TOLBERT
VIEN H. VANDERHOOF
SIONE W. WILLIE
ARNETTE M. WRIGHT

To be assistant nurse officer

SANDRA A. CHATFIELD
JAMES M. SIMMERMAN

To be senior assistant engineer officer

ARTHUR M. ANDERSON
SHIB S. BAJPAYEE
ROBIN A. DALTON
THOMAS J. HEINTZMAN
MICHAEL S. JENSEN
DAVID I. MCDONNELL
KENNETH E. OLSON II
PHILIP E. RAPP
JOHN R. RIEGEL
PAULA A. SIMENAUER
MARK A. STAFFORD
MARK R. THOMAS
MICHAEL B. WICH
DOMINIC J. WOLF

To be assistant engineer officer

JAMES H. LUDINGTON

To be scientist

VICTOR KRAUTHAMER

To be senior assistant scientist

LEMYRA M. DEBRUYN
JEFFREY S. GIFT
DARCY E. HANES
JAMES E. HOADLEY
ROSA J. KEY-SCHWARTZ

To be senior assistant sanitarian

ARTIS M. DAVIS
MARK A. HAMILTON
MICHAEL E. HERRING
STEVEN G. INSERRA
THERESA I. KILGUS
CYNTHIA C. KUNKEL
GAILEN R. LUCE
ABRAHAM M. MAEKELE
MARK D. MILLER
KELLY M. TAYLOR
MICHAEL D. WARREN
RONALD D. ZABROCKI

To be senior assistant veterinary officer

VICTORIA A. HAMPSHIRE
RONALD B. LANDY

To be pharmacist

DENNIS M. ALDER
JOHN T. BABB
DARYL A. DEWOSKIN
CYNTHIA P. SMITH

To be senior assistant pharmacist

LISA D. BECKER
KRISTI A. CABLER
WESLEY G. COX
KATHLEEN E. DOWNS
RICHARD C. FISHER
JEFFREY J. GALLAGHER
SYRENA T. GATEWOOD
LILLIE D. GOLSON
DOUGLAS P. HEROLD
RITA L. HERRING
MARY ANN HOLOVAC
CARL W. HUNTLEY
MICHAEL D. JONES
DENNIS L. LIVINGSTON
ROBERT H. MCCLELLAND
CONNIE J. MCGOWEN-COX
STEVEN K. RIETZ
MARGARET A. SIMONEAU
JOHN F. SNOW
DANIEL R. STRUCKMAN
EARL D. WARD, JR.

To be assistant pharmacist

DAVID A. KONIGSTEIN

To be senior assistant health services officer

TRACI L. GALINSKY
WILLIAM D. HENRIQUES
RICHARD R. KAUFFMAN
DOROTHY E. STEPHENS
GENE W. WALTERS

To be assistant health services officer

CAROL E. AUTEN
CHERYL A. WISEMAN

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 9, 1995, withdrawing from further Senate consideration the following nomination:

NUCLEAR REGULATORY COMMISSION

DAN M. BERKOVITZ, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANGUE, TERM EXPIRING, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.

EXTENSIONS OF REMARKS

MEMORIAL DAY ADDRESS

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. CHRYSLER. Mr. Speaker, on this important day of remembrance, I would like to submit the following Memorial Day Address which was given by Mr. Walter Adams, past president of Michigan State University.

MEMORIAL DAY ADDRESS

(By Walter Adams)

On Memorial Day, we pay homage to the men and women who died for our country—from 1776 through two world wars, Korea, Vietnam, and the Persian Gulf. This year, the 50th Anniversary of Victory in Europe and Victory over Japan, we pay special tribute to our dead in World War II—the men and women who fought on land, on sea, and in the air.

The campaigns in North Africa and Italy were anything but a cakewalk. Nor were the battles in Western Europe where I served—first with the 83rd Infantry Division and later with the 11th Armored Division. In France, D-Day was June 6, 1944. According to the plans of supreme headquarters, the British were supposed to take the town of Caen on the first day of the landing. Caen was not liberated until July 8—more than a month later. St. Lo which was the major objective in the U.S. sector was not liberated until July 18. And the Battle of Normandy which was just a slice of France was not concluded until August 22 of 1944—after 200,000 allied casualties.

My own division, the 83rd Infantry, relieved the 101st Airborne at Carentan. The first objective assigned to us was a little town 12 miles to the south. It took our division close to a month to negotiate those 12 miles. Hedge row by hedge row, yard by yard, inch by inch. [For those of you who do not know what a hedge row is, it is an earthen wall surrounding a cow pasture, square or rectangular, 6 feet high, with thick shrubbery growing on top of it. It was impenetrable. The 83rd had on one side a marsh which could not be negotiated by tanks. On the other side, was a field that the Germans had flooded deliberately. So there was no maneuverability. Tanks could not operate. It was a job for the infantry. The dogfaces of the infantry.] In that one month, the 83rd lost 5,000 out of the division's 15,000 men.

After Normandy, the 83rd went on to fight in the Battle of the Bulge, the Rhineland, and Germany. It suffered the fifth highest number of casualties among the divisions operating in the ETO.

In March of 1945, I was transferred to the 11th Armored Division which was spearheading General Patton's drive through southern Germany. On its way, the Division liberated three concentration camps—an experience that none of us will ever forget. These camps were the ultimate example of man's inhumanity to man—the ultimate illustration of the consequences of discrimination, bigotry, and hatred directed against groups of people who were considered undeserving of life—Jews, communists, socialists, Russians, Poles, gypsies, homosexuals, etc., etc. If any of us needed an explanation of why we were fighting and the evil we were fighting against, these camps provided incontrovertible evidence.

Last year, the 11th Armored Division Association received a letter from a survivor of the notorious Mauthausen concentration camp that the 11th Armored liberated on May 5, 1945—three days before V-E Day. It came from a Pole by the name of Jerzy Adamczek. I'll read an excerpt from it: "I was arrested by the Germans in 1944 and sent to the Mauthausen concentration camp. The weeks there seemed to be months, and months years. And finally, the Russian and American armies approached the camp. The 11th Armored of the 3rd U.S. Army got to us first. God bless those boys and bless the fifth of May. I was 16 at the time. During the liberation of the camp, I looked death in the face. I was so weak and my body so exhausted that I lay two or three days more on the pile of dead bodies without showing any sign of life. Some people thought I was dead like the others. But on the seventh or eight or May, I can not remember which, some American soldiers would not give up on this so-called pile of dead bodies. A young American soldier about 25 years old saw that I moved slightly. He picked me up—the bundle of skin and bones. There was barely a spark of life left but he carried me on his back to the square at the concentration camp where other such half-alive men were gathered. I am now a man of 66. Since that time I have always said, I have two fathers: my biological father who was killed in 1944 during the Warsaw uprising and the American soldier who picked me from the dead. I don't know his name. I need your help. Please help me find that American so I can be at peace with myself and say thank you." That, my friends, was what the war in Europe was all about.

A word about the war in the Pacific. On August 15, this year, we shall be celebrating V-J Day—our victory over Japan. There are some who now want to rewrite history and to call it V-P Day—Victory in the Pacific day—perhaps because of vague guilt feelings about our use of the atomic bomb or because of a reluctance to offend the Japanese who are now our allies. I think that such revisionism would be a brazen mockery of the soldiers who died on Truk and Iwo Jima, on Okinawa and in the Philippines, and to the sailors forever entombed in the U.S.S. Arizona. The historical record cannot be sanitized. The facts are that some of the worst atrocities of WW II were committed by the Imperial Japanese Army. It slaughtered Chinese civilians for sport; it raped and enslaved Korean women to improve the morale of its soldiers; it conducted grisly biological warfare experiments on prisoners of war. It is a well documented fact that the Japanese "beat [prisoners] until they fell, then beat them for falling, beat them until they bled, then beat them for bleeding. They denied them medical treatment. They starved them. . . . They watched them die by the tens of thousands." No wonder that only one out of three Allied POWs survived Japanese captivity. [Gavin Daws, Prisoners of the Japanese: POWs of World War II in the Pacific, 1994] Yet, after 50 years since V-J Day, the Japanese Government has still not seen fit to apologize publicly to the victims of these atrocities or to their families. In those 50 years, the Japanese Government has still not informed its school children that the long road to Hiroshima started with the sneak attack on Pearl Harbor.

In the Pacific as in Europe, I think that World War II shall remain a symbol of a quintessential confrontation between good and evil. I think the United States and its allies deserve eternal gratitude for ridding the world of that evil. I think it is incumbent on us never to forget the human sacrifice that this entailed. It is incumbent on us never to forget the men and women who died in that noble cause.

(Walter Adams, Past President of Michigan State University, served in the U.S. Army from 1943 to 1945. He landed in Normandy with the 83d Infantry Division and completed his combat service with the 11th Armored Division as aide-de-camp to the Division commander, Maj. Gen. Holmes E. Dager. After the Battle of the Bulge, he received a battlefield commission as a 2nd Lieutenant. He was awarded the ETO campaign ribbon with five bronze campaign stars as well as the Bronze Star Medal for heroic conduct.)

TRIBUTE TO FORDHAM EVANGELICAL LUTHERAN CHURCH ON ITS 80TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the members and friends of Fordham Evangelical Lutheran Church who on Sunday, November 12, will celebrate 80 years of spreading the Gospel of Jesus Christ in my South Bronx congressional district.

In 1915, Rev. Oscar Mees saw the need for a Lutheran church in the fast-growing neighborhood of the South Bronx. He acquired the property of a small church, which had been forced to close on 2430 Walton Avenue, to establish the new Lutheran Church.

Rev. Frederick H. Meyer, the first pastor of Fordham Lutheran Church, led the congregation for 33 years. During his service, the number of worshippers outgrew the size of the church and a larger structure was erected. The architectural beauty of the new building aroused the admiration of many New Yorkers.

During the 1920's, services were offered in German and English to better serve the ethnic groups who were part of our fast-growing community. And, in the 1940's, sad days were endured by the congregation after the loss of 5 of the 85 members who served in the Armed Forces during World War II.

Throughout the years, the church has been blessed with effective ministers, organists, and many members who have dedicated many years of service. During difficult financial times, members and friends of the church tested their strength, and through hard work, successfully kept the church open to the service of the community.

The eight pastors who had faithfully served the church brought many changes in the programs offered to accommodate the needs of the community. They are by name, Rev. Frederick H. Meyer, Rev. Carl F. Pohlmann, Rev. Hilbert J. Wuebbens, Rev. David Langseth, Rev. Jerrett L. Hansen, Rev. Kurt M. Friederich, Rev. Patrick W.F. Cabello Hansel, and most recently, Rev. Katrina D. Foster.

Today, Rev. Foster continues to lead the church and its vital role in our community. Currently, the church celebrates services in Spanish and English, has a Youth and Luther League program, and a Sunday school program for children.

Mr. Speaker, I ask my colleagues to join me in honoring the ministers, members, and friends of Fordham Evangelical Lutheran Church on their 80th anniversary in the South Bronx community.

FIRE CHIEF RICHARD TREMITIEDI HONORED FOR 35 YEARS OF DEDICATION AND SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Fire Chief Richard R. Tremitiedi, a Hoboken firefighter for 35 years. A testimonial dinner will be held in his honor today in East Rutherford, NJ.

Chief Tremitiedi joined the fire department in 1960. Through the years, he rose through the ranks by attaining the highest score on every promotional test that the took. In March 1990, he became Fire Chief of the city of Hoboken and he has served in that capacity with pride and dedication.

Chief Tremitiedi's many achievements include writing the city's smoke detector ordinance as head of the Fire Prevention Bureau during the 1980's. The ordinance required property owners to place fire detectors in common areas as well as in each apartment. This made buildings safer places for everyone.

In the 35 years that Chief Tremitiedi served as a firefighter, he has touched the lives of many people. The career of a firefighter is truly a noble one. There are not many people that are courageous enough to enter burning buildings on the verge of collapse to put out fires. However, people like Chief Tremitiedi and other firefighters dedicate their lives to doing just that. Firefighters are genuine heroes who risk their lives to help others. Many people owe their safety and security to Mr. Tremitiedi. He has created a better and safer environment for the residents of Hoboken.

In September, 1995, Chief Tremitiedi officially resigned as Fire Chief. He leaves behind a tradition of valor and dedication. He is truly a remarkable man who has served the community with all his heart. He was always available to answer the call of duty. Chief Tremitiedi will continue to serve as a member of the State Fire Master Planning and Research Advisory Council. He also plans to write a book about managing the costs of fire protection.

It is an honor to have such a brave and dedicated man serving my district. I ask that my colleagues join me in honoring Richard R. Tremitiedi for his service and dedication to the community.

IN HONOR OF MAJOR LINDA SCHWARTZ

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Ms. DELAURO. Mr. Speaker, on Veterans Day, Major Linda Schwartz will receive the Connecticut Department of Veterans Affairs Commendation Medal. Linda Schwartz truly embodies the spirit of this prestigious award, which is given "to those select few who have distinguished themselves through their service to Connecticut veterans and their families." I ask my colleagues to join me in honoring this outstanding individual who has done so much to address the needs of our veterans not only in Connecticut but across the country.

Linda Schwartz' work on behalf of our veterans has earned her the respect and admiration of all who know her. A deeply caring and compassionate woman, she has devoted herself to meeting the needs of Connecticut's homeless veterans. She brought the "stand down" concept to Connecticut in 1992 and has been an integral part of the success of this yearly event which gives homeless veterans access to a wide range of programs and services. Linda also co-founded "project partnership" in which the Vietnam Veterans Assistance Program has renovated houses for homeless and disabled veterans in conjunction with rehabilitation services at the West Haven VA Medical Center.

A skilled nurse who served with distinction in the Air Force, Linda has applied her medical background to the many health issues facing our veterans, including the effects of agent orange and post traumatic stress syndrome. Indeed, she is known nationally for her leadership on issues related to veterans health care and women veterans, and has testified numerous times before both Houses of Congress. She has also been appointed to several Federal advisory committees, including, most recently, the VA Advisory Committee on Women Veterans. Linda has also served as the president of the Vietnam Veterans Assistance Fund since its inception in 1989, and as acting director of government affairs for Vietnam Veterans of America.

It has been my great honor to work closely with Linda on a number of issues affecting veterans in my district. Linda's dynamic leadership and enthusiasm were instrumental in forging a partnership between veterans groups and Connecticut's labor unions to help Connecticut veterans enter the work force through an apprenticeship program. The West Haven VA Center, the Painters Union and the Carpenters Union have now joined together in a cooperative effort that I believe should serve as a model across the country.

Whether working with the local VA center or testifying before Congress, Linda Schwartz has been a tireless advocate for our veterans. I commend her for all that she has done for the veterans in may district, and congratulate her on this well-deserved honor.

TRIBUTE TO SEABURY DAY CARE CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. SERRANO. Mr. Speaker, I rise today to commend Seabury Day Care Center, a community-based center, which today celebrates 25 years of service educating and taking care of the children in my South Bronx congressional district.

Twenty-five years ago a group of parents organized to make a difference in our community. They recognized that the problems facing inner-city neighborhoods were detrimental to the community, and decided to provide our young ones with a sound environment in which to live, grow and learn.

This group of parents worked diligently to provide education programs for children. In recognition of their accomplishments they won a special award and were able to open on November 9, 1970 the Seabury Day Care Center. The center would be able to serve 85 preschool children ages 2 to 5 and 40 afterschool children ages 6 to 12 with a staff of 33.

Under the direction of Mrs. Genevieve Brooks, who served as president until 1990, the center was able to expand many of its educational programs. A special grant awarded by the Bronx Council on the Arts has made possible a cultural program for 40 children ages 9 to 13.

A separate grant also enabled many of the staff members to continue their training and enroll in classes at Columbia University, Lehman College and New York University. Even after the funding for this purpose was no longer available, many of the staff people continued their studies.

Mr. Speaker, I commend all of those who have been involved in making this center a role model for early childhood development and education.

Mr. Speaker, I ask my colleagues to join me in recognizing the efforts of the many parents and members of our community who for 25 years have been able to provide our children with the quality education that they deserve at the Seabury Day Care Center.

STEPHEN R. GREGG, A GREAT WAR VETERAN AND OUTSTANDING CITIZEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a great man, Stephen R. Gregg, who distinguished himself in combat in World War II and was awarded a Congressional Medal of Honor. Today, Mr. Gregg will be honored at a Veterans Day Ceremony to be held at City Hall in Bayonne, NJ.

This week's ceremony caps a host of honors bestowed on him as a result of his brave deeds which include the naming of a Hudson County Park in his honor. On October 22, 1995 the Bayonne County Park was renamed the Stephen R. Gregg, Congressional Medal of Honor Recipient Park at a ceremony in his honor.

Mr. Gregg, a native of Bayonne, served in our Armed Forces as a young U.S. Army lieutenant. While engaged in the Italian campaign and on the battlefields of southern France, Mr. Gregg won the Nation's highest military honor.

On August 27, 1944, Sergeant Gregg risked his life to save his fellow countrymen. Near Montelinar, France, Sergeant Gregg and his platoon were advancing on the enemy positions when suddenly someone fired upon the leading scout. Sergeant Gregg rushed to the aid of his riflemen who were engaged in fire. The Germans threw hand grenades at close range wounding several soldiers. While dodging hand grenades, Sergeant Gregg with a machine gun as his only shield boldly led a group of medics up a hill to rescue the soldiers that had been wounded. Despite all the crossfire and hand grenades being thrown at him, Sergeant Gregg risked his life to help his fellow countrymen. Sergeant Gregg stood there firing into the enemy positions while the wounded were removed to safety. In January, 1945, Mr. Gregg received a battlefield commission as a second lieutenant. Shortly afterwards on March 14, 1945 General Alexander Patch presented Mr. Gregg with the Congressional Medal of Honor. Mr. Gregg is one of the few soldiers to have received this great honor while in the field. Among his military decorations are the Silver Star, Purple Heart with cluster, French Croix de Guerre with Silver Star, Bronze Star, Combat Infantry Badge, and many other campaign medals.

I am certain my colleagues will rise with me and pay tribute to this gallant man. As a dedicated citizen, a courageous soldier, and a true American hero, Mr. Gregg embodies the best of American patriotism. Mr. Gregg is a man who has risked his life and contributed his skills to helping maintain and fight for the freedom that America cherishes so much.

HONORING THE VIRGINIA BEACH VOLUNTEER COUNCIL

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. PICKETT. Mr. Speaker, every year, millions of Americans give their time, talents, and skills, without pay, to their communities. I rise today to salute the work of the Volunteer Council of the city of Virginia Beach, VA, which is in my congressional district. The volunteer council is the city's umbrella organization of volunteers representing more than 30 city- and State-related agencies.

America's greatest deeds come from the basic decency and compassion of her people. This decency and compassion is the bedrock upon which the volunteer workers of the city of Virginia Beach have developed innovative and effective volunteer partnerships to take on the most difficult challenges that we face as a society.

Since 1985, "more than 40,000 volunteers have contributed over 7 million hours of public service and provided over 77 million dollars, worth of services that would not otherwise have been provided." Volunteerism has been increased in Virginia Beach by more than 200 percent during that period. Through its network of volunteers, the volunteer council has been instrumental in fighting poverty, drug abuse, illiteracy, teen pregnancy, and the alienation of young and old. Volunteers of all ages have worked in the city's libraries, recreation centers, fire stations, rescue squads, patrol cars, and neighborhoods.

By serving others, the volunteers of Virginia Beach have enriched their community. The success of the volunteer council is a reflection of the personal successes of thousands of community volunteers. The volunteer council has been instrumental in promoting the basic values that form the heart of voluntarism. The council and the citizen volunteers of Virginia Beach continue to show that success in life is the sum not of our possessions but of how we help our neighbors.

Mr. Speaker, at this time I insert into the RECORD certain materials documenting the proud accomplishments of the Volunteer Council of the city of Virginia Beach.

VOLUNTEERS IN VIRGINIA BEACH CITY GOVERNMENT

In 1978, the Virginia Beach City Council established a Volunteer Council to help city agencies develop innovative and effective volunteer partnerships. Since that time, volunteers have played a vital role in the delivery of services and community development.

Since 1985, more than 40,000 volunteers have contributed over 7 million hours of public service and provided over $77 million dollars worth of services that would not otherwise have been provided. Volunteerism has been increased in local government by more than 200%.

In 1994, nearly 7,000 volunteers (the equivalent of 621 full-time employees, or 12% of the total workforce) donated more than a million hours to enhance the quality of life, address human needs, increase productivity, and improve city services. In a city of 421,000 people, such strong community spirit and kinship are remarkable.

The Volunteer Council is the city's umbrella organization of volunteers and paid staff representing more than 30 city and state-related agencies. With an annual budget of $28,000, the Council provides support in training, recruiting, public relations, recognition and the use of technology. The Council provides overall coordination and liaison with the city administration and City Council.

Volunteers of all ages can be found in over 200 volunteer opportunities in Virginia Beach city government . . . in libraries, recreation centers, fire stations, ambulances, museums, courts, municipal offices, health clinics, shelters, patrol cars, environmental offices, and neighborhoods. Selected volunteer highlights from 1994 illustrate the depth of scope:

Some 852 EMT's and cardiac technicians, the nations's largest all-volunteer rescue squad, saves lives by responding to 26,000 emergency calls annually.

Social Service volunteers help people in crisis by providing respite care for abused and neglected children; offering day care for children from violent homes; aiding foster children; helping the homeless; teaching families to become self-sufficient; and distributing food and clothing to those in need.

Volunteers, ages 9–82, at the Marine Science Museum help educate 400,000 visitors annually about Virginia's marine environment and aid injured marine animals.

CARE volunteers help empower at-risk neighborhoods to overcome crime and social problems through leadership development.

Reside With Pride volunteers keep people aware of the need to maintain houses and neighborhoods. They help needy and/or elderly citizens with home improvements.

In an innovative twist, non-violent inmates of the Virginia Beach jail volunteer for city services to reduce their time served and help increase work skills.

Auxiliary police officers patrol neighborhoods protecting citizens from crime. Volunteer firefighters work side-by-side with the paid force to protect life and property.

Clean Community volunteers promote litter prevention, recycling, beautification and environmental awareness through projects like Earth Day, Adopt-A-Highway, Clean the Bay Day, and Backyard Stewardship plantings.

Juvenile court volunteers assist in courtrooms, help victims of spouse abuse, and educate first offenders.

City volunteers help prevent drug and alcohol abuse. They stimulate disabled infants, teach crafts to seniors, combat illiteracy, register voters, teach wheelchair sports, and help fellow citizens in a variety of programs.

As cities across the nation face the challenge of "doing more with less" Virginia Beach's volunteer program offers a beacon of hope. Volunteer/Staff partnerships keep vital services available for those who need them most.

At the core of volunteerism in Virginia Beach city government is a commitment to community, a willingness to serve others, and a desire to actively participate in self governance. Most of all, Virginia Beach volunteers are people helping people . . . neighbors helping neighbors . . . to build a better community.

VIRGINIA BEACH VOLUNTEER COUNCIL: 10-YEAR SUMMARY

Year	Volunteers [1]	Hours	FTE [2]	Value
1985	2,095	425,365	205	$3,223,501

VIRGINIA BEACH VOLUNTEER COUNCIL: 10-YEAR SUMMARY—Continued

Year	Volunteers [1]	Hours	FTE [2]	Value
1986	2,841	515,569	248	3,818,434
1987	3,151	542,757	261	4,420,009
1988	3,396	663,144	319	5,893,397
1989	3,516	723,082	348	7,478,465
1990	3,833	772,532	371	8,263,903
1991	4,933	835,352	402	9,201,753
1992	5,000	1,001,213	481	10,923,339
1993	5,500	1,066,028	513	11,335,348
1994	6,791	1,291,024	621	13,064,851

[1] Average Per Quarter.
[2] FTE=Full Time Equivalent.

VETERANS DAY COMMEMORATION OF THE 50TH ANNIVERSARY OF WORLD WAR II

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TORRES. Mr. Speaker, I rise to recognize the men and women who served in the U.S. Armed Forces during World War II. These brave men and women fought to protect the freedoms and liberties enjoyed by every citizen of this great country. It is because of their valiant efforts that we triumphed over tyrants and dictators. It was these men and women who answered the call of our Nation to go to war. I commend these individuals for their patriotic and unselfish deeds in our Nation's time of need. We are proud of our veterans who defended the United States of America.

On November 10, 1995, the city of Montebello's Department of Parks and Recreation will join Americans across the country in concluding our commemoration of the 50th anniversary of World War II. During this year's Veterans Day ceremony we will pay tribute to the World War II veterans from the Montebello American Legion and Veterans of Foreign Wars posts.

Mr. Speaker, it is with honor and privilege that I ask my colleagues to join me in saluting the following veterans to whom we owe a tremendous debt:

Serving in the U.S. Army: Henry Aldana, Joe A. Alderette, Art Alvarado, Marcelino Alvarado, Richard Aragon, Gene Baldoni (E.T.O.), Henry Barrio, Ernest Bolieu, Wilfred Burnan, Albert Bustamonti, Daniel Castillo, Ralph Castillo (PAC), Oscar Celaya, John Chacon (PAC/E.T.O.), Joe Duran (E.T.O.), Telesforo Escamillo, Carlos Esqueda (E.T.O.), Alex Esquivel (E.T.O.), Robert Estrella, Jesse Flores, David Fuentes, Rosario Galindo (PAC), Alex Garcia, Manuel Garcia, Frank J. Gustelum, Fidel Guiterrez, Manuel Haro, Billy Knox, Tom Laper (Army Medical Corps, E.T.O.), Marcus Lozano, Angel Magana (PAC/E.T.O.), Gregorio Martinez, Robert McGrath (PAC), Charles Meese, Joe Moreno (Army Air Force, PAC), Jack Mottola, Ernest Mungia, Leonard Mungia (Army Air Force), Al Nudo (PAC), Manuel Ocampo, Nejamin Ortega, John Osenenko (E.T.O.), Florencio Quesada, Rudolph Rangel, Alexander Renteria, Martin Renteria (E.T.O.), Phillip Rodriguez, Val Rouleau (PAC), Richard Salas (E.T.O.), Frank Saldivar (E.T.O.), Saul Sancedo, Fernando Sarabia, Charlie Seja (PAC), Joaquin Sepulveda, Robert Sera, Manuel Sevedra (PAC), Mike Soto, Ann Vargas (WAACS), Ross Vasquez, Arturo Vega, Law Westgard (E.T.O.), and Gerald Wyckoff.

Serving in the U.S. Navy: Tony Armento, S.R. Arroyo, George Castuita, John Caudillo, Albert Couso, Wade Downing (PAC), Joseph Encinias, Robert Figuerora (IPAC/E.T.O.), Cruz Lopez, Henry Lopez (PAC), M.C. Lopez (Navy CB, PAC), Paul Mack (PAC), Father Charles Massoth, Rudolph Mezoria (PAC), Alex Sepira (E.T.O.), Richard Tafoya, Louis Tarango, Dominick Tinti (PAC), Frank Tudisco, Joe Urtusuastequi, Susanne Urtusuastequi, and Charles Weinstock (E.T.O.).

Serving in the U.S. Air Force: Ted Carmona, Fred Quinn, Joe Salas, Joseph Schiffhaver (E.T.O.), D.J. Spada, and Manuel Villegas.

Serving in the U.S. Marine Corps: Ray Franco and Anieseto Gutierrez (PAC).

Serving in the U.S. Coast Guard: Kent Armstrong, Leopoldo Cruz, and Florence Marcsak.

TRIBUTE TO BISHOP JOSEPH A. FRANCIS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to pay tribute to a man that I deeply respect and admire for his devotion to God, for his grace and dignity, as well as for his years of valued service to the people of this community. Bishop Joseph A. Francis, who has announced his retirement from the active ministry, has been an extremely active member of the Catholic Church since he was ordained in the Society of the Divine Word in October 1950.

Bishop Francis dedicated himself to humanity. He has been generous in giving his time to people, he has a way of making everyone in his presence feel special. He has served as both a teacher and administrator in secondary schools and colleges throughout the country. He has received numerous honorary degrees and served on the boards of trustees of many fine institutions of higher learning. His resume and list of achievements are as impressive as his bearing and his humility. As a result of his work in the community, Bishop Francis has been the recipient of numerous prestigious awards and commendations.

Bishop Francis has been and continues to be an advocate for the least fortunate members of our society. During his tenure in the archdiocese of Newark he touched many lives including mine and he has made an impression that we will never forget.

Mr. Speaker, I ask that all of my colleagues join me in paying tribute to Bishop Joseph A. Francis, a wise man and good man who achieved great things.

IN MEMORY OF WILLIAM T. ATKINSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. POSHARD. Mr. Speaker, I rise today to honor an accomplished international researcher, William T. Atkinson of Decatur, IL. William graduated from college in 1934 with a degree in chemistry, and like most chemists of his day, he started to work in a local pharmacy. On one particular day, he displayed a simple act of kindness that changed his career and his life. When word of his kindness became known to the family of the individual he had helped, they sought to return the favor not only with money but by offering William a job at Henry Ford's research laboratory. This was a young chemist's dream come true.

This opportunity presented William a whole new world in which to invent and he did so with great success. So great was his success that one day, Mr. Ford, himself, presented William with a bag of soybeans and told his bright young chemist that they—soybeans—ought to be good for something. William immediately set forth in his quest to find some beneficial use for the soybean.

Who could know at the time that so much would come from something that seemed so simple. He developed a soy fiber that was used in automobile upholstery during World War II. From 1950 to 1965, he spent his years perfecting his discovery of a textured vegetable meatlike substance called soy protein which contains 50-percent protein and 50-percent carbohydrates, a.k.a. the veggie burger. In 1968, he won the Food for Peace Award in Paris, France, for this discovery. Today, soybean protein and its byproducts are used to help feed people around the world.

William not only excelled in the laboratory, but also in his personal life. William had a strong commitment to community and family, as an active member of Our Lady of Lourdes and the 55 Club of the church and a member of the St. Vincent DePaul Society. Last, but not least, he was the proud father of Dennis, Lois, Mary Beth, Ruth, and loving husband to Elizabeth for 57 years. William will be missed by family and friends, but will always be remembered for his many good works and his outstanding accomplishments.

LOBBYING REFORM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Ms. ESHOO. Mr. Speaker, I rise to urge all my colleagues to support a complete ban on gifts from special interest lobbyists. Since arriving in Congress, I've made it my office policy not to accept any gifts from lobbyists or allow any of my staff to do so. Earlier this year, I was one of 32 Members who signed a Common Cause pledge saying that lobbyist gifts were forbidden in my office. Every Member should take this pledge.

It's important because the American people continue to lose faith in Congress. In addition to the intense partisan bickering and gridlock that have become the hallmarks of this institution, Americans are appalled by the cozy relationship that exists between lobbyists and Members of Congress.

They perceive—often correctly—that Members ignore the needs of the average person while bending over backwards to meet the needs of monied special interests. They feel shut out, ignored, and disengaged from the democratic process.

We need to rebuild and restore public trust in Congress and its Members. And there can be no better way to begin this process than by giving up lobbyist-provided meals, tickets, vacations, food baskets, and golf outings that have come to symbolize what's wrong with Washington and the way it operates. These gifts should be flat out eliminated. Every Member of Congress earns a generous salary. It's more than enough to live on and serve the interests of the people who are paying it—the taxpayers.

So, Mr. Speaker, I urge my colleagues to join me in taking the pledge to do away with gifts from lobbyists. Support the gift ban and get back to work for the people who sent us here.

GREAT PLAINS AND PANHANDLE HEALTH SERVICES

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. COMBEST. Mr. Speaker, I rise today to recognize the dedicated professionals in the home health care industry. Across the Nation, one of the great concerns is the fear of not being able to receive high-quality yet affordable health care. In the search for one of the most effective ways to provide this, one need not look to the future, but rather to our history and to the oldest tradition of health service delivery—home health care. This time-honored tradition of allowing the elderly, disabled, and ill to remain in the comfort of their own homes and receive the medical assistance they need has proven to be one of the most cost-effective and beneficial prescriptions a doctor can dispense.

Allowing a patient to stay in their own familiar surroundings allows them to retain their dignity and sense of independence, while still receiving quality medical services. It also allows them to be surrounded by loved ones and family which helps to maintain the ever important family union which can play such a key role in helping to recover from an illness.

In the United States today, home health care is regaining the popularity which it once had. As the desire for this important care increases, home care agencies across the country have met the challenge and now offer a full range of valuable services from skilled nursing and social services to physical, occupational and speech therapies. Nationwide there are over 17,500 agencies which help provide home care and this proven alternative to lengthy hospital stays now accounts for an estimated $27 billion of the resources spent on health care, as they provide services to over 7 million Americans.

This growing segment of our health care industry deserves to be recognized for its continuing effort to provide affordable and quality care to those in need. We, in Congress and throughout America, can lead the effort to recognize home care agencies and the valuable and cost-effective health care resources which they provide. I call on all Americans to support these valuable agencies and providers who work to enhance the lives of those ill and disabled who are in need of home care assistance. In so doing, I salute all who provide home health care.

RETIREMENT OF BERNICE COLEMAN-LEWIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TOWNS. Mr. Speaker, it is my pleasure to acknowledge the retirement of Mrs. Bernice Coleman-Lewis from the U.S. Customs Service. Bernice worked for the Customs Service for 25 years. She rose through the ranks from the position of clerk typist to ultimately become a customs liquidating officer at John F. Kennedy International Airport.

During her tenure with Customs, Bernice was instrumental in helping to ensure that the National Treasury Employee Union [NTEU] became the union for Customs employees. She also became the executive vice president of the NTEU. Bernice was also a member of the Quality Circle in Customs. Always mindful of giving back to the community, Bernice participated in the Customs mentor program for inner city youth, and served 2 years as vice president of the Sentinel Society, Inc., a minority Government employee organization.

Mrs. Lewis has also been active in community organizations, including the 835 Ocean Avenue Tenants Association. She served as the secretary of St. Catherine Chapter 758, for the order of the Eastern Star, and she became a member of Bridge Street A.M.E. Church of Brooklyn in 1994.

Now that she has retired, Bernice is attending State University of New York [SUNY], in Old Westbury, and was accepted into the education program. Mrs. Coleman-Lewis aspires to teach in the Amityville school system on the elementary level.

Bernice is a proud parent of four children, two girls, April and Raisa, and two sons, Ajene and Malik. She is also the long time companion of Nathaniel Lewis. It is my distinct pleasure and honor to introduce Mrs. Bernice Coleman-Lewis to my House colleagues.

LEGISLATION WHICH IS GOOD FOR THE FEDERAL GOVERNMENT AND THE CITY OF CORPUS CHRISTI, TX

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. ORTIZ. Mr. Speaker, I introduce today a bill to create a win-win situation for the Federal Government and the city of Corpus Christi, TX.

Mr. Speaker, the 104th Congress has made much of reducing the size of Government, saving taxpayer dollars and moving the decision of Government back to States. The administration's reinventing government proposals accomplish the same goals. As a part of the latter, the Vice President has directed the Bureau of Reclamation to initiate a program of title transfer of water supply projects to move ownership of these projects from the Federal Government to the States or local entities.

I introduce this legislation today on behalf of the State of Texas, to create a process so the State or our public agencies may purchase and accept title to the Bureau of Reclamation projects in the State. This bill has the full support of the Texas State legislature, which recently passed a resolution, signed by the Governor, accepting the responsibility for this process of title transfer.

Most importantly, Mr. Speaker, I introduce this legislation at the request of the city of Corpus Christi. The city supports title transfer and wants local responsibility for the Nueces River project, locally known as the Choke Canyon project.

In 1976, the city of Corpus Christi and the Nueces River Authority contracted with the Bureau of Reclamation for the construction of the Choke Canyon Reservoir-Nueces River project—on the Frio River near Three Rivers, TX. The primary purpose of the project was to provide an additional water supply for the city of Corpus Christi through the year 2040. Since the project was completed in 1982, however, studies have determined that the current supply to the city from the project is less than was promised, and additional water supplies will be required by the year 2003. The local sponsors are proposing that the repayment agreements be recalculated to reflect the diminished water supply from the project, as well as the expenses to the local sponsors in acquiring additional water supplies to compensate for the projected shortfall in the Choke Canyon/Lake Corpus Christi system. After reallocating project costs and/or negotiating a fair settlement of project repayment obligations, the local sponsors are prepared to initiate a project buy-out and transfer of title utilizing a discounted prepayment of their fair share of project costs.

Mr. Speaker, our local citizens are taking a very responsible approach to this situation. They are offering the Federal Government a substantial cash payment up front, they are offering to purchase and protect thousands of acres of sensitive land as mitigation for the original project and they are accepting the responsibility for the future operations and maintenance of the project. As the Corpus Christi

Water Engineer James Dobson pointed out in recent Congressional hearings, there are significant benefits to the legislation I offer today:

For the Federal Government, these include: Immediate access to large amounts of capital from early payoffs; avoidance of long term liabilities for Federal share of project O&M costs; avoidance of other future liabilities; continued compliance with Federal project objectives; and reduced federal administrative expenses.

For the local sponsors the benefits include: Long range economic savings by prepayment of debt; freedom from expenses caused by excessive Federal involvement in the project management; and local decision making on resources used locally.

Mr. Speaker, I want to point out to my colleagues, I introduce this legislation on behalf of a very responsible community in terms of its approach to water resources. As Mayor Mary Rhodes recently pointed out:

I want to emphasize that we are not talking about an area that places disproportional demands on its water resources. Texas Water Development Board studies show that Corpus Christi's per capita water use is one of the lowest in the state for a major city—only 155 gallons per capita per day. Our industries are very water efficient—in the petroleum refining and petrochemical sectors, facilities in the Corpus Christi area use only 40 to 60 percent as much water per barrel of product as similar facilities in other parts of Texas.

Mr. Speaker, I urge strong support for this legislation. It is responsible, it addresses a serious local need, it fulfills expressed goals of both the 104th Congress and the administration, but most importantly—it makes sense.

RETIREMENT OF KANSAS CITY POLICE CHIEF STEVEN BISHOP

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Ms. McCARTHY. Mr. Speaker, I rise today to pay tribute to Steven Bishop, who is retiring on December 1, 1995 after serving a distinguished 25 years with the Kansas City, MO Police Department, the last 5 years as chief of police.

Throughout his tenure, Chief Bishop has demonstrated an admirable willingness to face the toughest issues. Shortly after taking office, Chief Bishop appointed a task force of Police commanders, clergy and community leaders to study ways in which officers could better communicate and work with citizens to deter crime. A community policing force eventually was established, partnering neighbors with officers throughout our community.

His ongoing pursuit to build a safer community is further evidenced by his work on the Governor's Commission on Crime and the President's Committee on Drug-Free Schools. These and other anti-crime efforts have earned him national recognition. Among Chief Bishop's honors was a special appearance at President Clinton's State of the Union Address earlier this year at which the President paid tribute to him for his outstanding efforts and leadership.

Chief Bishop's interest in law enforcement began well before his days as police chief. In 1970, 3 years after leaving the Marine Corps as a Vietnam veteran, Bishop graduated from Central Missouri State University with a degree in police administration.

While serving as a police officer, Bishop continued to develop his skills and abilities by earning a master's degree in personnel management from Central Michigan University and attending numerous training conferences and seminars. Over the years, he participated in the sergeants supervisory leadership course, the officer survival seminar, the national hostage negotiations seminar, the national organized crime training seminar, and the 147th session of the F.B.I. National Academy.

Not surprisingly, Bishop's impressive aptitude and positive attitude soon won him respect and promotions. He advanced to the rank of sergeant in 1975, captain in 1980, major in 1987, lieutenant colonel in 1989, and chief of police in 1990. He was only 43 years old when he was sworn in to head the department on June 14, 1990.

Chief Bishop's list of accolades includes being named the Ad Hoc Police Officer of the Year in 1988 for his efforts to fight drugs on the City's East Side, and the ABC News "Person of the Week" for his work to foster better relations between the police and the community

In light of his 25 years of outstanding service to the Kansas City Police Department and the people of Kansas City, I know that my colleagues in the House join with me in honoring Steven Bishop. We certainly wish Chief Bishop all the best in his future endeavors. His leadership will be sorely missed in my district. Thanks, Chief.

RED RIBBON DRUG AWARENESS WEEK ACTIVITIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. GILMAN. Mr. Speaker, I am pleased to rise to acknowledge the excellent work, and important efforts, against drug abuse that the annual Red Ribbon Drug Awareness Campaign represents across America, each and every year around this time.

The work that the many community organizations, and groups are doing as part of this annual drug awareness program and the importance of the educational message of a drug-free society, especially for our young people, is vital in this day and age of rising drug use.

A recent University of Michigan study on the latest alarming rise in drug use, especially among the young, made it clear that each new generation must learn the hard lessons of drug abuse. That learning can and must be accelerated through valuable drug awareness programs.

These programs, and efforts like the Red Ribbon Awareness effort, help provide the opportunities for those hard and costly lessons to be learned by each new generation before it's too late, and our young are on the road to addiction and ruin.

In March of this year, former First Lady Nancy Reagan, famous for her own well recognized and effective, just say no, drug educational efforts, testified before our House Committee on Government Reform and Oversight, in which she said, "After great strides that were made just a few years back, I'm worried that this Nation is forgetting how endangered our children are by drugs."

Let us together not permit America to forget that drug prevention, through education of our young, is critical to avoiding devastating long-term costs and damage from drug abuse by our children and future generations.

It was gratifying to note that President Clinton announced that there will be a teenage drug use White House conference in January to address the alarming rise in youth drug use.

Our young people, I know, will surely benefit from the valuable learning and awareness from these efforts of Red Ribbon Week, such as that of the Orange County Alcoholism and Drug Abuse Council, and other important programs throughout the mid-Hudson region of New York State.

A POINT OF LIGHT FOR ALL AMERICANS: MARGARET ROSS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. OWENS. Mr. Speaker, I rise to pay homage to Margaret Ross, who on August 31, 1995, ended her 32-year career with the New York City Board of Education. She is an individual who selflessly dedicated her life to children and parents. Throughout her professional career as a social worker, supervisor, and administrator she has been viewed by all whose lives she has touched as a knowledgeable, fair, and caring person. Margaret Ross is an outstanding citizen and deserves to be recognized as a great "point-of-light" for all Americans.

This longtime resident of Crown Heights, NY, in central Brooklyn, Ms. Ross is involved in many activities that contribute to the betterment of the community. She is a current member and past president of the Sterling Place Civic Association; a member of the Sterling Community Revitalization Corp.; a member of the Medgar Evers College Community Council; a member of the Brooklyn Women's Political Caucus; executive member of Thurgood Marshall Democratic Club; and an elected official of the Democratic Party serving as State committeewoman of the 43d assembly district. Ms. Ross serves as an executive member of the Coalition for Community Empowerment which was founded by Congressman MAJOR OWENS and is the leading policy setting organization for the African-American community in Brooklyn.

Margaret Ross' dedication transcends professional, personal, and religious domains. Realizing her knowledge, skill, and compassion early in life, Ms. Ross utilized her talent to empathize with people in need. Upon graduating from undergraduate school, she worked as a caseworker in the Department of Welfare. For a short time thereafter, Margaret Ross worked as a psychiatric social worker in Kings County Hospital and then joined the Bureau of

Child Guidance of the New York City Board of Education. Subsequently, she became a supervisor of school social workers and 6 years ago, chairperson of the committee on special education in district 13.

In an effort to embrace her fellow professionals and to further develop her craft, Margaret Ross is also an active member of the National Association of Social Workers. Currently, she serves on the executive committee of the political action committee. Margaret Ross joined Delta Sigma Theta Sorority at Morgan State University and has continued her affiliation with the Brooklyn alumnae chapter to the present day. She currently serves on the social action committee of the Brooklyn chapter.

Ms. Ross began her service to her community and church early in life. She patterned herself after her mother, Alice Debnam, who was a prominent member of Concord Baptist Church. Widowed in her early 1940's, Mrs. Debnam kept Margaret and her two sisters centered with strong religious values and an emphasis on education and a work ethic. After attending Public School 44 and Girls High School in Brooklyn, Margaret Ross received her bachelor of arts degree from Morgan State University. This led her to Howard University where she received a master of social work degree. Subsequently, she attended Brooklyn College for a master's degree in administration and supervision. Margaret Ross is married to Kenneth Ross of Trinidad and Tobago; and they have one daughter, Joann. Ms. Ross is the aunt of Assemblyman Roger Green. Along with her sisters Theopia Green and Ruth Gray, Ms. Ross will continue in the family tradition of service and commitment to the community.

It is unfortunate for the children of district 13 that Ms. Ross no longer lends her special touch to the New York City Board of Education. As she becomes accustomed to a well-deserved retirement, it is certain, however, that she will continue in some capacity as an inspiration to colleagues, parents, children, and staff. Her professional know-how and her sharp political savvy have in no way lessened her personal warmth and caring. In the 11th Congressional District she is appreciated as a great pillar of dedication and empowerment. Margaret Ross is a "point-of-light" providing a bright and glowing inspiration for all to follow.

A TRIBUTE TO TOM BATES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. DELLUMS. Mr. Speaker, I rise to commend the work of California Assemblyman Tom Bates on the occasion of the tribute dinner in his honor on November 11, 1995. His distinguished record in the California Legislature includes 214 bills signed into law and a public policy legacy that spans 24 years. His foresights in putting forward innovative, visionary bills has earned him the strong support of his constituents who have reelected him 10 times to the assembly, often with more votes than were cast in any other assembly district.

First elected in 1976, Mr. Bates has played a central role in the framing of virtually all progressive social service policy in the State. He is the lead Democrat in the assembly on welfare reform issues affecting those with disabilities, foster care, senior services and the myriad social issues that confront the State. His work has touched the lives of disadvantaged Californians, helping to build a State that recognizes the potential of all its citizens.

He served as chair of the assembly human service committee for 12 years—the longest any legislator has ever chaired that committee. He is currently the committee vice chair. We have benefited nationally from Tom Bates' work as well. He convened the first hearings in the country on the feminization of poverty and founded and served as cochair of the Joint Task Force on the Changing Family, the first such legislative task force in the country. These initiatives sparked national discussion and action on the need to support today's changing families.

He has shared his expertise in social welfare with legislatures throughout the country, chairing the National Conference of State Legislatures Committee on Children and Families and cochairing the NCSL on welfare reform.

Among his many accomplishments in social service legislation are laws to provide the first State funding for independent living centers, establish innovative mental health programs, provide integrated long-term care services to the elderly, strengthen child support laws and help families move from welfare to work.

First and foremost, Tom Bates is an environmentalist. He has served on the assembly of natural resources committee for 19 years, longer than any current member of the legislature. He has consistently received a 100 percent proenvironment voting score. Under his guidance, key policies have been adopted to preserve and enhance the environment. An outspoken advocate of open space preservation, he has been instrumental in creating, preserving and developing nearly two dozen parks and recreational areas in California's East Bay communities. Most notably, he carried the legislation to create the Eastshore State Park which, when completed, will be one of California's premier urban waterfront parks, running along San Francisco Bay shoreline from Oakland to Richmond.

At a time when many elected officials govern by poll results, Tom Bates is guided by an innate sense of fairness, a commitment to equality and an unyielding willingness to work on the behalf of his constituents. California and the Nation owe him a debt of gratitude for his energetic, visionary and far reaching public service.

OPPORTUNITY AND CHALLENGE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. ORTIZ. Mr. Speaker, for many years now, I have joined my colleagues in congratulating the leaders of the Republic of China on Taiwan on their national day. This year, I wish to draw my colleagues' attention to an excellent book written by Frederick Chien, the Republic of China's Foreign Minister.

Taiwan has worked hard to normalize relations between themselves and the Chinese communists, motivated somewhat by fear of military invasion. After summer missile tests, the People's Republic of China are threatening other tests if Taiwan does not abandon its pragmatic diplomacy.

In recent years, in exercising pragmatic diplomacy, Taipei has been able to maintain diplomatic relations with nearly 30 countries and to increase their official representation in other countries. Furthermore, pragmatic diplomacy has also allowed Taipei to make great progress in joining international organizations. The ROC became an official member of the Asia-Pacific Economic Cooperation in November 1991 and was granted observer status in the General Agreement on Tariffs and Trade in September 1992. Meanwhile, Taipei seeks to return to the United Nations.

Foreign Minister Chien's success in implementing pragmatic diplomacy is carefully documented in his new publication: "Opportunity and Challenge", published by Arizona State University. I enjoyed reading Minister Chien's analysis of the post-cold war era and the implications for countries such as Taiwan. The book offered fascinating reading about Chien, a well-bred diplomat, educated in China and at Yale—whose leadership in the late 20th century came at a critical juncture in history. Chien's dedication to his country, to his wife Julia, their children, and his friends, represents the sum total of "Opportunity and Challenge."

"Opportunity and Challenge" is a chronicle of Minister Chien's successes and disappointments during the last 6 years in the ROC's foreign ministry. It is a must reading for anyone interested in the Republic of China's recent diplomatic history. No one individual has occupied a more pivotal place in ROC's diplomatic annals than Fred Chien.

Congratulations to Fred and best wishes to the Republic of China on its national day.

HOLY SAVIOR CHURCH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the 100th anniversary of the founding of the Holy Savior Church of Wilkes-Barre, PA. This milestone will be commemorated at a banquet on November 12, 1995, and I am proud to have been asked to participate in the celebration.

As one approaches the city of Wilkes-Barre, it is difficult not to notice the twin spires of this beautiful Gothic church. Since 1895, the stone and brick structure has stood as a monument to those whose faith and hard work erected it as a place of worship. The parish began under the able leadership of Rev. John J. Curran. Its parishioners were mostly immigrant coal miners. After working all day in the mines, the miners would come to the construction site to help build the church. Father Curran was a staunch advocate of labor and stood with the miners during the famous strike of 1902.

In fact, President Theodore Roosevelt turned to Father Curran for help in resolving labor disputes with miners during the early part of this century. After Father Curran entered into the labor dispute negotiations, the mineowners surrendered some of their demands and the miners won their first labor victory. A friendship developed between Father Curran and the President, and Roosevelt became a frequent visitor to the parish.

In addition to having a long history of national significance, the Holy Savior Church was blessed to have benefited from the leadership of Msgr. Andrew J. McGowan. During his tenure at the Holy Savior Church, Monsignor McGowan provided spiritual guidance to the many people who came from all over northeastern Pennsylvania to hear his messages. Monsignor McGowan is well know throughout northeastern Pennsylvania as a community leader who brings the values of the church to everyday concerns of ordinary people.

Mr. Speaker, Holy Savior Church is a landmark of great historical significance in northeastern Pennsylvania. It is a tribute to early parishioners who sacrificed so much to build a place to worship and to its modern day parishioners who carry on the tradition of faith in our community. I am pleased to have had the opportunity to bring the proud history of the Holy Savior Church to the attention of this Congress.

SPEECHES BY NICARAGUAN PRESIDENT VIOLETA B. DE CHAMORRO

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. HOUGHTON. Mr. Speaker, I had the opportunity to testify before the Subcommittee on the Western Hemisphere on a matter near and dear to my heart—the state of democracy in Nicaragua.

President Violeta Barrios de Chamorro, who is a dear friend to me and my wife Priscilla, visited our country in September and delivered two speeches—one at the Department of Commerce, and another at the Center for Democracy. I'd like to submit the text of those speeches into the record, and ask that my colleagues take a look at them.

Mr. Speaker, I testified before the subcommittee to emphasize that Nicaragua is well along in the process of turning itself around. Are there problems in Nicaragua? Absolutely. It has only been 5 years under Democratic rule. The road is still long. There will never be an absolute destination. But under the leadership of President Violeta Chamorro, Nicaragua has undergone wrenching changes of which any one of us would be proud.

SPEECH BEFORE THE CENTER FOR DEMOCRACY

Mr. Kelly, President of the Board of Directors of the Center for Democracy, Professor Allen Weinstein, President and Executive Director of the Center for Democracy, Members of the Government of the United States of America, Honorable Senators and Representatives, friends: I would like to thank you for your invitation to share with you this evening in the celebration of the Tenth Anniversary of the Center for Democracy. I would like to express to you my sincere recognition for all the support you have given the democratic process in my country. This support has included observing the historic elections of February 25, 1990 and supporting the National Assembly on legislative matters.

I am thrilled to be at this forum, where dialogue is practiced and promoted with the joint action of parties and countries that favor both democracy and the well-being of the persons of the world.

The Center for Democracy is expanding the frontiers of freedom in diverse continents, helping societies in transition build a legal framework based on the Rule of Law and a market economy. I can tell you that Nicaragua is one of these examples.

Building democracy in Nicaragua has been a very difficult and misunderstood task. Upon beginning my presidential mandate on April 25, 1990, I found a country that was destroyed by war, a result of the ideological imposition that the Sandinista Government attempted in my country.

Our democratic transition took place in the midst of weapons. I found an army of more than 90,000 members facing another 22,000 combatants. The civilian population had more than 200,000 weapons of war in its possession at that time. Exile, imprisonment and confiscations of goods were the means with which to confront the opposition to democracy. Freedom of the press and political rights were suppressed. I inherited a collapsed economy. State centralization practically did away with the initiative of the citizenry and the benefits of a free market. Under the economic model of the Sandinista decade, the State took over commerce, banking, insurance and production. The result was an economic regression that took us back to the 1940s, and left us an enormous foreign debt, one of the highest in the world in relative terms. Rationing cards, weekly devaluations, confiscations and long lines at supply centers were coupled with the lack of liberties and became the main symbols of that time. As part of this sad outlook, we Nicaraguans inherited a culture of violence. Dialogue had been the absent protagonist in our history.

My first mission as President was to reestablish public liberties, abolish compulsory military service and foster a true reconciliation and unity among the Nicaraguan family in order to heal the wounds of war.

Today, political debate takes the place of gunshots, our Branches of Government are truly independent and we have managed to subordinate military authority to civilian authority. The gigantic army I inherited has been transformed to a force of 14,000 people, the smallest in Central America. We have approved a new Military Code that establishes the national and apolitical nature of the army. For the first time in the history of our nation, a head of the army abandoned the post peacefully. We took the school textbooks that taught addition by means of weapons and tanks and replaced them with books espousing civilian and patriotic principles. Many military installations were transformed into schools and universities.

The reconciliation, that I do not tire of asking from the Nicaraguan people, has allowed us to incorporate in the National Police, militants of the former Nicaraguan Resistance. The armed and security forces that formerly carried the name of the Sandinista party, today have become the National Army and National Police. Thousands of weapons that previously were in the hands of civilians have been recovered, destroyed and buried.

Economic reforms have put an end to a Centralist State. Private initiative has assumed the role and the challenges that make it the main agent of development. Since 1991, 10 new private banks, one Stock Exchange and one Commodities Exchange have been established in our country in a show of confidence and the entrepreneurial spirit of the Nicaraguan people. Three hundred fifty private enterprises, which constituted close to 30 percent of the Gross Domestic Product, have been privatized. We have been successful in eliminating the hyperinflation we inherited and in maintaining one-digit levels in price increases. We have also reduced our foreign debt or restructured it to increasingly more flexible terms.

Given the conditions of poverty I inherited, we are concentrating our efforts on children and women, who carry most of the family burden in our country. I have given special priority to primary education and preventive health, while integrating community participation and that of civilian society in these tasks.

I would like to clearly underscore that Nicaragua today has an economy with great potential. For the first time in 11 years, our Gross Domestic Product grew by 3.3 percent in 1994 and this year we will have a greater increase. Nicaragua now has appropriate and firm legislation for the protection of foreign investments. We have subscribed to bilateral treaties for the promotion of investment with different countries, including the United States of America.

These important achievements have only been possible thanks to the solidarity we have found in friendly countries that have not deserted us. I would like to especially acknowledge the broad bipartisan support that the United States has shown us. By such support, you understood that democracy in Nicaragua is irreversible. Those who compare the Nicaragua of the past with the Nicaragua of today, transformed as it is by democracy, may appreciate how costly it has been to arrive to where we are today. We need to continue receiving support for our democratic process in order to meet the great challenges that face our society today. We will continue strengthening our economic development, confronting absolute poverty and perfecting our democratic institutions.

Upon completing my term, on January 10, 1997, I would like to leave the property issue resolved, which is one of the most difficult and complex problems that I inherited from the previous regime. The property issue affected more than 170,000 families and close to 25 percent of the arable land in Nicaragua. Today I can tell you that we have taken significant steps to finding solutions to this situation.

My dear friends, we Nicaraguans are entering a new era in our history. We are heading toward an electoral process in 1996 that will enable us to take one of the most important steps in the consolidation of democracy. The challenge we face is to preserve peace, strengthen justice and the rule of law and further establish economic and social development, eliminating extreme poverty and fighting unemployment. Only absolutely free and honest elections can lead us to a true consolidation of democracy. I call on the international community to support us in the diverse aspects of the elections we will be holding towards the end of 1996. We are confident that we will continue to count on the support of the United States and the leaders of the Center for Democracy.

I would like to conclude by saying that the bipartisan consensus that the Center for Democracy has promoted in relation to Nicaragua has not been in vain. This celebration of the Tenth Anniversary of the Center for Democracy is also a source of great pride and satisfaction for my country. I would like to offer you a simple yet significant gift of a destroyed weapon, which symbolizes the peace and reconciliation of Nicaragua. May God bless the friendship between our two peoples. Thank you very much.

REMARKS AT THE DEPARTMENT OF COMMERCE

(By Her Excellency Violeta Barrios de Chamorro)

Allow me Mr. Brown to thank you for your kind invitation to participate in this breakfast and the opportunity to exchange viewpoints on some areas of common interest.

During the last few years, Central America has been making impressive progress in the opening up of its framework of trade and its economies. In fact, the reduction of tariffs, the elimination of non-tariff barriers, economic deregulation, improvements in the framework of investment policies and progress in the protection of intellectual property rights, among others, are contributing to the perfection of our instruments of integration.

In this context, it is important to highlight accession of all Central American countries to the World Trade Organization, a commitment that will bring regional trade norms into line with the disciplines that govern international trade. This development also represents a fundamental step in the creation of the Americas Free Trade Zone, which is the objective we established for ourselves in the Summit of the Americas held in Miami in 1994.

This set of policies and actions is contributing to a better commercial growth in the region; in 1994 intra-regional trade surpassed the historic levels reached in the last decade. Our principal trade partner is the United States, on the export as well as import levels, thanks to the Caribbean Basin Initiative.

This success notwithstanding, with the emergence of NAFTA, the region together with the Caribbean countries perceives potential disadvantages as a result of a diversion of trade and investment. For this reason, we support initiatives that promote NAFTA parity and we support free access of our products, which today face restrictions.

Although our commercial relations show important growth, they are not necessarily a reflection of the flow of investment. I therefore, consider that we must redouble our efforts to promote the potentials of investment in Central America.

When Mr. Pablo Pereira, our Minister of the Economy and Development, returned from the Meeting of Ministers in Denver, he reported to me in detail on two events of special importance to our country that took place in that city.

(1) The signing of Bilateral Investment Treaty between the United States and Nicaragua.

(2) A working session with you where we responded to your initiative of holding a Forum on Trade and Investment at the Central American level with an invitation to stage such a Forum in Managua.

I now have the pleasure of reiterating that invitation to you and to tell you that in Nicaragua we will welcome you, your assistants and the important business people that accompany you, with open arms.

From the outset, we believe this event will be important, not only to give the Bilateral Investment Treaty its own dimension, but also to provide a magnificent opportunity to examine, within a Central American context, concrete perspectives on trade and investment between our subregion and the United States.

In this same vein of ideas, allow me to suggest the creation of a U.S.-Central America Business Development Council, a body that will promote business ties, providing the private sector with the major role befitting it in our societies.

Mr. Brown, distinguished guests, Central America is a region that has abandoned war and violence and has initiated the irreversible consolidation of its democracies. I am proud to point out that, toward the end of next year, we will hold in Nicaragua, the fairest, most free elections in our history. These elections will mean a political transition without interruption, guaranteeing our democracy. Pacification, reconciliation and development have been the central themes of my Government, under the difficult circumstances I have had to govern.

In my country we put an end to the hyperinflation of the 1980s, launched a highly successful process of privatization, reduced the foreign debt and made considerable progress in the solution of the property issue inherited by my Government. We also began an intensive process of export diversification and, in general, have laid the groundwork for a better transformation of production with economic and social equity. Nicaragua is a stable country, currently open to foreign investment and willing to gradually assume the responsibilities imposed by economic globalization and international competition. Our convictions, our principles, as well as our laws grant complete security and protection to foreign investment.

I invite the American business people to discover Nicaragua. Here, among us, we have examples of business people and businesses that know that in our country in particular, and Central America in general, significant opportunities for trade and investment are taking place.

Come to Nicaragua, Come to Central America, we are waiting for you.

TRIBUTE TO LARRY A. FOSTER

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to pay tribute to my constituent, Mr. Larry A. Foster of Forest Park, who recently passed away. His passing at the young age of 54 is a loss that is felt, not by just his family and friends, but by the community he lived in, loved, and served over the years. He will be greatly missed.

Larry was born in Atlanta but moved to Clayton County at an early age. He was a star athlete at Forest Park High School where he played lineman, participated in two State championship football games and was named all-State lineman of the year. His talent on the playing field, combined with his academic performance in the classroom, won him a scholarship to Auburn University. He later transferred to Virginia Military Institute where he also played football.

He served his country with honor and distinction in the U.S. Marine Corps. Larry spent 13 months of his 3½ years in the Corps in Vietnam. After leaving the Marines as a lieutenant, he returned to his beloved Georgia where he taught school and coached football at Hapeville and attended night law school at Emory University.

When the night school program ended, Larry faced a difficult choice. The choice he made shows us a great deal about this man's character and determination. He left his secure job of teaching and the coaching he loved, to enter Emory as a full-time law student.

After graduation, he started a legal career that grew and flourished through the years. He joined a well-known private law firm in Clayton County, but he also found the time to serve his community and State in so many other ways. From 1973 to 1989, he served as the Clayton County School Board attorney and from 1989 to 1993 he was the attorney for Clayton County. At various times during his career he also served as city attorney for both Riverdale and Morrow.

His love of education led him to the Georgia Board of Education where he served for 14 years. During his time on the board, Larry played a major role in shaping the State's "no-pass, no play" rule, which requires student athletes to maintain their grades to be eligible to play competitive sports. He was a champion of local school superintendents and principals, pushing for better training programs and better benefits to keep school leaders from leaving the State.

Service to the community went beyond his legal expertise, however. He was a member and past president of the Southlake Kiwanis Club, the past president of the Clayton County Bar Association, and past district director in the Boy Scouts where he was active for many years.

Larry will be greatly missed. He will be missed by his wife, Mary Jo, to whom he had been married since 1968, and by his two children, Rachel Foster and Larry Allen Foster, Jr. He will be missed by his mother, Frances Foster, and his three brothers, Paul, Donald, and Terry.

Their loss is also a great loss to the people of Clayton County and the State of Georgia. He touched the lives of so many people—his fellow classmates and athletes in his youth, the men he served with and led in the U.S. Marine Corps, the students he taught and the football players he coached while a teacher at Hapeville school, his fellow attorneys, teachers, principals, superintendents, youngsters in the Boy Scouts.

The list goes on and on. Larry will be missed. His all-too-short life exhibited the grit, the determination, professionalism and service for which we all should strive in our lives. He was more than just a constituent, he was a friend. I am proud to have known Larry Foster, and I will miss him.

TRIBUTE TO FRANCIS JOSLIN

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TATE. Mr. Speaker, I ask my colleagues to join me in paying tribute to Francis Joslin of Washington State.

At 11 a.m. on Saturday, November 11, when we pause to remember the military veterans of our Nation who have fought to preserve our freedom, Francis Joslin should be in our thoughts. During World War II, Mr. Joslin exhibited the kind of courage and perseverance that most Americans of the postwar generations can scarcely imagine.

As an 18-year-old Army recruit in the spring of 1941, Mr. Joslin was sent to the Philippines, where he was assigned to a coastal artillery battery. When World War II began on December 7, he was transferred to the 31st Infantry. He was among the American defenders of the Philippines who fought the Japanese invasion force from Luzon to Bataan.

When Bataan fell on April 9, 1942, he and a small group of soldiers fled, swimming to the island of Corregidor, where he fought on until it too was surrendered on May 6. He was taken prisoner.

By escaping to Corregidor, Mr. Joslin had avoided what was later named the Bataan Death March. But with the fall of Corregidor, he was to begin 3 years of imprisonment, slave labor, and torture that most of us probably would not have endured. At the time of his capture, he was 6-foot-2 and weighed 190 pounds. At his liberation on August 15, 1945, he weighed but 105 pounds.

At first imprisoned in Manila, Mr. Joslin, suffered from malaria for which he was given no medicine, was beaten and was not given enough food to sustain his health. He witnessed horrid acts of torture against fellow prisoners who had escaped to try to find food.

Then that winter he and 1,500 of his fellow soldiers were moved to frigid northern China, where they were used as forced labor at a tannery and in lead mines. Survival again became a daily challenge. During that winter of 1943, they supplemented their inadequate rations by eating grass and capturing wild dogs.

In the summer of 1944, suffering from fatigue and malnutrition, Mr. Joslin lost consciousness in the mine. When he awakened outside the mine 3 days later, his guards believed he had tried to escape. He was taken back to the mine and forced to stand naked for 2 days without food or water. That was followed by 2 days in solitary confinement, again without food or water.

Shipped to Japan, he spent 10 days in solitary confinement without food or water and was repeatedly beaten. At the end of this chapter of his ordeal he was tried by a Japanese court for escape and sabotage and sentenced to life in solitary confinement.

Mr. Joslin spent the last year of his confinement in an unheated, windowless cell in Japan. The cell was 5 feet wide and 10 feet long. The ceiling was 5½ feet high. A 40-watt electric bulb lighted the cell 24 hours a day. He received one rice ball and a canteen of water each day.

Mr. Joslin's solitude and prayers were interrupted only by beatings he received after Allied bombing raids. One day his guards removed him from the cell, placed his leg on a table and stabbed it repeatedly to see if they could make him scream. He was afraid that if he cried out that he would be shot. So he kept his silence. His untreated wounds grew infected.

Finally in an August 14, 1945, radio broadcast, Emperor Hirohito told his people that the war was lost. The doors of the prison were opened the next day, and Mr. Joslin struggled his way to a United States prisoner of war camp where he was eventually liberated by Australian troops and shipped home to San Francisco for treatment.

Mr. Joslin served his country for many more years in the Army and later in the Air Force. He is now retired, after 24 years of military service, and living in my home county, Pierce County, WA.

A modest man, Mr. Joslin's story remained unknown to most of his family and friends until recently. When he recently wrote down his wartime experience at the request of his family, they were moved to honor him on the 50th anniversary of the signing of the Japanese surrender at a special gathering.

As we near Veterans Day in this 50th anniversary year of the end of World War II, it is fitting that we take note of the personal sacrifice and bravery of Francis Joslin and other former prisoners of war like him. In a profound sense our Nation owes that generation of heroes a debt which we can never repay. Please join me in acknowledging their special contribution to our country's history and offering a humble thank you.

HONORING VETERANS DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. GEJDENSON. Mr. Speaker, today, there are over 28 million living veterans. They are among the reasons that the United States is the mightiest, wealthiest, most secure nation on the Earth today. They are the reason that the United States has been, and will continue to be, the bastion of support and solace for those in a world searching for freedom and human rights.

This Veterans Day, in addition to honoring veterans from all wars, we are are also celebrating the 50th anniversary of the end of World War II. We particularly remember the veterans who fought in that war so that the world would be free from Hilter's tyranny.

From a personal perspective, my family, like many others, is indebted to the American men and women who served in the Allied forces during World War II. Without them, I am not sure I would be here today. My mother and father spent the war fleeing and hiding from the Nazis. I was born in a displaced persons camp in 1948 after the war. If the Allied troops had not stopped Hitler's cruelty 50 years ago, would the war have been over by 1948? What would the map of the world look like today? I prefer not to dwell on these questions. Instead, on this Veterans Day, I wish to express my unending gratitude to these men and women.

As a Member of Congress, I am pleased to be in a position to honor our veterans. They willingly went to war to defend our country and our way of life. Now the Federal Government has an obligation to provide the benefits that were promised to these men and women. We must honor that commitment. That is why I have consistently supported legislation in Congress to expand and preserve benefits for our Nation's veterans. It is ironic that in the year of the 50th anniversary of the end of World War II, some people in Congress have advocated breaking our commitment with our veterans by cutting their benefits. While I understand the need to get our fiscal house in order—balance the budget and reduce the deficit—I do not believe that doing so on the backs of veterans is the answer.

Veterans Day is a time to remember all those men and women who gave their lives and livelihoods for their country. It is a time to honor those individuals who survived these armed conflicts and it is a time to reflect on how we can continue, in time of peace, the tradition of hard work for our Nation that these brave men and women established in time or war. Most importantly, we must reflect on how best to thank our veterans for their contributions to making this country the greatest democracy in the world.

NEW JERSEY JOURNALIST ACQUITTED BY TURKISH MILITARY COURT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express by heartfelt relief that fellow American Aliza Marcus was acquitted by a State Security Court in Turkey today. The charges which had been brought against her raised serious questions about Turkish leaders' stated commitments to democracy, and her trial generated substantial interest in the United States and among Members of Congress. Perhaps more than any recent case, the trial of this Rueters journalist from New Jersey heightened awareness about restrictions on free speech in Turkey. Her case was specifically protested in report language on the recently passed foreign operations appropriations bill. Yesterday 9 Senators and 38 of my House colleagues joined me in an urgent appeal to the Turkey's President Demirel on behalf of Aliza Marcus and others charged with or imprisoned for speech crimes.

Mr. Speaker, in addition to the acquittal of Ms. Marcus, I am also encouraged by steps Turkey has recently taken to alter article 8 of the antiterror law, which has frequently been used to criminalize free speech. The release, since October 30, of up to 80 persons detained under article 8 is a significant positive development which offers further hope that this restrictive law, and others like it will soon become anachronisms in Turkey, as they have become in other European States.

Unfortunately, however, the Government of Turkey continues to routinely charge, convict, and imprison individuals for speech crimes. I would point out that four Kurdish members of Turkey's Parliament remain imprisoned for speech crimes, including Leyla Zana, who today was awarded the European Parliament's Sakharov prize for freedom of thought. It is sadly ironic that 1 day before the State Security Court acquitted Ms. Marcus, charges were brought against eight leaders of one of Turkey's most respected human rights organizations, the Human Rights Foundation. I recently met with the foundation's president, Yavuz Onen, when he was here to accept an award on behalf of the foundation.

Mr. Speaker, another troubling issue underscored by Ms. Marcus' case relates to the role of the military-sponsored State Security Courts. These legacies of military law pose serious questions about judicial independence in Turkey and the role of the military in Turkey's political life. These courts continue to be responsible for the imprisonment of Turkish intellectuals, journalists, and others, and are increasingly viewed as a major impediment to Turkish democracy.

Mr. Speaker, as long as the Government of Turkey maintains and uses laws to restrict free expression, and as long as hundreds of political prisoners remain in jail, questions about the Government's stated international human rights commitments will remain. Given the high priority Turkish leaders have placed upon Turkey's entry into the European Customs Union, recent reforms seem to reflect more of a commitment to good public relations than to principles of democracy.

Mr. Speaker, I have always supported the strategic, economic, and political foundations upon which our vital partnership with Turkey are based and have supported the Turkish Government's right to combat terrorism. Yet if we support these objectives to the detriment of human rights, we are doing a disservice to the people of Turkey and are undermining our own long-term policies in the region.

A TRIBUTE TO REV. J. ALFRED SMITH, SR.

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. DELLUMS. Mr. Speaker, I rise today to share with you and my colleagues a tribute to Dr. J. Alfred Smith, Sr., who has contributed 25 years of valuable service and leadership to the community as the senior pastor of the Allen Temple Baptist Church. One cannot speak of the virtues of Allen Temple without recognizing the tremendous contributions of Dr. Smith. I can only do justice to Dr. Smith by including his lifelong dedication and achievements.

Dr. J. Alfred Smith, Sr. is the senior pastor of Allen Temple Baptist Church of Oakland, CA. He is a professor of Christian ministry at the American Baptist Seminary of the West and the Graduate Theological Union of Berkeley, CA, and is a visiting professor at Fuller Theological Seminary. He is president of the American Baptist Church of the West and is past president of the Progressive National Baptist Convention, U.S.A. He has been distinguished pastor in residence at the School of Divinity of Howard University. Recently, he was guest lecturer at the School of Divinity of Duke University and the School of Divinity of Yale University—Hoskins Lectures on Ministry.

Dr. Smith has served as visiting professor at Southern Baptist Theological Seminary, Louisville, KY, and as lecturer at the School of Divinity of Harvard University. He has been adjunct professor and advisor of doctoral ministry students at the Pacific School of Religion and has served as adjunct professor of parish ministry at the American Baptist Seminary of the West. Dr. Smith is a member of the advisory boards of the School of Divinity of Howard University and the United Theological Seminary. He is also a member of the University of California, Berkeley Community Advisory Board, and the California State Legislator's Commission on the African American Male. He has served as acting dean of the American Baptist Seminary of the West, as a representative for seminarians, and as a member of the executive board of the National Council of Churches. He is the founding chairperson of the Bay Area Black United Fund.

Dr. Smith has traveled extensively to speak at churches, universities, and seminarians nationwide. He addressed the Baptist World Alliance when the body convened in Toronto, Canada, and Seoul, Korea. He served as preacher for the 1991 Bermuda Bible conference.

He has spoken in West Africa, Jerusalem, Sweden, Denmark, Mexico, Canada, Switzerland, and the Virgin Islands. In April 1989, Dr. Smith addressed the United Nations on apartheid in South Africa and the antiapartheid efforts of African-American churches. In February 1988, Dr. Smith led a delegation from the United States on a fact-finding mission to Sierra Leone, where he and others have established a Baptist mission.

A native of Kansas City, MO, Dr. Smith is married to Jo Anne Goodwin Smith. He has been a licensed minister since 1948 and an ordained minister since 1951. He earned his doctor of ministry from Golden Gate Seminary, his master of theology American church history from American Baptist Seminary of the West, his master of theology in church and community and bachelor of divinity, both from Missouri School of Religion, and his bachelor of science from Western Baptist College. Under his leadership, Allen Temple Baptist Church has grown from fewer than 1,000 members in 1970, when Dr. Smith became its pastor, to over 4,000 members today. As senior pastor, Dr. Smith administers over 25 community and family oriented programs and services of the church.

Dr. Smith had published over 16 books which are used by seminaries, Bible students, teachers, and scholars worldwide. Recent publications include "Giving to a Giving God, Basic Bible Sermons," with co-author J. Alfred Smith, Jr., a chapter in "From Prison Cell to Church Pew," Glorya Skew and Gayraud Wilmord, eds., and a sermon in "Best Sermons for 1993," Dr. James Cox, ed. He is a contributing author of Holman Bible Publisher's "The Study Bible." Books by Dr. Smith and Allen Temple include "Guidelines for Effective Urban Ministry," "Preaching as a Social Act" discuss Dr. Smith's personal theology.

Dr. Smith has earned over 125 awards, including honors from Stanford University, the Martin Luther King International Chapel of Morehouse College, the National Council of Negro Women, Alpha Phi Alpha, the Bay Area Free South Africa Movement, the U.S. Congress, and AFRICARE. He has been elevated to the 33d degree of Prince Hall, Free and Accepted Masons. He has received an honorary doctorate from Western Baptist College and the Inter-Baptist Theological Center. In 1990, Dr. Smith was awarded an honorary doctor of humane letters from the American Baptist Seminary of the West. The work of Dr. Smith and the Allen Temple Baptist Church have been featured in numerous media, including NBC's "Today Show," October 1991, Christianity Today, Ebony, the Oakland Tribune, the San Francisco Chronicle, the Los Angeles Times, the San Jose Mercury, and the American Baptist.

HAPPY BIRTHDAY TO FATHER GEORGE F. RILEY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MANTON. Mr. Speaker, I rise today to wish a happy 80th birthday to Father George F. Riley. It is rare to meet a man who is so dedicated to his community.

A native of Massachusetts, Father Riley has been an important part of the Villanova community for the past 35 years where he currently serves as the special assistant to the president of the university. In this position he is responsible for assisting the development and maintenance of a strong communication network between Villanova and the more than 75,000 alumni around the world.

Father Riley's positions in the field of teaching and administration is impressive. His positions include campus Peace Corps director; provincial secretary; archivist and vocation director of the Augustine Order which conducts Villanova and national director of the Alumni Fund. He also served for 21 years as vice president of university development. During his tenure he raised over $83 million in grants and gifts for Villanova University.

In addition to his many works at Villanova University, Father Riley is involved in a number of other organizations. These include: a trustee emeritus of Merrimack College in Andover, MA, a commissioner at the Pennsylvania Public Television Network Commission; member of the board of directors of the Higher Education Congress of Philadelphia, and the United Way.

Mr. Speaker, Father Riley has also been the recipient of several awards and honors. These awards include Man of the Year by the Hebrew Academy of Atlantic County, New Jersey; the Friendly Sons of St. Patrick of the State of New Jersey; the Italian Press Club of Philadelphia; the Distinguished Community Service Award by the B'nai B'rith of New Jersey; the Rafter Football Memorial Award as

well as Philadelphia's prestigious Commodore John Barry Award by the American Catholic Historical Society.

Mr. Speaker, I know my colleagues join me in wishing Father George F. Riley a very happy 80th birthday with many more in the future. Father Riley is an illustrative individual dedicated to his church, education organizations, and community.

HAMILTON VERSUS HOLMES USED GOLF TO TRAMPLE RACISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. TOWNS. Mr. Speaker, I would like to provide my colleagues with a profile of courage and conviction used 40 years ago to overcome racial segregation on a golf course in Atlanta, GA. In a legal case that was heard before the Supreme Court, Holmes versus Atlanta, a blow was struck to desegregate public golf courses. This particular case was a precursor to another desegregation case heard by the Supreme Court, Brown versus Board of Education.

I encourage my colleagues to read the accompanying article about an epic and courageous battle waged by Alfred Tup Holmes:

(By Ken Liebeskind)

The philosophies of Alfred (Tup) Holmes and Georgia governor Marvin Griffin collided in the mid-1950's when Holmes and his family challenged segregation in Atlanta: not in the schools or work places, but on the golf course.

In 1951, Tup, his brother Oliver and their father, Dr. Hamilton M. Holmes, were turned away from the Bobby Jones course, one of seven public golf courses in Atlanta at the time, because they were black. Then, they launched what their lawyer, Roscoe E. Thomas, recently recalled was "the first desegregation suit in Atlanta."

The suit began in United States District court in 1953 and reached the Supreme Court two years later. Tuesday marks the 40th anniversary of the Court's decision in Holmes v. Atlanta, the case that desegregated public golf. (Discrimination still exists at many private country clubs, which continue to practice exclusionary membership policies based on race and religion.)

When most people think of desegregation, they think of Brown v. Board of Education. Brown was rendered a full year earlier, but the case filed by the Holmeses, all now deceased, had a more immediate, effect. "The first scene of court-ordered desegregation in Georgia was a golf course rather than a school house," wrote the Atlanta historians Norman Shavin and Bruce Galpin in "Atlanta: Triumph of a People."

Holmes v. Atlanta began in the aftermath of the incident at the Jones course when Tup Holmes and a community committee decided to bring suit against the city. They won a hollow victory in 1954 when District Court Judge Boyd Sloan ruled that blacks had a constitutional right to play golf, but only in accordance with the city's "separate but equal" doctrine. He ordered the city to devise a system to accommodate blacks while "preserving segregation."

The city offered to let blacks use the public courses Mondays and Tuesdays which was agreeable to some. "They said this was enough, we don't need to go further because it could jeopardize our jobs," Gary Holmes, one of Tup Holmes's sons, recalled last week.

But Tup Holmes "didn't have that fear," Gary Holmes said of his father, who died in 1967. "He was a mover and shaker, bold enough to do that kind of stuff." An amateur golf champion and a black union steward at his job at Lockheed Aircraft, Holmes was determined to fight on to win full use of city courses.

The case moved to an Appeals Court in New Orleans, where Thurgood Marshall and the N.A.A.C.P. intervened. But when the Court ruled the original decision had given the plaintiffs "all the relief they asked for," the Holmeses were forced to take their fight further, all the way to the Supreme Court.

The Court accepted the case in the 1955 fall term, a year after Brown, when it was "knocking down all kinds of things," according to Jack Greenberg, a Columbia University Law School professor who was the longtime director of the N.A.A.C.P's Legal Defense and Educational Fund. Greenberg worked with Thurgood Marshall on the Holmes case. "The Court was saying, 'Haven't you got the message?'" In fact, the Court quickly overturned the previous rulings in Holmes, sending it back to District court for a decree in favor of the plaintiffs.

The decision was applauded in an editorial in The New York Times of Nov. 9, 1955: "The court's perfectly logical position is that desegregation means desegregation, not segregation on an equal basis." But the Atlanta Constitution wrote, "A majority of Southerners will be shocked and angered by this decision."

Griffin and other segregationist politicians condemned the decision and vowed to fight it. The Mayor urged the city to sell its course to private individuals who presumably could have kept them segregated. The town of Leland, Miss., sold its course to the Lions Club for $1 to avoid the challenge of integration.

But when Judge Sloan got the case again, he ordered the city to desegregate its courses "immediately." The Holmeses took their game public the very next day.

Dec. 24, 1955, was "a happy day in town for black folks," said Gary Holmes, who was 12 at the time. But the joy in the community was tempered by a fear of white retaliation.

TRIBUTE TO MARTIN KEARNS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Mr. Martin Kearns honored November 10 by the officers and members of Division 4 of the New York City County Board of the Ancient Order of Hibernians at Durow's Restaurant in Queens, New York.

Mr. Speaker, Mr. Kearns is an outstanding Irishman, a distinguished Hibernian, a retired insurance executive, a director of the St. Patrick's Day Parade Committee and a renowned civic and church leader. He is a man of outstanding moral character, and an asset to his family, friends and community. He is married to the former Brenda McNulty of County Louth, Ireland, and they have three lovely children; Arleen, Brendan and Brian.

Martin Kearns was born in Elthin, County Roscommon, Ireland and immigrated to the United States in 1948. After working for the H.C. Bohack grocery chain, Mr. Kearns was recruited to become a life sales representative for Metropolitan Life Insurance Company in 1964. During his tenure in the insurance industry, he qualified as a registered representative of the National Association of Security Dealers, and in 1979 he became an agent responsible for the introduction of new products. In 1980, he was promoted to sales manager in charge of sales recruiting. He retired from that position in 1987.

Mr. Speaker, Mr. Kearns is no stranger to the Irish community. Since his arrival in the United States, he has held many positions in Irish, Catholic and charitable organizations. He is the past president of Division 4 of the Ancient Order of Hibernians, the United Irish Counties and the Roscommon Association. He is presently president of the New York County Board of the Ancient Order of Hibernians, a director of the St. Patrick's Day Parade Committee, a member of the Knights of Columbus, the Pioneer Total Abstinence Association, and an active parishioner at St. Kevin's Church in Flushing, Queens.

Martin Kearns is a gentleman who is extremely proud of his Irish heritage and one who has dedicated his entire life to promoting Irish culture in the greater New York metropolitan area. He is an elegant, graceful, charming person who is always promoting the Ancient Order of Hibernians and his Roscommon heritage. He is one of the outstanding leaders of New York's St. Patrick's Day Parade and is always available to make sure that its tradition is upheld.

Mr. Speaker, I know my colleagues join me in congratulating Martin Kearns as he is honored by Division 4 of the New York County Board of the Ancient Order of Hibernians.