# HOUSE OF REPRESENTATIVES—*Wednesday, December 20, 1995*

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*December 20, 1995.*

I hereby designate the Honorable ROGER F. WICKER 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:

May Your word, O God, that brought the Earth into being and sustains us along life's way not only comfort us, but examine and correct us in our vision, our motivations, and our purposes. We know that we are accountable to You for our lives and responsible to each other for our deeds so we pray that we will see Your mighty purposes for justice among us. Sustain us, strengthen us, judge us, forgive us, and minister to us in the depths of our hearts. This is our earnest prayer. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the membership in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1530), "An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes per side.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today.

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

There was no objection.

## DEMOCRATS AND PRESIDENT DUCK RESPONSIBILITY

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

Mr. STEARNS. Mr. Speaker, there are two arguments the Democrats and the President use to justify their not signing a 7-year balanced budget agreement.

One is the Medicare scare. Right now the difference between what the President and we are proposing is .7 percent a year or $11 billion. So how can Americans believe the President when he said, "I simply cannot sign a budget that devastates Medicare to the elderly." Come on, Mr. President, we are in agreement on Medicare so stop the scare.

The other sound bite for Democrats and the President is tax cuts. The American people have suffered through at least 19 different major tax increases since 1981 without one single tax cut. There is no reason why they should have to wait another 7 to 10 years for tax relief.

Our tax cuts were paid for on April 5, 1995, before the debate began on saving Medicare. And they have nothing to do with saving Medicare. In fact we have a lock box in the Medicare legislation to keep all savings there.

The President and the Democrats have fabricated the Medicare-scare and tax cut connection because it is useful politically. "It allows them to attack and to duck responsibility, both at the same time." Those are not my words. That is from the Washington Post editorial on September 25, 1995.

Come on, Mr. President, sign the agreement and let us stop ducking responsibility.

## GET VETERANS' CHECKS OUT ON TIME

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

Mr. MONTGOMERY. Mr. Speaker, first we must be sure that the 3 million veterans' checks get out on time. The deadline is tomorrow. Really, let us not let these veterans down. Let us get these checks out on time.

### OUR TROOPS IN BOSNIA

Mr. Speaker, like most Americans, I have watched our American forces move into Bosnia on the ground and in the air. Mr. Speaker, even though I am not happy with the mission, I am very impressed with the way our Armed Forces are handling themselves. With temperatures below freezing, fog, snow and ice, our military is operating as well-trained unit in Bosnia.

Next time that our soldiers and Air Force personnel are wearing their uniforms and equipment the way they are and the way they were trained, look at them; I am not one that has seen any Americans walking around without his or her helmet being on, and as you look, they are carrying their individual weapons, plus they are doing an outstanding job with our great airplanes in landing in the fog, ice, and snow.

Mr. Speaker, we must remember that all of our personnel in Bosnia are from the all-volunteer system. They are the finest military force in the world, and it shows. Just look at them tonight on television.

## WHAT REALLY WENT ON LAST NIGHT?

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

Mr. DELAY. Mr. Speaker, the United States, the President, and Washington, DC, better understand what went on



AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

last night. The Speaker, the majority leader, and the President negotiated for 2½ hours.

We were under the impression that the President was absolutely adamant about making a deal and bringing a balanced budget now. Within 15 to 30 minutes, the vice president walked out and contradicted what the Speaker understood to be the beginning of a deal. This is deja vu all over again. This is exactly what happened on November 20 that we have been manipulated for now going on 30 days.

The President obviously is not interested in balancing the budget. This administration cannot be trusted. They can not keep their word. They cannot keep their promises.

And so make no mistake about it, there will be no CR until the administration proves that they can be trusted.

## MAJORITY PARTY SHOULD GOVERN

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

Mr. PALLONE. Mr. Speaker, there goes the Republican leadership again, saying they want to keep the Government shut down because they do not get their way, and that is the problem here. The Republican majority has an obligation to keep this Government going. They are the only ones that can bring up a continuing resolution. They refuse to do so, because they do not get their way.

The President has stood strong, and he has said, "I will negotiate, I will sit down with you, but I will not negotiate away Medicare, I will not negotiate away Medicaid, the environment, and education." He is being fair. He is being strong.

But this Republican leadership, and there you heard it said very clearly, they want to keep the Government shut down and they want to hold this Government hostage. That is not what the majority party is supposed to do. They are supposed to govern. They are supposed to care about the Government and all the Government agencies and all the things that people need in order to continue functioning in this country. It is not fair. They are the problem.

## THE BASIC PREMISE OF STRENGTH

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

Mr. HAYWORTH. Mr. Speaker, once again I listened with great interest to my friend from New Jersey set down his parameters for what a majority party should do and offer us an interesting definition of strength. I respectfully beg to differ.

The most stirring example of strength is to keep your promise to the American people. The most stirring example of responsibility is to save this country and this Government from fiscal disaster for generations yet unborn. The most stirring example of true responsibility is to provide for our seniors by making sure that their health care is still here in 7 years, to make plans for the next generation and not just the next election.

The sad fact is that the liberals on this side of the aisle and the liberals at the other end of Pennsylvania Avenue do not seem to understand that basic premise of strength.

Once again, the new majority says to our friends on the other side, join with us and govern, but let us play by the rules.

## WE MUST BALANCE PRIORITIES

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

Mr. KLINK. Mr. Speaker, we have got some disagreements and, indeed, sometimes the rhetoric gets a little heated around here from both sides.

Let me explain, we are not just talking dollars and cents as some of our colleagues on the other side who spoke earlier. We are not talking about the fact we are a few billion dollars apart.

We are talking about balancing priorities as well as balancing the budget. There are a lot of us on our side of the aisle that say, look, if we are going to force adult children of the elderly who are in nursing homes to pick up the cost of that nursing home care because we have changed Medicaid, we have made a medigrant program, we have not guaranteed that all of these senior citizens are even going to have a nursing home, we have not guaranteed the standard of care, we have not guaranteed that spouses are not going to be impoverished.

Let me tell you something, in the committee, 100 percent of the Republicans on the other side voted against each one of those amendments protecting adult children, protecting spouses from impoverishment, protecting people so that they have at least some standard of care.

I understand, in the conference report, that may have begun to change. It has not changed enough. We must protect those care standards.

## WORDS FROM A PROMINENT AMERICAN POLITICIAN

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

Mr. HEFLEY. Mr. Speaker, I would like to quote from a prominent American politician:

We have to cut the deficit, because the more we spend paying off the debt, the less tax dollars we have to invest in jobs and education and the future of this country. The more money we take out of the pool available savings, the harder it is for people in the private sector to borrow money at affordable interest rates for a college loan or for their children, for a home mortgage or to start a new business. That is why we have got to reduce the debt, because it is crowding out other activities we ought to be engaged in and the American people ought to be engaged in. We cut the deficit so that our children will be able to buy a home, so that our companies can invest in the future, retaining their workers, so our government can make the kinds of investments we need to be strong and smarter and safer.

These are not the words of NEWT GINGRICH, but the words of Bill Clinton on February 2, 1993, in his budget address. He said it. We agree with it. Let us do it. Let us do it now.

## AMERICA, TAKE A LOOK AT THE LOSS OF JOBS

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

Mr. TRAFICANT. Mr. Speaker, I would like to talk about budget deficits. Polaroid has announced they are laying off 1,300 Americans, 1,300 more Americans losing their livable-wage jobs.

But Polaroid said, "Don't worry." They are going to join forces with the Federal Government and provide retraining. What are we retraining American workers to do? How many more welders and auto body specialists do we need? Pantyhose crotch-closers?

Beam me up, Mr. Speaker. Since NAFTA, 50,000 American workers have lost their jobs. Just last week Boeing laid off 3,200 Americans, moved to Mexico. They were making $18 an hour in Seattle. They will make 76 cents in Mexicali.

Ladies and gentlemen, you are talking about balancing the budget? America and Congress will never balance the budget with jobs at Mickey D's.

It is time to take a look at the loss of jobs, ladies and gentlemen.

## GET RID OF SECRETARY O'LEARY

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

Mr. CHABOT. Mr. Speaker, as we continue to try to achieve a balanced budget, I think we ought to keep in mind the one Cabinet Secretary who has been singled out by Vice President GORE for doing, and I quote the Vice President, "a fabulous job on eliminating unnecessary spending." Yes, I am talking about the administration's poster child for government frugality, Hazel O'Leary.

How can we be so callous, so downright mean-spirited, Mr. Speaker, as to

work for a balanced budget at a time when the Secretary of Energy already may be going a whole night or two without staying in a 5-star European hotel at taxpayer expense?

The Vice President insists that she is doing, in his words, a fabulous job. But here is a question: The law clearly states in title 5, section 3107, that a Cabinet Secretary may not use appropriated funds to pay a publicity expert unless the money has been appropriated specifically for that purpose. Was that law violated by Mrs. O'Leary when she used taxpayer dollars to hire a private PR firm?

Let us look into that. Let us balance the budget. Let us get rid of Secretary O'Leary.

□ 1015

## GET ECONOMIC HOUSE IN ORDER

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

Mr. BARRETT of Wisconsin. Mr. Speaker, when the Republicans took over this House in January, they said they would run this Government like a business. Well, Mr. Speaker, I am still looking for the business that would run this Government like the Republicans are running it. They are sending home workers because they are upset they are not getting their own way, and in the end they are going to pay them. I would like to see one business, just one business in this country, that is going to send home its employees because it is so mad it is not getting its own way, and then is going to pay them in the end.

There is no reason to send these people home. They should work if they want to work. And why are they sending them home? They are not getting their own way, because President Clinton and the Democrats in Congress are saying "No, we don't want seniors' monthly premiums for Medicare to raise at four times the rate of inflation. We think that is wrong. And we think it is wrong that you have tax cuts that disproportionately go to the richest people in this country."

Yes, Mr. Speaker, some day we should have a tax cut, but we should not have the hot fudge sundae until after we eat the vegetables. Let us get our economic house in order first, and then let us talk about tax cuts.

## AFL-CIO SPENDING UNION MONEY TO ATTACK BALANCED BUDGET

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

Mr. BALLENGER. Mr. Speaker, opponents of the Republican effort to balance the budget have made a number of attempts to frighten the American people. It began with medi-scare, continued with edu-scare, and now it culminates with union-scare. The Washington based leadership of the AFL-CIO intends to spend $22 million on a campaign that attacks Republican efforts to balance the budget. Their campaign, however, is not based on the facts of the Republican plan to balance the budget, but rather on a series of lies, half-truths, and distortions.

The interesting part of this campaign is that the $22 million is being financed by dues, fees, fines, and other special assessments on the hardworking men and women who are members of the AFL-CIO and their affiliate unions. Moreover, it is also important to note that this money is not being spent to further the interests of the union members, but rather is being spent to advance the political interests and agenda of the AFL-CIO's newly elected leadership. I wonder if the men and women who are paying for this campaign would support the use of their $22 million, if they were aware that it was being used to advance purely political objectives that stand in the way of a balanced Federal budget and brighter future for all Americans.

## BALANCED BUDGET PLAN AFFECTS RETIREES

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

Mr. STUPAK. Mr. Speaker, what this budget debate is all about is the Republican plan to give a $253 billion tax break to wealthy individuals and to repeal the minimum corporate tax. And where does the GOP balanced budget plan leave real people, like Mrs. Johnson, who wrote to me and said:

> I will be 65 years old next month, but have been disabled for 9 years. At this point in time I'm very concerned about what will happen to me and my husband when changes in Medicare are made. My check is for $332, which doesn't cover the cost of the supplemental health insurance. My husband's check is $670 a month. At present he is quite ill and in the VA hospital.
>
> We tried to save for our retirement years, but I had to quit my job as a nursing assistant because of many health problems. This means we have spent more just to get by than we have in income. At this rate, our small savings will not go too far. I don't know what the answers are to these problems, but I desperately hope a solution can be found that won't make life harder.

## BALANCING RIGHTS OF ALL PARTIES IN COLLECTIVE BARGAINING

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

Mr. FAWELL. Mr. Speaker, in two hearings earlier this year, the Committee on Economic and Educational Opportunities heard from witnesses who shared their experiences with so-called "union salters." In many cases, paid union organizers, known as salters, sought employment simply to disrupt the employer's workplace or to force the employer out of business or to defend itself against frivolous charges filed with the National Labor Relations Board [NLRB]. For most of these companies—many of which were smaller businesses—the economic harm inflicted by the union's salting campaigns was devastating.

Mr. Speaker, last month the Supreme Court issued a decision that such salters were nevertheless employees under the National Labor Relations Act [NLRA] and thus entitled to all rights and protections of that act.

Mr. Speaker, I believe that any employer is entitled to know that its employees are loyal employees not being paid by others to be destructive to its business. I am therefore exploring legislative alternatives for curbing the abusive practices involved with salting. The Court's decision notwithstanding, we must retain and ensure the balance of rights of employers and employees that is fundamental to the system of collective bargaining.

## FAMILY FRIENDLY CONGRESS

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

Mr. BENTSEN. Mr. Speaker, welcome to the family friendly Congress. If you are a Federal employee, say, at NASA, tell the kids "Sorry, no Christmas. Dad is out of work. Santa ain't coming. The grinch stole Christmas."

If you are a tourist visiting the Smithsonian with your kids, sorry, no Air and Space Museum. But what about buying a coin?

If you are a veteran, sorry, no Veterans Administration.

Mr. Speaker, this is family unfriendly, because this House, your House, has failed to do its duty. You did not pass your budget in time, you did not pass your appropriations in time, you failed to realize how the Constitution works. And if all of America does not accept your budget, Medicare cuts, tax cuts and all, then there is no deal, no Christmas, sorry, kids, sorry, America.

The Constitution does not work that way. This Congress is not working the way that our forefathers intended it to.

## TIME TO BALANCE BUDGET IS NOW

(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, the time to balance the budget is now. For

40 years, the liberal politicians in this town were willing to put off decisions until tomorrow. And look what it got us—a 5 trillion dollar debt.

No, let me rephrase that. Look what it got our children—a 5 trillion dollar debt. You see, Mr. Speaker, that's what this debate is really about. It's about our children and it's about our children's children. Unless we stand firm now, their future doesn't look very bright. But if we can just restrain our spending, we can help restore the American dream for our children.

That is a Christmas gift worth giving the American people. Mr. Speaker, I'm tired of hearing excuses from the President. It's time to do the right thing for our children's future—it's time to balance the budget. So we ask the President, put a real plan on the table. Help us save the next generation. Balance the budget now.

## FREE THE NATION'S CAPITAL

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

Ms. NORTON. Mr. Speaker, I rise this morning to alert this body that the Capital of the United States is still hanging out there about to choke. The conference report that was to materialize yesterday did not because of the complications here and in the Senate.

The conference report, I am told, will come forward today. That would be the ball game. That is the right way to handle this. We are already into extra innings that are killing the Capital of the United States.

An agreement structured by the Speaker himself will come before us as the conference report. Vouchers will be out, not because this body wanted them out or because the Speaker wanted them out, but because of a filibuster in the Senate. It is an act of leadership for the Speaker to bring it forward, and I appreciate that. I understand he will speak for it.

It would be easy for this body to sit this out, but nobody wants to shut the Capital of the United States down. We are now running on empty. Even the gentleman from New York [Mr. WALSH], who does not support this report, does not want to shut the District down. Do the responsible thing; free the District of Columbia.

## TIME FOR SECRETARY O'LEARY TO RESIGN AND FOR THE PRESIDENT TO NEGOTIATE A BALANCED BUDGET

(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, it is no wonder the President is unable to come up with a balanced budget. He has Secretary O'Leary tied around his neck like a millstone. Secretary O'Leary has taken 16 international trips, she takes as many as 50 staffers with her, 60 other guests, she hires photographers and video crews to catch her at her best. She has 520 public relations employees. She has a personal media consultant, even hired a private investigative firm to see what reporters and Congressmen are trying to see which reporters and Congressmen tarnish her image, all at a cost of about $30 million to taxpayers.

Mr. Speaker, it is not about the tax breaks for the rich or Medicare. That is all bogus. It is about wasting millions of dollars. Mike Royko of the Washington Times had it right:

> Buy a rope, tie one end of the rope to Mrs. O'Leary's ankle, tie the other end to her desk. See, whipping the deficit doesn't seem to be so complicated.

Mr. Speaker, it is time for Secretary O'Leary to resign, and it is time for the President to honestly negotiate a balanced budget.

## TIME TO STOP PLAYING GAMES

(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, last month, Speaker GINGRICH shut down the Government because he did not like his seat on Air Force One. Now he is at it again.

This time Speaker GINGRICH has shut down the Government to try to get his way on the budget, throwing more than 200,000 people out of work a week before Christmas. These families are being used as pawns in the Speaker's attempt to force through huge cuts in Medicare, Medicaid, education, and the environment, all to pay for a $245 billion tax break for the wealthiest Americans.

Mr. Speaker, they are so wedded to this tax break, the crown jewel of the Contract on America, that they are willing to put the lives of 200,000 working Americans at risk. These folks are not being paid one week before Christmas holidays, and they are willing to put those lives at risk in order to give their rich CEO friends this tax break.

Stop playing games with people's lives. Have a budget that protects Medicare, Medicaid, and America's priorities.

## BEAM ME UP

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

Mr. HOKE. Mr. Speaker, I would just like to point out to the gentlewoman who just spoke that as she well knows, it was the President who vetoed three bills that could have put all of those workers back to back.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. HOKE. No, I will not yield.

Ms. DELAURO. If the gentleman will yield, he knows that is not true.

Mr. HOKE. Mr. Speaker, I have got to tell you about something I read in the paper this morning. It says Clinton told reporters before yesterday's meeting that now he thinks it is possible to reach the GOP goal of a balanced budget by 2002, using the conservative economic calculations by CBO.

Mr. Speaker, in the words of my good friend, fellow Ohioan and honorary theme team member, "Beam me up." Beam me up. It is unbelievable. The President says that he thinks it is possible to reach the GOP goal of a balanced budget by 2002. Did he read the language of the CR that he personally signed into law before he signed it? Did he read that language agreeing to do exactly that 30 days ago? And now he tells us, now he tells us that he thinks well, maybe it is possible to do that.

Mr. Speaker, what planet is the President on? This is just incredible.

## AMBASSADOR SPIEGEL DESERVES OUR RESPECT

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

Mr. RICHARDSON. Mr. Speaker, in the Washington Post this morning there is a report about the majority leader and the Speaker expressing concern about remarks made by Ambassador Dan Spiegel, our U.N. representative in Geneva, for allegedly attacking the Congress.

Mr. Speaker, Ambassador Spiegel's remarks were taken out of context. He was not attacking the Congress. He was discussing the impact of a growing isolationist trend which has had a devastating impact on our payments to the United Nations and its specialized agencies.

Dan Spiegel worked in the U.S. Senate for 6 years for Senator Hubert Humphrey. He has great respect for this institution. In any event, Ambassador Spiegel has apologized and the matter should be put to rest.

Mr. Speaker, Ambassador Spiegel is one of our best ambassadors. We should now move on, now that his remarks have been clarified. He deserves our strong support, as he has an outstanding record, both from the private as well as the public sector.

## TIME FOR THE PRESIDENT TO LEAD

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

Mr. LEWIS of Kentucky. Mr. Speaker, the most frightening thing today is

the fact that we have a President that is not leading, but that he engages in fear tactics to scare the elderly about Medicare, when the fact is there is only 2 percent difference in the Medicare plan that we have and what the President has, $138 difference over a whole year in the year 2002.

The fact of the matter is the President is not concerned about Medicare, he is concerned about AmeriCorps, he is concerned about all the liberal social programs that he wants to spend dollars on and bankrupt our economy and not provide a future for our children.

Mr. Speaker, it is time the President starts to lead us into the 21st century and save this Nation from economic disaster. It is time to save the future for my 13-year-old daughter and my 24-year-old son. It is time for the President to be the President and lead this Nation and do the right thing.

## PROGRESS REPORT ON THE 104TH CONGRESS

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

Mr. FARR. Mr. Speaker, I rise on this cold, wintry day here at the end of the year to remind us how it all got started. Remember we were here last January with all our families when a new leadership took over, a leadership that promised that this Congress would be family friendly, that we would have an ambitious agenda, that they would deliver their Contract on America, and that first 100 days they really went to work. They did a lot and celebrated here with great big circuses and things like that.

Mr. Speaker, look at it at the end of the year. We have been in Congress more days, cast more votes, and done less than any Congress in history. No budget bill was adopted on time, none of the appropriation bills were adopted on time. Why? All because of stubbornness of the Speaker to keep a tax break, keep a promise.

□ 1030

Look at what the Speaker said. He said, "I do not care what the price is. I do not care if we have no executive offices and no bonds for 30 days. Not at this time."

This Speaker has shut down Washington just at Christmas time. Well, Mr. Speaker, join the spirit of Christmas, start giving. Give up the tax break.

## FEDERAL EMPLOYEES AND OTHERS HURT DUE TO SHUTDOWN CAUSED BY DISAGREEMENT ON BUDGET

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

Mrs. MORELLA. Mr. Speaker, we hear there is a ray of light and hope in the Budget Balancing Act that is going on. I certainly hope so, because it is about time. I urge the President to work with the leadership to develop the balanced budget plan.

We have 260,000 families who have been furloughed, Federal employees furloughed. And their families and their friends, they are worried, demoralized, filled with anguish, lacking self-esteem, and here it is during a holiday season. They do want to work.

I have also heard from Federal employees who are not furloughed. They are frustrated that they cannot get their work done during the shutdown. It poses serious threats when a pharmacist cannot send out a prescription, NIH must stop research and CDC has furloughed 61 percent of its employees.

Some of the other effects of the shutdown will cost $40 million a day in lost wages in the private sector. For each day of the shutdown 2,500 families will not be able to close on their mortgages because new Federal housing insurance guarantees were stopped, removing $200 million a day in housing transacted from the economy. Two hundred sixty businesses that receive SBA loans will not get financing, and maybe later on welfare and veterans benefits will be delayed. Let us get on and let the light shine through and come to a conclusion.

## GOVERNMENT SHUTDOWN DUE TO FISCAL MISMANAGEMENT BY NEW MAJORITY

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

Mrs. SCHROEDER. Mr. Speaker, I do not think there is one American business or one American family that would dare run their finances the way the Republican leadership is running the finances of this country. We are now one quarter of the way, almost, into this fiscal year, and 75 percent of the domestic budget has not passed yet; 75 percent. Imagine.

What is their excuse? They do not like, or they cannot agree on projections as to what is going to happen 7 years from now. Hey, try that when they come and ask us to pay our bills, and we say I cannot pay my bills yet because I have not put my budget together yet because I have not figured out what kind of predictions are going to be 7 years out.

This is all to distract people on the fact of the tremendous mismanagement, the fiscal mismanagement of this Government. It is an outrage that many people are out on the streets, that veterans may not get their checks, that we can go on and on and on, and this is the first time in history we have had two shutdowns.

This is outrageous.

## PRESIDENT AND DEMOCRATS WISH TO AVOID BALANCING THE BUDGET

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

Mr. BAKER of California. Mr. Speaker, this morning I want to read a brief section from this morning's New York Times concerning yesterday's budget meeting between the President, Vice President, Speaker GINGRICH, and Senator DOLE:

> Vice President Al Gore, who attended the oval office session and called it "constructive," said there was a "slight misunderstanding," and that there had been no pledge to use the Congressional Budget Office's assumptions. He also said no timetable had been set.

"But minutes later, Michael D. McCurry, the White House Press Secretary, scurried," this is their quote, "to amend Mr. GORE's remarks and said the President has agreed that when any individual part of the budget was discussed, the parties would use Congressional Budget Office estimates of how much it would save or cost."

Mr. Speaker, this revealing exchange points up a simple fact. We are hearing from the White House the dying gasp of liberalism, the ferocious efforts of our Democratic colleagues to avoid balancing the budget, reflected by the Vice President's frantic efforts to back away from fiscal integrity.

The President signed a law he has now reaffirmed: to balance the budget. Mr. Speaker, the Republican Congress will stay here as long as it takes to get a balanced budget, lower taxes, less centralized government, lower interest rates, a brighter future for America's seniors and children and all future generations.

## REPUBLICANS' IDEA OF BALANCING THE BUDGET IS NOT BALANCED FOR ALL AMERICANS

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

Mr. DOGGETT. Mr. Speaker, could it be too much Christmas eggnog? Surely there must be some explanation as to why our Republican colleagues continue to insist on a balanced budget that has no balance for ordinary American families. For the privileged, of course, this budget is what one might call the eat-dessert-first approach.

They propose to provide tax breaks to the privileged in our society and to give a lot of them out next year on election eve. They will actually, under the budget they insist the President should capitulate to, they will actually solve the budget deficit by increasing the budget next year, not decreasing it.

And what happens later on, after 2002? Well, within 10 years, this budget deficit will explode because of their tax breaks for the privileged, costing a total of $416 billion.

That is no way to balance the budget. Indeed, it is the same way they are handling this government shutdown. Waste a billion dollars of taxpayers' money to pay Federal employees not to work because they do not like the Government. Some logic, some approach to a budget that is not balanced for ordinary Americans.

## PRESIDENT'S REASONS FOR VETOING OF SECURITIES LITIGATION REFORM BILL WERE WRONG

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

Mr. TAUZIN. Mr. Speaker, just a couple of weeks ago this House, by a vote of 320 Members in support, nearly 100 Democrats joining Republicans, voted for landmark securities litigation reform, a bill to stop frivolous lawsuits that are driving up the cost of doing business in America unnecessarily.

Yesterday, amazingly, the President vetoed that legislation. He did so in a veto message that is equally amazing. He did it with the following excuses:

One, that the pleading requirements were too strong. The pleading requirements are simply what one alleges in a lawsuit. That is all one has to do is allege a proper cause of action. Second, he did not like the statement of the managers. Not the bill, the statement of the managers included with the bill. And, third, he did not like the notion that rule XI, the provision that gives the court the right to assess costs on a frivolous lawsuit lawyer, the plaintiff's lawyer, he thought that was too hard on the plaintiff, not hard enough on the defendant.

Mr. President, it is plaintiffs who file frivolous lawsuits, not defendants. Those are not good reasons to veto this bill. Why did he do it? My conclusion. He wants this House and the Senate to take responsibility for making this good bill law. He wants us to override. We will have that chance today. Let us override the veto.

## DEMOCRATS REFUSE TO GIVE IN TO REPUBLICANS' MEAN-SPIRITED APPROACH TO BALANCING THE BUDGET

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

Mr. WATT of North Carolina. Mr. Speaker, I have two questions for my Republican colleagues this morning. How in the world does one justify giving a $240 billion tax break to the richest people in the United States when they are cutting $270 billion from Medicare and $180 billion from Medicaid?

Second, how does one justify shutting down the Government when the President and the Democrats refuse to give in to that insane, mean-spirited approach to balancing the budget?

Imagine that, the rich get richer, the poor and the elderly get sicker, and GINGRICH does, in fact, steal Christmas.

## DEMOCRATS' LEFT-WING EXTREMIST PROGRAMS STEAL FROM AMERICA'S CHILDREN

(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, the Democratic party has truly confused their role with Santa Claus, but not with giving gifts of their own making, with money they have confiscated from the overworked, overtaxed, underappreciated, middle-income working families. But what is worse, realizing that Christmas is about children, the Democrats have stolen the majority of their money for their left-wing extremist programs from America's children.

Yes, that is true, today's children, taxpayers of tomorrow, will get a gift from President Clinton and his extreme liberal Democrat allies: a $5 trillion debt. If a baby is born today, over the next 75 years he or she will owe $187,000 as his or her portion of the debt above and beyond local State and Federal taxes.

Mr. Speaker, if that is compassion, if that is the Christmas spirit, I would just as soon be celebrating ground-hog day.

## REPUBLICANS CHANGING OUR FAVORITE CHRISTMAS CAROLS

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

Mr. MENENDEZ. Mr. Speaker, we all know that the Republicans said things would change when they took over the Congress, but nobody thought they'd be changing some of our favorite Christmas carols.

Have you heard the new version of this old favorite carol about the latest Government shutdown?

The weather on the Hill is frightful,
and the budget cutting so spiteful.
But the Republican Scrooges, pose,
let it close, let it close, let it close.

It's time for Republicans to understand that there are some things better left untouched, and that includes keeping government open so that veterans and seniors can get their claims processed, taxpayers don't lose out on the valuable services they pay for, and visitors to the Nation's capital from throughout the world don't find themselves shut out.

And finally, Federal workers don't find themselves with the GINGRICH that stole Christmas.

We can balance the budget—but it must be balanced not only by the numbers—but in its affect on seniors, children, families & working Americans.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
*Washington, DC, December 20, 1995.*

Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, December 19, 1995 at 11:11 p.m. and said to contain a message from the President whereby he returns without his approval H.R. 1058 the "Private Securities Litigation Reform Act of 1995."

With warm regards,

ROBIN H. CARLE,
*Clerk.*

## PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–150)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I am returning herewith without my approval H.R. 1058, the "Private Securities Litigation Reform Act of 1995." This legislation is designed to reform portions of the Federal securities laws to end frivolous lawsuits and to ensure that investors receive the best possible information by reducing the litigation risk to companies that make forward-looking statements.

I support those goals. Indeed, I made clear my willingness to support the bill passed by the Senate with appropriate "safe harbor" language, even though it did not include certain provisions that I favor—such as enhanced provisions with respect to joint and several liability, aider and abettor liability, and statute of limitations.

I am not, however, willing to sign legislation that will have the effect of closing the courthouse door on investors who have legitimate claims. Those who are the victims of fraud should have recourse in our courts. Unfortunately, changes made in this bill during conference could well prevent that.

This country is blessed by strong and vibrant markets and I believe that

they function best when corporations can raise capital by providing investors with their best good-faith assessment of future prospects, without fear of costly, unwarranted litigation. But I also know that our markets are as strong and effective as they are because they operate—and are seen to operate—with integrity. I believe that this bill, as modified in conference, could erode this crucial basis of our markets' strength.

Specifically, I object to the following elements of this bill. First, I believe that the pleading requirements of the Conference Report with regard to a defendant's state of mind impose an unacceptable procedural hurdle to meritorious claims being heard in Federal courts. I am prepared to support the high pleading standard of the U.S. Court of Appeals for the Second Circuit—the highest pleading standard of any Federal circuit court. But the conferees make crystal clear in the Statement of Managers their intent to raise the standard even beyond that level. I am not prepared to accept that.

The conferees deleted an amendment offered by Senator Specter and adopted by the Senate that specifically incorporated Second Circuit case law with respect to pleading a claim of fraud. Then they specifically indicated that they were not adopting Second Circuit case law but instead intended to "strengthen" the existing pleading requirements of the Second Circuit. All this shows that the conferees meant to erect a higher barrier to bringing suit than any now existing—one so high that even the most aggrieved investors with the most painful losses may get tossed out of court before they have a chance to prove their case.

Second, while I support the language of the Conference Report providing a "safe harbor" for companies that include meaningful cautionary statements in their projections of earnings, the Statement of Managers—which will be used by courts as a guide to the intent of the Congress with regard to the meaning of the bill—attempts to weaken the cautionary language that the bill itself requires. Once again, the end result may be that investors find their legitimate claims unfairly dismissed.

Third, the Conference Report's Rule 11 provision lacks balance, treating plaintiffs more harshly than defendants in a manner that comes too close to the "loser pays" standard I oppose.

I want to sign a good bill and I am prepared to do exactly that if the Congress will make the following changes to this legislation: first, adopt the Second Circuit pleading standards and reinsert the Specter amendment into the bill. I will support a bill that submits all plaintiffs to the tough pleading standards of the Second Circuit, but I am not prepared to go beyond that. Second, remove the language in the Statement of Managers that waters down the nature of the cautionary language that must be included to make the safe harbor safe. Third, restore the Rule 11 language to that of the Senate bill.

While it is true that innocent companies are hurt by frivolous lawsuits and that valuable information may be withheld from investors when companies fear the risk of such suits, it is also true that there are innocent investors who are defrauded and who are able to recover their losses only because they can go to court. It is appropriate to change the law to ensure that companies can make reasonable statements and future projections without getting sued every time earnings turn out to be lower than expected or stock prices drop. But it is not appropriate to erect procedural barriers that will keep wrongly injured persons from having their day in court.

I ask the Congress to send me a bill promptly that will put an end to litigation abuses while still protecting the legitimate rights of ordinary investors. I will sign such a bill as soon as it reaches my desk.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 19, 1995.*

□ 1045

The SPEAKER pro tempore (Mr. WICKER). The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Virginia [Mr. BLILEY] is recognized for 1 hour.

Mr. BLILEY. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARKEY], pending which, I yield myself such time as I may consume.

Mr. Speaker, the conference report on securities litigation reform passed this House on December 6 by a vote of 320 to 102. It had previously cleared the Senate by a vote of 65 to 30. Strong bipartisan majorities have embraced this legislation as a way to end the scandalous state of securities strike suits. Testimony has revealed that these suits amount to legalized extortion by the plaintiffs bar.

The plaintiffs bar is not more important than the investors who lose their savings to these extortion artists.

In the floor debate we learned that every single one of the top 10 companies in Silicon Valley—world class multinational competitors like Hewlett-Packard, Intel, Sun Microsystems, and Apple Computer—have been accused of violating the antifraud provisions of the securities laws. Not all of these companies are guilty of fraud, they are at least as worthy of protection as is the plaintiff bar.

We do know that the safe harbor in Securities Litigation Reform has been endorsed by the President's own SEC Chairman, Arthur Levitt. We do know that CHRIS DODD, the general chairman of the Democratic Party supports securities litigation reform. I rise today to urge an override of this veto which flies in the face of common sense and the hard work of bipartisan majorities in both Houses of Congress.

This is extremely important legislation for investors and for our economy. It is designed to curb frivolous and abusive securities litigation. This kind of litigation exacts a tax on this country's most productive and competitive companies and their shareholders.

Job creating, wealth producing companies that have done nothing wrong, too often find themselves subject to class action lawsuits whenever their stock price drops. They are forced to pay extortionate settlements, because the costs of defending these lawsuits are prohibitive. And, when companies are forced to settle, their shareholders, ultimately, pay the costs.

We have tolerated this scandalous situation long enough. Let's end these strike suits. Stand with investors, professionals, and jobs. Vote to override the veto.

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

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

Mr. Speaker, the President has determined that a veto is appropriate for this particular piece of legislation, and has sent back to this Congress a number of concerns which I think he has legitimately raised about the legislation in its present form.

I think that it is ill-advised for us to be debating a veto and its override at this particular time. I think that the more appropriate course for this House would have been for there to now have been conducted a conversation, a negotiation between the White House and the Members of Congress who have an interest in this bill to determine whether or not changes could have been made which would have dealt with the very legitimate concerns which were raised in the President's veto message.

That has not been the case. Instead, what we see is a rush here to the floor to override the President's veto without any real deliberation as to the substantive issues which were raised in his message. I think that is a big mistake, Mr. Speaker. I think that this House should have, in fact, engaged today at least in a discussion of the very important issues that have been raised.

Mr. Speaker, let us begin with a number of these concerns and try our best to lay out why the President did take the time to pour over this particular bill and to dissect it, as the good law professor which he used to be,

in an attempt to come to some common sense resolution of a very troublesome set of issues.

Clearly, the President agrees with just about every Member out here that frivolous lawsuits have to be cut off. We cannot allow the courts to be used in a way that have frivolous lawsuits being brought by unscrupulous lawyers in an attempt to hold up legitimate businesspeople across this country.

But at the same time, the President does not want the law changed in a way that prohibits meritorious lawsuits from being brought. He makes quite clear his concern that, in fact, that would be the necessary result of passage and ultimate implementation of the bill as it had originally been passed through the House and the Senate.

The pleading requirement, as it has been included in the legislation originally, must be modified so that it is tough, but that it is also reasonable.

The second circuit's existing standard for pleading, which passed the Senate, by the way, in June, should be included in the bill, in my opinion. This is the second highest priority, I think, overall in this legislation, along with a number of other concerns which I will raise a little bit later.

My colleagues should note that the ninth circuit, which includes California, rejected the second circuit standard in favor of a much more relaxed approach. So, the codification of the second circuit's standard is something which in my opinion is something that we should be debating out here on the floor.

The issue has been raised by Senator SPECTER who has taken the time to write to the White House and he strenuously objects to the bill in its present form. Leading legal scholars, including the dean of the NYU Law School, believes that this is one of the most harmful issues in the bill.

In addition, and something that is quite important in the overall deliberations, is the safe-harbor provision for forward-looking statements, which would give blanket immunity to those who would commit intentional fraud. A scienter requirement should be added to the safe-harbor so that intentional wrongdoers cannot cloak them in immunity that was intended only for those who make good-faith projections in estimates. That is, in fact, a contention which has to be debated throughout this entire proceeding.

Mr. Speaker, it is important to note that the statement of managers accompanying the conference report instructs courts to look only at the adequacy of the meaningful cautionary language to determine if the safe-harbor should apply. The state of mind of the company's executives, meaning whether not they intended to deceive or to mislead investors, is supposed to be irrelevant, even if the executive of the company, of the financial firm, intentionally lies to the investing public.

Now, that is wrong; simply wrong, and it must be addressed in this debate that we are having on such an important piece of legislation.

I also want to note that this revision would be consistent with a statement previously attributed to the President, which I think is now quite clear in his veto message, that he could not sign a bill that allowed someone to lie intentionally and to get away with it. That is the core of his message, and it is something that I think we are going to have to deal with today, and in the subsequent days ahead, as we, with what the ramifications of passage of this bill without inclusion of the very wise recommendations that have been made by the President to the Congress in his veto message.

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the Subcommittee on Telecommunications and Finance.

Mr. FIELDS of Texas. Mr. Speaker, it is with a heavy heart that I rise today. The Congress crafted strong bipartisan legislation designed to curb securities litigation abuse. The legislation was approved by veto-proof majorities in both houses. The President obviously does not see the wisdom of the approach and vetoed the legislation.

Mr. Speaker, I call on all Members to override this veto on this very important piece of legislation. As was pointed out in the floor debate, American companies, paticularly high-technology companies in California, have become the target of speculative, abusive securities litigation which enriches lawyers at the expense of shareholders and the economy.

These abusive securities lawsuits are brought by a relatively small number of lawyers specializing in initiating this type of litigation. In many cases, the plaintiffs are investors who own only a few shares of the defendant corporation and the corporations are frequently high-technology companies whose share price volatility precipitates that lawsuit.

The plaintiffs do not need to allege any specific fraud. Many of these suits are brought only because the market price on the securities has dropped. The plaintiff's attorneys name, as individual defendants, the officers and directors of the corporation and proceed to engulf management in a time-consuming and a costly fishing expedition for the alleged fraud.

Mr. Speaker, it has been pointed out that one of the most compelling statistics for reform, I believe, comes from Silicon Valley where one out of every two companies has been the subject of a 10(b)(5) securities class action.

Mr. Speaker, the current securities litigation system is seriously affecting the competitiveness and the productivity of America's high-technology companies, and it is also affecting our ability to create jobs.

In summary, Mr. Speaker, I believe we have demonstrated that the current securities litigation system promotes meritless litigation, shortchanges investors and it costs jobs. It is a showcase example of the legal system gone awry.

Mr. Speaker, I urge Members to override this veto to support wise and prudent litigation reform.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, a bad bill, conceived with bad process, badly handled, leading to serious abuses in the marketplace, putting innocent and helpful investors at mercy of scoundrels and rogues, has been vetoed by the President.

□ 1100

The President said that he is prepared to sign a good bill, that he is prepared to work with the Congress to end the litigation abuses while at the same time protecting the legitimate rights of ordinary investors. He says that in his message.

I urge my colleagues to listen to the President of the United States and to read the veto message, to see why it is this iniquitous piece of legislation was vetoed. It is a poor piece of legislation. It favors rascals and rogues over the innocent and the honest. It creates a situation where a law-abiding citizen cannot get decent redress in the courts. It raises questions as to the integrity of the American process for offering securities, and it will raise questions about the integrity of our markets. It will ultimately hurt the process of developing capital in this country because it will threaten the thing which is absolutely essential to the workings of the capital markets of the United States, and that is public confidence.

A lot of people think that the public securities offerings and the industry in this country run on money. That is not true. The market runs on public confidence, and if it produces the public confidence it has been doing since the 1934 act was passed, the market produces a lot of money for everybody involved.

What is wrong with this bill? First, the process was unfair, and no careful attention was given to responsible amendments or to intelligent discussion of the abuses that were going to be unleashed upon the investing public.

But beyond that, the President points out why he has vetoed it. The pleading requirements require not a genius but a psychiatrist, and the discovery process is closed until such time as it is impossible to deal with the claims that an honest claimant would make who had been improperly treated and

had been hurt by improper behavior of scoundrels in the securities industry.

Second, it has a most curious safe-harbor provision, a safe-harbor provision which permits active fraud, active fraud, deceit, deceit and serious misbehavior.

I would urge my colleagues to not permit a safe-harbor provision which allows such scandalous behavior to be inflicted upon the trusting and the innocent investor by slippery managers of corporations interested in maximizing stock prices or their particular earnings.

Last of all, it treats the plaintiffs in suits of this kind in a way which makes the loser pay, a situation which will deny honest citizens who might not prevail in a lawsuit an opportunity to expect fair treatment from the courts of their country.

I would urge my colleagues to support the President. The veto is a good one. If the veto is sustained, we can come back and write a decent bill. We can write a bill which addresses the real problems which exist with regard to litigation abuses, and at the same time we can protect American investors and protect the confidence of the American people in their securities industry and their securities markets. That is the step which would be in the best interests of not only the country, the securities market, the securities industry, public confidence in the securities that are offered in this country, but also something which is best and fairest to those who do not have the means to protect themselves against malefactors of great wealth.

I urge my colleagues to vote to sustain the veto. I urge my colleagues on the committee who have the ability to do these things to then work with us to achieve a decent bill which protects the interests of all.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO], a member of the committee.

Ms. ESHOO. Mr. Speaker, I rise in strong support this morning of this measure to override the President's veto of the securities litigation conference report. I think that it is highly regrettable that the President chose to send up a veto message to us. With all due respect to that veto message, I think that it is an excuse slip.

On every point that is mentioned in the veto, in a bipartisan effort all of this year we have worked to satisfy the concerns of the Securities and Exchange Commission, the administration, and the Senate in the key areas, certainly on pleadings and second circuit language, certainly on safe harbor, and that is also mentioned in the veto message, and certainly on statute of limitations. This bill is a strong bipartisan bill. It is good for investors, and it is good for our economy.

In my view, the price of not passing this conference report this year is simply too high. As the Representative from Silicon Valley, I know that businesses in my region cannot wait for an answer. The legislation provides companies with relief, but not a blank check. The right of investors to sue in cases of actual fraud is protected by this bill. In fact, the bill's safe harbor provision meets the demands set down by CALPERS, the Nation's largest pension fund, representing nearly 1 million shareholders.

Members who supported the conference report are now being asked to change their vote to satisfy its concerns about report language. I do not remember when report language was reason for a veto, and that is why I call it an excuse slip and not a true veto message.

Mr. Speaker, I urge my colleagues to override the President's veto. I think it is regrettable, but I think that this bill needs to become law.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, Members of the House, I, too, rise in support of this bill and for the motion to override the veto.

Let me point out what the President did not do. He did not say this was a bad bill. In fact, he complimented it. He said he supported goals of this bill. He did not say that he objected to the safe harbor provisions of this bill. In fact, he said he supported the language of the safe harbor provisions of this bill.

In fact, all he has said he objected to was the pleading requirements of this bill. Now, the pleading requirements are what the plaintiff lawyer does when he files a lawsuit, and what we have done is to make sure that the lawyer alleges a case, that you just do not go on a fishing expedition. Is that terrible?

I suggest if we are trying to deal with frivolous lawsuits, that is the very least we ought to do is require the plaintiff lawyer to plead a case, to have a decent and not a frivolous lawsuit before the court.

Second, he objected to the managers' language, not the language of the bill. I would remind the House that when a bill is sent to the President, the managers' language, the legislative history is not sent to the President. He does not veto the legislative history. He vetoes the language of the bill. He does not veto the language in the bill. He only objected to the language of the managers' report in that area. He suports, in fact, the safe harbor provisions that a previous speaker objected to this in this bill.

Finally, he objected to what is called the rule 11 section, where frivolous lawsuits are punished; that is, the plaintiff is required to put up the cost of the lawsuit. I want point out to you that he said in his veto message that we did something wrong here; we did not have a balance between plaintiffs and defendants.

First of all, it is plaintiffs who file frivolous lawsuits, not defendants. That is the problem. And rule 11 seeks to make sure when plaintiff lawyers file frivolous lawsuits that they have the obligation of paying the costs of the parties who are necessarily brought to court and required to hire attorneys.

Let me point out our language was very fair. It said that existing rules would apply to each party, plaintiffs and defendants, and that a violation by a party, plaintiff or defendant, would require mandatory sanctions by the court.

We have a balanced provision in here. What I concluded when I read this veto message is, one, the President likes the bill; two, he does not really want to sign it. He would rather we overrode his veto and we made it law. And, three, that we have huge bipartisan support for this bill, and we ought to, in fact, override the veto. Nearly 100 members of the Democratic side joined the Republican Party in this bill. It is a bill that has been in the works for well over 6, perhaps 8, years now. It is a bill in which a veto-proof majority in the House and Senate adopted the bill. It is a bill, in fact, that ought to become law. If the President will not sign it, then he is telling us to do it, and I suggest we do like Mikey, we just do it, override this veto.

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

Mr. Speaker, at this point, the Members are presented with a very narrow issue: Will the House block meritorious suits, or will it allow meritorious suits to go forward in the courts of this country as they have throughout our history?

The President has asked for a very narrow set of changes. This is not about frivolous lawsuits any longer. The President agrees that frivolous lawsuits must be discontinued.

This is now a battle over whether or not we will support the President's veto, sustain him and, in fact, then begin the discussion over the narrow set of issues which he has raised to ensure that this bill does not go too far in cutting off the meritorious cases which citizens of our country have been allowed to bring throughout our history.

The President has said that he will sign just about anything in the bill except those provisions which block meritorious suits. The veto message makes very clear what changes he is seeking, and that those changes are meant to protect investors who have been defrauded.

Let me emphasize again that the President is not seeking to allow frivolous suits. The only issue raised by his veto message is whether or not, in fact,

we will deal with the points in the legislation which have gone too far, which have raised pleadings standards too far, which have changed the safe harbor provisions to the point where actual lying is permitted, which put an unfair burden upon plaintiffs in terms of the risks which they must assume in terms of loser-pays. That is what we are talking about now. The rest of it the President says is acceptable to him.

Now, he is in good company. Let me read to you some of the people who side with the President. We begin with the Fraternal Order of Police, the Fraternal Order of Police, "I urge you to reject the bill which would make it less risky for white-collar criminals to steal from police pension funds while the police are risking their lives against violent criminals." That is the national president of the Fraternal Order of Police.

□ 1115

The International Association of Firefighters: "Firefighters put their lives at risk to save others. Should they also have to put their hard-earned savings at risk too?" That is the general president of the International Association of Firefighters.

The Consumer Federation of America: "The bill would immunize knowing and reckless violations of the securities laws, reduce compensation to victims of fraud, and undermine public confidence in the market. It represents special interest politics at its worst." That is the Consumer Federation of America.

Here are the Attorneys General of the United States, 11 attorneys general writing to the Congress: "We cannot countenance such a weakening of critical enforcement against white collar fraud. The bill goes too far beyond what is necessary. It would likely result in a dramatic increase in securities fraud."

Here is the U.S. Conference of Mayors and the National League of Cities commenting on this bill: "Over 1,000 letters from state and local officials from all regions of the country have been sent to Washington, representing an extraordinary bipartisan national consensus that this bill would imperil the ability of public officials to protect billions of dollars of taxpayers monies in short-term investments and pension funds."

The changes which the President recommends in his veto message will still guarantee that the frivolous lawsuits will be straight-armed out of court. But what it also does is ensure that we do not raise the bar so high that the meritorious cases, in instances where individuals across this country have been defrauded, are also knocked out of court.

If we ask people to put at risk their money in a loser-pay provision, after they have already lost half of their life savings to some financial scam, who in this Chamber expects that person to now take the double or nothing risk of knowing that under loser-pays they would be held responsible for the additional cost of trying to defend themselves against the fraud which had been perpetrated against them under these extremely high barriers that are being constructed in this bill?

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

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. CONYERS. That is, if they have any money left.

Mr. MARKEY. Exactly. I am saying they would have to put at risk the money they do have left after they have been defrauded.

Who in the world as an ordinary citizen would do that to their family, to take on a major financial or corporate entity, with the sure uncertain knowledge, not that they could lose, but that there is the risk? The risk itself it could happen, no matter how small, would serve as an absolute bar to an ordinary citizen participating in these lawsuits. That is what this debate is about; not immunizing ordinary lawsuits, just the opposite.

Let us join together to ban frivolous lawsuits with the President, but let us not wall out the capacity to have the meritorious lawsuits which we all know, we all know in our souls, should be continued to be brought in court.

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

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I think the gentleman from Massachusetts knows how much I respect and like him, and I would hope that the President would know as well, how much I respect him, even though I must urge my colleagues to vote to override this veto. I am surprised, frankly, that the President vetoed this, because I know that one of his favorite books is "The Death of Common Sense" by Phillip Howard. This is commonsense legislation. It is necessary legislation. If in faith it does get vetoed, we may not get another shot at it.

Frankly, when you read this message, much of his objection is of a nitpicking nature. It is legalistic. We know we are going to have the Second Circuit standard applied, and that in fact when legislation is at variance with legislative history or report language, that it is the bill itself that prevails.

But I do not want to speak as a lawyer, I want to speak as a stockbroker, which I was for 10 years. The fact is the most frustrating thing we encounter is the need for accurate, informative, relevant information. But I have to say, if I were the CEO of a high growth company, I would not provide that information, because of the number of people out there that will game the system. These people who exploit the deficiency of our legal system do not put any money into capital, they do not do anything for our economy. They find ways to make themselves wealthy by abusing the system. What this is is an antifraud and abuse bill that ought to be passed.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, well, it is nice to find out stockbrokers would advise us to vote on this special interest legislation. Some believe the President perhaps overreacted last night with the veto. But could I suggest another route? What about making some commonsense revisions he is recommending and then coming back and unanimously passing this bill?

Besides, I think there is another body that has something to say about the override. So let us not get too carried away on the vote here. Let us all settle down here for just a minute.

Now, the bill simply goes too far. We are not talking about simply limiting frivolous cases with this bill. So could all the rest of the speakers comport all of the passion that they have about frivolous cases just a little bit? We want to stop frivolous cases. What we do not want to do is stop meritorious cases. And, there are a few meritorious cases around.

This House was mistaken in trying to gauge the President's determination about these matters. The gentleman from Massachusetts told you repeatedly the President was going to veto the bill because you overreached, and now he did it today. So now we are faced with an extreme measure that requires a two-house override.

Why do we not do something more reasonable? Let us go back and look at what we can do to repair what provoked the veto, and then come back with a bill that we can all agree on. Is there something wrong with that? I do not think so.

Even the conservative Money Magazine told you the bill went too far, once, twice, three times, four times, and the local officials, 15 attorneys general, told you the same. Thank you, Mr. President, for having the courage to do the right thing.

So, Mr. Speaker, I rise in strong opposition to this matter. The gentleman from Michigan [Mr. DINGELL] pointed out that this is classic special interest lobbying legislation.

So now we are at a point of where the American people are not going to get robbed. The Nation's seniors, whose life savings are tied up in investments, depend on honesty in investment transactions. They are being robbed with this bill.

Now, American investors know they may be robbed by swindlers, but they

do not expect to be robbed from the House of Representatives. So let us get a little bit of reason in here. I think a few of our leaders on this measure, Mr. MARKEY for instance, have some suggestions that would make for a decent agreement, and that would meet White House objections, and we could go home feeling that we have not involved ourselves in this rather large rip-off that is occurring.

Now, does somebody not have something to explain about Money magazine and the 15 attorneys general and the thousands of local officials, the 150 outspoken editorials all who believe this bill is to extreme? Are we all nuts and you are all right?

Mr. Speaker, I thank the gentleman for allowing me to make a few comments on the floor.

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington [Mr. WHITE], a member of the committee.

Mr. WHITE. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I would like to respond to a couple of things we heard this morning. As I told members of the committee many times, it is only 11 months ago that I was a practicing lawyer, and I can tell you that anybody who is out there in the real world practicing law knows that this system is broken and badly needs to be fixed. It is just not something that most people who are objective about it can disagree about.

Mr. Speaker, I would have to express a little bit of concern at some of the arguments we have heard from the other side. We are hearing maybe if we just made a few changes, just took a little more time, we can come up with a better bill. The fact is we have been working on this bill for 6 or 7 years. For some people the time is just never right to make this fundamental change. The time is now; it is time to make sure we enact this.

We have also heard a lot of pious remarks about how we have to protect the investors, protect our grandmothers, all the people investing money in these companies. But the fact is, we have not really heard from the investors. It is not the investors who are concerned about this bill; it is their lawyers. It is the trial lawyers who are concerned about this bill, not the people who are supposed to be.

The great tragedy of the system we have right now is that it makes a mockery of our legal system. It sets up a system where you win not if you are right, but you win because you are able to game the system, and it is a system where even if you do win, you do not get the money. You may get a little bit of money, but most of the money goes to trial lawyers. Our system right now is a jackpot for trial lawyers. It needs to be fixed, and we need to override this veto.

Mr. BLILEY. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I supported the conference agreement that passed the House because I believe it was a balanced bill and I believe it sought to solve a significant problem in the securities market while, I believe, protecting legitimately defrauded investors.

I and over 60 of my colleagues wrote to the President not long ago, since the conference committee completed its work, urging him to support the securities legislation compromise, which I think was the appropriate product of that deliberation, which did smooth some of the rough edges off the bill that passed the House.

Our letter outlined many of the changes that had been made to provide added protection to those with legitimate claims. No one wants to keep those people out of court. These improvements met all the goals that would benefit investors and companies alike. The compromise I believe would stimulate the economy, curb abuses, increase the flow of information to investors, reduce fraud, and strengthen our capital markets.

The man in charge of the Securities and Exchange Commission has written a letter that reassures many of us to that extent. The most important element of the conference agreement is the fact that it reduces the need for lawsuits. The extreme litigious environment that currently exists certainly suggests that the ability to sue is readily protected.

Under present circumstances, a plaintiff can sue first and collect evidence of fraud later through discovery motions; as a result, a number of class action attorneys actively seek to put together lawsuits out of unforeseeable investor losses. High-tech companies in my State of California, are particularly susceptible to this kind of predatory action. It has helped dry up capital in our markets, and I believe made it harder to create jobs for Americans.

All we want to do is restore common sense to this process. We do not want to prevent legitimate actions from going forward. I understand the President has questions about the potential impact of this measure.

□ 1130

What he should not question is the impact the lack of protection is having on American businesses. Efforts to prevent frivolous actions should be supported. We need to restore the faith of the American public and the business community that when we see evidence of abuse we do something about it.

I urge the President to reconsider his position and accept this very well-crafted, well-thought-out, carefully negotiated compromise. The confidence in our markets, in our system of funding startup ventures requires it.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. PAXON], a member of the committee.

Mr. PAXON. Mr. Speaker, the President's decision to veto this legislation, I believe, is a serious blow to economic opportunity, job creation and entrepreneurship in our Nation. The goal of this bipartisan legislation is to provide some protection from frivolous securities lawsuits filed against businesses, often small cutting-edge technology companies.

More and more these companies are truly the engine of growth in our economy, creating new high-paying jobs, developing new and innovative technologies, and increasing America's exports. Unfortunately, this pro-growth reform legislation fell victim to some of the Nation's most powerful special interests. A win for these special interests is unfortunately a loss for the American economy.

The good news is we can turn this around today. I urge my colleagues to override the President's ill-advised veto of this vitally important securities lawsuit reform legislation.

Mr. BLILEY. Mr. Speaker, I yield 1 minute and 10 seconds to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I have been reading through the veto message of the President. I think there is some good news and some misplaced rhetoric here on the floor today.

The President supports the securities bill, I believe, that is before us. And what remains are sort of nerd-like lawyers issues on the technical details of the language.

The President says he supports the second circuit standard for pleading. So do I. That is what is included in this bill. The President says he supports the safe harbor language in the bill, but he is concerned about the legislative history.

I am mindful that years ago the President of the United States taught law school, and years ago so did I, and this is an issue that lawyers can argue about, but I think the sounder course is to override this veto and get this bill done.

I am not meaning to say that the President does not disagree on these technical issues, but in his veto message he does support it overall. I would like to say the overheated rhetoric about fraud is entirely misplaced. These are very technical issues, and I think the sounder course is to override this veto.

Mr. BLILEY. Mr. Speaker, I yield 1-½ minutes to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, clearly, the vanguard of economic revitalization in this country has been the high-technology industry and the cutting

edge biotechnology industry. Unfortunately, if we look at the State of California, where we have gained tremendous jobs from exports, this legislation is designed to expand that rather than jeopardize it.

We have seen very, very strong statements made by those industries from the Silicon Valley that have been victimized by this; Hewlett Packard, Sun Microsystems, Intel, Apple Computer. A wide range of companies have been impacted, and we need to realize that job creation is very important, but there is also the compassionate side to this.

I wonder how much research is not being done in the area of AIDS and cancer because of the threat of these kinds of lawsuits. When Speaker GINGRICH established his task force on California, passage of the legislation authored by the gentleman from California, [Mr. COX] was among our very top priorities, and we hope very much that in a bipartisan way, in a bipartisan way, we will be able to come together and successfully override this veto so that we, as a Congress, can send the very important signal to the largest State in the Union that we are committed to job creation, economic growth and the very important research to meet some of our most important societal needs.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I rise in favor of the legislation.

Mr. Speaker, I rise in support of the motion to override the President's veto.

Clearly, securities litigation reform is needed. It is good for investors and good for America's economy.

SEC rules were designed to protect investors. Investors need accurate and timely information from companies in which they invest their money. However, spectators are misusing the law to virtually extort money from honest companies when no fraud has taken place.

Frivolous class action suits are being filed—sometimes multiple suits with the same typing errors—often forcing innocent companies to settle out of court rather than face massive court fees—again, after no fraud has taken place.

Investors still have solid protection against fraud under this bill. However, this unwarranted litigation is harming U.S. companies and the economy. Business capital that could be used for technical innovation, capital investment, job creation, and investor dividends are diverted to lawsuits. In a sense, these suits represent a tax on capital.

Lest we forget that frivolous lawsuits really exist, it is interesting to note that during the last 3 years, one out of every 12 companies listed on the New York Stock Exchange was sued for securities fraud. As the author of this survey remarked, "Either you have to believe there's rampant fraud on the New York Stock Exchange, or there are a lot of people getting sued who shouldn't be."

Some may claim to be in support of getting rid of these meritless suits, but unless they are in support of this legislation, they are doing nothing to change the current problem. Suits with merit should be brought before the proper authorities and will continue to be brought and won under this legislation.

Mr. Speaker, investors need better information. The changes to prospectuses contained in this bill encourage companies to give more and better information to investors. That is why numerous citizen investor groups have been running advertisements in favor of this bill.

They know their dividends are going to be higher if the companies they invest in are not fighting off frivolous lawsuits.

I urge my colleagues to support this bill, which serves investors, small business and the American economy well.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise in favor of this legislation.

Mr. Speaker, last night the President vetoed the securities litigation reform measure placed on his desk. This legislation is needed for two main reasons. First, so proper plaintiffs will have a place to redress valid grievances in a system ensuring fraud victims recover their losses and not merely the estimated pennies on the dollar. Second, the securities industry must be allowed to get back to its intended functions. A veto-proof majority in both Houses of Congress supported this legislation.

The President gave three major reasons for vetoing the legislation. First, he objects to the mandatory sanctions imposed if the court finds a rule 11 violation. Sanctions are mandatory against any party violating the rule. He claims that the provision is unreasonably harsh on plaintiffs' lawyers found in violation of the rule and that this will have a chilling effect on a plaintiff's right to sue.

The only thing chilled by this provision is meritless lawsuits that shouldn't have been brought in the first place. Plaintiffs should be forced to more carefully weigh the merits of their case before filing suit. With less meritless suits clogging up the court system, valid plaintiffs will more quickly be able to redress their grievances.

Second, the President claims the safe harbor provision will allow wrongdoers to get off scot-free. This could not be further from the truth. The provision protects companies and executives when they have done their job from meritless suits being brought against them. Companies are protected only if they have adequately informed the investor of risks associated with the investment, and if they have not made a knowing misinformation. It does not prevent plaintiffs from bringing meritless suits.

Third, tougher pleading standards ensure that the plaintiff's lawyer actually has a case before bringing a frivolous suit. Frivolous suits serve no purpose. They waste everyone's time and money. Nobody benefits—not plaintiffs and defendants involved in litigation that will go nowhere despite countless amounts of time and money expended, not the court system which gets clogged, and future plaintiffs who can't get in the courthouse door because it is so jammed.

This bill has broad bipartisan support and is endorsed by the SEC Chairman, Arthur Levitt. So why did the President veto this bill?

Does he want to put the Silicon Valley out of business as it continues to spend time defending frivolous suits rather than advancing the technological future of our country?

Does he want to keep valid plaintiffs out of court?

According to some newspaper reports, the President's decision may have been influenced by a leading member of the trial bar. We must ask whether the President's veto was designed to protect the American people or a special interest that has funneled millions of dollars to the Democratic Party.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH], a member of the committee.

Mr. DEUTSCH. Mr. Speaker, I rise today in support of an override of the veto on this legislation, and I do that as a member of the Democratic Caucus and a member of the committee.

I would, once again, point out to my colleagues that this is a bipartisan bill. A majority of Democrats in this Chamber voted for this bill, both as it originally passed the House as well as the conference report. The President's veto message highlights several specific things, and I want to discuss those in the short time that I have.

The first is the issue of pleadings. Let me be very clear about that. That particular issue was in the bill at the request of the judicial conference, not at the request of any particular industry group, but by a group of judges that deal with pleading requirements. That is why that particular issue was in the bill.

The other issue that the President raises is the issue of report language. And let me focus on that for my colleagues. What courts in this country have determined in terms of our legislative intent is that report language is not considered. It is the language that we pass in the bill. So the President's focus actually might have been accurate when he was a professor of law several decades ago in Arkansas, but by the latest court decisions that is just not accurate. Report language has no effect on the bill.

But let me talk about what the President did agree with. He agreed with the safe-harbor provisions. He had no objections to the aiding-and-abetting provisions or for the issue of fraud, because the facts of this bill are that this bill is an antifraud bill. It creates an affirmative duty by accountants to report fraud, which does not exist under existing law. So, if anything, this bill truly is an antifraud bill.

Finally, I would close just on the substance of the bill itself. This bill is really at the heart of what we are as Democrats as well. This is a jobs bill. Because the reality is the existing law stops access to capital, stops job creation in this country today. I urge support of the override of the President's veto.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY], vice chairman of the subcommittee.

Mr. OXLEY. Mr. Speaker, I rise in support of securities litigation reform and the veto override attempt.

As Members know, and the White House must know, legislation to curb abusive securities-fraud lawsuits was approved by veto-proof margins by both Houses of Congress earlier in the year.

I think this is a case where the Congress needs to act to save the President from himself.

The legislation before us takes a moderate approach to the problem of frivolous securities class-action lawsuits.

There is a collection of class-action lawyers out there who are filing meritless fraud suits against publicly traded companies, especially high-technology firms, whenever their stock prices fall. They have used the securities laws to win billions from corporations and their accountants.

Meanwhile, defrauded mom-and-pop investors recover only 7 cents for every dollar lost in the market.

This legislation will return the focus of securities laws to their original purpose—protecting investors and helping actual victims of fraud.

This legislation has been described as a boon for securities firms, accounting firms, and public companies. I might add that it is a boon for employees of those companies, as well as anyone who invests in them in the hope that their stock will go up, not down.

These reforms are long overdue, the President's veto message notwithstanding. They're good for American business, they're good for American competitiveness, and they're good for American investors.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. First of all, I want to make a few points and that is that there really is not a difference of opinion between the two sides that are arguing this case about what to do concerning frivolous assembly-line lawsuits. We all agree. There are some suits where we have anecdotal evidence that this occurs, but when we look at the numbers, when we look at statistics on those studies that have been done when stock prices fluctuate, the evidence is not there that there is this avalanche of frivolous suits. It exists, it does inhibit capital, and we should take some action, but indeed the President is correct when he says this legislation goes too far.

Now, there are two ways we can deal with this problem. No. 1, we can expand the bureaucracy, which I do not think that there is anyone on the other side of the aisle and very few on our side of the aisle who would like to see that happen. We can expand the bureaucracy and allow some bureaucrats to be able to police whether or not securities are being misrepresented to the plaintiffs; or we can do what SEC Chairman Levitt said in front of the committee, and that is identify ways to make the system more efficient while preserving the essential role that many private actions play in supporting the integrity of our markets. That is where we have gone too far.

We can have self-policing of the markets by allowing a private right of action when an individual has been hurt, and this legislation simply goes too far.

The conference report's rule XI, the President states, this provision lacks balance. It treats the plaintiffs more harshly than the defendants in a manner that comes so close to loser pay. Now, I ask my colleagues, when we start getting close to loser pay, how many people, and the gentleman from Michigan [Mr. CONYERS] brought this up a few moments ago, how many people are going to take the action after they have lost so much of their resources to lose more of it by bringing a meritorious case? We must allow room for meritorious lawsuits.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BROWN], a member of the committee.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1058. Many of us on this side of the aisle have opposed extreme tort reform because we want consumers and workers protected through sensible regulation and through the specter of potential lawsuits. H.R. 1058, however, does provide that investor protection.

H.R. 1058 is a jobs protection bill. I represent an area in northeast Ohio which is a hotbed of innovation and entrepreneurial spirit. Exporting is important, small business is important, high-tech companies are important. H.R. 1058 is a mechanism, as a bipartisan effort, to create jobs in my district and throughout this country. I urge a "yes" vote.

Mr. MARKEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I am in opposition to the motion to override the President's veto.

Mr. Speaker, I rise in opposition to the motion to override the President's veto of the conference report to accompany H.R. 1058, the Securities Litigation Reform Act. This so-called agreement would slam the doors of justice on hard-working Americans who unwittingly fall victim to corporate misconduct and fraud. It is shamelessly anticonsumer, anti-small investor, and antitaxpayer.

Every Member of this body recognizes that there continue to be some cases in which meritless securities class action lawsuits are brought and we must take steps to deter such behavior. But the GOP's approach on this issue, as with many other issues throughout this Congress, has been to blow a minor problem way out of proportion for short-term political gain. This is simply irresponsible, Mr. Speaker.

The facts are these: Of the 225,000 suits filed in Federal courts annually, only about 300 or so are securities fraud class action suits, and the courts currently have the full authority to dismiss those suits they deem to be without just cause.

Private securities lawsuits have provided a very powerful deterrent to fraud and have been invaluable in supplementing and enhancing Securities and Exchange Commission [SEC] enforcement of Federal securities laws. The Lincoln S&L/Charles Keating debacle and the Drexel Burnham/Michael Milken disaster were just two high-profile cases that were initiated as a result of private investor action.

In these two cases alone, $262 million in hard-earned taxpayer dollars, mostly the dollars of senior citizens, was recovered. Under the conference report for H.R. 1058, a mere $16 million of this money would have been retrievable.

It is not justifiable to throw the baby out with the bath water in the name of so-called reform. However, that is what the conference report does.

It offers a great number of incentives for corporate misconduct. Most distressing to me is the fact that the bill imposes "loser pays" requirements forcing a losing small investor in a securities fraud suit to shoulder the legal fees of the investment banking houses, accounting firms, megacorporations, etc. I don't want to tell my constituents who lose their life savings that they had invested in mutual funds, IRAs, or pension plans because of a fraudulent action that they must then risk their homes and whatever else they may have left to have even a chance of recovering a small portion of what they lost. Do you think these investors will pursue any suit, regardless of its merits?

In addition, the measure's "safe harbor" liability exemption for "forward-looking" statements excuses unethical corporate wolves from prosecution. With these provisions, any statements made by a defendant in a securities fraud case would be exempt from liability—even if the statement is deliberately false—as long as it is accompanied by vaguely defined "cautionary" language.

I urge my colleagues to vote no on this motion, support the President, and help prevent a grave injustice to our Nation's consumers and small investors from occurring.

Mr. MARKEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey [Mr. TORRICELLI].

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

Mr. Speaker, when securities litigation reform legislation came to this House earlier this year, I voted for it. The Clinton administration supported it. Democrats and Republicans in this body overwhelmingly gave their assent.

□ 1145

This is not that bill.

Mr. Speaker, this is a good example of what happens when this institution does not function according to its own rules and procedures.

The bill the President vetoed is not the result of a conference committee. The conference committee did not meet. It is not the result of a bipartisan effort. Democrats were never consulted. We started with Democrats, Republicans, both bodies of the Congress, and the administration toward a common language, largely with common language, with a good purpose, and because we could not work together in good faith, we came up with a product that forced the President to issue a veto and many of us to oppose the legislation.

Mr. Speaker, that is why 15 attorneys general have stated their concerns, and leaders of the business community themselves. Look how far we went wrong, and be careful that you want to be identified with this legislation if you do not vote to sustain the veto.

The conference report drops language exempting from the safe-harbor provisions "statements knowingly made with the purpose and actual intent of misleading investors." That was dropped.

Mr. Speaker, I know we all want to do right by the business community. How about your retirees? Small business people? Pension fund managers? Ultimately, the strength of this economy rests on the confidence of our people to invest. This is not a small Latin American nation where a few large families carry the raising of capital. Our people must feel confident. We cannot pass this bill and have people believe that they can go and make an investment and have recourse. The President will sign a bill with modest changes. It is the bill many of you voted for originally.

Mr. Speaker, I urge the Members of this body, sustain this veto. Let us get a bill worth voting for.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California from [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in support of H.R. 1058, and I rise in support for many reasons, but one of them being the fact that I think the American people have a chance today to see a bipartisan effort to protect the most critical resource of our country; that is, the ability of people to venture into agreements to invest their capital.

Mr. Speaker, I think that one of the things we see again and again, contrary to what some speakers would like to say, is that this is a bipartisan effort. You see the Representatives from California especially, from both sides of the aisle, do what we do not do enough, cross the aisle and work together for the benefit of the public.

Mr. Speaker, I wish to point out this is not just an issue of jobs. This is not just an issue of investing money. This is an issue of life and death because the companies that are being attacked are not those that are big companies, but these are the small dynamic companies that are working on issues that are absolutely essential for our citizens, such as cures for cancer, looking for a cure for AIDS, looking for those items that will save lives.

So, Mr. Speaker, I ask Members to support the override not just for the jobs, not just for the bipartisan effort, but for the citizens' lives too.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I represent a district in California that I consider the aerospace center of the universe, and its future depends on two things. One is a right-sized defense, but the second is diversification, so that the industrial base can prosper in industries like medical research, communications, biotechnology, green technologies, and so forth.

Mr. Speaker, that diversification will be hampered if we do not have securities law reform. I am very sorry that the White House has chosen to veto this bill, as it chose or will choose to veto our Defense authorization bill. I think in both cases the growth of California, its export potential, and its cutting-edge technology in the 21st century depend on policies opposite those the White House has chosen to take.

Mr. Speaker, I would make this point in closing. As a corporate lawyer, I know that there are investors on both sides of securities litigation and victims on both sides. These reforms will protect those who invest and are subsequently defrauded as well as those who invest in companies that are unfairly targeted by strike suits.

These reforms are critical to all investors, to our Nation's future economic growth, and to the leading-edge advances that high-technology companies make to improve the quality of our lives.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, there is nothing wrong with this bill. It went through the House and the Senate in a bipartisan way. And during the whole process, we worked with the SEC, we worked with the administration, and we had an agreed-upon bill.

All the sudden, at the eleventh hour, the President decides to veto it. Everybody in this Chamber knows what this is. This is nothing more than raw politics. The President, having a few of his friends over for dinner and deciding, "Well, I really do not want to tell those trial lawyers, no. I really do not want to stand up and do the right thing for the American people."

Mr. Speaker, it is very simple. It is time to send the President a message that we are not going to negotiate this way. This is the same thing we have been going through with the budget for the last several months. All we get is idle talk, idle talk, but we never get serious negotiations.

Mr. Speaker, we had serious negotiations on this bill. We came to an agreement, and the fact is we ought to override it and we ought to do it today.

Mr. BLILEY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Speaker, I voted for this bill because it addressed things that were broken and needed fixing. We had a bipartisan effort to fix those things, and we did. We need to keep America competitive. Technology development depends on risk taking. This bill allows risks to be taken and rights to be protected.

Mr. Speaker, I was shocked by this veto. It is the first time I have ever not agreed with the President on a veto, and I am going to vote to override it. I urge my colleagues who supported it in the first instance to do so in the latter.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I hear a lot of talk, general talk, about climate for investors and climate for new ventures, and trial lawyers, and bipartisan efforts. No one seems to want to address the specific points of the veto, I suggest, because there is no good answers to those specific points.

Mr. Speaker, if I heard it once, I heard it 10 times from the gentleman from California when this bill passed: We want a pleading standard that matches the Second Circuit, not the loose pleading requirement of the Ninth Circuit.

Why do they come back? The Second Circuit standard is not enough. We want to make it even tougher to file a suit based on fraud and defrauding investors.

The question of sanctions; I think there should be tough sanctions on frivolous lawsuits. I think there should be tough sanctions on frivolous defenses. Here we presume a frivolous plaintiff pays all the legal costs and we specifically prohibit a presumption of all the costs of the plaintiff by frivolous defenses by the defendant.

Finally, on the safe-harbor provisions, they allow an individual to lie to potential investors, make some cautionary statements, and state specifically they cannot make any general allegation with respect to the state of mind of the person who is lying, and then allows omission of major, major kinds of cautionary statement.

Mr. Speaker, a new drug company could represent future earnings, make forward-looking statements, talk about the problem of floods and talk about the problem of earthquakes and the problem of labor disputes, and never mention that the company that their

drug is based on has not yet had FDA approval.

All we are asking is to clean this bill up so that my colleagues can achieve the purposes they say they want, without undermining the ability of fraudulent actors to pay the penalties they should be paying to the investors they have defrauded.

Mr. BLILEY. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. FRISA], a member of the committee.

Mr. FRISA. Mr. Speaker, the President, as is his right, chose to use his pen to veto legislation that I feel is very important for our high-technology companies to encourage growth, to encourage innovation, to encourage the creation of more jobs, to protect our accounting profession and other professions that deal with especially new, emerging companies that create growth.

So, Mr. Speaker, I would urge all of the Members of the House to exercise their right to override the ill-advised veto of the President so that we can accomplish these objectives.

Mr. BLILEY. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Banking and Financial Services.

Mr. ROTH. Mr. Speaker, as chairman of the Subcommittee on Economic Policy and Trade, I, along with the gentleman from Connecticut [Mr. GEJDENSON], have looked at this issue of jobs. The reason this bill is so important, this securities legislation, is because it really revolving around jobs.

Many of our companies are moving overseas. Why? Because of frivolous lawsuits. Many of our companies are not bringing in the innovation that we need today. Why? Because they are afraid of frivolous lawsuits.

Mr. Speaker, in his opening remarks, the gentleman from Virginia [Mr. BLILEY] pointed to a "T" to the central nub of the problem, and that is what we want to focus on. I know if the President had a chance to reconsider, he would sign this legislation.

Mr. BLILEY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, just to follow my colleague's remarks, 53 percent of our high-technology companies in Silicon Valley have been hit with the type of fraudulent lawsuits that this legislation would prohibit. If my colleagues want to bring back the California economy—and it is still struggling—and if the President wants to bring back the California economy and get a little credit for it, let us get this legislation passed. Please support this override.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] has 2½ minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 2 minutes remaining.

Mr. BLILEY. Mr. Speaker, we have one speaker left to close, and I reserve the balance of my time.

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

Mr. Speaker, when a hurricane or a tornado causes a billion dollars' worth of damage to homes and families, the Nation races to their aid. But when investors are defrauded of $1 billion, such as the Prudential Securities case, it is a silent hurricane that ravages the life savings of families across this country.

The President wants to protect growing companies and growing families. We must help him to fix this bill. We must have a "no" vote on this override. It is absolutely critical for us to block all frivolous cases. The President, and those of us who are supporting the President's position, want to block all frivolous lawsuits, and we will do so. But we do not want to block meritorious cases.

Mr. Speaker, what a sad state of affairs in this country if, in the name of job creation, we block meritorious cases brought by defrauded investors against financial scam artists who have lied and deceived investors in this country.

Mr. Speaker, a "no" vote is the only correct vote here to defend against the defrauding of investors in this country; to ensure that meritorious cases can be brought; to ensure that the pleadings are not too high; to ensure that, in fact, loser-pays does not become an absolute block to ordinary individuals in bringing cases; to ensure that companies and financial experts cannot lie, deliberately lie, deliberately defraud individuals across this country.

Support the President. Vote "no". Vote "no" here to protect average investors in this country. Mr. Speaker, I tell my colleagues, we will come back and we will give them a bill which will block all frivolous lawsuits that will be brought in this country. Vote "no."

□ 1200

Mr. BLILEY. Mr. Speaker, I yield the remainder of our time to the gentleman from California [Mr. COX], a member of the committee who has done more work on this bill perhaps than almost anyone else on our side.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Christmas Day is approaching. We are still hard at work because we are in the midst of a historic effort to pass the first balanced budget in 30 years. It is a difficult time. There is some partisan rhetoric on the floor.

But in the midst of this we have managed to produce one of the most bipartisan, carefully crafted pieces of legislation in congressional history. It is no accident that this bill passed the House of Representatives and the Senate by overwhelming, more than two-thirds, more than veto-proof margins.

Fraudulent litigation, everyone has accepted, is a serious problem in America. The manipulation and abuse of our securities laws by unethical multimillionaire bandits is a serious problem in need of a remedy. This bill comes after long and hard work, not just between the House and the Senate, not just Democrats, a majority of whom have voted to support this legislation, and Republicans, but with the administration and with the Securities and Exchange Commission.

We wanted to craft a careful balance because this is such a serious issue that affects all of us. In California, it affects us at least as much as anywhere else. That is why the Governor of California has asked for your support. That is why you have seen so many California Democrats and Republicans on the floor today asking for an override of this ill-considered veto.

The President made three points. First, he believes that people who bring cases in violation of existing Federal rule 11 should not be subject to sanctions. Let me read you what rule 11 says:

> Only those cases that are brought for the purpose of harassment are subject to these sanctions; cases brought for an improper purpose, to intentionally delay; frivolous cases.

That is what rule 11 says. Those cases have no place in our system.

And, yes, at the end of a lawsuit after the judge has heard all of the evidence, he should, or she should, be able to impose sanctions in those cases.

Second, the President said the pleadings standards, which are changed in our bill to prevent fishing expeditions, should be weakened. But we do not wish to see fishing expedition lawsuits. That is why the President's own Securities and Exchange Commission did not level this objection to this part of the bill. * * * complaint about the safe harbor. The SEC chairman approved it. The Administration's own SEC approved this part of the bill.

It took 12 months to craft this legislation. It took 12 seconds for the President to set these efforts back. Let us put ourselves back on track and vote now to override the President's veto and support this most bipartisan and most important legislation.

Mr. SCHUMER. Mr. Speaker, I strongly support the override of the President's veto of H.R. 1058. I voted in favor of both the original House bill and the conference report, and I must respectfully differ with the President and urge my colleagues to vote in favor once again of this fair, well-balanced bill, which passed the House only 2 weeks ago by an overwhelming vote of 320 to 102.

We need to put an end to frivolous securities suits that needlessly cost millions of dollars, impair capital formation and investment, and clog up our court system. Under the current system lawyers often bring lawsuits immediately after a drop in a company's stock price, without any further research into the real

cause of the price decline. As a result the suits often have no substantive merit, but they have the effect of presenting the company with the unhappy choice between a costly, lengthy discovery process and an exorbitant, unjustified settlement. And what's worse, an inordinate share of the ultimate settlement often ends up in the pockets of the lawyers who brought the case, rather than in the bank accounts of the shareholders on whose behalf the lawyers ostensibly filed in the first place.

This bill goes a long way toward correcting these abuses without curtailing the essential rights of shareholders to sue corporations and insiders when there is legitimate evidence of fraud and deception. It continues to protect those vital rights—as we must—while at the same time protecting companies from needless and costly distractions. In the end, shareholders will win twice because the value of their investments will grow, and the American economy will win because we'll have removed one more impediment to the kind of robust growth and investment we all agree are so critically needed. I urge my colleagues to support this bill.

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

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 319, nays 100, answered "present" 1, not voting 14, as follows:

[Roll No. 870]

YEAS—319

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NAYS—100

Baldacci
Becerra
Beilenson
Berman
Bonior
Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Evans
Fattah
Foglietta
Ford
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kildee
Klink
Levin
Lewis (GA)
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pomeroy
Poshard
Rahall
Rangel
Richardson
Rivers
Roybal-Allard
Sanders
Schroeder
Scott
Serrano
Skaggs
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thurman
Torres
Torricelli
Velazquez
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Yates

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—14

Abercrombie
Chapman
Crane
de la Garza
Dooley
Dornan
Edwards
Emerson
Filner
Lantos
Peterson (MN)
Pryce
Watts (OK)
Young (AK)

□ 1220

The Clerk announced the following pair:

On this vote:

Mr. Edwards for, with Mr. Filner against.

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

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

## PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, on the last vote, rollcall 870, I was unavoidably detained. Had I been here, I would have voted "nay."

## PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, on rollcall No. 870, I was inadvertently detained with constituents. Had I been present, I would have voted "yea."

## GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1058.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 1655, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. COMBEST submitted the following conference report and statement on the bill (H.R. 1655) to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-427)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1655), to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1996".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*


*Sec. 1. Short title; table of contents.*

*TITLE I—INTELLIGENCE ACTIVITIES*

*Sec. 101. Authorization of appropriations.*
*Sec. 102. Classified schedule of authorizations.*
*Sec. 103. Personnel ceiling adjustments.*
*Sec. 104. Community Management Account.*

*TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM*

*Sec. 201. Authorization of appropriations.*

*TITLE III—GENERAL PROVISIONS*

*Sec. 301. Increase in employee compensation and benefits authorized by law.*
*Sec. 302. Restriction on conduct of intelligence activities.*
*Sec. 303. Application of sanctions laws to intelligence activities.*
*Sec. 304. Thrift savings plan forfeiture.*
*Sec. 305. Authority to restore spousal pension benefits to spouses who cooperate in criminal investigations and prosecutions for national security offenses.*
*Sec. 306. Secrecy agreements used in intelligence activities.*
*Sec. 307. Limitation on availability of funds for automatic declassification of records over 25 years old.*
*Sec. 308. Amendment to the Hatch Act Reform Amendments of 1993.*
*Sec. 309. Report on personnel policies.*
*Sec. 310. Assistance to foreign countries.*
*Sec. 311. Financial management of the National Reconnaissance Office.*

*TITLE IV—CENTRAL INTELLIGENCE AGENCY*

*Sec. 401. Extension of the CIA Voluntary Separation Pay Act.*
*Sec. 402. Volunteer service program.*
*Sec. 403. Authorities of the Inspector General of the Central Intelligence Agency.*

*TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES*

*Sec. 501. Defense intelligence senior level positions.*
*Sec. 502. Comparable benefits and allowances for civilian and military personnel assigned to defense intelligence functions overseas.*
*Sec. 503. Extension of authority to conduct intelligence commercial activities.*
*Sec. 504. Availability of funds for Tier II UAV.*
*Sec. 505. Military Department Civilian Intelligence Personnel Management System.*
*Sec. 506. Enhancement of capabilities of certain army facilities.*

*TITLE VI—FEDERAL BUREAU OF INVESTIGATION*

*Sec. 601. Disclosure of information and consumer reports to FBI for counterintelligence purposes.*

*TITLE VII—TECHNICAL AMENDMENTS*

*Sec. 701. Clarification with respect to pay for Director or Deputy Director of Central Intelligence appointed from commissioned officers of the Armed Forces.*
*Sec. 702. Change of designation of CIA Office of Security.*


***TITLE I—INTELLIGENCE ACTIVITIES***

***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

*Funds are hereby authorized to be appropriated for fiscal year 1996 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:*

*(1) The Central Intelligence Agency.*
*(2) The Department of Defense.*
*(3) The Defense Intelligence Agency.*
*(4) The National Security Agency.*
*(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.*
*(6) The Department of State.*
*(7) The Department of the Treasury.*
*(8) The Department of Energy.*
*(9) The Federal Bureau of Investigation.*
*(10) The Drug Enforcement Administration.*
*(11) The National Reconnaissance Office.*
*(12) The Central Imagery Office.*

***SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.***

*(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1996, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 1655 of the One Hundred Fourth Congress.*

*(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.*

***SEC. 103. PERSONNEL CEILING ADJUSTMENTS.***

*(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1996 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.*

*(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.*

***SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1996 the sum of $90,713,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1997.*

*(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Staff of the Director of Central Intelligence is authorized 247 full-time personnel as of September 30, 1996. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.*

*(c) REIMBURSEMENT.—During fiscal year 1996, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.*

***TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM***

***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

*There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1996 the sum of $213,900,000.*

***TITLE III—GENERAL PROVISIONS***

***SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.***

*Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.*

***SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.***

*The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.*

***SEC. 303. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.***

*(a) GENERAL PROVISIONS.—The National Security Act of 1947 (50 U.S.C. 401 et seq.), is amended by adding at the end thereof the following new title:*

*"TITLE IX—APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES*

*"STAY OF SANCTIONS*

*"SEC. 901. Notwithstanding any provision of law identified in section 904, the President may stay the imposition of an economic, cultural, diplomatic, or other sanction or related action by the United States Government concerning a foreign country, organization, or person when the President determines and reports to Congress in accordance with section 903 that to proceed without delay would seriously risk the compromise of an ongoing criminal investigation directly related to the activities giving rise to the sanction or an intelligence source or method directly related to the activities giving rise to the sanction. Any such stay shall be effective for a period of time specified by the President, which period may not exceed 120 days, unless such period is extended in accordance with section 902.*

*"EXTENSION OF STAY*

*"SEC. 902. Whenever the President determines and reports to Congress in accordance with section 903 that a stay of sanctions or related actions pursuant to section 901 has not afforded*

*sufficient time to obviate the risk to an ongoing criminal investigation or to an intelligence source or method that gave rise to the stay, he may extend such stay for a period of time specified by the President, which period may not exceed 120 days. The authority of this section may be used to extend the period of a stay pursuant to section 901 for successive periods of not more than 120 days each.*

*"REPORTS*

*"SEC. 903. Reports to Congress pursuant to sections 901 and 902 shall be submitted promptly upon determinations under this title. Such reports shall be submitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate. With respect to determinations relating to intelligence sources and methods, reports shall also be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. With respect to determinations relating to ongoing criminal investigations, reports shall also be submitted to the Committees on the Judiciary of the House of Representatives and the Senate.*

*"LAWS SUBJECT TO STAY*

*"SEC. 904. The President may use the authority of sections 901 and 902 to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action by the United States Government related to the proliferation of weapons of mass destruction, their delivery systems, or advanced conventional weapons otherwise required to be imposed by the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102–182); the Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103–236); title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) (relating to the nonproliferation of missile technology); the Iran-Iraq Arms Nonproliferation Act of 1992 (title XVI of Public Law 102–484); section 573 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1994 (Public Law 103–87); section 563 of the Foreign Operations, Export Financing Related Programs Appropriations Act, 1995 (Public Law 103–306); and comparable provisions.*

*"APPLICATION*

*"SEC. 905. This title shall cease to be effective on the date which is one year after the date of the enactment of this title.".*

*(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by adding at the end thereof the following:*

*"TITLE IX—APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES*

*"Sec. 901. Stay of sanctions.*
*"Sec. 902. Extension of stay.*
*"Sec. 903. Reports.*
*"Sec. 904. Laws subject to stay.*
*"Sec. 905. Application.".*

***SEC. 304. THRIFT SAVINGS PLAN FORFEITURE.***

*(a) IN GENERAL.—Section 8432(g) of title 5, United States Code, is amended by adding at the end the following new paragraph:*

*"(5) Notwithstanding any other provision of law, contributions made by the Government for the benefit of an employee or Member under subsection (c), and all earnings attributable to such contributions, shall be forfeited if the annuity of the employee or Member, or that of a survivor or beneficiary, is forfeited under subchapter II of chapter 83.".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to offenses upon which the requisite annuity forfeitures are based occurring on or after the date of the enactment of this Act.*

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***SEC. 305. AUTHORITY TO RESTORE SPOUSAL PENSION BENEFITS TO SPOUSES WHO COOPERATE IN CRIMINAL INVESTIGATIONS AND PROSECUTIONS FOR NATIONAL SECURITY OFFENSES.***

*Section 8318 of title 5, United States Code, is amended by adding at the end the following:*

*"(e) The spouse of an individual whose annuity or retired pay is forfeited under section 8312 or 8313 after the date of enactment of this subsection shall be eligible for spousal pension benefits if the Attorney General of the United States determines that the spouse fully cooperated with Federal authorities in the conduct of a criminal investigation and subsequent prosecution of the individual which resulted in such forfeiture.".*

***SEC. 306. SECRECY AGREEMENTS USED IN INTELLIGENCE ACTIVITIES.***

*Notwithstanding any other provision of law not specifically referencing this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum—*

*(1) require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government; and*

*(2) provide that the form or agreement does not bar—*

*(A) disclosures to Congress; or*

*(B) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.*

***SEC. 307. LIMITATION ON AVAILABILITY OF FUNDS FOR AUTOMATIC DECLASSIFICATION OF RECORDS OVER 25 YEARS OLD.***

*(a) IN GENERAL.—The Director of Central Intelligence shall use no more than $25,000,000 of the amounts authorized to be appropriated for fiscal year 1996 by this Act for the National Foreign Intelligence Program to carry out the provisions of section 3.4 of Executive Order 12958. The Director may, in the Director's discretion, draw on this amount for allocation to the agencies within the National Foreign Intelligence Program for the purpose of automatic declassification of records over 25 years old.*

*(b) REQUIRED BUDGET SUBMISSION.—The President shall submit for fiscal year 1997 and each of the following fiscal years through fiscal year 2000 a budget request which specifically sets forth the funds requested for implementation of section 3.4 of Executive Order 12958.*

***SEC. 308. AMENDMENT TO THE HATCH ACT REFORM AMENDMENTS OF 1993.***

*Section 7325 of title 5, United States Code, is amended by adding after "section 7323(a)" the following: "and paragraph (2) of section 7323(b)".*

***SEC. 309. REPORT ON PERSONNEL POLICIES.***

*(a) REPORT REQUIRED.—Not later than three months after the date of enactment of this Act, the Director of Central Intelligence shall submit to the intelligence committees of Congress a report describing personnel procedures, and recommending necessary legislation, to provide for mandatory retirement for expiration of time in class, comparable to the applicable provisions of section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), and termination based on relative performance, comparable to section 608 of the Foreign Service Act of 1980 (22 U.S.C. 4008), and to provide for other personnel review systems for all civilian employees of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the intelligence elements of the Army, Navy, Air Force, and Marine Corps. Such report shall contain a description and analysis of voluntary separation incentive options, including a waiver of the 2 percent penalty reduction for early retirement under certain Federal retirement systems.*

*(b) COORDINATION.—The preparation of the report required by subsection (a) shall be coordinated as appropriate with elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)).*

*(c) DEFINITION.—As used in this section, the term "intelligence committees of Congress" means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.*

***SEC. 310. ASSISTANCE TO FOREIGN COUNTRIES.***

*Notwithstanding any other provision of law, funds authorized to be appropriated by this Act may be used to provide assistance to a foreign country for counterterrorism efforts if—*

*(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and*

*(2) the Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives are notified not later than 15 days prior to the provision of such assistance.*

***SEC. 311. FINANCIAL MANAGEMENT OF THE NATIONAL RECONNAISSANCE OFFICE.***

*(a) MANAGEMENT REVIEW.—(1) The Inspector General for the Central Intelligence Agency, assisted by the Inspector General of the Department of Defense, shall undertake a comprehensive review of the financial management of the National Reconnaissance Office to evaluate the effectiveness of policies and internal controls over the budget of the National Reconnaissance Office, including the use of carry-forward funding, to ensure that National Reconnaissance Office funds are used in accordance with applicable Federal acquisition regulations and the policies of the Director of Central Intelligence and consistent with those of the Department of Defense, the guidelines of the National Reconnaissance Office, and congressional direction.*

*(2) The review required by paragraph (1) shall—*

*(A) determine the quality of the development and implementation of the budget process within the National Reconnaissance Office at both the comptroller and directorate level;*

*(B) assess the advantages and disadvantages of the use of incremental versus full funding for contracts entered into by the National Reconnaissance Office;*

*(C) assess the advantages and disadvantages of the National Reconnaissance Office's use of carry-forward funding;*

*(D) determine how the National Reconnaissance Office defines, identifies, and justifies carry-forward funding requirements;*

*(E) determine how the National Reconnaissance Office tracks and manages carry-forward funding;*

*(F) determine how the National Reconnaissance Office plans to comply with congressional direction regarding carry-forward funding;*

*(G) determine whether or not a contract entered into by the National Reconnaissance Office has ever encountered a contingency which required the utilization of more than 30 days of carry-forward funding;*

*(H) consider the proposal by the Director of Central Intelligence for the establishment of a position of a Chief Financial Officer, and assess how the functions to be performed by that officer would enhance the financial management of the National Reconnaissance Office; and*

*(I) make recommendations, as appropriate, to improve control and management of the budget process of the National Reconnaissance Office.*

*(3) The Director of Central Intelligence shall submit a report to the Congress setting forth the findings of the review required by paragraph (1) not later than March 1, 1996, with an interim report provided to the Congress not later than 2 weeks after the enactment of this Act.*

*(b) REPORT.—(1) Not later than January 30, 1996, the President shall submit a report to the appropriate committees of the Congress on a proposal to subject the budget of the intelligence community to greater oversight by the executive branch of Government.*

*(2) Such report shall include (among other things)—*

*(A) consideration of establishing by statute a financial control officer for the National Reconnaissance Office, other elements of the intelligence community, and for the intelligence community as a whole;*

*(B) recommendations for procedures to be used by the Office of Management and Budget for review of the budget of the National Reconnaissance Office;*

*(C) a proposed statutory provision that would require the Director of Central Intelligence to establish a policy to restrict the National Reconnaissance Office authority on carry-forward funding in a manner consistent with the restriction on such authority within the Department of Defense; and*

*(D) an evaluation of how changes proposed as a result of the review required by subsection (a) will affect, directly or indirectly, the National Reconnaissance Office's streamlined acquisition process and, ultimately, program costs.*

*(c) DEFINITION.—As used in this section, the term "intelligence community" has the meaning given to the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).*

## *TITLE IV—CENTRAL INTELLIGENCE AGENCY*

### *SEC. 401. EXTENSION OF THE CIA VOLUNTARY SEPARATION PAY ACT.*

*(a) EXTENSION OF AUTHORITY.—Section 2(f) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4(f)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".*

*(b) REMITTANCE OF FUNDS.—Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4) is amended by inserting at the end the following new subsection:*

*"(i) REMITTANCE OF FUNDS.—The Director shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund (in addition to any other payments which the Director is required to make under subchapter III of chapter 83 and subchapter II of chapter 84 of title 5, United States Code), an amount equal to 15 percent of the final basic pay of each employee who, in fiscal year 1998 or fiscal year 1999, retires voluntarily under section 8336, 8412, or 8414 of such title or resigns and to whom a voluntary separation incentive payment has been or is to be paid under this section.".*

### *SEC. 402. VOLUNTEER SERVICE PROGRAM.*

*(a) GENERAL AUTHORITY.—The Director of Central Intelligence is authorized to establish and maintain a program from fiscal years 1996 through 2001 to utilize the services contributed by not more than 50 annuitants who serve without compensation as volunteers in aid of the review for declassification or downgrading of classified information by the Central Intelligence Agency under applicable Executive orders governing the classification and declassification of national security information and Public Law 102–526.*

*(b) COSTS INCIDENTAL TO SERVICES.—The Director is authorized to use sums made available to the Central Intelligence Agency by appropriations or otherwise for paying the costs incidental to the utilization of services contributed by individuals under subsection (a). Such costs may include (but need not be limited to) training, transportation, lodging, subsistence, equipment, and supplies. The Director may authorize either direct procurement of equipment, supplies, and services, or reimbursement for expenses, incidental to the effective use of volunteers. Such expenses or services shall be in accordance with volunteer agreements made with such individuals. Sums made available for such costs may not exceed $100,000.*

*(c) APPLICATION OF CERTAIN PROVISIONS OF LAW.—A volunteer under this section shall be considered to be a Federal employee for the purposes of subchapter I of title 81 (relating to compensation of Federal employees for work injuries) and section 1346(b) and chapter 171 of title 28 (relating to tort claims). A volunteer under this section shall be covered by and subject to the provisions of chapter 11 of title 18 of the United States Code as if they were employees or special Government employees depending upon the days of expected service at the time they begin volunteering.*

### *SEC. 403. AUTHORITIES OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.*

*(a) REPORTS BY THE INSPECTOR GENERAL.—Section 17(b)(5) of the Central Intelligence Act of 1949 (50 U.S.C. 403q(b)(5)) is amended to read as follows:*

*"(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Director.".*

*(b) EXCEPTION TO NONDISCLOSURE REQUIREMENT.—Section 17(e)(3)(A) of such Act is amended by inserting after "investigation" the following: "or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken".*

## *TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES*

### *SEC. 501. DEFENSE INTELLIGENCE SENIOR LEVEL POSITIONS.*

*Section 1604 of title 10, United States Code, is amended to read as follows:*

### *"§1604. Civilian personnel management*

*"(a) GENERAL PERSONNEL AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of Federal employees—*

*"(1) establish such positions for employees in the Defense Intelligence Agency and the Central Imagery Office as the Secretary considers necessary to carry out the functions of that Agency and Office, including positions designated under subsection (f) as Defense Intelligence Senior Level positions;*

*"(2) appoint individuals to those positions; and*

*"(3) fix the compensation for service in those positions.*

*"(b) AUTHORITY TO FIX RATES OF BASIC PAY; OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the Defense Intelligence Agency or the Central Imagery Office may not be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of title 5.*

*"(2) The Secretary of Defense may provide employees of the Defense Intelligence Agency and the Central Imagery Office compensation (in addition to basic pay under paragraph (1)) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.*

*"(c) PREVAILING RATES SYSTEMS.—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the Defense Intelligence Agency or the Central Imagery Office may employ individuals described by section 5342(a)(2)(A) of such title.*

*"(d) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In addition to the basic compensation payable under subsection (b), employees of the Defense Intelligence Agency and the Central Imagery Office described in paragraph (3) may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, at a rate not in excess of the allowance authorized to be paid under section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.*

*"(2) Such allowance shall be based on—*

*"(A) living costs substantially higher than in the District of Columbia;*

*"(B) conditions of environment which—*

*"(i) differ substantially from conditions of environment in the continental United States; and*

*"(ii) warrant an allowance as a recruitment incentive; or*

*"(C) both of those factors.*

*"(3) This subsection applies to employees who—*

*"(A) are citizens or nationals of the United States; and*

*"(B) are stationed outside the continental United States or in Alaska.*

*"(e) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee of the Defense Intelligence Agency or the Central Imagery Office if the Secretary—*

*"(A) considers such action to be in the interests of the United States; and*

*"(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.*

*"(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.*

*"(3) The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.*

*"(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.*

*"(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency),*

*and the Director of the Central Imagery Office (with respect to employees of the Central Imagery Office). An action to terminate employment of an employee by any such officer may be appealed to the Secretary of Defense.*

*"(f) DEFENSE INTELLIGENCE SENIOR LEVEL POSITIONS.—(1) In carrying out subsection (a)(1), the Secretary may designate positions described in paragraph (3) as Defense Intelligence Senior Level positions. The total number of positions designated under this subsection, when combined with the total number of positions in the Defense Intelligence Senior Executive Service under section 1601 of this title, may not exceed the total number of positions in the Defense Intelligence Senior Executive Service as of June 1, 1995.*

*"(2) Positions designated under this subsection shall be treated as equivalent for purposes of compensation to the senior level positions to which section 5376 of title 5 is applicable.*

*"(3) Positions that may be designated as Defense Intelligence Senior Level positions are positions in the Defense Intelligence Agency and Central Imagery Office that (A) are classified above the GS–15 level, (B) emphasize functional expertise and advisory activity, but (C) do not have the organizational or program management functions necessary for inclusion in the Defense Intelligence Senior Executive Service.*

*"(4) Positions referred to in paragraph (3) include Defense Intelligence Senior Technical positions and Defense Intelligence Senior Professional positions. For purposes of this subsection—*

*"(A) Defense Intelligence Senior Technical positions are positions covered by paragraph (3) that involve any of the following:*

*"(i) Research and development.*

*"(ii) Test and evaluation.*

*"(iii) Substantive analysis, liaison, or advisory activity focusing on engineering, physical sciences, computer science, mathematics, biology, chemistry, medicine, or other closely related scientific and technical fields.*

*"(iv) Intelligence disciplines including production, collection, and operations in close association with any of the activities described in clauses (i), (ii), and (iii) or related activities; and*

*"(B) Defense Intelligence Senior Professional positions are positions covered by paragraph (3) that emphasize staff, liaison, analytical, advisory, or other activity focusing on intelligence, law, finance and accounting, program and budget, human resources management, training, information services, logistics, security, and other appropriate fields.*

*"(g) 'EMPLOYEE' DEFINED AS INCLUDING OFFICERS.—In this section, the term 'employee', with respect to the Defense Intelligence Agency or the Central Imagery Office, includes any civilian officer of that Agency or Office.".*

***SEC. 502. COMPARABLE BENEFITS AND ALLOWANCES FOR CIVILIAN AND MILITARY PERSONNEL ASSIGNED TO DEFENSE INTELLIGENCE FUNCTIONS OVERSEAS.***

*(a) CIVILIAN PERSONNEL.—Section 1605 of title 10, United States Code, is amended—*

*(1) in subsection (a)—*

*(A) by inserting "(1)" after "(a)";*

*(B) by striking "of the Department of Defense" and all that follows through "this subsection," and inserting "described in subsection (d)"; and*

*(C) by designating the second sentence as paragraph (2);*

*(2) by striking subsection (c) and inserting the following:*

*"(c) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—*

*"(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and*

*"(2) the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives."; and*

*(3) by adding at the end the following new subsection:*

*"(d) Subsection (a) applies to civilian personnel of the Department of Defense who—*

*"(1) are United States nationals;*

*"(2) in the case of employees of the Defense Intelligence Agency, are assigned to duty outside the United States and, in the case of other employees, are assigned to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; and*

*"(3) are designated by the Secretary of Defense for the purposes of subsection (a).".*

*(b) MILITARY PERSONNEL.—Section 431 of title 37, United States Code, is amended—*

*(1) in subsection (a), by striking "who are assigned to" and all that follows through "of this subsection" and inserting "described in subsection (e)";*

*(2) by striking subsection (d) and inserting the following:*

*"(d) Regulations prescribed under subsection (a) may not take effect until the Secretary of Defense has submitted such regulations to—*

*"(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and*

*"(2) the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives."; and*

*(3) by adding at the end the following new subsection:*

*"(e) Subsection (a) applies to members of the armed forces who—*

*"(1) are assigned—*

*"(A) to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States; or*

*"(B) to the Defense Intelligence Agency and engaged in intelligence-related duties outside the United States; and*

*"(2) are designated by the Secretary of Defense for the purposes of subsection (a).".*

***SEC. 503. EXTENSION OF AUTHORITY TO CONDUCT INTELLIGENCE COMMERCIAL ACTIVITIES.***

*Section 431(a) of title 10, United States Code, is amended by striking "1995" and inserting "1998".*

***SEC. 504. AVAILABILITY OF FUNDS FOR TIER II UAV.***

*All funds appropriated for fiscal year 1995 for the Medium Altitude Endurance Unmanned Aerial Vehicle (Tier II) are specifically authorized, within the meaning of section 504 of the National Security Act of 1947 (50 U.S.C. 414), for such purpose.*

***SEC. 505. MILITARY DEPARTMENT CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT SYSTEM.***

*(a) ESTABLISHMENT OF TRAINING PROGRAM.—Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:*

***"§1599a. Financial assistance to certain employees in acquisition of critical skills***

*"(a) TRAINING PROGRAM.—The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees in the Military Department Civilian Intelligence Personnel Management System that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.*

*"(b) USE OF FUNDS FOR TRAINING PROGRAM.—Any payment made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.".*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new item:*

*"Sec. 1599a. Financial assistance to certain employees in acquisition of critical skills.".*

***SEC. 506. ENHANCEMENT OF CAPABILITIES OF CERTAIN ARMY FACILITIES.***

*(a) AUTHORITY.—(1) In addition to funds otherwise available for such purpose, the Secretary of the Army may transfer or reprogram funds for the enhancement of the capabilities of the Bad Aibling Station and the Menwith Hill Station, including improvements of facility infrastructure and quality of life programs at those installations.*

*(2) The authority of paragraph (1) may be exercised notwithstanding any other provision of law.*

*(b) SOURCE OF FUNDS.—Funds available for the Army for operations and maintenance for fiscal years 1996 and 1997 shall be available to carry out subsection (a).*

*(c) CONGRESSIONAL NOTIFICATION.—Whenever the Secretary of the Army determines that an amount to be transferred or reprogrammed under this section would cause the total amount transferred or reprogrammed in that fiscal year under this section to exceed $1,000,000, the Secretary shall notify in advance the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on National Security, and the Committee on Appropriations of the House of Representatives and provide a justification for the increased expenditure.*

*(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to modify or obviate existing law or practice with regard to the transfer or reprogramming of funds in excess of $2,000,000 from the Department of the Army to the Bad Aibling Station and the Menwith Hill Station.*

## *TITLE VI—FEDERAL BUREAU OF INVESTIGATION*

***SEC. 601. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.***

*(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:*

***"§624. Disclosures to FBI for counterintelligence purposes***

*"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—*

*"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and*

*"(2) there are specific and articulable facts giving reason to believe that the consumer—*

*"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or*

*"(B) is an agent of a foreign power and is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.*

*"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—*

*"(1) such information is necessary to the conduct of an authorized counterintelligence investigation; and*

*"(2) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).*

*"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—*

*"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and*

*"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—*

*"(A) is an agent of a foreign power, and*

*"(B) is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.*

*The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.*

*"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.*

*"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.*

*"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to other Federal agencies as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.*

*"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.*

*"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).*

*"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—*

*"(1) $100, without regard to the volume of consumer reports, records, or information involved;*

*"(2) any actual damages sustained by the consumer as a result of the disclosure;*

*"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and*

*"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.*

*"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.*

*"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.*

*"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.*

*"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after the item relating to section 623 the following new item:*

*"624. Disclosures to FBI for counterintelligence purposes.".*

***TITLE VII—TECHNICAL AMENDMENTS***

***SEC. 701. CLARIFICATION WITH RESPECT TO PAY FOR DIRECTOR OR DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE APPOINTED FROM COMMISSIONED OFFICERS OF THE ARMED FORCES.***

*(a) CLARIFICATION.—Subparagraph (C) of section 102(c)(3) of the National Security Act of 1947 (50 U.S.C. 403(c)(3)) is amended to read as follows:*

*"(C) A commissioned officer of the Armed Forces on active duty who is appointed to the position of Director or Deputy Director, while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for the Director or Deputy Director. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director.".*

*(b) TECHNICAL CORRECTIONS.—(1) Subparagraphs (A) and (B) of such section are amended by striking "pursuant to paragraph (2) or (3)" and inserting "to the position of Director or Deputy Director".*

*(2) Subparagraph (B) of such section is amended by striking "paragraph (A)" and inserting "subparagraph (A)".*

***SEC. 702. CHANGE OF DESIGNATION OF CIA OFFICE OF SECURITY.***

*Section 701(b)(3) of the National Security Act of 1947 (50 U.S.C. 431(b)(3)), is amended by striking "Office of Security" and inserting "Office of Personnel Security".*

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

LARRY COMBEST,
R.K. DORNAN,
BILL YOUNG,
JAMES V. HANSEN,
JERRY LEWIS,
PORTER J. GOSS,
BUD SHUSTER,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
NORMAN DICKS,
BILL RICHARDSON,
JULIAN C. DIXON,
ROBERT G. TORRICELLI,
RON COLEMAN,
DAVID E. SKAGGS,
NANCY PELOSI,

As additional conferees from the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,

As additional conferees from the Committee on International Relations, for consideration of section 303 of the House bill, and section 303 of the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
CHRISTOPHER SMITH,
HOWARD L. BERMAN,
*Managers on the Part of the House.*

ARLEN SPECTER,

RICHARD G. LUGAR,
RICHARD SHELBY,
MIKE DEWINE,
JON KYL,
JIM INHOFE,
KAY BAILEY HUTCHISON,
CONNIE MACK,
BILL COHEN,
STROM THURMOND,
ROBERT KERREY,
JOHN GLENN,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
J. BENNETT JOHNSTON,
CHARLES ROBB,
SAM NUNN,
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1655) to authorize appropriations for fiscal year 1996 for intelligence and the intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—INTELLIGENCE ACTIVITIES

**SEC. 101. AUTHORIZATION FOR APPROPRIATIONS.**

Section 101 of the conference report lists the departments, agencies and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1996.

**SEC. 102—CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 1996 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated into the Act by this section. The details of the Schedule are explained in the classified annex to this report.

**SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 1996 to exceed the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director may exercise this authority only when doing so is necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the two intelligence committees of the Congress.

The conferees emphasize that the authority conferred by Section 103 is not intended to permit the whosesale raising of personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill.

**SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

Section 104 of the conference report authorizes appropriations for the Community Management Account of the Director of Central Intelligence and sets the personnel end-strength for the Intelligence Community Management Staff for fiscal year 1996.

Subsection (a) authorizes appropriations of $90,713,000 for fiscal year 1996 for the activities of the Community Management Account of the Director of Central Intelligence. It also authorizes funds identified for the Advanced Research and Development Committee and the Environmental Task Force to remain available for two years.

Subsection (b) authorizes 247 full-time personnel for the Community Management Staff for fiscal year 1996 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection (c) requires that personnel be detailed on a reimbursable basis except for temporary situations of less than one year.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Section 201 authorizes appropriations in the amount of $213,900,000 for fiscal year 1996 for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III—GENERAL PROVISIONS

**SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Section 301 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law. Section 301 is identical to section 301 of the House bill and section 301 of the Senate amendment.

**SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

Section 302 provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States. Section 302 is identical to section 302 of the House bill and section 302 of the Senate amendment.

**SEC. 303. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.**

Section 303 of the conference report amends the National Security Act of 1947 with a new Title IX to permit the President to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action when the President determines and reports to Congress that to proceed without delay would seriously risk the compromise of an intelligence source or method or an ongoing criminal investigation. Both the House bill and the Senate amendment contained provisions pertaining to deferrals of sanctions.

Section 901 of the new Title IX of the National Security Act of 1947 grants the President the authority to stay the imposition of a sanction or related action. Section 901 requires that when a sanction or related action is to be deferred due to the risk of compromise of a source or method or an ongoing criminal investigation, the source or method or the law enforcement matter in question must be related to the activities giving rise to the sanction. The section allows the President to stay the imposition of a sanction or related action for a specified period not to exceed 120 days.

Section 902 of the new Title IX provides that when the President determines and reports to Congress that a stay of an imposition of a sanction or related action has not afforded sufficient time to obviate the risk to an ongoing criminal investigation or to an intelligence source or method that gave rise to the stay, the President may extend the stay for successive periods of not more than 120 days.

Section 903 of the new Title IX requires that reports to Congress pursuant to section 901 and 902 be submitted promptly upon the President's determination to stay the imposition of a sanction or related action. Reports required under the new title are to be submitted to the Committee on International Relations of the House and the Committee on Foreign Relations of the Senate. Those reports pertaining to determinations related to intelligence sources and methods are also to be submitted to the Permanent Select Committee on Intelligence of the House and the Select Committee on Intelligence of the Senate. Those reports pertaining to determinations related to ongoing criminal investigations are also to be submitted to the Judiciary Committees of the House and Senate. The conferees further recognize that the actual structure and content of the reports to the Senate and House committees of jurisdiction will be achieved as a result of ongoing dialogue between the Congress and the Executive Branch. The conferees expect that the reports submitted pursuant to the new title will indicate the nature of the activities giving rise to the sanction or related action, the applicable law concerned, the country or countries in which the activity took place, and other pertinent details, to the maximum extent practicable consistent with the protection of intelligence sources and methods. The reports should also include a determination that the delay in the imposition of a sanction or related action will not be seriously prejudicial to the achievement of the United States' nonproliferation objectives or significantly increase the threat or risk to United States' military forces.

Section 904 of the new Title IX enumerates specific nonproliferation laws requiring a sanction or related action, the imposition of which the President may stay pursuant to sections 901 and 902. The section also grants the President the authority to stay the imposition of a sanction or related action contained in laws comparable to the enumerated acts.

Section 905 of the new Title IX states that the title ceases to be effective one year from the date of its enactment. The conferees believe this will afford Congress an opportunity to evaluate the use and effect of this provision in relation to sanctions laws. The Senate bill did not contain a similar provision.

The conferees expect that when the President chooses to exercise the deferral authority, the utmost will be done to resolve sources or methods or law enforcement problems as soon as possible so as to permit sanctions to be imposed as required by law. The intelligence and judiciary committees, as appropriate, should be informed fully of the efforts being made to address the circumstances that led to the delay. The conferees understand that instances where sanctions would be deferred would be rare, and that the deferral authority will be exercised only when an intelligence source or method or a criminal investigation is seriously at risk, and not to protect generic or speculative intelligence or law enforcement interests. Moreover, the presidential determination should not be used as a pretext for some other reason not to impose sanctions such as economic or foreign policy reasons. The President should lift the stay when the President determines that it is no longer necessary to protect against compromise.

The President must have sufficient information to determine whether the risk to intelligence sources and methods or an ongoing criminal investigation is significant and outweighs any potential harm to U.S. nonproliferation objectives. The conferees expect that determinations to invoke a stay authorized under this new title will be preceded by a rigorous interagency review process in which the recommendations of all relevant agencies, together with supporting facts, are made available to the President. The conferees intend to closely monitor the use of the authority provided under this title.

**SEC. 304. THRIFT SAVINGS PLAN FORFEITURE.**

Section 304 of the conference report adds a new subsection to section 8432(g) of title 5, United States Code, to provide that the Government's contribution to the Thrift Savings Plan under the Federal Employees Retirement System (FERS) and interest earned on that contribution shall be forfeited if the employee's annuity has been forfeited under subchapter II of Chapter 83, title 5, United States Code. This provision closes a loophole that was created when the FERS was established.

Prior to the enactment of the FERS, an employee's retirement annuity was based entirely on contributions made by the employee and by the Government to the applicable retirement fund. Under subchapter II of Chapter 83, any employee convicted of various national security offenses, including espionage, would forfeit his annuity and be entitled to receive only his monetary contributions to the annuity. A new retirement benefit, however, was created with the establishment of FERS, payable under the Thrift Savings Plan.

The Thrift Savings Plan now permits the employee to contribute into the Government-managed fund and requires that the Government also contribute to the fund on the employee's behalf. When FERS was enacted, the forfeiture provisions of subchapter II were not amended to cover the Government's contributions to the Plan. This situation clearly undermines the intent of subchapter II by permitting an employee convicted of espionage to retain the Government's contributions to the Plan. Section 304 corrects this anomaly by requiring the forfeiture of the Government's contribution to the Plan and attributable earnings on that contribution in situations where an individual's annuity is forfeited under subchapter II. Section 304 is identical to section 304 of the House bill and section 304 of the Senate amendment.

**SEC. 305. AUTHORITY TO RESTORE SPOUSAL PENSION BENEFITS TO SPOUSES WHO COOPERATE IN CRIMINAL INVESTIGATIONS AND PROSECUTIONS FOR NATIONAL SECURITY OFFENSES.**

Section 304 of the conference report amends section 8318 of title 5, United States Code, to make the spouse of an individual whose annuity or retired pay has been forfeited under section 8312 or 8313 of title 5 eligible for spousal pension benefits if the Attorney General determines that the spouse fully cooperated in the criminal investigation and prosecution of the individual. Enactment of this legislation will help to protect the national security interests of the United States by encouraging the spouses of federal employees who know or suspect that their husband or wife is engaged in espionage activities to inform the Government and to cooperate in a subsequent criminal investigation and prosecution. Current law actually discourages cooperation with the Government, since under current law pension benefits are lost upon conviction and forfeiture of the husband's or wife's annuity, even if the spouse has cooperated with the Government. Section 305 is identical to section 305 of the House bill and section 305 of the Senate amendment.

**SEC. 306. SECRECY AGREEMENTS USED IN INTELLIGENCE ACTIVITIES.**

Section 306 addresses a problem that CIA has experienced with secrecy agreements in the conduct of authorized intelligence activities. Beginning with the Treasury, Postal Service, and General Government Appropriations Act for fiscal year 1991 and in each year thereafter, Congress has required that agreements to protect classified information must contain certain prescribed language to put the executor on notice that the agreement does not supersede specified laws and Executive Order 12356. The language is as follows:

These restrictions are consistent with and do not supersede, conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse of public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into the Agreement and are controlling.

Notwithstanding that several of the laws cited apply only to federal employees, the Treasury appropriations acts have required CIA to include the specified language in nondisclosure agreements intended to be executed by private parties. The prescribed language is required in every secrecy agreement entered into, so federal employees and private entities alike must have such language included in the agreement that they sign. The recitation of numerous statutes in the overbearing but required "legalese" has caused confusion, complicated authorized intelligence activities, and even disrupted them when parties refuse to sign agreements containing provisions that do not apply to them. The required language is intimidating and has chilled otherwise promising intelligence relationships with private entities.

Consequently, section 306 clarifies that CIA and other intelligence agencies have the flexibility to tailor nondisclosure agreements according to the needs of the intelligence activity at hand, as long as the agreement at a minimum requires nondisclosure without specific authorization by the United States Government. The form or agreement must also make clear that the form or agreement does not bar disclosures to Congress or disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States laws. This section, when enacted, will permit the use of secrecy agreements stated in plain and understandable English and that will not intimidate the layman. The provision will make it easier for people to understand their rights and obligations when signing a secrecy agreement, which will ultimately enhance the protection of national security information.

**SEC. 307. LIMITATION ON AVAILABILITY OF FUNDS FOR AUTOMATIC DECLASSIFICATION OF RECORDS OVER 25 YEARS OLD.**

Section 307 limits the availability of funds authorized to be appropriated by this Act to implement section 3.4 of Executive Order 12958 to $25 million in fiscal year 1996. The Director of Central Intelligence, at the Director's discretion, may allocate this amount among the agencies of the National Foreign Intelligence Program for this purpose. Section 307 requires the President to submit budget requests that specifically identify the funds necessary to implement section 3.4 for fiscal years 1997 through 2000.

Given that the conferees have received four different estimates of the cost of implementing section 3.4 since the beginning of the year, the conferees believe there needs to be a continuing effort to fully evaluate the potential costs associated with the declassification review programs. The conferees further urge that this declassification effort be coordinated closely with CIA's Historical Review Program Office so as to enhance the intellectual coherence of the declassification process. In the budget submission for FY1997, the President is to provide a detailed request supported by firm estimates of declassification costs.

Section 307 of the House bill limited each agency of the National Foreign Intelligence Program to $2.5 million to carry out the provisions of section 3.4. The Senate amendment had no similar provision.

**SEC. 308. AMENDMENT TO THE HATCH ACT REFORM AMENDMENTS OF 1993.**

Section 308 restores the authority of the Office of Personnel Management (OPM) to extend "de-Hatching" to employees of the agencies listed in 5 U.S.C. §7323(b)(2)(B)(i).

Previously, under 5 U.S.C. §7323, OPM had the authority to designate certain municipalities and other political subdivisions in

which federal employees in both competitive and excepted services could actively participate in local partisan elections. (Such designation of municipalities and political subdivisions by OPM is commonly referred to as "de-Hatching".) However, when this authority was amended by Public Law 103-94 and recodified in 5 U.S.C. §7325, the authority was granted only "without regard to the prohibitions in paragraphs (2) and (3) of section 7323(a)". The prohibitions in section 7323(a) apply to the federal employees, both competitive and excepted service. However, employees of NSA, CIA, DIA and the other agencies listed in 5 U.S.C. §7323(b)(2)(B)(i) are subject to additional prohibitions under section 7323(b)(2)(A) which section 7325 does not permit OPM to disregard. Thus, OPM cannot extend de-Hatching to employees of the listed agencies and the implementing interim regulations issued by OPM (59 Fed. Reg. 5313 (1994) to be codified at 5 C.F.R. Part 733) reflect this restriction.

This provision would amend the "de-Hatching" provision (5 U.S.C. §7325) to include the excepted services in the category of federal employees that OPM may permit to take an active part in local (not Federal) political campaigns.

Section 308 is identical to section 306 of the Senate amendment. The House bill did not contain a similar provision.

**SEC. 309.—REPORT ON PERSONNEL POLICIES.**

Section 309 of the conference report requires the DCI to report to the intelligence oversight committees within three months detailed personnel procedures that could be implemented across the intelligence community to provide for mandatory retirement at expiration of time in class and termination based on relative performance similar to comparable provisions in sections 607 and 608 of the Foreign Service Act of 1980 (Title 22 U.S.C. 4007 and 4008) for civilian employees.

The Director of Central Intelligence and Secretary of Defense were directed in the FY 1995 Intelligence Authorization Act to provide a report by December 1, 1994 on the advisability of providing for mandatory retirement at expiration of time in class. The oversight committees have reviewed the issue and determined that a performance-based policy is advisable and are now directing the DCI to develop and report on procedures that could be implemented.

Senate floor action added a provision requiring that the DCI's report include a description and analysis of voluntary separation incentives, including a waiver of the "two percent penalty" reduction for early retirement under certain federal retirement systems. Section 309 is substantially similar to section 307 of the Senate amendment. The House bill did not contain a similar provision.

**SEC. 310.—ASSISTANCE TO FOREIGN COUNTRIES.**

Section 310 of the conference report authorizes assistance to a foreign country for counterterrorism efforts, notwithstanding any other provision of law, for the purpose of protecting the property of the United States Government or the life and property of any United States citizen or furthering the apprehension of any individual involved in any act of terrorism against such property or persons. The appropriate committees of Congress are to be notified not later than 15 days prior to the provision of such assistance. This authority is needed for the purpose of furthering United States interests. By providing this authority, there will be no doubt that the United States will be able to provide assistance to foreign countries that are willing to help identify, track and apprehend persons who have destroyed American property or harmed American citizens. Section 310 is identical to section 308 of the Senate amendment. There was no comparable language in the House bill.

**SEC. 311.—FINANCIAL MANAGEMENT OF THE NATIONAL RECONNAISSANCE OFFICE.**

Section 311 of the conference report seeks to improve accountability and financial management control over the National Reconnaissance Office. The section further requires a review of NRO's financial management by the Inspector General of CIA, assisted by the Inspector General of DOD, to evaluate the effectiveness of policies and internal controls over the NRO budget, particularly with regard to carry-forward funding. It is the intention of the conferees that the Director of Central Intelligence notify the intelligence oversight committees prior to reprogramming, reallocating, and/or rescinding funds previously authorized and appropriated for NRO programs, projects, and activities. The section also requires the President to report no later than January 30, 1996 on a proposal to subject the budget of the Intelligence Community to greater Executive Branch oversight, including the possibility of a statutory financial control officer for the NRO and greater Office of Management and Budget review of the NRO's budget. The report must include an analysis of the option for a statutory provision requiring the DCI to establish a policy to restrict the NRO's authority on carry-forward funding consistent with the restriction on such authority within the Department of Defense. The President shall also report on how changes proposed as a result of this review will affect, directly or indirectly, the NRO's streamlined acquisition process and ultimately, program costs.

Elements of section 311 were added to the Senate amendment in floor action, but the provision has been substantially changed in subsequent discussions among conferees. There was no comparable provision in the House bill.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

**SEC. 401. EXTENSION OF THE CIA VOLUNTARY SEPARATION PAY ACT.**

Section 401 amends section 2(f) of the CIA Voluntary Separation Pay Act, 50 U.S.C. §403-4(f), to extend the Agency's authority to offer separation incentives until September 30, 1999. Without this amendment, the Agency's authority to offer such incentives will expire on September 30, 1997.

CIA's separation incentive program has been an effective force reduction tool. It is necessary to extend this authority until September 30, 1999, because CIA, Like DoD, will continue to downsize through that year. Enactment of this provision will ensure that CIA can minimize the need to separate employees involuntarily. In light of the conferees' concern that this authority may have been used in the past in lieu of more rigorous personnel policies, this authority is extended with the understanding that the Intelligence Community will be pursuing such policies, and that this authority can be used to ease the transition to the more rigorous, performance-based criteria and policy.

Section 401(b) is designed to offset the direct spending cost of the extension of the authority provided for in the CIA Voluntary Separation Pay Act. Specifically, it establishes procedures to conform with the pay-as-you-go provision, section 252, of the Balanced Budget and Emergency Deficit Control Act, by requiring the Director of Central Intelligence to remit to the Treasury an amount equal to 15 percent of the final basic pay of each employee who, in fiscal year 1998 or fiscal year 1999, retires voluntarily or who resigns and to whom a voluntary separation incentive has been or is to be paid.

Section 401(a) is identical to section 401 of the House bill. Section 401(b) is identical to section 401(b) of the Senate amendment. The House bill did not contain a similar offset provision.

**SEC. 402. VOLUNTEER SERVICE PROGRAM.**

Section 402 authorizes the Director to establish, as a demonstration project, a limited volunteer service program for fiscal years 1996 through 2001, whereby no more than 50 retirees can volunteer their services to the CIA to assist the Agency in its systematic or mandatory review for declassification or downgrading of classified information under certain Executive Orders and Public Law 102-526. The provision limits expenditures to no more than $100,000.

This section authorizes the Agency to pay costs incidental to the use of the services of volunteers, such as training, equipment, lodging, subsistence, equipment and supplies. It also ensures that volunteers are covered by workers compensation and the Federal Torts Claim Act. Without this legislation, the CIA would be unable to pay costs incident to the use of gratuitous services provided by volunteers, such as training and equipment. The program established under this section will be temporary and limited. Section 402 is identical to section 402 of the House bill and section 402 of the Senate amendment.

**SEC. 403. AUTHORITIES OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.**

Section 403(a) of the conference report modifies the CIA Inspector General statute to require the IG to report violations of Federal law by any person, as opposed to violations by officers or employees of the CIA. It also allows the reports to go directly from OIG to the Department of Justice, rather than through the DCI, although the DCI must receive a copy of the report. This is consistent with the Inspector General Statute of 1978 and enhances the independence of the IG. The conferees understand that the Inspector General has agreed to give advanced notice to the DCI and the conferees strongly support this agreement. The conferees further understand that this advance notice will not be used to prevent reports from going to the Department of Justice. Section 403(a) is identical to section 403(a) of the Senate amendment. The House bill did not contain a similar provision.

Section 403(b) of the conference report clarifies the CIA Inspector General statute to ensure that the identity of an employee who has been granted confidentiality can be disclosed to the Department of Justice official responsible for determining whether a prosecution should be undertaken. Current law already provides for this but this provision would clarify and simplify the process. Section 403(b) is identical to section 403(b) of the Senate amendment. The House bill did not contain a similar provision.

TITLE V—DEPARTMENT OF DEFENSE

INTELLIGENCE ACTIVITIES

**SEC. 501. DEFENSE INTELLIGENCE SENIOR LEVEL POSITIONS.**

Section 501 of the conference report amends section 1604 of title 10, United States Code, by authorizing the Secretary of Defense to establish the Defense Intelligence Senior Level (DISL) personnel system for the Defense Intelligence Agency (DIA) and the Central Imagery Office (CIO). Section

1604 currently authorizes the Secretary of Defense to establish positions for civilian officers and employees in DIA and CIO. The rates of basic pay for these positions are fixed in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5. Section 5332, however, which limits the grades of employees to GS-15, is insufficient for the needs of DIA and CIO.

In 1991, two Army field activities were transferred to DIA. The employees at the Missile and Space Intelligence Center and the Armed Forces Medical Intelligence Center are high-level technical employees. Their positions do not meet the management and program criteria for Senior Executive Service (SES) inclusion, but they do exceed the GS-15 criteria. DIA is also acquiring the Human Intelligence (HUMINT) resources of the Military Services. This functional transfer will add over 1,000 civilian and military personnel to DIA's rolls, and there may be a need to structure at least one senior advisory assignment as part of the Defense HUMINT Service (DHS) architecture. Additionally, the increased Defense intelligence leadership roles of DIA and CIO require increased high level activity in technical analysis, liaison and advisory services.

The primary purpose of DISL positions will be to provide technical expertise and advisory services beyond the GS-15 level established by DIA and CIO. Employees in DISL positions will not be responsible for managerial and program oversight, which are functions of the SES. DISL positions will include Defense Intelligence Senior Technical (DIST) and Defense Intelligence Senior Professional (DISP) assignments. These positions are classifiable above the DIA and CIO GS-15 level but do not involve the organizational or program management functions necessary for the Defense Intelligence Senior Executive Service.

DIST positions are those that involve research and development; test and evaluation; or substantive analysis, liaison, and/or advisory activity focusing on engineering, physical sciences, computer science, mathematics, medicine, biology, chemistry, or other closely related scientific and technical fields; and intelligence disciplines including production, collection, and operations in close association with the preceding or related activities.

DISP positions are those that emphasize staff, liaison, analytical, advisory, or other activity focusing on intelligence, law, finance and accounting, program and budget, human resources management, training, information services, logistics, and other appropriate support fields.

DISL positions will provide DIA and CIO with the flexibility that is essential to recruit effectively and to retain highly competent employees with scientific, technical, or other complex skills. This provision allows the Secretary of Defense to establish a basic rate of pay that does not exceed the rate paid to Executive Level IV. It also authorizes the Secretary of Defense to provide to DIA and CIO employees other benefits, allowances, incentives, or compensation that similarly situated federal employees are eligible to receive under title 5, United States Code. Section 501 is identical to section 501 of the House bill. The Senate amendment did not contain a similar provision.

**SEC. 502. COMPARABLE BENEFITS AND ALLOWANCES FOR CIVILIAN AND MILITARY PERSONNEL ASSIGNED TO DEFENSE INTELLIGENCE FUNCTIONS OVERSEAS.**

Section 502 of the conference report amends section 1605 of title 10, United States Code, and section 431 of title 37, United States Code, to provide to civilian personnel and members of the armed forces serving with the Defense HUMINT Service outside the United States benefits and allowances comparable to those provided by the Secretary of State to officers and employees of the Foreign Service.

The Secretary of Defense has the authority to provide to civilian personnel and members of the armed forces assigned to the Defense Attaché Offices and the Defense Intelligence Agency Liaison Offices outside the United States benefits and allowances comparable to those provided by the Secretary of State to officers and employees of the Foreign Service. This authority was attained in 1983 (Public Law 98-215) because travel allowances and related benefits for overseas personnel at the Defense Attaché Offices and the Defense Intelligence Agency Liaison Offices were different from Foreign Service personnel assigned overseas.

With the consolidation of Department of Defense human intelligence into the Defense HUMINT Service, the Defense Intelligence Agency will be responsible for a significant number of employees overseas. Although a number of these employees may be assigned to Defense Attaché Offices or Defense Intelligence Agency Liaison Offices outside the United States, there will be some assigned to other overseas locations. Since the Agency's authority to provide benefits and allowances to overseas employees is limited to the Defense Attaché Office and the Defense Intelligence Agency Liaison Offices, inequities will once again occur. Section 502 ensures comparable benefits for civilian and military personnel assigned to the Defense HUMINT Service overseas. Section 502 is virtually identical to Section 501 of the Senate amendment and section 502 of the House bill.

**SEC. 503. EXTENSION OF AUTHORITY TO CONDUCT INTELLIGENCE COMMERCIAL ACTIVITIES.**

Section 503 of the conference report would extend for three years, until December 31, 1998, the authority of the Secretary of Defense to initiate intelligence commercial activities to provide cover security to intelligence collection activities undertaken abroad by the Defense Department. This authority permits the Secretary to waive compliance with certain types of federal laws and regulations pertaining to the management and administration of federal entities when he determines that compliance by the commercial cover activity would create an unacceptable risk of compromise of an authorized intelligence collection activity. This authority is similar to the authority granted to the Central Intelligence Agency and the Federal Bureau of Investigation.

The Secretary's intelligence commercial cover authority was originally enacted as part of the FY 1991 Intelligence Authorization Act (Public Law 102-88) August 14, 1991. However, the intelligence commercial cover authority did not become effective until December 2, 1992, after the statutorily required promulgation and submission to Congress of a directive from the Secretary governing the implementation of the statute. Due to a variety of reasons, including the launching of a plan in 1993 to create a new Defense Humint Service under which all Defense Department human intelligence activities are being consolidated, this intelligence commercial activities authority has not yet been used, due largely to significant budget cuts effected in December 1992. Recently, however, DoD has enhanced its HUMINT efforts and is working closely with CIA to develop the skills, plans, and infrastructure necessary to effectively utilize this authority. Thus, the conference report extends the sunset provision to December 31, 1998.

The Administration's intelligence authorization legislative proposal sought repeal of the existing "sunset" clause, thus making the Secretary's intelligence commercial activities authority permanent. Senior officials from both the Defense Department and the Central Intelligence Agency testified to the continuing and growing need for the Secretary to have this authority under certain circumstances to provide bona fide commercial cover that can withstand detailed investigation by hostile foreign intelligence services as well as domestic scrutiny. The conferees agreed to the extension of the authority. However, in view of the lack of a record of use thus far, Section 503 extends the authority for three years, instead of the permanent extension originally sought by the Administration. Three years should provide time for the development and oversight of a track record on the use of this authority without encouraging overuse of it, and particularly its more elaborate and sophisticated applications. At the end of that time, and based on its oversight of the record, the Intelligence Committees can address whether to make this authority permanent, extend it for a specific period or allow it to lapse. Section 503 is the same as section 503 of the House bill. Section 502 of the Senate amendment had extended the authority for five years.

**SEC. 504. AVAILABILITY OF FUNDS FOR TIER II UAV.**

The Fiscal Year 1995 authorization bill authorized full funding of the Defense Department's request for the Tier-2 Medium Altitude Endurance Unmanned Aerial Vehicle (UAV) Advanced Concept Technology Demonstration. The Fiscal Year 1995 defense appropriations bill included appropriations $20 million above the amount authorized for the program. As these additional funds were not specifically authorized, as required by Section 504 of the National Security Act of 1947, the Department of Defense could not spend them. To remedy this problem, Section 504 of the conference report specifically authorizes an additional $20 million for this program. Section 504 is identical to section 504 of the House bill. The Senate bill did not contain a similar provision.

**SEC. 505. MILITARY DEPARTMENT CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT SYSTEM.**

Section 505 of the conference report authorizes the Secretary of Defense to send civilian employees in the Military Departments' Civilian Intelligence Personnel Management System (CIPMS) to be students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level. This authority would be similar to that already granted to the Defense Intelligence Agency (DIA) in 10 U.S.C. section 1608 (Public Law 101-93, title V, section 507(a)(1), Nov 30, 1989, 103 Stat. 1710) and the National Security Agency (NSA) in 50 U.S.C. 402 note. The purpose of the new section is to establish an undergraduate training program, including training which may lead to the baccalaureate degree, to facilitate the recruitment of individuals, particularly minority, women, and handicapped high school students with a demonstrated capability to develop skills critical to the intelligence missions of the Military Departments in areas such as computer science, engineering, foreign language, and area studies. In exchange for this financial assistance from the respective CIPMS

organization, the student participant would undertake an obligation to work for a period of one-and-one half year for each year or partial yea of schooling.

The missions of the intelligence entities of the United States Government demand employees of extraordinary aptitude and strong undergraduate training. These same entities must compete with a private sector—capable of offering more favorable compensation arrangements—that in most instances has been able to outbid the USG in terms of attracting qualified minority candidates. Statistics in recent years indicate that the success of the Military Departments' CIPMS to attract minority group candidates has been marginal.

This proposal is designed to enhance the capabilities of the intelligence elements of the Military Departments to: (i) ensure equal employment opportunity with their civilian ranks through affirmative action; (ii) develop and retain personnel trained in the skills essential to the effective performance of their intelligence mission; and, (iii) compete on equal footing with other intelligence Community entities for personnel with critical skills. Section 505 is identical to section 503 of the Senate amendment. The House bill did not contain a similar provision.

**SEC. 506. ENHANCEMENT OF CAPABILITIES OF CERTAIN ARMY FACILITIES.**

Section 506 of the conference report is intended to assist the Department of the Army as it assumes executive agent responsibility for the Bad Aibling, Germany and Menwith Hill, England stations. Specifically, this provision would permit the Department of the Army to use up to $2 million of appropriated operations and maintenance funds to rectify infrastructure and quality of life problems at Menwith Hill and Bad Aibling. At the present time, the Army is prohibited by statute from using appropriated funds to support certain activities. Section 506 was added to the Senate amendment in floor action. The House bill did not include a similar provision.

TITLE VI—FEDERAL BUREAU OF INVESTIGATION

**SEC. 601. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.**

Section 601 of the conference report would amend the Fair Credit Reporting Act (FCRA) (15 U.S.C. 1681f) to grant the Federal Bureau of Investigation (FBI) access to certain information in consumer credit records in counterintelligence investigations.

A similar provision was included in the Intelligence Authorization Act for FY 1995 as reported by the Senate Select Committee on Intelligence. The provision was dropped in conference at the request of the House Committee on Banking, Finance, and Urban Affairs upon assurances that it would pursue similar legislation. The U.S. House of Representatives ultimately adopted H.R. 5143 which was substantially the same as section 601 of this Act. The bill was never acted upon by the Senate during the last Congress. The conferees have recently received a letter from the Chairman of the House Committee on Banking and Financial Services in support of this provision. The language of that letter is as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES,
*Washington, DC, October 11, 1995.*

Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: I am writing concerning H.R. 1655, the "Intelligence Authorization Act for Fiscal Year 1996" on which the House will soon appoint conferees to reconcile differences with the Senate. Section 601 of H.R. 1655, as added by the Senate amends the Fair Credit Reporting Act (FCRA) and thereby falls under the jurisdiction of the Committee on Banking and Financial Services, as provided for under Rule X of the Rules of the House of Representatives.

Section 601 of the Senate reported bill amends the FCRA to allow the FBI greater access to consumer reports when investigating foreign terrorism. The FCRA imposes certain obligations and liabilities on consumer reporting agencies in assembling, evaluating and maintaining consumer credit reports. Section 601 amends the FCRA to grant authority to the FBI to obtain certain information from a consumer report on a suspected terrorist without a court order.

The section is carefully crafted to protect consumers' rights to privacy while allowing law enforcement agencies to obtain necessary information in order to conduct authorized foreign counterintelligence investigations. This issue was considered by the Banking Committee in the last several Congresses and a provision similar to section 601 was passed by the full House in the 103rd Congress. In addition, Banking Committee conferees were appointed by the House to the Intelligence Authorization conference (H.R. 4299) last Congress on this issue. Given past precedent of the House and the fact that the language of this section was developed in consultation with the House Banking Committee.

I would strongly urge the House conferees to recede to the Senate on Section 601 or to consult with the Banking Committee in the event of any substantive modifications.

Sincerely,

JAMES A. LEACH,
*Chairman.*

This provision would provide a limited expansion of the FBI's authority in counterintelligence investigations (including terrorism investigations), to obtain a consumer credit report with a court order. In addition, it would allow the FBI to use a "National Security Letter," i.e. a written certification by the FBI Director or the Director's designee, to obtain from a consumer credit agency the names and addresses of all financial institutions at which a consumer maintains an account, as well as certain identifying information.

Under current law, when appropriate legal standards are met, FBI is able to obtain mandatory access to credit records by means of a court order or grand jury subpoena (see the FCRA, 15 U.S.C. 168b(1)), but such an option is available to the FBI only after a counterintelligence investigation has been converted to a criminal investigation or proceeding. Many counterintelligence investigations never reach the criminal stage but proceed for intelligence purposes or are handled in diplomatic channels.

In addition, FBI presently has authority to use the National Security Letter mechanism to obtain two types of records; financial institution records (under the Right to Financial Privacy Act, 12 U.S.C. 3414(a)(5)) and telephone subscriber and toll billing information (under the Electronic Communications Privacy Act, 18 U.S.C. 2709). Expansion of this extraordinary authority is not taken lightly by the conferees, but the conferees have concluded that in this instance the need is genuine, the threshold for use is sufficiently rigorous, and, given the safeguards built in to the legislation, the threat to privacy is minimized.

Under a provision of the Right to Financial Privacy Act (RFPA) (12 U.S.C. 3414(a)(5)), the FBI is entitled to obtain financial records from financial institutions, such as banks and credit card companies, by means of a National Security Letter when the Director or the Director's designee certifies in writing to the financial institution that such records are sought for foreign counterintelligence purposes and that there are specific and articulable facts giving reason to believe that the customer or entity whose records are sought is a foreign power or an agent of a foreign power, as those terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

The FBI considers such access to financial records crucial to trace the activities of suspected spies or terrorists. The need to follow financial dealings in counterintelligence investigations has grown as foreign intelligence service increasingly operate under non-official over, i.e., pose as business entities or executives, and as foreign intelligence service activity has focused increasingly on U.S. economic information.

FBI's right of access under the Right of Financial Privacy Act cannot be effectively used, however, until the FBI discovers which financial institutions are being utilized by the subject of a counterintelligence investigation. Consumer reports maintained by credit bureaus are a ready source of such information, but, although such report are readily available to the private sector, they are not available to FBI counterintelligence investigators. Under section 608 of the Fair Credit Reporting Act, without a court order, FBI counterintelligence officials, like other government agencies, are entitled to obtain only limited information from credit reporting agencies—the name, address, former addresses, places of employment, and former places of employment, of a person—and this information can be obtained only with the consent of the credit bureau.

FBI has made a specific showing to the conferees that the effort to identify financial institutions in order to make use of FBI authority under the Right to Financial Privacy Act can not only be time-consuming and resource-intensive, but can also require the use of investigative techniques—such as physical and electronic surveillance, review of mail covers, and canvassing of all banks in an area—that would appear to be more intrusive than the review of credit reports. FBI has offered a number of specific examples in which lengthy, intensive and intrusive surveillance activity was required to identify financial institutions doing business with a suspected spy or terrorist.

Section 601 of the instant legislation would amend FCRA by adding a new section 624, consisting of 13 paragraphs.

Paragraph 624(a) of the amended FCRA requires a consumer reporting agency to furnish to the FBI the names and addresses of all financial institutions at which a consumer maintains or has maintained an account, to the extent the agency has that information, when presented with a written request signed by the FBI Director or the Director's designee, which certifies compliance with the subsection. The FBI Director or the Director's designee may make such certification only if the Director or the Director's designee has determined in writing that such records are necessary for the conduct of an authorized foreign counterintelligence investigation and that there are specific and articulable facts giving reason to believe that the person whose consumer report is

sought is a foreign power, a non-U.S. official of a foreign power, or an agent of a foreign power (as defined in Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)) and is engaged in terrorism or other criminal clandestine intelligence activities.

The requirement that there be specific and articulable facts giving reasons to believe that a U.S. person is an agent of a foreign power before FBI can obtain access to a consumer report is consistent with the standards in the Right to Financial Privacy Act, U.S.C. 3414(a)(5)(A), and the Electronic Communications Privacy Act, 18 U.S.C. 2709(b).

However, in contrast to those statutes, the conferees have drafted the FCRA certification requirement to provide that the FBI demand submitted to the consumer reporting agency make reference to the statutory provision without providing the agency with a written certification that the subject of the consumer report is believed to be an agent of a foreign power. FBI would still be required to record in writing its determination regarding the subject, and the credit reporting agency would be able to draw the necessary conclusion, but the conferees believe that this approach would reduce the risk of harm from the certification process itself to the person under investigation. A similar approach is taken in paragraph 624(b), described below.

Section 605 of the FCRA, 15 U.S.C. 1681c, defines "consumer report" in a manner that prohibits the dissemination by credit reporting agencies of certain older information except in limited circumstances. None of these excepted circumstances would apply to FBI access under proposed FCRA paragraph 624(a) (or proposed FCRA paragraph 624(b)). Accordingly, FBI access would be limited to "consumer reports" as defined in section 605.

The term "an authorized foreign counterintelligence investigation" includes those FBI investigations conducted for the purpose of countering international terrorist activities as well as those FBI investigations conducted for the purpose of countering the intelligence activities of foreign powers. Both types of investigations are conducted under the auspices of the FBI's Intelligence Division, headed by an FBI Assistant Director.

As is the case with the FBI's existing National Security Letter authority under the Right to Financial Privacy Act (see Senate Report 99-307, May 21, 1986, p. 16; House Report 99-952, October 1. 1986, p. 23), the conferees expect that, if the Director of the FBI delegates this function under paragraph 624(a), as well as under paragraph 624(b) discussed below, the Director will delegate it no further than the level of FBI Deputy Assistant Director. (There are presently two Deputy Assistant Directors for the National Security Division, one with primary responsibility for counterintelligence investigations and the other with primary responsibility for international terrorism investigations.)

Paragraph 624(b) would give the FBI mandatory access to the consumer identifying information—name address, former addresses, places of employment, or former places of employment—that it may obtain under current section 608 only with the consent of the credit reporting agency. A consumer reporting agency would be required signed by the FBI Director or the Director's designee, which certifies compliance with the subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that such information is necessary to the conduct of an authorized foreign counterintelligence investigation and that there is information giving reason to believe that the person about whom the information is sought has been or is about to be, in contact with a foreign power or an agent of a foreign power, as defined in Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.).

FBI officials have indicated that they seek mandatory access to this identifying information in order to determine if a person who has been in contact with a foreign power or agent is a government or industry employee who might have access to sensitive information of interest to a foreign intelligence service. Accordingly, the conferees have drafted this provision to require that such limited information can be provided only in circumstances where the consumer has been or is about to be in contact with the foreign power or agent.

The conferees have also drafted paragraphs 624(a) and 624(b) in a manner intended to make clear the conferees' intent that the FBI may use this authority to obtain this information only as regard those persons who either are a foreign power or agent there of or have been or will be in contact with a foreign power or agent. Although the consumer records of another person, such as a relative or friend of an agent of a foreign power, or identifying information respecting a relative or friend of a person in contact with an agent of a foreign power, may be of interest to FBI counterintelligence investigators, they are not subject to access under paragraphs 624(a) and 624(b).

It is not the intent of the conferees to require any credit reporting agency to gather credit or identifying information on a person for the purpose of fulfilling an FBI request under paragraphs 624(a) and 624(b). A credit reporting agency's obligation under these provision is to provide information responsive to the FBI's request that the credit reporting agency already has in its possession.

Paragraph 624(c) provides that, if requested in writing by the FBI, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the FBI upon a showing in camera that the report is necessary for the conduct of an authorized foreign counterintelligence investigation and that there are specific and articulable facts giving reason to believe the consumer is an agent of a foreign power and is engaged in international terrorism or clandestine intelligence activities that may involve a crime.

Paragraph 624(d) provides that no consumer reporting agency or officer, employee, or agent of such institution shall disclose to any person, other than those officers, employees or agents of such institution necessary to fulfill the requirement to disclose information to the FBI under subsection 624, that the FBI has sought or obtained a consumer report or financial institution, or identifying information respecting any consumer under paragraphs 624, nor shall such agency, officer, employee, or agent include in any consumer report any information that would indicate that the FBI has sought or obtained such information. The prohibition against including such information in a consumer report is intended to clarify the obligations of the consumer reporting agencies. It is not intended to preclude employees of consumer reporting agencies from complying with company regulations or policies concerning the reporting of information, nor to preclude their complying with a subpoena for such information issued pursuant to appropriate legal authority.

Paragraph 624(d) departs from the parallel provision of the RFPA by clarifying that disclosure is permitted within the contacted institution to the extent necessary to fulfill the FBI request. The conferees have not concluded that, or otherwise taken a position whether, disclosure for such purpose would be forbidden by the RFPA; indeed, practicalities would dictate that the provision not be interpreted to exclude such disclosure. However, the conferees believe that clarification of the obligation for purposes of the FCRA is desirable.

Paragraph 624(e) requires the FBI, subject to the availability of appropriations, to pay to the consumer reporting agency assembling or providing credit records a fee in accordance with FCRA procedures for reimbursement for costs reasonably necessary and which have been directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required or requested to be produced under section 624. The FBI informs the Committee that such reports are commercially available for approximately $7 to $25 and that FBI could expect to pay fees in approximately that range. FBI officials have advised the conferees that the costs of such reports would be easily recouped from the savings afforded by the reduced need for other investigative techniques aimed at obtaining the same information.

Paragraph 624(f) prohibits the FBI from disseminating information obtained pursuant to section 624 outside the FBI, except as may be necessary for the approval of conduct of a foreign counterintelligence investigation, or, where the information concerns military service personnel subject to the Uniform Code of Military Justice, to appropriate investigation authorities in the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation with the FBI. Since the military departments have concurrent jurisdiction to investigate and prosecute military personnel subject to the Uniform Code of Military Justice, paragraph 624(g) permits the FBI to disseminate consumer credit reports it obtains pursuant to this section to appropriate military investigative authorities where a foreign counterintelligence investigation involves a military service person and is being conducted jointly with the FBI.

Paragraph 624(g) provides that nothing in section 624 shall be construed to prohibit information from being furnished by the FBI pursuant to subpoena or court order, or in connection with judicial or administrative proceeding to enforce the provisions of the FCRA. The paragraph further provides that nothing in section 624 shall be construed to authorize or permit the withholding of information from the Congress.

Paragraph 634(h) provides that on a semiannual basis the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance, and Urban Affairs of the U.S. House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the U.S. Senate concerning all requests made pursuant to section 624.

Semiannual reports are required to be submitted to the intelligence committees on (1) use of FBI's mandatory access provision of the RFPA by section 3414(a)(5)(C) of title 15, United States Code; and (2) use of the FBI's counterintelligence authority, under the

Electronic Privacy Communications Act of 1986, to access telephone subscriber and toll billing information by section 2709(e) of title 18, United States Code. The conferees expect the reports required by FCRA paragraph 624(h) to match the level of detail included in these reports, i.e., a breakdown by quarter, by number of requests, by number or persons or organizations subject to requests, and by U.S. persons and organizations and non-U.S. persons and organizations.

Paragraphs 624(i) through 624(m) parallel the enforcement provisions of the Right to Financial Privacy Act, 12 U.S.C. 3417 and 3418.

Paragraph 624(i) establishes civil penalties for access or disclosure by an agency or department of the United States in violation of section 624. Damages, costs and attorney fees would be awarded to the person to whom the consumer reports related in the event of a violation.

Paragraph 624(j) provides that whenever a court determines that any agency or department of the United States has violated any provision of section 624 and that the circumstances surrounding the violation raise questions of whether an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was responsible for the violation.

Paragraph 624(k) provides that any credit reporting institution or agent or employee thereof making a disclosure of credit records pursuant to section 624 in good-faith reliance upon a certificate by the FBI pursuant to the provisions of section 624 shall not be liable to any person for such disclosure under title 15, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

Paragraph 624(l) provides that the remedies and sanctions set forth in section 624 shall be the only judicial remedies and sanctions for violations of the section.

Paragraph 624(m) provides that in addition to any other remedy contained in section 624, injunctive relief shall be available to require that the procedures of the section are compiled with and that in the event of any successful action, costs together with reasonable attorney's fees, as determined by the court, may be recovered.

Section 601 is identical to section 601 of the Senate amendment. The House bill did not contain a similar provision.

TITLE VII—TECHNICAL AMENDMENTS

**SEC. 701. CLARIFICATION WITH RESPECT TO PAY FOR DIRECTOR OR DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE APPOINTED FROM COMMISSIONED OFFICERS OF THE ARMED FORCES.**

Section 701 of the conference report amends section 102(c)(3)(C) of the National Security Act of 1947 to make clear that a retired military officer appointed as Director or Deputy Director of Central Intelligence can receive compensation at the appropriate level of the Executive Schedule under 5 U.S.C. §5313 (Director) or 5 U.S.C. §5314 (Deputy Director). This was clearly the intent of the drafters of this provision. The conferees are aware of the restriction on compensation that applies to active duty military personnel appointed as DCI or DDCI, and in no way wish to change this restriction. Section 701 is similar to Section 601 in the House bill and Section 701 in the Senate amendment.

**SEC. 702. CHANGE OF DESIGNATION OF CIA OFFICE OF SECURITY.**

Section 702 of the conference report amends the CIA Information Act of 1984 to reflect the recent reorganization of the CIA Office of Security into the Office of Personnel Security and the Office of Security Operations. The amendment will ensure that the Office of Personnel Security, where the records intended to be subject to the Act are kept, will continue to receive the benefit of the Act's exception from search and review under the Freedom of Information Act. Section 701 is similar to Section 602 in the House bill and Section 702 in the Senate amendment.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

The Senate amendment included, at Section 404, a requirement for an annual report on liaison relationships. While the Conferees are committed to ensuring that the oversight committees are appropriately informed on liaison relationships, they do not believe that a statutory reporting requirement is the best way to achieve that result. Consequently, the conferees agreed to delete section 404.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

LARRY COMBEST,
R. K. DORNAN,
BILL YOUNG,
JAMES V. HANSEN,
JERRY LEWIS,
PORTER J. GOSS,
BUD SHUSTER,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
NORMAN DICKS,
BILL RICHARDSON,
JULIAN C. DIXON,
ROBERT G. TORRICELLI,
RON COLEMAN,
DAVID E. SKAGGS,
NANCY PELOSI,

As additional conferees from the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,

As additional conferees from the Committee on International Relations, for consideration of section 303 of the House bill, and section 303 of the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
CHRISTOPHER SMITH,
HOWARD L. BERMAN,
*Managers on the Part of the House.*

ARLEN SPECTER,
RICHARD G. LUGAR,
RICHARD SHELBY,
MIKE DEWINE,
JON KYL,
JIM INHOFE,
KAY BAILEY HUTCHISON,
CONNIE MACK,
BILL COHEN,
STROM THURMOND,
ROBERT KERREY,
JOHN GLENN,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
J. BENNETT JOHNSTON,
CHARLES ROBB,
SAM NUNN,
*Managers on the Part of the Senate.*

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1966—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–149)

The SPEAKER. The unfinished business is the further consideration of the veto of the President on the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Speaker, I offer a preferential motion and I ask for its immediate consideration.

The SPEAKER pro tempore (Mr. UPTON). The Clerk will report the motion.

The Clerk read as follows:

Mr. ROGERS moves that the message, together with the accompanying bill, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] is recognized for 1 hour.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I be allowed to include tabular and extraneous material on H.R. 2076.

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

There was no objection.

Mr. ROGERS. Mr. Speaker, I yield 15 minutes to the gentleman from West Virginia [Mr. MOLLOHAN] for the purposes of debate only, and I yield back 30 minutes.

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

Mr. Speaker, it is a sad day today, after the President has vetoed the largest crime fighting budget in the Nation's history, just one day after the FBI announced that crime rates are finally starting to drop. It is a sad day today, when all of the Federal employees in the Departments of Justice, State, and Commerce, the Federal Courts, and 20 related agencies, more than 200,000 of them, have their jobs left in doubt because the President refused to sign the full year appropriation for them.

Two-thirds of the funding in this bill, Mr. Speaker, nearly $18 billion, would have gone to putting criminals behind bars.

Think about the programs that will not go into effect because of this veto: $14.6 billion for law enforcement, a 19-percent increase, including $3.6 billion for State and local law enforcement to give them the resources to fight crime where it counts, on our streets. That is a 57-percent increase over last year.

An $895 million increase to combat illegal immigration and secure the Nation's borders; $146 million more than the President requested, including 3,000 more INS personnel and 1,000 more border patrols on the border. We need to get these people hired and trained. Otherwise the money will be wasted.

The bill includes $500 million for California, Texas, Florida, New York, and other States most impacted by criminal aliens, and the President is telling those States, "tough luck."

In the bill vetoed is also $175 million for violence against women programs, 7 times more than we provided this year, the full amount of the President's request. Now he is vetoing the money for violence against women.

On October 15, the President accused the Congress of reducing domestic violence programs by $50 million, hampering "our efforts to protect battered women and their children, to preserve families, and to punish those crimes."

□ 1230

Well, Mr. Speaker, that $50 million is included in this conference report, plus $125 million more. We fully fund the program. And what does the President do? He says "no."

Why is he vetoing the bill? He says we do not spend enough money on some programs. Even while he is meeting now to reduce spending, he wants us to include and increase spending for things like the Ounce of Prevention Council, $2 million; the Globe Program, $7 million. Great international organizations he wants money spent for, and among the reasons he vetoed the bill, are things like the Bureau of International Expositions; and, get this one, the International Office of Epizootics.

That is why he says he is vetoing the bill, and for corporate welfare programs he says we did not fund, like the Advanced Technology Program. That is corporate welfare. I think we were all determined to cut it and we did in this bill. And he is vetoing the bill, he says, because of his pique over the COPS Program. As we have said so many times, this is not a debate over putting more police on the streets. The conference report fully funds the request of $1.9 billion, giving our local communities the resources to hire every single policeman on the beat that the President proposed, and then some, as the President says. The difference is over who controls the program. Is it a Washington-based, one-size-fits-all program, that the President wants; or do we empower local communities to decide what they need most to fight crime?

We have heard the problems with the President's COPS Program. According to the General Accounting Office, 50 percent of the communities do not participate because they cannot afford to participate. It costs them 25 percent of the total cost the first year; more in the second; and after that, they are entirely on their own. They simply cannot afford it.

What we do in our program is make them put up 10 percent, and they can use the money for cops, if they want, or for cop cars, if they need that, or for other things.

COPS is a discretionary grant program, so communities cannot predict whether they will receive funds or not. And the COPS Program that the President wants, and here is the rub, requires a whole brand new Washington bureaucracy. In fiscal 1996, 236 positions; $26 million. They have rented a 10-floor, 51,000 square foot building where the rent alone costs $1.5 million.

The block grant program, which we put in the bill, corrects all of those problems, but the President objects because Washington knows best.

So for those reasons, not spending enough on lower priority programs, a dispute over who gets credit for putting more police on the streets, the President has vetoed the bill, the biggest crime fighting appropriation in the Nation's history, putting at risk the jobs of some 200,000 Federal employees.

I wish the President would get over this pique, this political pique. We are not asking him to vacate Air Force One by the rear door. All we are saying is sign this bill; we sent you a good one.

Every day these crime fighting funds are delayed because of the President's veto is a day wasted in the fight against violent crime, drugs, illegal immigration, and violence against women.

I regret the President's veto. I regret the fact that the White House never saw fit to sit down with us to try to work out an acceptable bill. I regret the fact that 200,000 Federal employees continue to be at risk of furloughs because the President puts his priorities ahead of theirs.

But the bill has been vetoed. The only alternative we have, Mr. Speaker, is to send the bill back to the committee and start the process over. Congress did its job on this bill. It passed the appropriations for Commerce, Justice, State, the Federal Judiciary, and others for fiscal 1996.

There is no bill in place now, not because the Congress did not act, it is purely because the President acted to kill a bill that would have funded the greatest crime fighting era ever in the Nation's history.

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

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

Mr. Speaker, the President has vetoed the fiscal year 1996 Commerce, Justice, State and Judiciary and related agencies appropriations bill. As everyone knows, this is the third appropriations bill the President has vetoed this week, and his action on this bill is not unexpected. As a matter of fact, Mr. Speaker, it is anything but unexpected.

When the Commerce, Justice, State and Judiciary conference report was on the floor 2 weeks ago, it was clear that the President was going to veto it. In fact, when this bill passed the House in July, the President clearly indicated that he would veto any version of the bill that did not fund the Cops on the Beat Program in its already-authorized last-year form.

The President has, from the beginning of this process this year, indicated his priorities for the bill, and the bill Congress sent to him does not fund those priorities.

Now, Mr. Speaker, this is a perfunctory motion we debate this afternoon. It is absolutely perfunctory. We should not even be here debating this motion to send this bill back to the committee. We ought to be debating a continuing resolution so that we can get the Government up and operating, so that we can get these agencies funded, so that we can get this COPS program funded.

Mr. Speaker, there are 8,000 additional community policemen, on top of the 26,000 that the President has already gotten out during the last year. There are 8,000 new cops that have been appointed, but they cannot be funded because this bill has not passed, or because we have not passed a continuing resolution while we debate the policy priorities that are contained in this bill.

Mr. Speaker, there is no reason, there is no reason that these Justice Department programs, that these crime-fighting initiatives that were started under President Clinton's program 2 years ago cannot now be funded. We could be operating under a continuing resolution. No reason why we could not be operating under a continuing resolution if we were not trying to use the appropriations process as leverage to bring the President to tow.

Now, that is what the majority is doing. They are saying, oh, we are not funding all of these crime-fighting programs because the President has vetoed this bill. This bill was supposed to be passed the 1st of October. This bill, and six other appropriations bills that are not passed, were supposed to be passed 3 months ago. They are not passed, and now we are sending it back to committee to try to rework the bill to accommodate the President's concerns. In the meantime, unless we pass a continuing resolution, which is what we ought to be debating here, unless we pass that continuing resolution, Mr. Speaker, these agencies are going to continue to be shut down.

The point is, we could be funding these programs right now if we were debating passing a CR and going forward, funding them while we debate

these policy priorities and while we consider the reconciliation bill.

Mr. Speaker, let us move forward with the CR. The President was granted applications for 8,000 additional policemen to go into every community, every State, every congressional district across this Nation. Last year we appointed 26,000. We have 8,000 more ready to go as soon as this money is released. It can be released with a continuing resolution.

If the majority wants to debate the priorities, if it wants to debate block grants, fine, let us debate block grants. Let us debate priorities before this bill passes. Let us allow these policemen to get on the street by debating a CR, getting a CR out and passed so we can implement some of these crime-fighting programs that the majority alludes to.

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

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the great chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank my great chairman of the Subcommittee on Commerce, Justice, State and Judiciary for yielding time to me.

Mr. Speaker, the President vetoed this bill, but it was no surprise to the President what was in this bill. He has known about this bill for 3 months, because it passed the House in July. The President has known the numbers that were in this bill since then.

He has known that this is a real crime bill; that this bill provides $14.6 billion to fight crime, which is 20 percent more than last year's level. He has known that it provides 25 percent more for immigration initiatives than last year's level, and 57 percent more for State and local law enforcement than last year's level, plus it gives State and local law enforcement officials more opportunity to determine where the money goes, and it requires less money up front from them than that COPS Program that we have heard so much about.

This bill gives States 285 percent more for State criminal alien assistance, and it includes 573 percent more for violence-against-women's programs. We have heard that there is a great need for violence against women's programs because of what battered women around this country are telling us. This bill answers their pleas. It answers their call. And the President crassly vetoed this bill yesterday, a few days before Christmas, right on the heels of his veto of the VA-HUD and Interior bills.

If he had not vetoed those 3 bills, 620,000 Federal employees would be employed today without worry about whether or not they are going to get their paycheck at Christmas.

Mr. Speaker, this bill is a good bill, and it should have been signed, but the President could remedy this. He could come back with an overall comprehensive package that puts us on a balanced budget by the year 2002, that includes whatever extra funding that he may want, as long as he can find it in some other area in the entitlement programs. He can present to the American people the proposal that he can govern, that he can work with this Congress, if only he will sit down to the table with our negotiators. He has promised he would, he has promised he is for a 7-year balanced budget, as scored by CBO, but all we have heard is rhetoric.

When the President decides to get serious, this bill or some variation will be signed into law.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], the ranking member.

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the subcommittee for yielding time to me.

Mr. Speaker, we are back to the bill that has come from the nicest subcommittee chairman in the Congress with the lousiest bill. Here we are again.

I guess the Republicans have to say I believe the President now. He told them in the summer; he told them in the fall; he told them when the bill was being debated, I will veto this bill. And the Republicans gave him their advice, which is their responsibility, and now he has vetoed the bill. They believe him now.

Now, where is the continuing resolution? I think the gentleman from West Virginia is absolutely correct. Look at what we are doing here, gentlemen. Over and above the COPS Program, we are eliminating the Drug Initiative Program. I am glad the chairman of the subcommittee saw fit not to mention it. It is on the first page of the veto, if he will take a look at it.

We are getting rid of or crippling the Legal Services Corporation, the program that would represent people who are indigent and cannot otherwise afford these services.

We have a rider in the bill that the gentleman did not mention, a moratorium on the Endangered Species Act, which has nothing whatsoever to do with the bill. I guess the gentleman does not know where that one came from.

□ 1245

So, I would suggest to my colleagues that this is a very serious veto, well anticipated. We knew it was coming. Why they would want to take away the Death Penalty Resource Center out of the legal services programs, I do not know.

Mr. Speaker, when race relationships are at an all-time high in terms of misunderstanding, what do they do with the Community Relations Service in the Department of Justice? Wipe it out.

Now, we come to the floor belaboring the fact that the President did precisely what he said he was going to do. Do not be ashamed. Look, my colleagues have been there before. They have done it all summer. I still say that the chairman of the appropriations subcommittee here is still one of the nicest guys in the Congress, with the lousiest bills that ever come to the floor.

Mr. ROGERS. Mr. Speaker, I am not sure whether I should thank the gentleman or not; at least a half a thank you.

Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, today the lives of women and children are in great danger. I must remind my colleagues that the Commerce, Justice, State Appropriations Act contains critical funding for the Violence Against Women Act, legislation that has had the overwhelming support of the Congress and the President.

Without these monies, we will not have desperately needed training programs for those who are on the frontlines—our police and judges—in fighting domestic violence, rape, and other crimes against women.

We will not have the funds to strengthen efforts in our local communities by our local law enforcement agencies and by our prosecutors to combat violent crimes against women. States and local government cannot do this work without the funds in VAWA.

We will not have the funds to pay for victims services for women and children who are in danger and in desperate circumstances.

In short, the progress we have made in the struggle to end domestic violence and violent crimes against women is in jeopardy. Our States are depending on these funds to proceed with much needed programs in our communities all across our country.

Mr. Speaker, we cannot allow the women and children of this country to be caught up in the crossfire of the budget battles.

We cannot leave this House without ensuring that we stand firm on our commitment to the women and families of this Nation. We must reach agreement on this vital spending bill. The women and children of this country are depending on us.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to myself, and I would like to ask the gentlewoman from Maryland [Mrs. MORELLA] if she would engage me in a colloquy.

Mr. Speaker, I would like to ask the gentlewoman, she was not intending to imply that because the President vetoed this bill that was sent to him almost 2 months after the time it was supposed to be sent to him, that, for example, the money that is in here, the $175 million for the violence against

women will not be funded. The gentlewoman is not suggesting that, is she?

Mrs. MORELLA. Mr. Speaker, if the gentleman would yield, we just cannot tell. Right now, it is in total jeopardy.

Mr. MOLLOHAN. Mr. Speaker, reclaiming my time, how is it in jeopardy? This bill is going to come back to committee. No matter what happens to this bill, for my part and the majority's part, no matter what happens to this bill, that money is going to be there.

The President was very supportive of this. That was in his request. The violence against women money will be in there. We should not be scaring people out there and suggesting that that money is not going to be there because the President vetoed the bill. The President vetoed the bill for a lot of policy reasons. That money will be there, and we ought not attempt to scare people.

Mrs. MORELLA. Mr. Speaker, if the gentleman would continue to yield, there are a lot of promises and assumptions that we feel in this legislative arena and we find out that may not happen. We want to be assured that it is signed so that we do have the money.

Mr. MOLLOHAN. Mr. Speaker, again reclaiming my time, I hope I have given the gentlewoman a little assurance.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS], a distinguished member of our committee.

Mr. SKAGGS. Mr. Speaker, why in the world are we here in the middle of December without this bill passed, with the Government shut down? All of this was supposed to have been out of the way by the first of October. And through no fault of the minority party, here we are.

Mr. Speaker, the majority simply does not know how to run the Congress on time, on schedule, to get our basic work done, our basic responsibilities taken care of.

In this instance, as in the case of so many of the appropriations bills, we are 2½ months late because the majority insisted on jamming a bunch of controversial policy matters into bills to deal with appropriations matters, where they have absolutely no business, and then getting hung up with the Senate when they could not get any agreement on how to do this.

Mr. Speaker, we wasted months on the contract. We are late in getting the appropriations bills done here. We are 2½ months into fiscal 1996, with the Government shut down, going through this drill.

We should be ashamed of ourselves. Any majority party that took seriously its basic responsibilities to run this place, to get our work done, would not be bringing a bill like this up now with the Government in chaos. We would be getting a continuing resolution done that at least acknowledged the failure of the majority party to be able to get its basic work accomplished on time.

Mr. Speaker, we stand ready to see a continuing resolution, to get this Government back on its feet promptly this week before Christmas. It is a shame that we are here in this kind of dysfunctional state of mind and state of inaction while the good men and women of this country, who have a right to expect more of their Government than this kind of behavior, sit out there looking at us aghast at our inability to get our basic responsibilities accomplished.

Mr. Speaker, let us dismiss this particular distraction; get back to appropriation bills that are true to the traditions of this place; get a continuing resolution through; and, get this Government on its feet.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Staten Island, NY [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, I rise today to express my strong disappointment with President Clinton's veto of this bill. This bill included full funding for the Violence Against Women Act; $175 million to protect women and children from abuse. That is an increase of 573 percent from last year.

Mr. Speaker, regardless of why the President vetoed this bill, when he did, he canceled the implementation of this funding. In the next 5 minutes, 1 woman will be raped in America and 14 more will be beaten by their husbands and boyfriends. We need to start as soon as possible to get money and programs to our State and local governments for things such as law enforcement and prosecution grants; court appointed special advocate programs for victims of child abuse; training for judicial personnel and practitioners; $28 million to go for arrest policies to encourage local governments to deal with domestic violence as a serious criminal offense; $1.5 million for a national stalkers and domestic violence reduction program; $7 million for rural domestic and child abuse enforcement.

Mr. Speaker, these are terrible tragedies that are existing every minute throughout this country in every corner of this country. We can go a long way toward stopping this as soon as the President will not hold this funding program hostage to the veto of the Commerce bill. I hope that he sees the error of his ways and implements his cooperation to get this money to the States.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 1 minute to engage the gentlewoman from New York [Ms. MOLINARI].

Mr. Speaker, the gentlewoman again suggests that money in here has been canceled for this program for the year. Is that what the gentlewoman is implying?

Ms. MOLINARI. Mr. Speaker, if the gentleman would yield, I am sure I was clear to say that when the President vetoed this bill, he canceled the expenditure of these funds until he finds a bill that he wants to sign.

Mr. MOLLOHAN. Mr. Speaker, reclaiming my time, but the gentlewoman is not suggesting that money will not be in this program once this bill is processed and signed by the President?

Ms. MOLINARI. Mr. Speaker, if the gentleman will yield further, with all due respect, if the gentleman knows what the President has in his mind these days, he is smarter that the rest of America.

Mr. MOLLOHAN. Reclaiming my time, will the gentlewoman acknowledge that she was engaged in a bipartisan effort to get this money in the bill, and it was supported by the President?

Ms. MOLINARI. Mr. Speaker, if the gentleman would continue to yield, I appreciate the cooperation given from the Democratic side of the aisle in this funding. I am only sorry that the President did not enter into that spirit of cooperation.

Mr. MOLLOHAN. Mr. Speaker, will the gentlewoman acknowledge that if we pass a continuing resolution here on this bill, that we would be able to immediately fund this program while we go forward and debate these other issues, and we could immediately fund it, get everybody back to work and get them back to work now and pass the rest of the programs and the violence against women programs? Does the gentlewoman agree with that?

Ms. MOLINARI. No, absolutely not.

Mr. MOLLOHAN. The gentlewoman does not agree that if we get a continuing resolution passed, we would be able to do that?

Ms. MOLINARI. At last year's level, which is a significant diminution of what we are appropriating in this Congress at 573 percent more this year. That is a tremendous difference.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, the issue today is not this motion that is before us which is being debated, but rather that we ought to be debating a continuing resolution so that we can keep this Government open and we can talk about the Commerce, State, and Justice bill, and the Cops on the Beat Program.

Mr. Speaker, let me make just one point in that the President in my view was correct to veto the Commerce, State and Justice bill for, particularly in my view, for the Cops on the Beat Program and dismantling it.

But the gentlewoman from New York [Ms. MOLINARI] and the gentlewoman from Maryland [Mrs. MORELLA] both know about the President's commitment to the Violence Against Women's Act, and that if we got this Government open and running, that that

money would flow and the commitment is absolutely there.

Mr. Speaker, they were part of a bipartisan effort to put it together, and anything that they get up to say about it was partisan on the their part today.

Mr. Speaker, let me say that I strongly support what the President did on Commerce, State and Justice, specifically because I oppose dismantling the community policing initiative. It is a crime fighting program that has worked and one that we ought to continue, and it has lowered the crime rate in this Nation tremendously.

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

Mr. MOLLOHAN. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, as previous speakers have already indicated, the President indicated a long time ago that he was going to veto this bill, and he indicated that repeatedly because of his concern that this bill rips up his Cops on the Beat Program and a number of other concerns listed in the veto message. That is not the issue here today.

The program with what is happening here today is that we are debating a perfunctory motion to which absolutely no one is opposed. This motion is simply to send the bill to committee. Everybody is going to support that.

Mr. Speaker, instead of wasting time on this meaningless motion, what we ought to be doing, as the gentleman from West Virginia [Mr. MOLLOHAN] has indicated, is bringing a clean continuing resolution to this floor to keep the Government open so that all programs, including these programs, can continue to function.

What is rally at stake here is exactly what the gentleman from West Virginia has indicated. What is happening is that the Republican leadership of this House is trying to gain leverage on their discussions with the President on the 7-year budget by shutting down Government and holding hostage all of these programs and all of the people running them until the President caves in to the demands of the gentleman from Georgia [Mr. GINGRICH].

Mr. Speaker, what is at stake here was summed up by the chairman of the Committee on Appropriations in a press conference he held after President Clinton signed the defense bill. When the President signed the defense bill, my good friend, the gentleman from Louisiana [Mr. LIVINGSTON], then said as follows: "The President is at our mercy. If the Government shuts down on December 15 and 300,000 people are again out of work, most of the people going out will be his people. I think he's going to care more about that than we do."

Mr. Speaker, that is apparent today. It is very apparent that there is very little concern on the part of the majority party leadership for the individual workers in this country who are being crunched because of a power game between the White House and the Speaker of the House.

Mr. Speaker, the leverage games ought to stop. I know full well that if those leverage games were not going on, the subcommittee chairman of this subcommittee and the ranking Democrat could work out these differences in half an hour, because they are both good men. I know that would happen.

The fact is, this debate is a waste of time. For any of our citizens who happen to be watching it today, it is a sad day in my view because it once again demonstrates that we are mistaking motion for movement.

□ 1300

We should not be wasting our time on a meaningless motion like this.

I would urge the Speaker of the House to immediately bring a continuing resolution to the floor so that this charade can stop, so that Government can stay open, so that Government agencies can provide the services to which the taxpayers are entitled, and stop the political game.

Mr. ROGERS. Mr. Speaker, I yield the balance of my time to the 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 me this time.

I want to say that I truly believe that there is probably no other illustration better than this bill today of the differences between Republicans and Democrats, fundamentally about our approach to government and fundamentally about the revolution that is taking place with the new majority. We are not doing business as usual, and some, I can understand it, on the other side of the aisle would like to see us do it the traditional way.

Yes, there is authorizing legislation that normally would come through the authorizing committee to the floor in this bill, and, yes, we are doing some major changes, different from what the President wants, and, yes, we know that we cannot succeed in some of these votes up and down with a straight ability to override a Presidential veto because we do not have the votes to do that.

But we are determined in our revolution this year in making the change to the new majority to do what the public wants us to do, and that is to make a difference, to really change the way we fight crime, among other things, and the way our Government responds to things.

What this bill does and what this legislation on crime fighting does is to do that. It, first of all, takes a program or two passed by the Democrats in the last Congress that provided Washington business-as-usual grants out there for more police officers and for all kinds of so-called prevention programs that governments would have to apply for and do it the way Washington said, takes all of those programs and rolls them into one single $10-billion grant program, block-grant program, for which local cities and counties would get the money to fight crime as they see fit. If they wanted to hire new policemen, they could. If they wanted to do a drug treatment program, they could. If they wanted to use that money for a new piece of equipment, they could do that. Whatever they wanted to do; what is good for Portland, OR, is not good for Charleston. One size does not fit all. That is a very big difference between Republicans and Democrats.

We do not believe Washington should be dictating how to fight crime or many other things to local governments. They ought to be making those decisions, and the President's veto is an indication he does not agree with us. He agrees with the typical business-as-usual liberal Democrats who like big government in Washington.

The second thing in this bill about fighting crime we seem to overlook that is very important, maybe more important in some ways than getting 100,000 cops and changing the way we do business around here and so on, is the fact that we have in this bill a change in the way we go about the incentive program for building new prisons to try to encourage States, if they meet the goal of requiring violent repeat offenders to serve at least 85 percent of their sentences, then they can get prison grant money. Many States are changing their laws to build these prisons. We have prisoners today getting out, serving only a third of their sentences and committing violent crimes over and over again.

We ought to take away the key and throw it away and do away with it.

The last piece in this bill is prison litigation reform. The President vetoed that, too. This bill should not have been vetoed.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. ROGERS].

The motion was agreed to.

A motion to reconsider was laid on the table.

## REQUEST FOR COMMITTEE ON APPROPRIATIONS BE DISCHARGED FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 131, FURTHER CONTINUING APPROPRIATION, FISCAL YEAR 1996

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 131, which is a clean continuing resolution to extend the Government through January 26, authorize 2.4 percent military pay raise, effective January 1, eliminate 6-month disparity between COLA payment dates for military and civilian retirees in fiscal 1996, and ask for its immediate consideration in the House.

Mr. ROGERS. Mr. Speaker, regular order.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers as recorded on page 534 of the House rules manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships, and, therefore, it is not in order at this time.

Mr. OBEY. I hope it will soon be cleared.

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## WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2539, THE ICC TERMINATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for the immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], 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 312 allows for the consideration of the conference report to accompany H.R. 2539, the Interstate, Commerce Commission Termination Act of 1995. Under the rule, all points of order against the conference report and against its consideration are waived, and the conference report shall be considered as read.

Mr. Speaker, although I do not generally favor granting blanket waivers, the Rules Committee was provided with a list of specific waivers required for consideration of this bill, and this rule was adopted by voice vote in the Rules Committee.

Also, there was discussion yesterday that the Senate might consider a concurrent resolution which would effectively amend this conference report to include the Whitfield amendment as passed by the House. I supported the Whitfield amendment when it was adopted by the House because it provided important protections for small and medium size railroad employees who lose their jobs because of a merger or acquisition. I think this language should have been retained without change in this conference report.

Unfortunately, the language of this concurrent resolution was unavailable to the Rules Committee, and the committee was unable to accommodate consideration of the concurrent resolution in this rule.

Mr. Speaker, funding for the ICC expires at the beginning of next year, and if we do not pass this conference report, the important functions of this agency that are being transferred to the Department of Transportation will fall by the wayside. This bill provides for an orderly termination and transfer of the vital functions of the ICC.

This is an important part of our efforts to downsize the Federal Government, and I urge adoption of the rule and the conference report.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume and I thank my colleague from Tennessee for yielding me the customary half hour.

Mr. Speaker, although this is a standard conference report rule, I am very much opposed to this bill.

Despite promises to the contrary, despite the House-passed compromise on November 14—this bill contains some serious antiworker provisions.

This bill takes away class 2 and class 3 railroad workers' right to collective bargaining. It will hurt thousands of hard working Americans and it is unfair.

Mr. Speaker, nearly every other American worker has the right to collective bargaining, including class 1 railroad workers, class 2 and class 3 railroad workers should have the same worker protection as everyone else.

But, Mr. Speaker, once again, my Republican colleagues are choosing employers over employees.

They are saying that hard-working railroad workers do not deserve the most basic worker protections. They are saying that rail carrier mergers are more important than people.

Thankfully, President Clinton has said he will veto this bill, and I think he should. My colleagues should have kept their word and rail workers should be able to keep their jobs.

Mr. Speaker, I urge my colleagues to oppose this rule. American workers deserve every protection we can give them.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR], ranking member of the committee.

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

Mr. Speaker, when the Committee on Rules met last night and our side testified at the meeting of the Committee on Rules, we asked for very few things. We asked that if points of order are going to be waived in this rule, that they be specified, that there be a specific reference to which points of order are to be waived in the interests of fairness and openness, and we asked that issues such as scope, germaneness, Budget Act problems, 3-day layover of conference reports issue be specified if there are going to be waivers of points of order.

The rule comes out with no specificity whatever. It just waives all points of order.

We also made a very modest request that if the Senate acted on a Senate concurrent resolution to restore the Whitfield amendment as a substitute for the language in the conference report dealing with labor protective provisions, that it be made in order for us to take up that Senate concurrent resolution. The Senate has not yet acted. It may not act on that concurrent resolution. But there is no provision in this rule as we requested. It was a modest request. I thought it was favorably received by the chairman of the Committee on Rules. But it is not included here as a mere courtesy to the Democrats.

This conference report is not a simple matter. This is 164 pages of very technical language dealing with a complex subject in the sunsetting of the oldest regulatory body in the Federal Government structure dealing with a mode of transportation that, in the 19th century, was the life line of America and all the way up through until the end of World War II was the cornerstone of our national economy, the railroad industry.

We are going to wipe it away. We have a bill with 164 pages of technical language. Points of order are simply waived. They do not say which ones. They do not give us the opportunity to bring up, should it be enacted, should it be passed by the Senate, the Senate concurrent resolution.

I find this very, very curious. I find it unpalatable. I find it inappropriate.

Nonetheless, I recognize that the other side has the votes. We will save our fight for the conference report.

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

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

Mr. Speaker, I urge adoption of the rule and the conference report when it is brought before the House.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 558, TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 313 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 313

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 558) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1315

The SPEAKER pro tempore. The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, [Mr. BEILENSON], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 313 is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Commerce. After general debate, the bill shall be considered as read for amendment under the 5 minute rule. The resolution allows the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the chairman of the Committee on Commerce, Mr. BLILEY, requested an open rule for this legislation. This open rule was reported out of the Committee on Rules by unanimous voice vote.

Mr. Speaker, earlier this year, I voted against this legislation under the suspension of the rules because I felt that this legislation should be thoroughly debated. Under the proposed rule, each Member has an opportunity to have their concerns addressed, debated, and ultimately voted up or down by this body. I urge my colleagues to support this rule, as well as the underlying legislation.

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

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

[As of December 19, 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 | 58 | 65 |
| Modified Closed [3] | 49 | 47 | 20 | 23 |
| Closed [4] | 9 | 9 | 11 | 12 |
| Total | 104 | 100 | 89 | 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 December 19, 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). |

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of December 19, 1995]

| H. Res. No. (Date rept.) | Rule type | Bill No. | Subject | Disposition of rule |
|---|---|---|---|---|
| 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 | A: 220–200 (11/10/95). |
| H. Res. 259 (11/9/95) | O | H.R. 2539 | ICC Termination Act | A: voice vote (11/14/95). |
| H. Res. 261 (11/9/95) | C | H.J. Res. 115 | Cont. Resolution | A: 223–182 (11/10/95). |
| H. Res. 262 (11/9/95) | C | H.R. 2586 | Increase Debt Limit | A: 220–185 (11/10/95). |
| H. Res. 269 (11/15/95) | O | H.R. 2564 | Lobbying Reform | A: voice vote (11/16/95). |
| H. Res. 270 (11/15/95) | C | H.J. Res. 122 | Further Cont. Resolution | A: 229–176 (11/15/95). |
| H. Res. 273 (11/16/95) | MC | H.R. 2606 | Prohibition on Funds for Bosnia | A: 239–181 (11/17/95). |
| H. Res. 284 (11/29/95) | O | H.R. 1788 | Amtrak Reform | A: voice vote (11/30/95). |
| H. Res. 287 (11/30/95) | O | H.R. 1350 | Maritime Security Act | A: voice vote (12/6/95). |
| H. Res. 293 (12/7/95) | C | H.R. 2621 | Protect Federal Trust Funds | PQ: 223–183 A: 228–184 (12/14/95). |
| H. Res. 303 (12/13/95) | O | H.R. 1745 | Utah Public Lands. | |
| H. Res. 309 (12/18/95) | C | H. Con. Res. 122 | Budget Res. W/President | PQ: 230–188 A: 229–189 (12/19/95). |
| H. Res. 313 (12/19/95) | O | H.R. 558 | Texas Low-Level Radioactive. | |

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.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

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

Mr. Speaker, I rise in opposition to the Texas Low-Level Radioactive Waste Disposal Compact Consent Act and the rule for the bill. As you all know this bill was considered by the House back in September. The House overwhelmingly defeated this bill by a vote on 243 to 176 under suspension of the rules.

I commend the Rules Committee for a job well done in developing this rule. It is an open and very fair rule, however, I believe this bill should not be coming to the floor for another vote. This rule would have been appropriate had the bill been considered in regular order back in September when it was first voted upon.

The House already made its statement loud and clear by rejecting this bill. This bill is not in order today and I urge my colleagues to oppose the bill and the rule.

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

Mr. Speaker, I thank the gentleman from Colorado [Mr. MCINNIS] for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we support this open rule for H.R. 558, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act. The bill was defeated overwhelmingly by a vote of 176 to 243 in September when it was taken up on the suspension calendar, and the bill itself remains quite controversial.

In fact, we were surprised to see it placed on the schedule for today with such little notice. Members of the Committee on Rules were not notified until yesterday afternoon that it would be taken up by committee at 5:15 yesterday evening. We questioned the wisdom of considering this bill again, even under an open rule, at this time in the session. It is not at all clear that the most open procedure can solve the problems that the bill seems to have. The fact that the Texas delegation itself is split evenly on the bill, 15 Members voted for it and 15 against it when it was before us in September, should have been a sign to the leadership that the strong vote against the bill should, for the moment at least, be allowed to stand.

Nevertheless, we are here today considering this legislation when we should be putting all of our efforts and energy into passing the long-overdue annual appropriations bills that are crucial to returning Government services to the American people.

Again, Mr. Speaker, we support this rule. It is an open rule, but we remain disturbed that it is being taken up at all for legislation that has already been defeated by the House, as the gentleman from Texas just said, when we

should be considering the spending legislation that is critical to ensuring that our citizens receive the Government services they deserve.

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

Mr. McINNIS. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. SCHAEFER] who is also chairman of the subcommittee.

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

Mr. Speaker, I rise in support of House Resolution 313, the rule which accompanies H.R. 558, the Texas Low-Level Radioactive Waste Compact Consent Act. This bill, introduced by our colleague, JACK FIELDS, will allow the States of Texas, Maine, and Vermont to join the other 42 States which have already entered into low-level radioactive waste disposal agreements.

The open rule, providing that debate on and possible amendments to H.R. 558 will allow for a broad range of issues to be discussed, is a welcome step. The measure had strong bipartisan support during the Commerce Committee's consideration of it, and I am hopeful that once Members have listened to this debate at the full House level, the bill will enjoy similar wide support on final passage.

Low-level wastes emit a low intensity of radioactivity. In fact, the vast majority of low-level wastes—97 percent—do not require any special shielding to protect workers or the surrounding community. Examples of these wastes range from the coverall uniforms used at nuclear power sites to the radioactive elements of a hospital x-ray machine.

Currently, 42 States are already involved in nine compact arrangements for the disposal of low-level waste. H.R. 558 would finally allow the States of Texas, Maine, and Vermont to begin their efforts to fully comply with the Low-Level Radioactive Waste Policy Act of 1980 and to join the other States which have already entered into such compacts.

One of the important and controversial matters raised during the House's first consideration of this bill revolved around the siting of the low-level waste facility. H.R. 558, like the other nine compacts before it, does not specify a site. It was the intent of Congress that siting, like the other responsibilities outlined in the Low-Level Radioactive Waste Act, would remain a State issue. Regardless of the site, the States of Texas, Maine, and Vermont need the congressional consent of this compact. And regardless of the compact, these States will have a need for low-level radioactive waste disposal capability. The facts are very clear.

An open rule will provide a good forum to debate these points. The rule is a good one and I urge the House's adoption.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, I rise today in support of the rule on H.R. 558, the bill to give congressional consent to the Texas low-level radioactive waste disposal compact.

Many of my colleagues had opposed this bill when it came up under the Suspension Calendar, and I have talked to some of them about their vote. One of the reasons that they most frequently gave for their opposition was the lack of an opportunity to fully debate this question.

The Committee on Rules has recommended an open rule allowing for 1 hour of general debate. I fully expect a vigorous discussion on the compact. I look forward to that debate and to answering any questions that may arise.

The compact is important for Texas. It is important for Vermont, and it is important for Maine. This would be the 10th compact that Congress has ratified since 1985, when Congress enacted the low-level radioactive waste disposal policy amendments.

This was one of those unfunded mandates that Congress gave the States to develop methods of managing low-level nuclear waste. The three States have diligently complied with that mandate.

The Governors and the legislatures of Vermont and Texas have approved the compact. The Governor and legislature and people of Maine have approved the compact.

Mr. Speaker, I urge support of the rule.

Mr. Speaker, since my good friend has allowed me such time as I may consume, I thought it was probably important to utilize this opportunity to discuss the low-level radioactive waste compact.

The measure before us today would give congressional approval to the compact between Maine, Vermont, and Texas for the disposal of low-level radioactive waste produced in those States.

Experience has probably taught all of us just how difficult waste management issues can become. And none is more difficult than those involving radioactive materials.

In 1985, after considerable debate, Congress enacted the low-level radioactive waste disposal policy amendments act. Congress gave responsibility to the States for the management of low-level radioactive waste. These materials are byproducts of nuclear medicine, nuclear research, industrial processes, as well as nuclear power generation.

Congress clearly gave the States a mandate, without funding I might add, to develop responsible methods for managing this waste. H.R. 558 would simply ratify the compact negotiated between Maine, Vermont, and Texas. It represents the last step in the process. These three States have diligently complied with the congressional mandate. H.R. 558 deserves our overwhelming support.

Congress, in dictating to the States and requiring the States to come up with these compacts, this is the 10th compact that Congress has approved since 1985—9 others involving 42 States have received speedy consent. It would be very irresponsible and also unfair if we were to reject the compact now before us. It would be a complete reversal of the policy established by Congress.

Opponents of the legislation have objected to the proposed site of the low-level waste disposal facility in Texas. These objections are not relevant to the compact. The compact presented in H.R. 558 is site neutral. In fact, the siting process conducted by the State of Texas and the compact between the States of Maine, Vermont, and Texas, are separate and independent. As I understand it, Texas initiated the siting process long before it began negotiations with Maine and Vermont. In fact, the proposed site still requires approval of the Texas Natural Resources Conservation Commission.

So the commission has just now started what will be a lengthy public proceeding to consider all the issues associated with the proposed site. So for those reasons, and many others, I would support the rule and also support the passage of this legislation.

The Texas commission has just now started what will be a lengthy public proceeding to consider all of the issues associated with the proposed site. If the proposed site is found to be deficient, then the license will not be granted and another site will have to be selected. Nonetheless, the siting issues such as water quality impacts, seismology matters, and related concerns are simply not germane to our consideration of our H.R. 558. Neither the compact nor H.R. 558 specify any particular site in Texas. This decision is solely the responsibility of the government of the State of Texas. The siting decision is the right of the State of Texas. We, in Washington, should not interfere in that process.

Finally, it is also important to understand that the compact under consideration contains real and significant advantages for all three States. With the compact, Texas will be able to limit the amount of low-level radioactive waste coming into its facility from out-of-State sources.

Maine and Vermont together produce a fraction of what is generated in Texas. For Maine and Vermont, the compact relieves either State from the need to develop its own facility. Given the relatively small volume of waste produced in Maine, developing such a facility would be disproportionately expensive.

These benefits are among the reasons that the compact received overwhelming support from the Governors and legislatures in all three States.

We should act now to approve H.R. 558 without amendments. It represents the States best efforts to comply with a Federal mandate. It is not directly linked to the development of any specific site in Texas. It contains major benefits for all three States. I urge you to support H.R. 558.

Mr. McINNIS. Mr. Speaker, I yield 15 minutes to the fine gentleman from the State of Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I will not use 15 minutes, I assure the Chair and the other Members of the body. I do want to speak for more than 1 or 2 minutes.

Mr. Speaker, when I was elected in 1984, I came to the Congress in January 1985, I had the honor to be placed on what was then called the Interior Committee, chaired by the distinguished gentleman from Arizona, Mr. Mo Udall. One of the pieces of legislation that that committee moved that year was the Low-Level Waste Policy Act Amendments of 1985, in which it gave States the authority to create interstate compacts with other States for the disposal of low-level nuclear waste.

At that time, the State of Texas chose to create a compact simply within its State boundaries and not to create an interstate compact with other States. Since that time, the State of Texas has been in negotiations with the State of Vermont and the State of Maine and has decided to take advantage of the 1985 act and create an interstate compact. Nine other interstate compacts have been approved by this Congress since the Low-Level Waste Policy Act Amendments of 1985.

When this bill first came to the floor earlier this year, it was defeated, and it was defeated primarily because many Members felt like that since one or two Members in the State of Texas on the Republican side were opposed to this legislation, that the State of Texas itself and the Republican delegation in general was opposed.

Nothing could be further from the truth. The Governor of the State of Texas, the Honorable George Bush, strongly supports the passage of this act. The former Governor, the Honorable Ann Richards, formerly when she was Governor supported this act. So both our Democrat former Governor and Republican Governor support the passage of H.R. 558.

When it comes to a vote later this week, my guess is that almost, not every Texan, but almost every Texas Member will support this act. On the Republican side, all but one or two will support it.

This bill does not site the low-level waste depository within the State of Texas. It simply gives the State the authority to contract with Vermont and Maine for their low-level waste. It will be a State decision within Texas where to put the depository.

The Members from our State delegation that oppose this legislation apparently oppose it because they oppose where the State has so far decided to locate the depository. But this act, in and of itself, is not site specific. It simply gives the State of Texas and the State of Vermont and the State of Maine the right to enter into a compact as this Congress or other previous Congresses have given nine other compacts.

So I want to strongly support the rule. I hope we pass the rule, and then I would hope that all Members would vote positively on the underlying bill, H.R. 558. It is simply giving these three States, Texas, Vermont, and Maine, the right, as other States have, to enter into an interstate compact for the transmission and disposal of low-level nuclear waste.

□ 1330

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the rule and the bill, H.R. 558, the Texas low-level radioactive waste disposal compact.

Low-level waste is a byproduct of many industrial and medical activities that contribute to our economy in Texas and also enhance our lives. For example, it is not in my district but it serves my community, our hospitals in the city of Houston and around the State are national leaders in health care and medical research, and we have this low-level waste now literally on the property of the hospitals because they have to have someplace to put it. We have an agreement now with two other States, and that is why H.R. 558 is so important.

Responsible management of this waste that the hospitals produce include clothing, the laboratory supplies, and paper requiring permanent disposal in a site specifically designed for that purpose.

The States of Texas, Maine, and Vermont have all agreed to proceed with this compact which, by law, Congress must approve; however, the implementation and site selection is a State matter. And I believe the States who sign this compact should be allowed to proceed with it.

I know in Texas, Mr. Speaker, we have done that. Governor McKernan of Maine signed the compact in 1993 and the Maine voters approved it by referendum later that year. Governor Dean in Vermont in April 1994. In Texas, both the previous Governor, Governor Anne Richards, and current Governor Bush also strongly supported this compact. In fact, in 1991, as the State senator representing part of the Harris County area in Houston, I supported the compact as a State senator.

This law allows us to maintain control over this issue for the States and just simply allows the process to go forward.

We cannot continue to stick our head in the sand and say we do not have a place for this. By allowing this compact it would allow the State of Texas, a large geographic State with a great deal of urban area that produces this low-level waste, a place to store it other than the urban areas that is close to all of our homes.

Again, Mr. Speaker, we need this because our hospitals and our medical centers are contributing to it and they need to have someplace that is the least affected environment for it. That is why, Mr. Speaker, I rise in support of the rule and also in support of H.R. 558.

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

Mr. GENE GREEN of Texas. I yield to the gentleman from Texas, who, frankly, he and I served in the State legislature together, but not in the 1990's, because he was in Congress then.

Mr. COLEMAN. Mr. Speaker, I guess my question for the gentleman is, since he was for this legislation when he was in the State Senate in the State of Texas, I guess my question is, would he agree to an amendment, if we were to offer an amendment, and under this rule we would be allowed to offer an amendment, that would restrict this compact to only these three States?

Mr. GENE GREEN of Texas. Mr. Speaker, I would say to the gentleman that that was the intent when we voted for it in the State of Texas in the legislature; and as a Member of Congress, I would agree to that.

I am glad my colleague brought this up. If that would get my colleague from El Paso on board, I would be more than happy to support that amendment that would limit it to only those three States.

Mr. COLEMAN. Well, Mr. Speaker, maybe I should ask this question.

Mr. GENE GREEN of Texas. I gave the gentleman the right answer, did I not?

Mr. COLEMAN. It was a good answer.

As I understand the compact, however, I wonder whether or not this Congress would be willing to restrict those commissioners in any vote they might subsequently take to allow other States to join the compact? Can we do that in this legislation; is that the gentleman's understanding?

Mr. GENE GREEN of Texas. Again, I do not know. I would think the rule would allow that amendment to be considered, but the State legislature and the State of Texas would be the one that would actually vote on that. Again, I do not have any fear about the State legislature dealing with this issue because I worked on it then.

Mr. COLEMAN. So then the gentleman understands, if Connecticut, for example, which already has made some approaches to this compact, or proposed compact States, if Connecticut wanted to join the compact, then, of course, the gentleman's statement is that we cannot prohibit that here in the Congress; that that would be up to the commissioners only who serve on the commission; is that right?

Mr. GENE GREEN of Texas. It is not my bill, but I would support limiting it to the waste of the three States.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield for an answer to the question?

Mr. COLEMAN. I am happy to yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I would say to the gentleman that I was one of the authors of the amendments in 1985, and it is the intent of the legislation to give the States the right to negotiate between themselves for these compacts. It would, in my opinion, be outside the scope of this particular bill to try to limit any of the legislatures in what they could do.

I would oppose the gentleman's amendment if he were to offer such an amendment. I personally do not have a problem limiting the States, but the underlying legislation gives the States the right to negotiate these compacts, and the Congress' role is simply to ratify or to not ratify the compact.

Mr. COLEMAN. Mr. Speaker, reclaiming my time, I would say to my colleagues in the Congress that this is exactly the issue. The issue here is simply one we call back home greed. Texas decided they would get a whole bunch of money from a couple of States if they would take their waste and dump it. And, of course, everybody says, well, these will just be these three States.

The minute I suggest we make sure it is only these three States, everybody goes, oh no. We just heard my colleague from Texas a minute ago, just now, say, oh, no, we sure would not want to do that. After all, Texas could get more money for this.

So what if it is out in west Texas, in a poor little old town called Sierra Blanca; right? It is not in his backyard. Not in my colleague's backyard, Mr. GENE GREEN'S backyard, in Houston, TX, or up near Dallas. No, it is just out in west Texas. So who cares, other than those 900 people that live in that county. Who cares?

Well, I will tell my colleagues what. Putting it in an unsafe place, which they are doing, they are putting it near the epicenter of an earthquake that occurred just last April, 5.6 on the Richter scale, and everybody says we do not care. Heck, I am in Dallas, or I am in Houston. We do not care, it is out in west Texas. Who cares.

The point is, we are finally going to get to the truth of the matter, and the last gentleman who addressed this House told us what the truth of the matter is. What they do not care about is the consequences. If there is an earthquake or an accident that occurs in the next 300 or 400 years, they do not care. They do not care if they are on record because they will not be here. If it occurs in the next 5 or 10 years, my colleagues may care.

It may not look too good that they were willing to put this dump site where it should not be in the first place; and, second, that they are willing to take a nuclear reactor from Connecticut, because that is the next thing that is coming. I hope everybody understands that.

All of my colleagues in Texas that think this is smart better start thinking ahead just a little bit. This is not about Maine and Vermont and Texas only. Once they open this site, these commissioners will elect to put radioactive nuclear waste from every State, if they want to, because only they will be doing it.

We are told it is outside the scope for this Congress to act for the health care and welfare of the American people, and that is flat wrong.

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

I would remind my colleagues that the issue we are talking about right now is the rule, and we have an open rule. It came out of the Committee on Rules on a unanimous voice vote. I do not want everyone's attention being diverted away from the fact that the debate on this issue will take place when the bill comes up. Right now the issue is the rule.

I respect the gentleman's arguments, but I would point out, let us focus back on the rule. It is an open rule. There is no reason anyone in here should object to the rule because it will allow the kind of healthy debate we have just seen.

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

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

Mr. COLEMAN. Mr. Speaker, I thank the gentleman for highlighting that. In fact, it was my intention to come here and only to speak on behalf of the rule.

I think the rule is fair and it gives us an opportunity to offer the very amendments that I was speaking about. But I came up here and all of a sudden I heard one of my colleagues from Maine tell us what a great bill this was.

Maybe we can make it a good bill, if we are allowed to amend it and we get the support we had last time of a majority of this Congress to permit us to do that. I thank the gentleman for pointing it out and giving me the opportunity to say I, too, am in support of the rule.

Mr. McINNIS. Mr. Speaker, reclaiming my time, the gentleman will have that opportunity to amend, and I certainly appreciate where the gentleman comes from and his purpose in affording that debate, but I do want to remind all of us that we will have a lot more time for debate, so I think we should try to wrap this rule up.

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

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much and I rise to make several brief points because I support both the rule and the bill.

I think it is important to focus our attention where it should be focused, and that is, one, this is an environmentally driven bill. This is a question of what to do with low-level radioactive waste, something that raises enough question for many of us. Whenever we hear of nuclear reactors or radioactive waste we are concerned.

I am concerned about the research and the medical services done at the Texas Medical Center and the inability of that facility, that brings about good health and saves lives, to be able to find a safe and environmentally protected area to eliminate low-level radioactive waste.

The other point is that this is a bipartisan effort. The former Governor of Texas, Anne Richards, supported this, as well as the present Governor.

Lastly, let me say that this is not a matter that is a question of sites, or one site that has already been selected. I think there should be reasonable discussion and a fair discussion that no poor area, no poor neighborhood should be biasly selected as the site for this. The commissioners should take into consideration the very safest of locations being driven by the environmental aspects of what we are trying to do here.

I think it is particularly important to instruct the States to work these arrangements with the requirement that safety and the environment be crucial issues to be addressed. In fact, no State, I hope, would want to jeopardize communities with a site that would not be environmentally safe, focusing on the question that there is low-level radioactive waste, we must do something with it, but it must be safely done.

H.R. 558 provides an open rule. I think that is extremely positive. I hope we can draw on more bipartisan discussion to make this the best bill, because this is something that should not have the tensions of disagreement when we all realize that this is a national problem that is impacting our States across the country. If there is a question of other States being involved, I think hard questions should be asked, but this particular Texas, Maine, Vermont low-level radioactive waste compact has reasonably been reviewed by the respective Governors, as I said, both Democratic and Republican alike.

The compact limits Vermont and Maine to 20 percent of the total volume. It is a question of medical radioactive waste that is a prime concern for all of us in the State of Texas, and particularly, as I said earlier, the question dealing with the site selection should be carefully reviewed. I think it is important that we realize that there will be no site selection in Texas without full public hearings. In that instance, all of those communities that

may ultimately be impacted will have the complete access to those public hearings. the commissioners should be sensitive to this.

I would ask my colleagues to make this truly a bipartisan piece of legislation, for it is for the safety of all of us, and it certainly is for the safety of those of us who are concerned about how we eliminate, and safely and environmentally secure low-level radioactive waste.

Mr. Speaker, I rise today in support of H.R. 558, the Texas-Maine-Vermont low-level radioactive waste compact. This bill has received considerable attention since it concerns the issue of States' rights, the issue of protecting the environment and the rights of citizens to determine the quality of life in their communities.

Since the 1985 amendments to the Low-Level Radioactive Waste Policy Act, the 50 States have been responsible for managing their low-level radioactive waste program because the Federal Government recognized that States are better suited to implement such policies due to their close attention to local concerns.

There are already nine State compacts in existence representing agreements among 42 States. Congress passed the bills approving those compacts under the Suspension Calendar. The House Commerce Subcommittee on Energy and Power unanimously passed H.R. 558. The full committee passed the bill by a vote of 41 to 2.

The Governors of Texas, Maine, and Vermont strongly support this legislation. The State Legislatures in Texas, Maine, and Vermont have approved the compact. The majority of the Texas congressional delegation supports this bill.

Contrary to popular belief, a specific disposal site has not yet been designated. The appropriate agencies in Texas have been considering various sites. It will be located in Texas, however, since Texas would have the vast majority of the low-level radioactive waste. The compact limits Vermont and Maine to 20 percent of the total volume. The Texas medical center is without available alternative.

No site will be selected without public hearings that give concerned citizens the opportunity to express their views on the location of the facility. Environmental agencies will conduct the appropriate review and resolve environmental concerns in accordance with current law and regulations. No radioactive waste from States other than Texas, Maine, and Vermont would be stored at the facility. The future facility must meet Federal regulatory standards developed by the Nuclear Regulatory Commission relating to safety in the construction and operation of the facility.

I urge my colleagues to support this bill, which approves this compact among Texas, Maine, and Vermont and permits those states to manage their low-level radioactive waste in compliance with Federal environmental law and regulations.

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Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, first with regard to those Members from Texas and those who are concerned about this issue from Texas, in the dialog with the gentleman from Texas [Mr. BARTON] a moment ago I think for the first time we saw what really is going to happen if this thing passes. And maybe nobody else should care, but if Members are from Texas, they ought to care.

Mr. Speaker, what it means is that this commission is going to be able to accept nuclear waste from every State of the Union. It is, in my view, very regrettable.

We are going to offer an amendment to say that it is limited to the two States involved, Vermont and Maine. I see no way to justify doing otherwise. The bill has been lobbied to Members of Congress from my region to say that it just involved the two States. The fact of the matter is that it does not. If it did, I think no one would mind if we offered an amendment that said this would be a compact between the three States.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I appreciate my good friend for yielding to me.

Mr. Speaker, I want to point out that there are 9 compacts that cover 41 States. My understanding of the Federal law is that if 1 of those 41 States want to get out of their existing compact and come into this compact which has not yet been approved, that that would take congressional approval. I could be proven wrong on that, but it is a fact that there are 41 States that are in these types of compacts.

Mr. Speaker, I have not received any information in my office from the Governor's office, or anybody in the Texas Legislature, that they are trying to enlarge the compact.

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time, if that is the case, then surely the gentleman will support us in our amendment that will say this compact will be limited to Texas, Maine, and Vermont. Would the gentleman support us in that amendment?

Mr. BARTON of Texas. Mr. Speaker, if the gentleman would continue to yield, on a personal level I do not have a problem with that.

Mr. BRYANT of Texas. Mr. Speaker, I mean on the big board when we vote.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman would continue to yield, my problem with that particular amendment, if offered by the gentleman from Dallas, TX [Mr. BRYANT] and the gentleman from El Paso, TX [Mr. COLEMAN], is that the underlying law that gives the Congress the right to approve or disapprove the compact, gives the States the right to negotiate the compact, and we would be stepping into the State area.

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time, it is just a plain and simple concept. If the gentleman wants the entire United States to be able to dump nuclear waste in our State under approval from this commission, then he would vote against our amendment. If the gentleman believes we ought to limit it to just the two States, and I cannot imagine why he would not want to do that, why would the gentleman not vote for the amendment and let us make this thing do what everybody has promised that it would do?

Mr. BARTON of Texas. Mr. Speaker, if the gentleman would continue to yield, does the gentleman have information that leads him to believe that these other 41 States are going to get out of their existing compacts and want to come into this particular compact?

Mr. BRYANT of Texas. Mr. Speaker, again reclaiming my time, in the first place there are 50 States, so there are 9 unaccounted for that would obviously be interested, No. 1.

First, I cannot predict the future, but I do know this, no matter what the situation might be, I do not want them to come and dump their nuclear waste in Texas. So the amendment will simply say that, and I would hope to have the gentleman's support of that amendment.

Second, I would call the Members of the House to look at this from a national perspective. We do not wish to avoid responsibility under the law to deal with this problem of siting a nuclear waste depository. But from the standpoint of the national interest, this is not a small matter.

The site that has been chosen is one that is on an international border, very close to the Rio Grande River in an area that is a volatile earthquake zone. This area experienced an earthquake scoring 5.6 on the Richter scale on April 13 of this year. The epicenter was less than 100 miles away and the quake was felt by individuals several hundreds of miles away.

Mr. Speaker, numerous earthquakes have occurred in this area. The largest was 6.4 in 1931, with its epicenter only 40 miles from the site, and the U.S. Geological Survey has concluded that quakes of 7.5 in magnitude could occur at any time along 14 faults in the immediate vicinity.

Mr. Speaker, it is not in the national interest to ratify this knowing that the State of Texas plans to locate this in this place. If it were to pollute the Rio Grande River, we would have an enormous problem with Mexico; a problem not only for the people of Texas, but all the people of the United States who would have to help pay this liability.

Mr. Speaker, the fact that we have it in an earthquake zone is preposterous. In effect, the legislature and other parts of the Texas State Government

decided to put it in a place that has no political power, hardly any people, rather than putting it in a place that has people and political power, and they did so regardless of the illogical nature of their decision.

Mr. Speaker, we will oppose it and will offer an amendment to provide that if this is approved, that this cannot be located in a seismically active area and an amendment that it will be limited to the three States mentioned, Texas, Maine, and Vermont. Mr. Speaker, I hope when we do, Members will support us on those amendments.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] has 6 minutes remaining.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I also rise in support of the rule. I wanted to really point out that this legislation did come out of our Subcommittee on Energy and Power on a bipartisan basis. I do support it as the ranking member.

Obviously, this is an open rule, as has been mentioned, and there is no reason why Members cannot bring up any substantive amendment that they would like. Obviously, some of the amendments will be brought up.

Mr. Speaker, I just wanted to mention, as I think has been brought out, that this is the 10th compact to receive congressional approval. Basically, the compact system envisions that low-level radioactive waste policy is developed with the strong support of the National Governors' Association, and under the law the task of selecting the disposal sites is the States' responsibilities. So, the subcommittee, in reporting out the bill, was cognizant of the fact that the States involved in the compact do support it.

Traditionally, Congress' responsibility is to simply act quickly on the compacts' request by the respective States and if all is in order, to approve it promptly.

Mr. Speaker, I do not really relish getting involved in a Texas battle here. I guess I learned a long time ago not to do that, and I think I am about to be. One of the Texas Members already suggested to me that perhaps they could bring up an amendment moving the site to New Jersey. I hope that does not happen.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. BRYANT of Texas. Mr. Speaker, I am not going to propose that. I think the gentleman from New Jersey has been constructive in his effort to deal with this issue. But I would point out to the gentleman that it is not possible to imagine that it does not bother this Member, or any ranking member somewhat, that the decision has been made to locate this in a seismically active zone.

Now, recognizing that, and the national implications of that since it is on the Rio Grande River, an international border with Mexico, would not the gentleman agree that we ought to at least amend the bill to say that it cannot be put in an obviously irresponsible place just so that local legislators can avoid the inconvenience of making the tough decision?

Would the gentleman not see the logic in at least saying this is unique with regard to this compact, We are not going to let you locate it there, but you will have to locate it some place else?

Mr. PALLONE. Mr. Speaker, reclaiming my time, as the gentleman knows, I did not support any amendments like that in the subcommittee and I would not support it on the floor. Again, because my understanding is that this has been looked into and that those on the State level that looked into it took that into consideration.

That is not to in any way to prejudice the gentleman from Texas [Mr. BRYANT], obviously, from bringing that up and arguing it. But my position is that the States and the legislatures that looked at this looked into those problems and, therefore, made that decision to support it.

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

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

Mr. COLEMAN. Mr. Speaker, I think the reason the gentleman from Texas asked the question is simply because it will be taxpayers in New Jersey and Kansas and California and New York that will be participating in the cleanup of an accident when it occurs. It is not going to just be Texas, Maine, or Vermont.

I hope that the gentleman and my colleagues understand that, that it will be the responsibility of all of us, because it is an international river and an international boundary that belongs to the United States as well as to Mexico.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I would just say that I see no reason why that should not be brought up on the floor and discussed, but again I would say that these issues were brought up in the subcommittee and our opinion was that they were decided on the State level and that we should respect that.

Mr. McINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Speaker, first of all, let me apologize to my colleagues. We were trying to wrap up our telecommunications conference, and so I could not get here as quickly as I would have liked.

Mr. Speaker, this is an extremely important piece of legislation for the State of Texas and the other two States involved. It is important because it involves the issue of waste and there has been a decision by three State legislatures on what to do in this particular compact, as the States are allowed in the underlying Federal statute. The process has been pristine in terms of meeting what is allowed under the statute.

Mr. Speaker, I think it is very important for my colleagues to understand that the site that has been chosen by the State of Texas will be used as a waste site regardless of what the House of Representatives does. That decision has been made. That is where waste generated in the State of Texas will be disposed.

Mr. Speaker, the advantage of our State entering into a compact with other States is basically we put a lock on what waste our State at any point in the future would have to accept. That is why it is so important that the State has made the decision, entered into the compact and made the ironclad decision that that site is going to be used, whether this compact passes or not.

Mr. Speaker, I would just ask my friends and my colleagues to look at this not only in terms of process, process that has been met both in the State legislatures and in regard to the Federal statute, but also in terms of this being a final decision. The only thing the House would do, if they overturned this particular decision, is set a very bad precedent for other States wishing to enter into similar compacts. If this decision by the three States is overturned, it is the first time that States having made a decision will have that decision contradicted by an action of the House, and I think that is tragic.

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

Mr. FIELDS of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Speaker, I would only hope that the gentleman understands that there is a distinction with a difference. Just because the Texas House and the Texas Senate made a decision to place a dumpsite near an international boundary, I do not happen to think should obligate taxpayers from the rest of the country to have to be involved in the cleanup. I see that as a huge difference.

Mr. FIELDS of Texas. Mr. Speaker, reclaiming my time, when we get into the debate on this particular issue, we will talk about the specifics of what the State of Texas has done in constructing this particular facility. The safeguards that have been built in to meet any possible contingency are more than adequate.

The State has gone far beyond what science and engineering would necessarily dictate. To think that there is going to be some sort of disaster that is going to burden the rest of the country I think goes beyond reason.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the concern in many parts of Texas about this bill is that after it passes, it will not just be poor old Rudolf whose nose is all aglow. There are many Texans who are not eager to have our State change its name from the Lone Star State to the Lone Dump State.

It has become very apparent in the course of the debate thus far that that is exactly what is going to happen, because the sponsors of this measure are unwilling to limit it to the three States of Texas, Vermont and Maine. They envision a vehicle here where an unelected commission will be able to expand this compact to include an unlimited number of States.

Mr. Speaker, I think that there is some question as to why we are here today debating this rule in the first place. It has only been about 3 months since this House overwhelmingly rejected this compact and all the problems that it poses. The only thing that has changed between the time that this House rejected this compact and now is that we have had more lobbyists swarming around this Capitol than we will find gnats on the banks of the Colorado River on a June morning. They have been working overtime to set up a compact that can be expanded to make Texas the Lone Dump State.

There have also been developments since that time in our neighboring partner with reference to environmental issues throughout the Southwest, and that is the country of Mexico. It was earlier in 1995 that the Governor of the neighboring State of where this site will be located wrote to the Governor of the State of Texas to express his great concern over the news that there would be the construction of what the Governor quite properly referred to as a nuclear cemetery in Sierra Blanca, TX.

Mr. Speaker, he went on to say the confinement of radioactive material in that place endangers the health of the population due to the possible emissions of radioactivity into the air, soil, and water.

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Of course, that letter was sent a couple of earthquakes ago with reference to this site. Just within the past few days, the Commission on Ecology and Environment of the Mexican House of Delegates has also expressed its concern saying, and I quote, that this low level waste contains dangerous concentrations of radioactivity that are contaminated with plutonium, a material that has a radioactive life of 240,000 years. The latent danger for our population is represented by the fact that the land indicated by the State of Texas for the project is over a geological fault known as the Apache Fault, the largest one in the State of Texas. There have been movements there that have registered an intensity of 5.3 on the Richter scale which, if they occur again, cause fissures in the storage sites and consequently contaminate the underground deposits of water that feed the sister cities of El Paso and Juarez.

This is not a matter for short-term decision. It will affect generations and generations to come.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Colorado [Mr. MCINNIS] has 15 minutes remaining.

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

What is the rule doing down here? I would once again remind my colleagues it is down here because we passed it by unanimous consent on a voice vote. It is an open rule. We should not have this kind of debate on this rule, which is what everybody has an opportunity to amend.

Let me go back just a second. I would ask the gentleman from Texas to respond to a question, and I will yield to the gentleman for that response, and it is, does he support the open rule? That is, I think, the crux of what we are arguing here.

Mr. Speaker, I yield to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I supported the rejection of this whole measure by the House last time, and I guess we will have another opportunity to do the same thing. I think the open rule is a good one, if we are going to consider this, but it should not be here at all.

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Speaker, I want to emphasize one point, that with the approval of this compact, there will be 10 compacts covering 45 States. It was the decision of our State legislature to enter a compact with Maine and Vermont. In my view and obviously the view of the legislature and our State leadership, it is much preferred if Texas is already designated a site. Again I want people to understand the site is going to be where the legislature has decided, whether this House acts or not.

Is it better for us to have a partner like Maine and Vermont or should we be subject to anyone's waste? Should we be subject to the waste of California or New York or Illinois or some other larger State? We have had a concerted effort to obfuscate what is the real issue here. The real issue is whether we are going to stand with the decision made by three legislatures on a decision that solely should be within the province of those State legislatures, as long as it meets the Federal statute, which they have.

Mr. BEILENSON. Mr. Speaker, I yield the balance of my time to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, let me just first of all say that I am in strong agreement with the rule. It is an open rule and will allow for a substantive debate.

Let me recapitulate some of the main points that are involved in this legislation. No. 1, we hear a lot of discussion on the floor of this House about local control and respecting the rights of the people back home. This legislation was discussed intensively in three different State legislatures. The people of Texas through their legislature approved this compact. The people of Maine did the same. The people of Vermont also approved this compact.

I should point out the Governor of Texas is a Republican; the Governor of Vermont is a Democrat and, as it happens, the Governor of Maine is an Independent.

Second, as has already been stated, there are nine compacts that have already been approved by the Congress, impacting 42 States. This will be the 10th compact. I think from a precedent point of view, it is important for this Congress to pass this compact.

Third, what has also, I think, not been made clear is this Congress is not designating a specific disposal site. That is not what we are doing. Presumably, the people of Texas have a process to determine what is in the best interest of their own people. Frankly, I would hope and expect that the people of Texas would not do anything that is environmentally dangerous to the people of their region. We in Congress are not making that decision. The people of Texas are making that decision, and I hope that we could respect that process.

I would simply suggest that from a precedent point of view, from respect for local control, we should support this rule and we should eventually support the bill.

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

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

Mr. COLEMAN. Mr. Speaker, since the gentleman is a member from Vermont, maybe he could give us some idea. I heard my colleague from Houston, TX a minute ago suggest that it has been reviewed by three different State legislatures. Did the legislature of Vermont get to hold hearings on the siting of the facility in west Texas?

Mr. SANDERS. Mr. Speaker, I believe that is left to the people of Texas.

Mr. COLEMAN. Mr. Speaker, if the gentleman will continue to yield, so it was really only one legislature, not three; we cannot speak for Maine, but obviously just one.

Mr. SANDERS. Reclaiming my time, Mr. Speaker, there is no secret that the depository is going to be in Texas. That is a decision for the people of Texas.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Speaker, just to amplify on what my good friend just said, and he may want to retake the mike. Under the compact, Texas has full control of the site, the development, the operation and management and the closure of the low-level waste disposal facility. It really would not matter for his State to come and review where Texans decided to put a particular site, whether the House passes this or not. We will dispose of our waste at that particular site. If we do not pass this compact, we are going to be subject to the entire country's waste coming to that particular site.

Also the gentleman raised a question about the procedure in Texas. Let me just point out, our house of representatives passed the site decision and the compact by a voice vote, voice vote in the Texas House of Representatives. The Texas Senate passed this by a vote of 26 to 2. The legislature wants this particular compact as does our Governor. It is important, if one is concerned about the environment and they are a Texan, they should want this particular compact.

I thank the gentleman for yielding time to me.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I would like to point out that a lot of statements that have been made here have very little to do actually with H.R. 558. These statements I think go toward and should go toward the proposed low level site and will be the subject of a lengthy and detailed permit review process that the Texas Natural Resources and Conservation Commission is to conduct in Texas this coming year. It is there I think that the statements that have been made here regarding the site should be expressed and probably not on the floor of this House.

H.R. 558 is a compact between Texas, Maine and Vermont. That has been said over and over again. It was the subject of many legislative hearings, how many I really do not know, floor debate, negotiations by the Governors of these States, including the Statewide referendum. All of these actions were taken because we here in Congress directed the States to do this by legislation action passed in 1980 and 1985.

The States have complied with their directive, and I think we ought to honor there good-faith efforts by vote to go ratify this compact. I urge Members to vote for H.R. 558.

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

Mr. HALL of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Speaker, I guess the only thing that question about what the gentleman says that we are going to have hearings next year. That is after the site has already been selected. So it does not do us a lot of good out there.

I will say I am proud of those two Senators since the country that is concerned here, called Hudspeth County, TX does not have a State Senator from that county. The one Senator that represents that area may or may not have voted no, and certainly we only had one representative, again not from that county. So I am not surprised by the vote in Texas. It is that county does not have a lot of population, and it is out in the desert, and I understand the gentleman's saying that, well, Texas has made the decision. All I would hope is that we try to not feel that we have to rubber-stamp an act that was a mistake. I do not think the Congress ought to be called on to do that.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BEILENSON] from the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent to insert extraneous material at this point in the RECORD.

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

There was no objection.

The material referred to is as follows:

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. |

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. 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. |
| 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. 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 preprinted 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 Of 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. ***RULE AMENDED***. | 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. | 1D. |
| 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. 2127 | Labor/HHS Appropriations Act | H. Res. 208 | 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. |

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. 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 section 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 managers 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 managers 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 get 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© of rule XXI (3/5 requirement on votes raising taxes). | 1D. |
| 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<br>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© of rule XXI (3/5 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 cl 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 amend (40 min.) on regulatory reform. | 5R. |
| H.R. 2539 | ICC Termination | H. Res. 259 | Open; waives section 302(f) and section 308(a) | |
| H.J. Res. 115 | Further Continuing Appropriations for FY 1996 | H. Res. 261 | Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr). | N/A. |
| H.R. 2586 | Temporary Increase in the Statutory Limit on the Public Debt | H. Res. 262 | Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr). | N/A. |
| H. Res. 250 | House Gift Rule Reform | H. Res. 268 | Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered. | 2R. |
| H.R. 2564 | Lobbying Disclosure Act of 1995 | H. Res. 269 | Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments. | N/A. |
| H.R. 2606 | Prohibition on Funds for Bosnia Deployment | H. Res. 273 | Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr. | N/A. |
| H.R. 1788 | Amtrak Reform and Privatization Act of 1995 | H. Res. 289 | Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority. | N/A. |
| H.R. 1350 | Maritime Security Act of 1995 | H. Res. 287 | Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority. | N/A. |
| H.R. 2621 | To Protect Federal Trust Funds | H. Res. | Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate. | N/A. |
| H.R. 1745 | Utah Public Lands Management Act of 1995 | H.Res. 303 | Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).. | N/A. |
| H.Res. 304 | Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia. | N/A | Closed; makes in order three resolutions; H.R. 2770 (Dorman), H.Res. 302 (Buyer), and H.Res. 306 (Gephardt); 1 hour of debate on each.. | 1D; 2R. |
| H.Res. 309 | Revised Budget Resolution | H.Res. 309 | Closed; provides 2 hours of general debate in the House. | N/A. |
| H.R. 558 | Texas Low-Level Radioactive Waste Disposal Compact Consent Act | H.Res. 313 | Open; pre-printing gets priority | N/A. |

*Contract Bills, 67% restrictive; 33% open. **All legislation, 55% restrictive; 45% 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 1 minute to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Speaker, I was not able to yield just a moment ago to my friend. If he wants me to yield, I will, after I make the one statement. Not only is Governor Bush, our current Governor, endorsing this, but former Governor Ann Richards endorses not only the process but the site that was selected.

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

Mr. FIELDS of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Speaker, I want to thank the gentleman. I understand the politics of doing what they did. What I have to tell the gentleman is, however, it is something I hope that we will have during the course of the debate. I hope to be able to show this House the geological findings concerning not just this site but others that were far more suitable. But politically, both the Governors the gentleman just cited, and politically the legislature would refuse to site it where it was the safest. I understand that.

Mr. FIELDS of Texas. Reclaiming my time, Mr. Speaker, let me ask the gentleman, is he glad this is an open rule?

Mr. COLEMAN. Mr. Speaker, absolutely. As I told my colleagues on the Committee on Rules, I intend to support this rule and hope it passes.

Mr. FIELDS of Texas. Mr. Speaker, I appreciate the gentleman's comment.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Speaker, this process that we are debating today stems from a 1985 Low Level Radioactive Waste Disposal Policy Amendment Act. In full compliance with the procedures established under that statute, the States of Maine, Vermont, and Texas entered into negotiations that were approved by citizens groups and by legislative bodies and by executives in each of the three States.

This is a win/win situation for all three States. In particular, the State of Texas is going to benefit to the extent of $50 million that will be contributed by the States of Maine and Vermont. I think it is a positive for all three parties involved.

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

Mr. Speaker, as we wrap up the debate here, I would just want to remind my colleagues that the issue in front of us is the rule. The rule came out of the Committee on Rules on a unanimous vote. It is an open rule.

Today we have heard some very good debate. We have heard healthy debate. There is going to be an opportunity if this rule passes, which I fully expect it to do on voice vote here on the House floor, then all of this debate can be presented again at the proper time.

With that, Mr. Speaker, I thank my colleague from the State of California, my colleague on the Committee on Rules, and would urge a "yes" vote on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1415

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The Chair will begin special orders without prejudice to further legislative business.

## SPECIAL ORDERS

The SPEAKER pro tempore. 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.

## PARTIAL LIST OF MOST RECENT CASES OF INTIMIDATION AND ARRESTS BY THE CUBAN REGIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, the Cuban dictator just returned from a trip to Asia. He was disappointed. The Japanese gave him a credit of $100,000. I think he wanted a little bit more than that.

He is in poor health. Things do not seem to be going right for him. But nevertheless that does not keep him from engaging in his traditional repression.

Castro has initiated a new campaign of terror and aggression against all of his internal opposition and his henchmen have been attacking the members of a new group that has formed that has brought together over 130 of the opposition groups within the island. It is Concilio Cubano, Cuban Council. So Castro is paranoid, and he is cracking down on them, and in, for him traditional, but nevertheless unacceptable manner.

Dissidents of all ideological tendencies have joined together in this Cuban Council. So I think Castro has reason to be worried.

In the last few weeks, Jose Martinez Puig, executive secretary of the Proconstitutional Democracy Association has been detained numerous times by Castro's henchmen.

Castro's henchmen have also harassed Felix Fleites Posada, president of the Proconstitutional Democracy Association.

Agents of the dictatorship have invaded the home of the well-known opposition leader Elizardo Sanchez Santa Cruz, obviously seeking to intimidate him.

Amado Gonzalez Paz and Lazaro Garcia Torres have both been arrested and their families' physical safety has been threatened if they remained in Cuban Council.

Recently, Nerys Goristoza Campo Alegre and Marta Ramirez Jerez, both members of the Popular Democratic Alliance, were also arrested. Another member of the Popular Democratic Alliance, Maria de la Caridad Salazar Ramirez was thrown in a prison cell with 14 common criminals.

Radamaes Alfaro Garcia was arrested and told that he had to convince his mother, Beatriz Garcia Alvarez, and brother, Rinaldo Alfaro Garcia, to resign from the Cuban Council.

Lazaro Miguel Rivero de Quesada was arrested along with his mother, Dulce Maria de Quesada. This is within recent weeks, Mr. Speaker.

Sergio Aguiara Cruz was sentenced to 4 years in prison under the charge of predelinquent dangerousness. Aguiara is the president of the Union of Cubans for Liberty.

In Camaguey Province, well-known dissident Antonio Femenias Echemendia, has been continuously harassed by Castro's state security for the last 5 weeks.

Also, in Camaguey, Alberto Hernandez Frometa, from the group Man's Human Rights, was arrested.

The regime has consistently sought to intimidate Marcelino Soto, Jose Nieves Arrieta and Bernardo Fuentes Cambior on a regular basis for their activities on behalf of human rights.

The list goes on, Mr. Speaker. This is just the tip of the iceberg. Some dissidents issued a statement in support of the conference that was held in Beijing, the World Conference on Women, and Ileana Somellan Fernandez, her home was ransacked by state security on August 25 for doing that. Also, September 1 and September 2, several members of the group called Mothers for Solidarity were arrested.

Marta Maria Vega Cabrera was summoned to appear at headquarters of state security in Havana, where she was interrogated, also, for a statement she made to an international journalist.

On September 2, state security agents visited Mercedes Paradas Antunez, where she was accused along with Aida Rosa Jimenez, of "planning a protest march" on Havana.

On the same day, Raquel Naranjo Ruize and Aida Rosa Jimenez were continously followed by state security agents in Havana in a manner that they subsequently describe to the international press as insolent and incessant.

Moises Rodriguez Quesada, Leonardo Calvo, and Manuel Cuesda Morua also have been victims of threats and interrogations from state security. And, of course, Carmen Arias Jose Miranda, Francisco Chavino, Omar del Pozo, and Colonel Enrique Labrada and Reverend Orson Villa, these are all political prisoners, they remain incarcerated.

I want to see where the international community is, Mr. Speaker. Where is the Clinton administration? Where is that State Department that we pay those salaries to? Where are they denouncing this? Where is the international community? Where is the United Nations denouncing this, Mr. Speaker? Where are they? Earn your salaries, bureaucrats. Earn your salaries. At least denounce this every once in a while.

This is going on now in Cuba, and I want to hear one condemnation by the international press or the international organizations.

Where are they Mr. Speaker? We will continue talking about this.

## CRUNCHING NUMBERS, CRUNCHING PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, I would tell the last speaker that where some of those people from the State Department are is that they are at home or maybe they are out doing their Christmas shopping because under the orders of Speaker NEWT GINGRICH we are paying our Federal employees not to work again this week, just as we paid them not to work in November.

You see, this is part of an extremist approach to Government that, if you hate Government so much, as some of these Republicans do, the way to demonstrate how much you dislike the Government is to pay the Government workers not to do any work, and so some, I think it is 9,000 members of the State Department, are not at work today, even though I am confident that the vast majority of them would like to be at work doing their job for America, dealing on issues with Cuba and dealing with issues even closer to home.

But our Republican colleagues have decided to shut down the Government and to pay our Federal worker not to work.

I guess perhaps all of this is designed to focus national attention on the whole concept of a Republican Christmas. You know, the Republican Christmas, it is probably just like the Christmas that you celebrate in your hometown. The only difference is that the only stockings that Santa stuffs are the silk stockings, and that is the way that the Republican Christmas proposed in this Republican budget would be presented to the American people were it not for the steadfast position that President Clinton and others of us within the Democratic Party have taken with regard to its misplaced priorities.

You see, it is my position that our Republican colleagues have, to this day, not ever come forward with a budget that is truly balanced. Yes; they do know how to crunch the numbers and calculate it all out so that that part will become even, and that is an important part of having a balanced budget.

But balancing the budget is being concerned with more than just crunching the numbers. It is also as a set of national priorities, a matter of considering how much you crunch the people. And when it comes to crunching the people, this Republican balanced budget is way out of balance because it crunches a good many middle-class families in this country. It crunches many seniors in this country because its objective is to stuff those silk stockings with one tax advantage after another.

Indeed, even that very gross tax loophole that we attempted to close earlier this year that lets those people who have prospered the most from America, who have made literally billions of dollars and who can celebrate this Christmas in Belize or in the Bahamas or somewhere in the Caribbean, having renounced their American citizenship and burned their citizenship card, torn it up, at the same time having burned the American Treasury and the American taxpayer, renouncing their citizenship to avoid paying their taxes, that loophole is still largely present under this Republican budget.

Of course, on the eve of the elections next year, our Republican colleagues propose with their eat-dessert-first budget to provide the checks to people on the eve of the election, not unlike some old ward heeler passing out hams just prior to the election time, to try to sell the idea that the only way to get the deficit down is to make it go up next year, which is the approach that is taken in this Republican budget.

But the vast majority of the tax breaks, though there is an occasional sweetener, is designed to go to those at the top of the economic ladder, who have benefited from America.

We have heard that we have had nothing but horrors in this country for the last six decades, to hear the majority leader speak the other day. Well, some people have done rather well in America during those six decades of evil. They prospered. They have become millionaires and billionaires, and now the Republicans would reward them with huge tax breaks, tax breaks that will drive the deficit up next year, that will cause it to explode in the year 2002, in the last part of this decade, and all of that is going to be paid by the impact that it has on middle-class families.

A commentator just earlier this week reported on the impact on middle-class families that suddenly find a parent, a loved one who has to go into a nursing home either because of a disability or because of advanced years, and it is going to be possible under the Republican budget as proposed to require the children to pay for the nursing home expenses which can run up to $30,000, $40,000 a year of the senior, to tap into the assets of those middle-class families at the same time they may be trying to get a young person through school, through college, trying to struggle to make ends meet themselves, but to force them to have to pay those expenses.

That is the way people get crunched under this Republican budget. We need a truly balanced budget that is balanced to the people of America.

## TRIBUTE TO THE BRAVERY OF MARIETTA POLICE OFFICER MIKE POWELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

Mr. BARR of Georgia. Mr. Speaker, I rise before the House today to pay tribute to the brave actions of Marietta GA, police officer Mike Powell, a 6-year veteran of the department, a constituent, and a friend. Officer Powell's quick response to a 911 call this past Saturday saved the life of a local woman while placing himself in great danger.

Approaching the apartment building in which this woman and her husband lived, officer Powell heard screams from the woman upstairs as she hid from her attacker in a bedroom. Upon entering the stairwell leading to the apartment, he found the husband already dead. Then suddenly Mike started receiving gun fire. He quickly returned fire on the man until back-up arrived and subdued the perpetrator.

While making this extraordinary stand, officer Powell was hit two times. Thankfully he escaped serious harm, with one shot grazing his side and the other ricocheting off his gun and hitting him in the arm. The woman was able to flee the apartment unharmed during the commotion. It is certain the quick response of Officer Powell saved the woman's life.

Every day the heroic actions of men and women serving in police departments across the country save lives. The job is stressful, dangerous, and frightening, yet thousands put their lives on the line so that all of us may live more securely. Mike Powell's bravery is a tribute to him and a reminder to all of us of how much the men and women in blue do to protect and to serve. On behalf of the citizens of Marietta and the entire Seventh District of Georgia, I commend Officer Powell for his selfless actions in the line of duty and at great personal sacrifice.

□ 1430

## RTC REPORT EXONERATES CLINTONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, we live, as we all know, in an era in which good news is no news. So the recent report issued by Jay Stevens on behalf of the Resolution Trust Corporation which exonerates President Clinton and Mrs. Clinton from any liability to the RTC involving Madison Guaranty has gone largely unnoticed in the press. People who have an interest in perpetuating inaccurate accusations against President Clinton and Mrs. Clinton have understandably ignored this.

People will remember that Jay Stevens is the Republican who was a U.S. Attorney appointed by the previous Republican administrations who was considering running for the U.S. Senate as a Republican. He is a deeply committed conservative partisan, but also an honest man, not that there is any inconsistency there. He was hired by the

RTC to investigate President Clinton and Mrs. Clinton. Indeed, it was the fact that so committed a Republican partisan had been hired that caused the uproar in the White House, when people said to the Treasury Department, how could you let this happen?

Well, Mr. Stevens has now given his final report.

The RTC has asked that grand jury information not be released, and I have none here. They have asked that their future litigation strategy not be discussed, and I would not do that here. I will quote from Mr. Stevens' report.

"The foregoing list contains essentially all the documents regarding Whitewater that seem to have been addressed to or written by the Clintons." I skip a little bit. It says, "Therefore, on this record, there is no basis to assert that the Clintons knew anything of substance about the McDougals's advances to Whitewater, the source of the funds used to make those advances, or the source of the funds used to make payments on bank debt. In particular, there is no evidence that the Clintons knew anything of substance about the transactions as to which the RTC might be able to establish liability as to people other than the Clintons."

Skipping again to the summation, "On this record," this is Jay Stevens, the very committed Republican who was hired by the RTC over the objections of the Clinton administration to investigate the Clinton involvement with RTC, Madison Guaranty, Whitewater, here is his final recommendation based on his extensive survey of all of the evidence: "On this record, there is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims, nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others."

Skipping a little, "There are legal theories by which one can become reliable for the conduct of others—e.g., conspiracy and aiding and abetting. On this evidentiary record, however, these theories have no application to the Clintons. To hold one liable for conspiracy or aiding or abetting, the RTC must plead and prove the elements of these theories. These elements include a general awareness of the wrongful acts being committed by others and an intention to assist in the commission of the primary offenses. There is no evidence here that the Clintons had any such knowledge or intent. Accordingly, there is no basis to use them."

Mr. Speaker, partisan Republicans, extreme right wingers, and others have been engaged in a desperate, unyielding, incessant search for evidence to tarnish the Clintons with regard to Whitewater. They have found none. There is no evidence, and here we have a comprehensive report by a Republican prosecutor, a would-be candidate for office, who thoroughly investigates this and, as conclusively as you can get an investigator to say, he says there is no basis for this.

Pirandello wrote a play, "Six Characters in Search of an Author." Our Republican colleagues have collaborated on a more fantastic creative work. It is hundreds of accusations against the Clintons in search of any evidence. And Mr. Stevens, a professional investigator and Republican charged with looking into not just criminal liability, but civil liability, has concluded that after all of the evidence is examined, there is no basis whatsoever to make an accusation against the Clintons.

Will this stop our colleagues from their accusations? No. But it ought to mean that the public will receive those accusations with the total lack of respect to which Jay Stevens says they are entitled.

## ORDER OF BUSINESS

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent to exchange places in the special order list with the gentleman from Pennsylvania [Mr. GEKAS].

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

There was no objection.

## PROBLEMS IN THE CLINTON ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, we have heard a lot of nonsense about the Republicans ruining Christmas for some of the Government workers. I want to talk a little bit about the Fourth District of Kansas. We have 1,038 Federal workers subject to furlough. This week the President vetoed legislation that would have put 940 of them back to work, 940, but the President vetoed Christmas for those employees and their families. Thank you very much, Mr. President.

You know, there is struggle going on here about balancing the budget, and we have come to a real critical point, because if we are unable to balance the budget now, then when will we balance it? We have a future to think about for our children. We are $5 trillion in debt. It is a tremendous amount of money. We are trying to strengthen our economy.

We have seen two dramatic moves in our economy. No. 1, when we went through the 5,000 mark on the New York Stock Exchange, it was the same week when we thought we had an agreement to balance the Federal budget in 7 years. This week, when we thought the balanced budget had failed, the stock market dropped dramatically, over 100 points, and then bounced back the next day, when Alan Greenspan, Chairman of the Federal Reserve, said that he hoped that we could get to a balanced budget, and in good faith he was going to lower interest rates a quarter of a percent.

But it is going to be very difficult for the President to concede to a balanced budget, because his liberal agenda does not include balancing the budget, only paying off liberal interest groups. Plus he is being dragged down by members of his own Cabinet.

Currently Secretary O'Leary in the Department of Energy is falling under fire. It started out with GAO reports as early as the first part of this year when they reported that she had a "mission a minute," quote-unquote, a mission a minute, that there were very large management problems within the Department. Then Vice President GORE's National Performance Review came out, which said that portions of the Department of Energy, like of the environmental management portion, was 40-percent inefficient, and it could cost taxpayers $70 billion over the next 30 years.

Then we started to see travel problems, with the Secretary of the Department of Energy having the highest travel budget per trip of anyone inside the President's Cabinet, staying at four-star hotels, traveling first class, taking along large staffs for her domestic travel. But that was all based on her current responsibilities in the Department of Energy, which are all domestic.

Then we started to hear about the international trips. Secretary O'Leary has taken 16 international trips, taking along as many as 50 staff members, as many as 68 guests, often CEO's who do not pay their portion of the travels. One trip cost $720,000. With 16 of them, it is in the millions of dollars, the costs of this. Often she travels on the same plane as Madonna leases. So the material girl of Clinton's Cabinet is spending unwisely taxpayer dollars in these travels.

She hires photographers and video crews to come along, because she wants to be caught at her best. She is very worried about the public image she is presenting and has been quoted as trying to bring the second term of the President's campaign, the ideals of it, to the forefront now.

In the zeal to project a good public image, Secretary O'Leary has hired a personal media consultant at a cost of $75,000 per year to the taxpayers. She also employs inside the Department of Energy more than 520 public relations employees at a payroll of over $25 million per year. She has even hired a private investigative firm to investigate reporters and Congressmen who are

tarnishing her favorable image. She has developed a list of unfavorables.

Well, it is going to be hard to hit the budget target, especially when you are unable to control spending like this. This is excessive, it is unnecessary, and it is a waste. We are so concerned about the poor, and yet we allow first-class travel within members of the Cabinet overseas, on the same airplane that is leased by Madonna. That is not the lifestyle that is projected by the administration when they are trying to speak for the poor. It is quite the opposite.

So, Mr. Speaker, I would encourage President Clinton to ask for the resignation of Secretary O'Leary. I would urge him to get back into some honest negotiations on the Federal budget, so that we can enjoy Christmas as a government, get everyone back to work, and also preserve a future for our children, strengthen our economy, and just plain do the right thing. Balancing the budget is the right thing to do.

## PRESIDENT RIGHT TO STAND FIRM ON BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, let me just comment on one thing that the prior speaker mentioned at the beginning of his remarks, and that was that the President was holding out, was hanging tough, whatever phrase you want to use, on the budget, because of the people that he cares about, or the interests that he cares about.

I have got to tell you I am very proud of the President and his holding firm on this budget, because of in fact who he is holding out for, and that is for the folks who are on Medicare, those elderly who are in nursing homes, that get their health care paid for through either in whole or in part by Medicaid, by concerning himself with the environment, and by concerning himself with the working families of this country.

By the same token, Speaker GINGRICH is trying to hold the President hostage on this budget because of the special interests that he has, and I will match the President's commitment to the working people of this country with Mr. GINGRICH holding out for those special interests, those who are going to get the benefits of $245 billion in tax breaks, those richest of American corporations who are going to see a $17 billion windfall with the repeal of the alternate minimum tax.

Last month Speaker GINGRICH shut the Government down. He shut it down, and, in his own words, he shut it down because he did not like his seat on Air Force One. Now he is at it again. This time the Speaker has shut the Government down because he is not getting his way on the budget, even though the overwhelming number of Americans reject Speaker GINGRICH's budget, and I might add, that 60 percent of the American public wanted President Clinton to veto the Gingrich budget because of the issues of Medicare, Medicaid, education, and the environment.

The Speaker is not getting his way on this budget. He would like to cut Medicare, Medicaid, education, and the environment, all to help finance that tax break for the wealthiest Americans. Those may be the Speaker's priorities, but in fact they are not America's priorities. But instead of listening of the American people and fixing this unbalanced budget, the Speaker has chosen to shut the Government down for the second time in a month. His decision to shut the Government down has thrown more than 200,000 people out of work 1 week before the Christmas holidays.

Yesterday my colleague from Virginia, Mr. MORAN, was on the floor, and he put the Government shutdown into human terms that I think everyone who is listening can understand. He said he visited a school in his suburban Washington district where the teachers told him that the children are not enjoying Christmas this year as they have in the past. Why? Because many of their parents are Federal employees who are out of work today, people who want to go to work, people who take on personal responsibility for themselves and their families. They are out of work today, thanks to Speaker GINGRICH. Their parents are fighting more, worried that they will not get paid, and afraid to spend money on the Christmas holiday gifts.

We should not be surprised that Speaker GINGRICH is willing to go to such extreme lengths to get his way if you take a look at what the Speaker said in September about shutting the Government down. This is a quote from the Washington Post on September 22. It says, "I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days—not at this time. I don't care what the price is."

□ 1445

Quite honestly, that sums up the philosophy of the Speaker. It explains why he is willing to shut down the Government and ruin the holidays for thousands of hard-working families in this country.

This is someone who talks about a budget that is good for our children. What happens to these youngsters who are watching their parents worry about their jobs and what they are going to be able to do in the future? It explains why Speaker GINGRICH's budget cuts health care for the elderly and the poor while providing massive tax breaks for the wealthiest people and corporations in this country.

Believe it or not, this is the same man who last week was named Times "Man of the Year," leaving America to wonder who was the runner up, Ebenezer Scrooge?

## BALANCING THE BUDGET IS A MILESTONE FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, to respond for a moment to the prior speaker, it is not about ruining the holidays for Federal Government employees, it is about restoring faith in America. It is about people coming to Washington and honoring their commitment to balance the budget.

It is interesting when we have votes on the board whether Democrats and Republicans will seek to balance the budget. Overwhelmingly, both parties join in saying, yes, we want a balanced budget. The President wants a balanced budget. He said it many times.

In reviewing the document that the President submitted to this Congress, the only difference is that it incurs hundreds of billions of dollars of budget deficits for the next 7 years. That is not balancing a budget. Maybe in Washington spending $115 billion more than we have next year is balancing a budget, but in real America, in the real business community that is bankruptcy. That is out of business.

So as we approach the season of Christmas, the Speaker and Members of Congress have committed to staying here as long as it takes. That is not good news for families. It is not good news for anyone that Congress would work in session through Christmas. But I think we must honor the tradition of this House.

When we run for elections we tell voters if they will send us to Congress, that we will do the heavy lifting; that we will bring back a balanced budget and restore fiscal unity and dignity to this Nation. So we cannot just say, oh, well, it is almost Christmas. We have to be home. We have to leave Washington. We cannot be here. We cannot be away from the house, our districts, because certainly the balanced budget can come later.

This is a milestone in our Nation. This is a unique opportunity. As Mr. GINGRICH says, this is gut-check time, whether we have the fortitude to bring down overspending or do we want to just keep playing games.

We have heard the Medicare scam, and many people have talked about it, but we have seen the tapes, we have seen the visuals of Mr. and Mrs. Clinton saying we should bring it down to 6 or 7 percent a year. Well, we are doing 7-plus percent a year in Medicare spending per recipient. So it is not a cut. We know that. We have proven that. We will go on to the next issues.

Wasting taxpayers' dollars, though, is legendary around this process. We have appropriators, authorizers, the Committee on the Budget, all working somewhat together and then, at times, apart.

Mr. Speaker, I had an interesting opportunity to kill the gas turbine this year, which was an exciting year for me and an exciting project for me, because it had spent hundreds of millions of dollars a year. Always killed in the Senate, denounced by three Presidents, but here in the House it survived year after year. We killed it here in the House, went over to the Senate and killed it there, and, finally, the gas turbine no longer finds its way into our budget. The same Government that had the Department of Defense procurement system paying $450 for a hammer.

We just heard from one of my colleagues, the gentleman from Kansas [Mr. TIAHRT], talking about Secretary O'Leary's trips. As I recall, we started the Department of Energy during the Carter administration because we had a gas shortage, a crisis, and they wanted to make certain that the thermostats would stay at 78 degrees. Now we are traveling the globe trying to seek out whatever we are trying to look for and spending hundreds of millions of dollars to do it.

I think the Cabinet Secretary needs to reexamine her priorities, reexamine why the Department was created and show some leadership and some frugality and not spend the taxpayers' money as if she is, in fact, a corporate executive on the shareholders' nickel.

Yes, Congress has failed to act. Many people look back at the Reagan years and say, oh, it is Reagan's fault for running up massive deficits. Hey, the buck stops here in Congress, folks. The buck stops here in Congress. The Congress are the appropriators. They are the authorizers. They are the check writers. They are the fiscal clearinghouse for this Nation. So Congress has to accept the responsibilities.

The President submits a budget, and we have sure seen his. It does not look like it is going to reduce the debt, but, no, he gets a chance to submit it and he gets a chance to veto, which he has done.

I was proud today, Mr. Speaker, when we came to the securities legislation, that a number of our colleagues, both Democrats and Republicans, overrode his veto. We are sending him a message that it is time to start working and stop vetoing messages and then sending hollow bills back to this floor suggesting he is committed to deficit reduction.

We have a lot of problems in America and we have a lot of problems we can solve together, and I think there has been a great bipartisan spirit on a number of issues. But I do think it is time for all of us to end the charade, end the political games, end the characterizations and assaults against the Speaker, and on both sides of the aisle. The Republicans do not need to fire missiles over to the Democrats, and I think the Democrats need to cease and desist.

Mr. Speaker, I listened to the gentleman from Massachusetts [Mr. FRANK] talk about the exonerations of the Clintons. The same thing is happening to the Speaker on the numerous charges being filed by the other side of the aisle, in order to tie up the process, in order to try to impugn his reputation and trying to do a number of things.

So I think if this Congress is serious about Christmas, about the holidays, and about the future of this Nation, that we will put aside personalities and get down to balancing the budget initiative, and we will work on it successfully, like we should. We have all voted for it, we have all supported it, and now let us do the heavy lifting and provide the leadership necessary in order to pass it.

## ORDER OF BUSINESS

Mr. MILLER of California., Mr. Speaker, I ask unanimous consent to exchange special order times with the gentleman from Michigan [Mr. STUPAK].

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

There was no objection.

## FRESHMEN REPUBLICANS DO NOT CARE ABOUT FAMILY VALUES

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, the previous speaker said that this was not about ruining the holidays for the families of Federal employees; that that really was not important and what was important was a balanced budget.

I think that that shows such incredible lack of respect for those families, for their relationships with their children at a time of the holidays, for their religious beliefs. I think it shows such an incredible lack of respect for our families and our religious beliefs. This is more than shopping days. This is a religious holiday. It is a time when we gather with our families and we think of our fortunes and our misfortunes, and we take stock of the year we have and the year we look forward to and we pay respect to our God.

The suggestion somehow is that that can all be held ransom, that can be held ransom and somehow that will make the negotiations more serious; that, apparently, the Speaker of the House of Representatives is incapable of negotiating unless he has a hostage. He shut down the Government a month ago because the President of the United States would not talk to him. Now he is shutting down the Government because the President is talking to him.

Last night the President agreed to sit down with Senator DOLE and with Speaker GINGRICH, they would roll up their sleeves and they would negotiate a balanced budget that would be scored, the numbers would be guaranteed so it truly came into balance by the Congressional Budget Office.

They walked out of that office with that agreement: and, apparently, the Speaker brought that back to the Hill and the freshmen Republicans told him, no; that that was not good enough to release the Federal hostages; that that was not good enough to let people enjoy Christmas; and that was not good enough to put people back to work.

Maybe we were wrong. I assume that the President assumed that when the Speaker said he wanted to negotiate vis-a-vis the President, that he assumed he had the authority to negotiate. The President was speaking for the Presidency, the executive branch and the people he represents. Senator DOLE seemed to think he was representing the people in the Senate from the Republican Party. Apparently, the Speaker did not have negotiating authority from the freshmen in the House of Representatives.

So apparently, the Government will remain shut down through Christmas. We will or will not be here through Christmas, and families will have to go through that kind of trauma. It is terribly unfortunate, but it shows such a basic flaw in all of the rhetoric and all of the debate and all of the hot air from the Republicans about family values, about the importance of families, about how this was going to be a Congress that took that into consideration when we recognize the importance of the Christmas season to our families.

Now, what is the debate about? The debate, apparently, is that the freshmen Republicans told the Speaker there will be no give on the $245 billion tax cut; that that was sacred to their sense of a balanced budget. So at the time that we are cutting the seniors' health care benefits, at a time that we are limiting the amount of money to be made available for the elderly in nursing homes, at a time that we are cutting back on health care benefits and abolishing the Medicaid Program for children, for poor women in this country, the first time that we have put children back into poverty instead of lifting them out of poverty, at a time that we are cutting back on access to student loans and increasing the cost of education, at a time that we are making those fundamental changes and cutbacks that affect every family in America, the bottom line for the Republicans is that if they do not get the

tax cut for the wealthy in this country, if they do not get that, then there can be no negotiations.

To hold on to that position, they have decided, for the second time, to take hostages from the Federal work force. This is a little bit like a family that sits down, as we must do to balance a budget, and decides that they will only go to the show once a week, they will not eat out any longer, they will drive the car for a longer period of time, they will not buy a new house, they will take an extra job, maybe the kids will have to work, but then, all of a sudden, they turn around and say, but we are going to give the children a raise in their allowance.

We do not have the money for this tax cut. We do not have the $245 billion when we are cutting $270 billion out of seniors' health care and $180 billion out of Medicaid. I think the freshmen Republicans ought to quit being so selfish and start thinking about America's families and families that need their help.

## A BALANCED BUDGET IS THE MOST SERIOUS CRISIS OF THIS GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, we need a Government that keeps on ticking, but we do not need a Government that keeps on giving. This balanced budget is the most serious crisis of this generation. There is not a family in America that finds themselves in a situation where they spend more money than they bring in that they do not call it a crisis. There is not a family in America that if they got themselves into the same kind of situation as this Government, spending more than they bring in, would not sit down at a table and say, you know something, somewhere we are going to have to reduce the amount of money that we are spending.

Our problem back here in Washington, DC, by the way, is not a lack of money. We have plenty of money in Washington. We have twice as much as we did 10 years ago. Our problem back here in the Nation's Capital is spending. We are spending more money than we bring in. Our problem back here is not a lack of taxes. In fact, the average person in this country spends the first 2 hours and 45 minutes of every working day just paying their taxes.

Like an old farmer one time told me, before you put more water in the bucket, you better plug the holes. That is what is happening in this Government. We need to plug the holes. We need to reduce this spending. You cannot tax the American people anymore.

□ 1500

And the American people have every right to expect this Government to conduct its business as we expect them, the constituents, our bosses, to conduct their business.

Mr. Speaker, what will happen if we can balance this budget? First of all, let me tell my colleagues that the President, regardless of all of the rhetoric that goes on, regardless of what the President says right now, I can guarantee my colleagues that this President will be forced to accept a 7-year balanced budget; I can guarantee my colleagues that this President will be forced to have that scored by the Congressional Budget Office; and I can guarantee my colleagues that the President is going to have to address entitlement programs.

Mr. Speaker, if my colleagues think entitlement progarms in this country are run well, ask anybody how well our welfare system is run. Imagine winning $100 million in the lottery and wanting to give $50 million of it to the poor people in this country. Would anyone send that to Washington, DC for distribution to the poor people in this country? Of course they would not. The system is broken, and the President is going to have to be part of the solution in fixing that.

Mr. Speaker, another thing we have got to do is we have got to restore confidence in the American people. How confident can the American people be that business in Washington is changing when we have the Secretary of Energy traveling around the country in one of her jet rides that costs $400,000 just for the jet, taking an entourage of 50 or 60 or 70 staff people with her, having 500 people to handle public relations?

We cannot allow that to go on. How confident can the American people be when we stand by and let that happen? The President should immediately ask for, and the Secretary of Energy should immediately submit, her resignation. We need to look at the scare tactics that are being deployed, and we have heard some of them on this floor today.

Mr. Speaker, we are not ending Medicaid. We are doing it in a different way. We are sending the money to the States and bypassing the bureacruacy in Washington, DC. Medicare is not being eliminated.

Mr. Speaker, if we listened to some of the scare tactics, we would think there will be no more school lunches for kids. That is obviously false. Not one kid who got a lunch this year is going to be denied lunch next year. We would believe that students will not get loans and the senior citizens are going to be thrown out in the street to starve. We would think all of these dramatic things are going to happen.

Mr. Speaker, a year from now, after this President is forced to accept a 7-year balanced budget and after this President is forced to have it scored by the CBO, a year from now we are not going to find any of that having occurred.

In fact, what we are going to find is lower interest rates. We are going to find that the next generation has got this generation paying off its credit card so that we do not send that debt on to the next generation. That debt right now accrues at a rate of $30 million an hour. This next generation is watching our generation overspend the budget by $30 million an hour.

What will we see a year from now? We are going to see that come to an end. We are going to see the U.S. Government in Washington, DC do as 48 States do, and every family in America is expected to do, and that is to balance their budget, to not spend more money than they bring in.

Mr. Speaker, let me say that our issue back here is spending. We are not cutting Medicare; we are reducing the growth of Medicare. The President's proposal, by the way, on Medicare is very similar to ours. If some of these people get up talk about the Republicans and want to use the word "cut," they better talk about their own President.

Mr. Speaker, we need to stop the spending in Washington and we need to control. With that, I would just urge and tell the American people I am positive and optimistic that we will have a balanced budget and all of us, including the next generation and especially the next generation, will be better off for it.

## SPEAKER AND HOUSE REPUBLICANS SHOULD NEGOTIATE WITH PRESIDENT AND END GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, the President reached an agreement with the Republican leadership last night, both to begin intensive discussions about how to balance the budget on a rapid timetable and also that the Congress would pass a continuing resolution today to reopen the Government. Evidently, the extreme elements of the House Republicans have rejected this agreement and prevented the Government from reopening today.

Mr. Speaker, the President is committed to balancing the budget in 7 years and doing so in a way that reflects our values and also our priorities: health care, education, the environment, tax fairness. He is prepared to talk with the Republican leaders today, tomorrow, the next day, as long as is necessary to get the job done.

But Congress in the meantime should reopen the Federal Government. We cannot achieve this important goal through threats and ultimatums. The Republicans in Congress have threatened to keep the Government shut down unless the President agrees to

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deep and unconscionable cuts in Medicare and Medicaid. The President will never give in to these kinds of threats, nor should he.

Mr. Speaker, this country has a responsibility not only to balance the budget, but also to protect our values and our interests as people. We must act in the interest of the 3.3 million veterans who will not receive their benefits checks due December 29 unless the Congress passes a continuing resolution by tomorrow morning.

Our first obligation must be to these people, not to confrontational tactics or extreme agendas. Let me last say this. I believe that if this cannot move forward today, we are in a constitutional crisis. This is the first time in memory that the Speaker of the House and a majority in the House has said that the President's veto, being an extraordinary power, must be met on the side of the majority in Congress if they disagree with that veto, not with a two-thirds majority to override the veto, not with another bill that might gain the President's signature, but with shutting the Government down.

Mr. Speaker, there is no language in the Constitution that says that is what the majority in Congress should do if they are displeased with the veto. The Constitution says we override the veto or we pass another bill that the President may or may not sign.

It is irresponsible, it is unconscionable, it is immoral to have taxpayers' money to pay for services and then to say we are not going to give those services to people or, in the case of veterans, their checks for their pension, because we are in a pique with the President with his priorities on the budget.

Mr. Speaker, I cannot believe this is happening to our country. In the name of sense, in the name of morality, in the name of logic, in the name of decency, I ask the Republican majority and the Speaker of this House to come to this floor today to pass a continuing resolution, to open this Government back up and to get in a room with the President of the United States and the other leaders in Congress and try to see as hard as we can if we can find a budget for this country for the next year, if not 7 years.

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

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

Mr. DOGGETT. Mr. Speaker, the Leader is obviously here, as are many Democrats, ready to work this afternoon. I am advised that unless this Congress, which went into a kind of recess at 2 o'clock eastern time today, unless by 8 o'clock in the morning it has approved a continuing resolution, thousands of veterans in Austin, TX, and I believe you said 3.3 million across the country, people that have served our country, who have put their lives on the line, many of them disabled veterans, will not get their checks on time if that resolution is not passed within just a matter of hours.

Mr. Speaker, does the gentleman from Missouri [Mr. GEPHARDT] know of any reason why those veterans should be asked to sacrifice and should be caught in the middle of all the crisis that is going on here in Washington?

Mr. GEPHARDT. Mr. Speaker, reclaiming my time, there is absolutely no justification for it. It is immoral. It is immoral to say that they will not get their benefits because there is a disagreement between the Congress and the President on a budget. That is not the adult way, the sensible way to handle this disagreement.

## GOVERNMENT SHUTDOWN UNNECESSARILY INCONVENIENCES CONSTITUENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I wanted to follow on the remarks of our distinguished minority leader here. This is a serious moment for our country. Our congressional office has now been in receipt of phone calls from constituents who are not able to get their passports processed because of the shutdown of the Government. So, in addition to veterans, whose checks are being threatened at this point because this Congress and this Speaker chooses not to move legislation through this body that will keep the various agencies operating, and not inconveniencing the public during this very busy travel season, it is truly a tragedy what is happening here just to make some sort of political point.

Mr. Speaker, I think it is time for people here to grow up or get out, and to deliver the kind of services to the American public that they expect of us. We have thousands of families across this country who have filed for home mortgages that have a relationship to HUD where they insure and process those mortgages. Mr. Speaker, 20,000 of those a month cannot be processed because of this Government shutdown.

We are inconveniencing the American people from coast to coast. We have tourists all around this country that cannot get into the monuments. Think of when in recent history my colleagues ever remember this happening. This does not need to happen, especially during this very important season of the year when so many people are traveling and expecting the goodwill that this season represents to govern our actions toward others.

### YES! TOLEDO WINS IN OVERTIME

Mr. Speaker, I came to the floor this afternoon on a little bit lighter subject, and I would like to say that my good colleague from the State of Nevada has elected not to join me here this afternoon, but I am compelled to rise to tell my colleagues that if they happened to miss the first college bowl game of the 1995 season, they may have missed the best, most historic bowl game of the year.

Mr. Speaker, in the Las Vegas Bowl, the still undefeated University of Toledo Rockets beat the University of Nevada Wolf Pack 40 to 37 in the first overtime game in the history of postseason college football.

It was a close game, as evidenced by the 34 to 34 fourth quarter score sparkling with flashes of offensive brilliance on both sides. But in overtime, Reno's Wolf Pack defense could not withstand the onslaught of Rocket star Wasean Tate's powerful running game. Tate scored a touchdown and the game, as it is often said and this time never more true, was history.

Mr. Speaker, I want to thank my colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], for graciously honoring our friendly wager by awarding our team this Nevada Wolf Pack sweatshirt, which I intend to present to the team at an appropriate moment, for it was they who won it fair and square.

Mr. Speaker, I want to say to the Rockets, because I know many of them are listening, and as this particular T-shirt indicates over here, are undefeated champs of the mid-American conference. Our newspaper had a complete front page headline: "Toledo Rockets Win Vegas Bowl." We are so extremely proud of them and their hard work.

Go Rockets and Go Toledo and thank you, Mrs. VUCANOVICH.

## NOW IS NOT TIME FOR BUSINESS AS USUAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I thank the Speaker and I thank many of our colleagues for joining us here on the floor today.

Mr. Speaker, I listened with great interest to the gentlewoman from Ohio [Ms. KAPTUR], and indeed would offer in the spirit of bipartisanship, congratulations to the Toledo Rockets for their great victory. I am sure I am speaking for my colleagues from the great State of Nevada. She was more than happy to supply the Tee-shirt and she is equally proud of the Wolf Pack of Nevada, Reno, even though they came up on the short end of the score.

Mr. Speaker, again, on that bipartisan remark, let me address the remarks of my colleague from Ohio and other remarks in this Chamber earlier today with reference to what is transpiring here in Washington, DC, and indeed throughout the country.

There has been a plea from the other side of the aisle, a request to go back

to business as usual. Indeed, this morning, my dear friend from New Jersey, who is also here on the floor, basically said that in his opinion, what is transpiring now is not the way a majority should govern in the United States.

□ 1515

Let me simply offer these thoughts. It is precisely because of business as usual and the constant drumbeat of taxing and spending and spending a little more and making special accommodations and spending more and more and more and more that we never come to grips with the central issue we must confront. And that is we are committing fiscal suicide upon this Nation and upon future generations if we fail to stand now and respond to the clarion call of the American people who say enough is enough. Balance the Federal budget now. Put into place the framework today is that in 7-years time we can have a balanced budget and start to eliminate this national debt that will suffocate generations to come.

There is nothing moral about taking the money from generations still to come simply because they do not have a vote. Good people may disagree, and my good friend from Massachusetts is here on the floor, and I am sure he will get a chance to speak here in a few moments. Good people may disagree on how money may best be spent. But for the executive branch of this Government to walk away from a public commitment and, moreover, a public law, signed 30 days ago by the Chief Executive, committing this Nation, committing this Government as terms of the previous continuing resolution to use the framework of a commitment to a balanced budget in 7 years using the honest numbers of the Congressional Budget Office, but for the President to walk away from that statement, to walk away from that public law is absolutely patently wrong.

Now, others may try to massage the wording, and there may be countervailing philosophies, but the undergirding part of that public law was a commitment to work for a balanced budget within 7 years using the honest, nonpartisan numbers of the Congressional Budget Office.

Are there differences in philosophy? Of course, but there should be no difference on that broad bedrock of principle.

Mr. Speaker, I freely acknowledge that good people can disagree and, indeed, we are here to debate those differences. But surely, certainly the bounds of common decency suggest, that, even though good people may disagree, there should be a basic framework upon which to work out the disagreement. Now this White House and this administration and regrettably some others in this Chamber want to walk away from that basic agreement.

Much is made of the holidays. Much is made of the hardship that many Americans face. But again, Mr. Speaker, the greatest Christmas present that we can give the American people is to make sure that we have a Nation fiscally sane and sound, morally responsible for generations to come, saving the health care system for our grandparents, ensuring fiscal responsibility and no to business as usual, trying to find a way to always tax and spend and spend some more.

## TRIBUTE TO AARON FEUERSTEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

Mr. KENNEDY of Massachusetts. Mr. Speaker, as we face a kind of conflagration in Washington, a meltdown, a fire storm that seems to be taking place both on the House floor and in Washington in general tonight, the truth is that there was a real fire that took place in the State of Massachusetts last week that I think can act as kind of a moral for all of us in this Chamber to take some advice and some lessons from.

I rise today to pay tribute to a remarkable man in Aaron Feuerstein. Aaron is the owner of the Malden Mills in Methuen, MA. He saw his family business go up in flames last week. Over 2,400 families worked in that company.

Against all odds, Aaron Feuerstein built up a company in Massachusetts that has for the last several decades lost tens of thousands of mill jobs to other countries. Tens of thousands of mill jobs have moved down to the South and have left Massachusetts because of high wages, because of the high cost of energy. But while others were abandoning the State, Aaron Feuerstein was building up the State. He pays union wages. Ron Alman, the head of the International Ladies Garment Workers, has nothing but kind words to say about Mr. Feuerstein.

Mr. Feuerstein, at a time when his company and his life savings were burning, stood and made a commitment to his workers that he would continue to pay them through the Christmas season, would continue to pay them on into next month and committed himself to rebuilding that plant. Maybe the Congress, maybe the President, maybe the House and Democrats and Republicans can learn a little something about Mr. Feuerstein's commitment to this country, to his community.

This is an individual who employs immigrant workers as well as people that have lived in this country for generations. He has invested in their education. He spent millions of dollars of his own funds to teach people English, to give people job training. He has worked with the Government. It is through that kind of partnership and commitment that he has built up his company. He has made a recommitment to making certain that we in this Nation can have the kind of high wage, high skilled jobs that mean the future of America is going to be safe.

Yet, as that goes on in Methuen and Malden and other parts of the State of Massachusetts, what we see is divisiveness and name calling and a tearing apart of the future of this country. We are saying, as this guy is standing in Boston making certain that his workers, when he has no income, are going to get paid. We are saying, we are going to cut off the workers in this country today.

There should be a lesson that we all take about how we can try to get along, how we can try to make this country grow and prosper in the future by recognizing that these companies do not have to just line their pockets with their profits. We do not have to measure our degree of growth in our country just by how Wall Street does, but we can look at how American workers do and how families do and whether we build up communities. That is what this individual is doing.

That is why I hope that the Congress of the United States would join with me in honoring Aaron Feuerstein and his legacy to the company that he has built, that his workers have helped him build. That means that there is going to be a happy Christmas, a happy Chanukah, a happy holiday season for so many families in Massachusetts that last week looked like they were burned out and had no hope and no future. His commitment means they do have hope, they do have a future, and all of us can learn something from his example.

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

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I want to join with the gentleman and his words, as one who is not even close to Massachusetts, but I saw it on the news. The gentleman stood up and said: All of my employees are going to continue to receive their wages, even though the plants are not operating, and we are going to start up some of those plants—I think it was—within 30 days.

Mr. KENNEDY of Massachusetts. That is exactly right.

Mr. VOLKMER. Then soon thereafter they were going to be in full production. It is such a positive mode, just the opposite of what we have here today. This is a negative mode that we have here that we are going to reduce the Federal Government. We are going to shut it down if we do not have our way. He did not have his way. He got burned out.

Mr. KENNEDY of Massachusetts. The gentleman is exactly right.

Mr. VOLKMER. I think it is a very good example of the differences in the way we just think about things.

GRANTING OF SPECIAL ORDER

Mr. LINDER. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

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

Mr. VOLKMER. Mr. Speaker, reserving the right to object, I just wondered if there are others that are waiting to be heard here on the floor. And those of us who are not on the list anymore, I lost my turn, I am willing to wait until all the rest of them are finished.

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

Mr. VOLKMER. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, what we are trying to do, under unanimous consent, is to agree to have alternating speakers, is all.

Mr. VOLKMER. Mr. Speaker, the gentleman is just filling in for the gentleman from Maine [Mr. LONGLEY].

Mr. Speaker, I withdraw by reservation of objection.

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

There was no objection.

BUDGET NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. LINDER] is recognized for 5 minutes.

Mr. LINDER. Mr. Speaker, let me just say that I just came upstairs from a Republican conference meeting, and it was very discouraging. There seems to be a whole lot less progress on this budget than we thought would be there.

This President has said on so many times that he was in favor of a balanced budget. During the campaign it was 5 years. Later it was 10 years, and then 8 years, and then between 7 and 9, and then 9 years, and then 7 years. And last night our leadership believed, and the press reported, that the President was prepared to put his numbers, his specific numbers for spending on the table for discussion using Congressional Budget Office numbers.

Subsequent to that, this morning the Vice President goes live on C–SPAN at the press room of the White House and, when asked that specific question, when will you have a budget, the Vice President responded, well, we will put all the budgets on the table, our OMB-scored budget, the Congress's CBO numbers, and other budgets that may be offered. And under insistent questioning by the media, he was asked, are you going to do what was said last night, put a budget on the table with CBO scoring numbers? And the Vice President said no.

This is very, very discouraging. If we cannot even get in the same rules, play in the game with the same rules, we cannot get to the end of this. Each of us would like to be home with family for Christmas and New Year's and the work that we have to do in our districts during January. But I believe we are prepared to stay through Christmas until this is done, that what we insist happening is that we are going to not go home until we have a balanced budget now.

The interesting thing about this is that we are not all that far apart. For all the talk we have heard about Medicare and gutting Medicare, we wanted to spend in year 7 on Medicare $289 billion. The President wants to spend $294 billion. That is not a large difference. It can be bridged easily.

We want to grow the spending in this budget by 3 percent. The President wants to grow it by 4 percent. We want to use numbers that presume an increase in revenues of 5 percent. The President wants numbers that would presume an increase in revenues of 5.5 percent.

None of these differences are too broad to sit down at the table and just cut a deal and go home with their families for the holidays. No, this is not about numbers. This is not about numbers. This is about a basic philosophy, because we believe and have believed all year that Medicaid and welfare can be handled more efficiently and more effectively by the States. So do the Governors, including many of the Democrat Governors.

We want to take that money that we have been spending and turn it back to the States for them to handle in the community person to person, face to face. We think that welfare and Medicaid ought to be more in the form of caring than caretaking. The President disagrees. This is all about who decides, who chooses on behalf of others, who sets the power.

In 1958, John Kenneth Galbraith published a book entitled The Affluent Society. I always thought it was ironic that 7 years after he published a book entitled The Affluent Society, he enlisted in the War on Poverty. But in his book in 1958, the entire book was essentially this. It is not that Americans have too little or they have too much. But they make bad choices with their dollars. And it is the obligation of an educated government to tax those dollars from them and make better choices on their behalf.

□ 1530

I submit that is what the issue is about.

The first 2 years of the administration the budget, welfare, health care, virtually everything proposed, was for more taxes, more Federal bureaucracy, more deciding on behalf of the American citizens. Indeed Mrs. Clinton said in the house of the gentleman from Ohio [Mr. KASICH] one evening, "We have an obligation to make better choices on our citizens' behalf."

That is what it is about, the left versus the right. The left thinks that we should decide for the future and shape a future that our children and grandchildren will be secure in; it will be fair and warm. The right says if you gave us every lever of governance tomorrow, we would not have the slightest idea of what to do. I could not satisfy 10 percent of the Members of this House because we all come to the table with different hopes, and dreams, and aspirations.

I do know this: I could build a future that my daughter would love and my son would hate. So our side says return those choices to the people, let them keep more of the dollars in their pockets, and 260 million Americans acting in their own behalf hundreds of times every day will shape the future, and it will be one with which most of them will be happy, Mr. Speaker.

This is not about money. It is about the direction in the country. It is very serious, and I am prepared to stay here until we are done.

STOP THE REVOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, and Members, we just heard from the minority leader that the negotiations have broken down, that the talks, rather, that were going on to try and get this Government going have broken down. I was hopeful, but I guess I am not surprised. I am not surprised because I have kept up and watched very carefully what has been going on, and I suppose, as I thought about this, I was reminded that Speaker NEWT GINGRICH said he is a revolutionary and this is a revolution, and I suppose Speaker GINGRICH is leading a revolution, and in order to do that you must disrupt, you must block, you must impede, you must deny, you must do whatever is necessary—I guess by any means necessary—you must even take extreme means to keep anything from happening. I guess that is what revolution is all about.

It is unfortunate that the Speaker has decided to lead this revolution against the American people. Government, for all intents and purposes, has stopped. It is closed down. We cannot get a continuing resolution because the revolutionary has stopped everything.

Now I was led to believe that there were some agreements. Now, if you will recall, we got a continuing resolution that carried us up until December 15. How did they get that? They got that because there were some agreements. They got together, and the revolutionary said, "Mr. President, if you will agree to a 7-year balanced budget and CBO numbers, then we can talk," and the President, in order to get a continuing resolution so that we could

keep going, we could keep Government open and get on with the negotiations, essentially agreed to that. So that is off the table, that is already agreed to, a 7-year balanced budget and CBO numbers.

So what is stopping the negotiations?

The revolutionary GINGRICH also agreed that he would recognize and respect our priorities. The President said to him, "I cannot allow you to dismantle Medicare, I cannot allow you to gut Medicaid, I cannot allow you to do away with education in this country, and we must, we must, protect the environment."

And the revolutionary, NEWT GINGRICH, said, "All right, we will respect that."

So, Mr. Speaker, they came together and agreed on those basic principles in order to get to the negotiation table.

Now revolutionary NEWT GINGRICH is saying, "Unless you agree to gut Medicare and Medicaid, I don't want to play, I don't want to negotiate," and so we are past December 15 now, the Government is closed down, we cannot get a continuing resolution, and the revolutionary will not go back to the negotiating table.

That is where we are, my colleagues. That is what it is all about. I am convinced that this really is a revolution; I just did not think it would be so extreme. I never dreamed, not in my wildest imagination did I dream, that revolutionary NEWT GINGRICH would be willing to stop this country dead in its tracks in order to prove that he is a revolutionary.

So I suppose, when the veterans do not get their paychecks, when people cannot use their public parks, I suppose when people cannot get passports, when all of this is taking place, that revolutionary NEWT GINGRICH is willing to sit here and say, "That's all right, I want my way."

We have seen some of the actions of the revolutionary in the past, and we know that the revolutionary gets very upset when he does not have his way. If you can recall what happened just a few weeks ago when there was a plane that went to a most important funeral in Israel, and the revolutionary could not have his way, he came back, he pouted, he made statements, he went on and on and on.

Mr. Speaker, I hope the revolutionary will stop this revolution on the people and allow Government to work.

## BALANCING THE BUDGET IS THE MOST IMPORTANT THING WE CAN DO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, I appreciate the chance to talk a little bit. I want to applaud my colleague, the gentleman from Massachusetts [Mr. KENNEDY], who was here a few minutes ago when he talked about Aaron Feuerstein who runs and owns the Malden Mills in Methuen, the factory that very tragically burnt down and literally hundreds of people, thousands of people were left without a job. Several people lost their lives in that fire, and Mr. Feuerstein very generously, first, committed to rebuild the factory in Massachusetts; second, the next day told employees that they would be paid for at least 30 days and also that their health insurance would be continued for at least 90 days, and in the holiday season everyone in Massachusetts appreciated that. Even though the factory is not in my district, many of my constituents work in that factory because it neighbors the Sixth District of Massachusetts, and I just wanted to, first, applaud Mr. Feuerstein for what he has done. I have not met him personally, but I have called to congratulate him and offer assistance, and I think it is something that all of us nationally do across the country. Any time there is a tragedy like that, we all pull together.

I would disagree with my colleague from Massachusetts though in just what enables a very generous employer to do what was done in this particular case. In the case of the United States we have had a deficit in this country now for 26 consecutive years. If any company had run a deficit for 26 consecutive years, they could not have offered employees pay for 30 days, they probably would not even be in business. And so the situation for the United States of America is something that we have to address because instead of a one-time immediate calamity, the calamity for the United States has been a long time in coming and will not be resolved overnight.

I give people the analogy of the situation with the debt in the United States and why it is so important to balance the budget. I compare it to someone's personal finances. Imagine that you had four credit cards and you had charged the maximum amount you could on each of those four credit cards. Well, if you wanted to go and make payments, you would hope to pay down the balance, but if you, instead of doing that, you went out and applied for a fifth credit card so you could start paying the other four credit cards, it would not take someone long to figure out that indeed it would be a very quick amount of time before that fifth card was also run up and, indeed, the debt would be much, much worse.

That is very close to the situation where the United States is right now. It has borrowed and borrowed and borrowed. Now the debt is officially just below $5 trillion, but if you add all the money that has been promised to Social Security recipients and others, the debt is even larger than that, and at some point there will not be enough money to make all those commitments which have been made, those things which are called mandatory spending, and that is why it is so important that now we take steps necessary to have a balanced budget. I am someone who believes that we could not do it in 1 year; I mean even that would be too drastic, and that is why a 7-year plan is very reasonable. If we can do it in 5, all the better, but a 7-year plan certainly would be very, very positive.

Now we are in a situation now where we are debating the 7-year balanced budget, and not too long ago we thought we had an agreement between the White House and Congress that we would use Congressional Budget Office numbers, that we would protect certain things like Medicare, education, the environment, provide for an adequate defense, provide for fair tax policy for working families, and even though we thought we had that agreement, the White House did not respond with Congressional Budget Office numbers, and instead came back and said, well, no we have what is called a rosy scenario, we think everything is going to be better. Indeed when you cannot even agree on the parameters, it is very difficult to have negotiations if one side comes to the table with apples and the other side comes to the table with oranges, and you cannot figure out why you cannot have any type of negotiation. I think it is probably because the two sides have come to the table with different measures of what they are talking about.

That is why I think that resolution, the continuing resolution we have voted for, was so important, and I would call on the White House to go back to its agreement and say please live up to your agreement. If you do not like the budget that passed the House and Senate, and that is your option, please submit your own balanced budget using the same estimates. If you do not want any tax cut, take the tax cut out. If you do not want any defense spending, take defense spending out. If you want a lower amount of defense spending, put in a lower amount of defense spending. But please submit your own balanced budget so we can have a comparison and we can actually have legitimate negotiations.

Now a lot of people say, well, the Government shut down at least some departments; is that not the fault of the Congress? Well, the President was sent the appropriations bill for the Interior Department, and he vetoed that. That was his option, but if he had signed it, the Interior Department would be open now. The President would sign the appropriations bill that covered the Veterans Administration. If he had signed that, the VA would be opened now. He choose to veto it. The President was sent the appropriations bill for Housing and Urban Development. He vetoed that bill as well, and

HUD remains closed. He was sent the appropriations bill for the Commerce Department. He vetoed that bill, and Commerce is closed. Also with the Department of Justice and the Department of State.

I would call on the President to submit an honest balanced budget so we can balance the budget for our children's future. That is the most important thing we can do.

## HOLIDAY SPIRIT IN THE CONGRESS; WHERE IS IT?

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, I would remind our colleagues in the spirit of Christmas and the observation of Hanukkah there are certain words or feelings that come to us. There are feelings of joy. In fact, the whole religious experience of being a Christian is the advent, is the spirit of expectation, looking forward to something. Also we have feeling of caring and feeling of responsibility, feeling of families and friends. I would just ask you, what joy is there to the more than 250,000 Federal employees who we are holding hostage this Christmas because of our failure to pass budgets? Why should we make them victims of the fight that we have going on? Certainly does not seem to be in the spirit of Christmas, it certainly is not consistent with religious feelings of that.

In terms of responsibility, who is responsible for the situation? One would say that, well, the President is the only one standing between American people and a balanced budget. Truth be known, as far as the shutdown, it is Congress' responsibility. On October 1 we were to have a budget, and we did not have that budget reconciliation. It is our fault because we could not come to that.

What is this debate about?

□ 1545

What is this debate about? It certainly is not about what the Republicans will say over and over again: "It is about balancing the budget, about balancing the budget in 7 years." It could not be about that because the majority have already agreed upon that.

Why do they repeat that? Simply to confuse or to persuade the American people that the debate is not about real issues, is not about who wins and who loses, it is not about our commitment to compassion, it is not about whether the wealthy succeed at the expense of the poor. It is not about our lack of commitment or commitment to the environment or education. They would rather have you think of this principle that they are willing to die on the sword for and say, "We promise, now, and we are going to keep our promise, come hell or high water."

What they are saying to you, Americans, is that "We will allow you to die on the sword. So we get our provision, or what we perceive to be, we are willing to allow 250,000 employees to have no Christmas." That is what they are saying. They are not standing up for principle. They are saying, "It is my way or no way." No compassion in that position, and certainly nothing to be lofty about.

This whole idea that a balanced budget is sacrosanct escapes me. A balanced budget is because it makes sense to balance the budget, but we balance the budget how? I was told if I want to make a good living, I want to be honorable. I can make a living several ways, but I would rather do it in an honest way. It is as important how we balance the budget as to balance the budget.

It is important in my sight if those Americans who are senior citizens have the opportunity at the end of their lives to make sure that they are not frustrated and in pain because of lack of health care. It is important in my life to think that I would like to prepare for the future, and the future means we want to invest in education. I hear my colleagues get up and say, "You know, I want my grandkids to grow up in a society where they do not have to pay all of this debt."

I have three grandkids too. I want my three grandkids to grow up so they do not have to pay for a lot of debt, too, but I also want my grandkids and other peoples' grandkids—I happen to be privileged, and have been not because I came to Congress, but because I just happened to be, but I know there are those who are not. America is not just great because of its defense, its technology. America is also great because it makes a place for those who are least among us. We are also great because we have a sense of compassion.

I would say to you, I do not know a better time to show compassion other than in the Christmas season. Surely, there is no compassion in closing down Government. Veterans may not get their checks, welfare mothers may not get their checks. Surely there isn't any compassion with those Federal workers who will not know whether, indeed, they will be paid.

I think, Mr. Speaker, our colleagues need to know the spirit of Christmas is the spirit of joy, caring, and responsibility. We have been ill responsible, and I certainly know we have not been compassionate.

## THE SPIRIT OF GIVING, AND THE DIFFICULTY IN MAKING TOUGH BUDGET DECISIONS

The SPEAKER pro tempore (Mr. COBLE). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is a season to be very conscious of giving and what we can do for other people. It seems to me that the President and some of the Democrats feel they are gaining politically by calling Republicans mean-spirited in their efforts to whether we are going to reduce the growth of Government and end up with a balanced budget. It is easy for the President, I think, and some of the Democrats to say they want a balanced budget, but it is hard to come up with the specific cuts and reductions in growth that are necessary to achieve that balanced budget.

If we are going to give a present, it seems very, very important that we start considering the tremendous obligations that we are putting on our kids and our grandkids by spending the money today to satisfy what we consider our today's problems with money they have not even earned yet, so we are obligating them to pay our today's bills. I think all of us, collectively, must believe that their problems are going to be as difficult and as great as our problems today, if not greater.

It seems to me that there are two things that are going to have to happen before we can break this budget impasse: First, the President is going to have to stop playing politics, and doing what is right for the future of our country. I think that is sort of what he is doing. He sees his poll numbers gaining by saying, "No, I am not going to allow these cuts."

I think here is the other second option, that the American people spend some really tough, hard studying time learning about the budget of the U.S. Government, and what it is really doing to their future, what it is doing to their future standard of living, what it is doing to their obligation they are going to have when they start paying off this debt.

Mr. Speaker, it has been politically damaging to many Republicans to go home, because the PR battle has probably, there has been greater success on the part of the Democrats in saying that, "Look, Republicans are taking away school lunches, they are going to put poor people out on the streets," and so when we go home, it is politically damaging.

Let me tell you, Democrats, Mr. President, if we do not succeed this go-around in achieving a balanced budget and start living within our means, my guess is there are not going to be politicians willing to even try it again for the next 15 or 20 years. It is not easy. On the other hand, it is so easy for the President and some of the Democrats to say, "Look at these mean-spirited Republicans as they try cutting this program and cutting that program and reducing the growth in this other program." It is not politically easy to reduce the growth in Government.

The bottom line is this: We either do it now, or we are going to wait until

the baby boomers start retiring, around 2011 to 2019. Then we are going to have to do it. If we wait that long to make these decisions, those decisions are going to be drastic.

Let me just give you one example that sort of puts it in perspective, the difficulty of making these decisions. If it was easy, we would have made the decisions a long time ago. If you go back to after World War II, there were 45 people working for every 1 Social Security retiree recipient. Today there are three people working for every one retiree. People are living longer. The ratio of those working to those retired is becoming greater, and therefore, more difficult to charge more to those working in taxes to pay for some of the benefits of those that are retired. We have increased the FICA tax 29 times in the last 21 years, in either the rate or the base, so we continue to tax those that are working more and more to pay for our overspending.

The interest on the national debt this last year was $320 billion, the interest on the total debt, subject to the debt limit. That is the largest expenditure of the Federal Government. We cannot go on, Mr. Speaker, we cannot continue to overspend and run this country deeper and deeper into debt, and jeopardize the success, the economic success of the future.

Mr. Greenspan, our top banker in this country, came to our Committee on the Budget. He said: "Look, if you guys and gals do it in Congress, if you balance the budget, interest rates will be going down 1½ to 2 percent." Such a dramatic increase in the economy.

Let us do it now. Let us stick to our guns, if we have to stay here every day. I am hoping I am going to spend Christmas Eve and Christmas with my family. Other than that, I say, let us stay here every day, negotiate, get this done, have a budget that balances, and gives our kids and our grandkids a good Christmas present.

## THE BUDGET IMPASSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, there are a couple of issues that I think need to be focused in on. The first is that the outlays in this year's budget are virtually the same between the President's budget and the Republican Congress' budget. Would the gentleman agree with that? The gentleman agrees with that. So what we are doing is we are shutting down Government on no difference; a 7-year difference, but in the meantime, we are causing injury to American citizens.

On the other hand, what we could simply do is what we have done in the past, to say "Government will continue to operate even at a lower figure than either the Republicans or the President has asked for, and we will continue to negotiate."

Why are we having this impasse? The impasse is because the Republicans believe that they cannot give up their tax break; that everything else ought to be discussed: that student loans for kids ought to be cut, or worse than ought to be cut. On student loans, their proposal shifts billions of dollars to bankers, and makes it harder for kids to go to school by ending the direct loan program.

They say that seniors ought to pay more for health care; that poor people get no health care at all, possibly; that seniors get thrown out of nursing homes; that the environment is degraded. But let me tell you something; one thing they will not talk about is why we cannot shrink the tax break for billionaires.

Mr. Speaker, $245 billion in tax breaks, that is what is holding this process up. The difference between having people go to work and people not working is whether or not the tax break is sacrosanct. Mr. Speaker, what is going to happen here? Some 3.3 million veterans who have their checks due on December 29 may not get them. We are having problems in the Northeast with cold weather and snow. Programs that help the needy are going to be cut and stopped so that the greediest among us can be benefited.

Let us think about how you run a family. If you have a family and there is a crisis, you call the family together. You do not tell the kids they are not eating for a week until mom and dad can get together on a decision. You sit down and you start talking and you talk until there is a solution, but you also do not say "Well, our youngest son just got married. He has a mortgage, he is in trouble. We are going to cut him. Our two other kids in college, we are pulling them out. Our oldest kid is in Beverly Hills, living in a $10 million mansion. Do you know what we are going to do? We are going to send that child a little extra money." That is not how you run a family, that is not how you run a business. The responsibilities that we have in this institution are not simply to take our ball and go home if we do not get it our way.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. My understanding is that the gentleman from Ohio [Mr. KASICH] and the gentleman from Georgia [Mr. GINGRICH] say everything is on the negotiating table except a true, real balanced budget in 7 years.

Mr. GEJDENSON. Mr. Speaker, what we have seen is that the one place your side has refused to budge on is the tax break. We have even said, bring the tax break down to working families. Get rid of the guys at the top, the people who make $200,000, $300,000 a year, and then we are closer. "No, we want to protect them," is what the Republicans say.

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

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

Mr. HOYER. Mr. Speaker, I say to my friend, the gentleman from Michigan [Mr. SMITH], you had an opportunity to do that yesterday. The gentleman from Texas [Mr. STENHOLM], who has been the most outspoken advocate of a balanced budget on this floor in either party, I suggest to you, and in fact it was the Stenholm constitutional amendment that passed this House this year, as the gentleman knows who got up on the floor yesterday and said, "Let us defeat the previous question, put the coalition budget on the floor with an open rule."

The coalition budget, as you know, cuts more money than the Republican budget that we passed. It has less of a deficit. Next year, the year after, as a matter of fact, as you know, your budget has a very substantial deficit in the first 2 years. It does not cut taxes. It preserves, as the President has indicated, Medicare and Medicaid at numbers that the President, I believe, could sign. It is a cut, as you know, substantial, more than some on my side could support, but the fact of the matter is every Republican Member voted against allowing that on this floor.

Mr. SMITH of Michigan. That is not true. Some Republicans voted for it. Only 60-some Democrats voted for it.

Mr. HOYER. I stand corrected, it was four.

□ 1600

## UNINTERRUPTED NEGOTIATIONS FOR BALANCED BUDGET

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, earlier this afternoon the House Republican Conference passed by a unanimous majority a resolution calling on Speaker GINGRICH and Leader DOLE to proceed with uninterrupted negotiations until this budget matter is resolved.

I would like to be home with my family, as I am sure all of you would, but I think there are some matters that take precedence from time to time, and in this case in a historic time, over matters of personal interest. This is a matter of personal interest to many Americans across the country.

Now, when we talk about the national debt and that it is $5 trillion, it is kind of easy for people's eyes to glaze over because none of us can relate to a sum of money that is that large. So sometimes we say, well, if you divided it by 280 million, you could

see how much that is for each man, woman, and child in the country. Of course, that number of $18,000 for each of us, our share of the responsibility; but that is somewhere off somewhere else, and we do not have to worry about it immediately.

I would say to all of my colleagues on both sides of the aisle, it is important to stay here and keep these negotiations going, which I am convinced we are going to do, because April 15 comes around every year, and look at it this way: If you went to the bank or if I went to the bank to get a loan and, let us say, I borrowed $18,000 and the bank was kind enough to make that loan to me, they would charge me interest, and that interest probably would be in the neighborhood of 6 or 7 or 8 percent, depending on conditions at the time. And that would cost me, if it were 7 percent, that would cost me $1,260 a year as an individual in interest.

Now, I would submit to you that when America's families sit down at the kitchen table and fill out their income tax forms each year, they write a check for the interest on $18,000, which is probably about 7 percent, and send the check for each member of the family for $1,260 to Washington, DC, so that we can pay our interest on the national debt. So it is something that families relate to, and it is something that has a monetary pocketbook-type importance to American families.

Recently the Joint Economic Committee did a report, and published it, on further costs to the American family. This chart represents the cost of not balancing the budget to each American family for things other than interest on the national debt, an additional $2,308. Let me just suggest how we got to that figure.

Most families have a mortgage on their house; not everybody, but most families have a mortgage on their house. It would not be unusual today to have a mortgage for, say, $100,000. The economists tell us that the interest on mortgage rates would be reduced by about 2.2 percent a year, in other words, coming down from an average of about 8 percent to about 6 percent; and that would be pretty neat, amounting to a savings of $1,456 a year for a family. That is not bad by anybody's standards.

It is not unusual also for middle-class families to have students in school, and it is not unusual for them to have a loan to send that student to school. If we got that interest rate reduction because we balanced the budget, families would save an additional $50 a year.

It is not unusual for families to have car loans, either; $15,000 would be a modest car loan today, and if we got that 2 percent reduction in interest because we balanced the budget, the family would save an additional $108 a year.

Now, part of the Republican tax cut package that the Democrats have referred to here as cuts for the rich, part of that package, a substantial part of that package, is a $500-per-child tax credit; and so if our family that we are talking about had one child, they would save an additional $500 because they would get the child deduction.

So all of these things added together, plus what we might anticipate in higher wages and more jobs, which could produce an economic growth which some estimate could be just under $200 a year for this family, another $194, all adding up to over $2,300 a year in savings for the family.

So if we balance the budget and people did not have to send their $1,200 to Washington for each member of the family to pay interest on the national debt, and if we arrived at savings something like this, we would have a very significant savings for each family. That is why it is important to balance the budget. That is why we released this JEC report.

We would be happy to send it out to any Member or anyone else who wants this report, simply by calling my office.

## RECESSION LIKELY FOR 1996

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, it has been interesting to listen to the various speakers today, especially from this side of the aisle, talking about how they are going to balance the budget.

Earlier today we had a gentleman from Colorado [Mr. MCINNIS], and I think it was a slip of the tongue, I hope so, but we will find out what is in the CONGRESSIONAL RECORD tomorrow, and he says that we are going to have about a $200 or $300 billion deficit this year.

Next year, he says, next year, we are going to have a balanced budget. Well, baloney. Next year under the Republican budget, the deficit goes up, it does not go down. This whole idea that they are saying, we want a balanced budget now, I have heard that so many times on this floor: We want a balanced budget now. Baloney.

There is no balanced budget now. They are talking about down the road, and it is all projected; and all kinds of things can happen in that 7 years, and you will not have a balanced budget.

Mr. Speaker, as one who was here in 1981, I can remember another group of people, including former President Reagan saying, under my budget in 4 years, it is going to be balanced. It is going to be balanced. Guess what, folks? Guess what? We had the largest deficit in the history of this country in that fourth year.

Now, all of this yakity-yak, that is all it is, that in 7 years we are going to have a balanced budget, that is a bunch of yak-yak, a bunch of baloney. There is no truth to it at all. They do not know for sure that it is going to be balanced. If we have a recession next year, and I dare say, the way this majority is going under our imperious Speaker, NEWT GINGRICH, the way it is going right now, we could very easily have a recession next year. Because in my opinion, if our President stands where I think he should stand, and the Republicans stay where they say they are going to stay, we are going to hit the debt limit sometime in January, and then we will see what happens to interest rates.

Then we will see what happens on interest rate. Because of activity of this Republican blackmail position of the majority, and that is just what it is, a blackmail position, you could very well end up with a recession this next year.

I will guarantee you, going back in history again, going back and remembering our great President Ronald Reagan, in 1982, folks, I do not know how many of you remember, guess what happened? Because of his tight money policy, because of the Reagan tight money policy, we had a huge, a horrendous recession.

We had parts of this country, including my district, parts of my district, 13 and 14 percent unemployment. Government revenues just went to pot, went way down. Expenditures, because of all of those people being out of work, went up. The deficit went way, real high, and what was the other part of that deficit? Well, remember the old theory that we could really stimulate the economy with a big tax cut? You have heard that again, too. That was Reagan's cause of the big recession.

A guy named Bush, remember him? Back when he was running in 1980, he called it voodoo economics. They are playing the same game all over again. Voodoo economics did not work then; it is not going to work again, and this whole idea that this is all because we are going to help our children at the same time you are going to tell children they cannot eat, they are not going to get enough to eat, the poor kids, the school lunches, the food stamps, we are going to take care of our kids because we are going to balance the budget. That is a pipe dream.

They say, according to their projections they are going to balance the budget. Let us be truthful about it. According to the projections of CBO, you are going to balance the budget in 7 years. Well, folks, you have not taken the time to look at those projections. You need to do that. You need to look at those projections, and if you do not agree with them, like I do not agree with them, and I do not agree with the cuts in Medicare and all of those things, you are not going to have a balanced budget. They are not going to have a balanced budget, but yet they want to shut down the Government.

## BALANCED DEBATE GOOD FOR BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I come here to this floor to add a little balance to the debate. The rhetoric that you have heard from the other side of the aisle, I think has been very strong, many times stretching the believability of almost anyone who would be listening. I think the American people can see through this debate.

The last speaker, my good colleague from Missouri, has a selective memory. His selective memory forgot about the Carter administration and double-digit inflation, unemployment, and interest rates. He can go back only a little ways, and of course I would have to defend Ronald Reagan, who had a very liberal, a very spending Congress who certainly never helped to balance the budget.

The time has come to try and balance the budget. We know we have a tough job to do it even in 7 years. But this party, the Republican Party in this Congress is dedicated to doing that.

I want to talk about the shutdown. We have heard some very, very strong words about the shutdown and revolution. Well, many people back in the country do not realize any of Government is shut down, and the part that is shut down, if we look at it, we might say, those employees have the best of all worlds. They will probably get paid and have the week off before Christmas. I do not think that is so mean-spirited to those employees.

Then we have to look at why we have even a partial shutdown of Government. Well, most of it is because the President vetoed the spending bills that we sent to him. He did not like those; they were not spending enough. Very basically, the disagreement between the President's budget and Congress' budget is that we want to spend $3 trillion less over the next 7 years.

We are going to spend more on every program of importance to this country for environment, for education, for senior citizens, for health care, more money, in many cases, a high percentage of increase in the spending.

Why have we not reached a budget then? Why have we not reached an agreement? Well, the White House is too interested in talking about talking. They do not want to talk about anything specific; they only want to talk about how we are going to talk about the specifics if and when we can get to the specifics if the President is in town and if it can be done, and it is on and on like that; and then the President makes an agreement with the leadership, and before they can get back to the Capitol, he sends the Vice President out and reneges on every agreement.

The American people are surprised, I think, about all this talking and no action. They want something to happen, and so does this caucus. And that is why the Republicans have said, no more temporary spending, Mr. President. Come to the table. The budget could be put together before Christmas.

There is only one viable document on the table, and that is the Republican version that we have worked on for months; no one else has one that is so complete, and changes can be made in that. Within 2 days the President and the leadership of this Congress, if they would stay at it continuously, would have a budget and we would be on the road to balancing the budget; we would be on the road to funding social programs in this country, yes, at a higher level, and we would be on the road to a balanced budget.

□ 1615

I do not think that we could give the American people a better Christmas present, if we would put away the cruel, mean-spirited, yes, the rhetoric from the other side, and sit down and start talking about the issues. We are here, we are ready to do that. We will stay ready to do that right through the holiday if necessary, so that we can accomplish what is good for America, and to it at this time of good will, this Christmastime when we all should be thinking not only of our families but what we can do for our neighbors and everyone in our society.

## IN MEMORY OF STEVE ROULETTE

The SPEAKER pro tempore (Mr. COBLE). Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, as Americans celebrate the holiday season with their families and friends, my thoughts turn to the family of a young man in my district in my hometown of Lorain, OH.

This Christmas season will be an especially difficult time for Steven Roulette's family. Steve, a seemingly very healthy 23-year-old, was playing basketball with friends when he collapsed. He died a short time later.

It is always disturbing when a young person dies. In Steve's case it was even more tragic. A native of Lorain, Steve believed in giving back to his community. He worked diligently in my campaign in 1994. Prior to that, he had worked at the Nord Family Foundation that supports social services in Lorain County.

Steve Roulette believed in public service in the best sense of the term. He always had a twinkle in his eye and a passion in his voice when he talked about commitment, when he talked about involvement, when he talked about helping his fellow men and fellow women. He cared deeply about his family and passionately about his community.

So many in Lorain whom Steve's life touched were so saddened by his untimely death. I would like to offer at this Christmas season my sincere condolences to his family. Steve left behind his fiancee Denise, his parents Orah and Kathryn, his stepmother Alice, his brother Alan, and his sister Angela. As a father of two young daughters, I cannot begin to imagine their grief but my thoughts and prayers are with his family and his friends during this holiday season.

## WELCOMING A NEW REPUBLICAN, THE BUDGET, AND NATIONAL DEFENSE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. CHAMBLISS] is recognized for 5 minutes.

Mr. CHAMBLISS. Mr. Speaker, I was not aware of the situation the gentleman from Ohio [Mr. BROWN] had reference to there, but I commend him for taking the floor to recognize this young man and all our best wishes for this holiday season go out to his family.

Mr. Speaker, I rise to talk on a couple of things here. First of all, I had a very special point of pride today when I received a phone call from my hometown advising me that in spite of all the lambasting of Republicans by folks on the other side, that this morning the sheriff of my county, the Honorable Billy Howell, a two-term Democratic incumbent, switched to the Republican Party.

I commend Sheriff Howell on what I think is a very wise decision for him. I welcome him to the party. He is a good friend, and I know will continue to serve the people of my county in a Republican manner the same as he did in a Democratic manner.

I cannot help but make one quick comment about my good friend, and he is truly my good friend, who serves on the Committee on Agriculture with me, the gentleman from Missouri [Mr. VOLKMER], who was critical of the Republican budget, saying that our budget is not a balanced budget because it does not balance the budget now. Well, by golly, we could balance the budget now but the best way to do that is to cut out all congressional pay and send all of us home. That would certainly go a long way toward balancing the budget now.

Everybody understands we cannot balance the budget now. We presented a budget that will balance the budget of this country in the year 2002. Everybody knows and understands that, I hope, and I hope the gentleman from Missouri [Mr. VOLKMER] will better understand that. He said he has been here since 1981 and frankly that is part of the problem. We have had too many

people who have been here too long, who have spent too much money over the years and, by golly, it is just time we stopped spending so much money.

I really got up here, though, to talk about another matter that I am extremely excited about and something that took place on the floor of this House several days ago, and that is the passage of the national defense authorization conference report. The report passed in the House, it also passed in the Senate yesterday, and it is headed to the White House as we speak.

The President has given every indication that he is going to use the same veto pen that he used on several other authorization bills and veto this bill. I hope he changes his mind. I want to encourage him to change his mind, because in my opinion the national defense authorization conference report that we passed in the House, has been passed in the Senate, is a good bill. It is not a perfect bill. There are a lot of ways that perhaps we could improve it. But it is a good bill, and it does a lot of things that are absolutely necessary from the standpoint of the national security of this country that have needed to be done for many years.

First of all, one thing this bill does is give all of our active military personnel a pay raise. Admittedly, it is only 2.4 percent, I wish it could have been 24 percent, but it does give the military personnel of this country an immediate pay raise.

I am very pleased, when I go on the three military bases that are located in my district and have an opportunity to talk to the young men and women, all of whom are volunteers in the military, when I talk to those young men and women and find out that without question they are absolutely the finest young men and women that America has to offer. It gives me a real sense of pride, and I am extremely proud of those young men and women. If anybody deserves a pay raise at this very difficult time in our budget process, it is the men and women in military service.

Right now here we are at Christmastime. Here we are dealing with a very serious crisis in a very cold and distant land called Bosnia, a country which a lot of folks in this country had never heard of before 30 or 60 days ago. We are sending 20,000 of our finest to Bosnia at this time of year. The President has an opportunity to give those folks a very special Christmas present, to say thank you for a job well done. That Christmas present will be a 2.4-percent increase in their pay.

Another thing that this bill does is it provides a 5.2-percent increase in what we call BAQ housing allowance. What BAQ housing allowance is, it is a provision which pays to military personnel a certain amount of money to allow them to rent an apartment or rent a home that is off the military base where they are serving.

If we do not have military housing on base, a lot of times our personnel are required to go off base, and we provide them some money to do that with. It is never enough to fully fund what it costs for an apartment or a house but it does help out. We provide an increase in that. Mr. President, that increase is needed. I urge you to sign it.

Another thing we do is we equalize the retired military COLA's to retired civilian COLA's. That is something that is an extremely important aspect of this bill. Mr. President, I urge you to look at this bill. If for no other reason than from these standpoints, please sign the Defense authorization bill.

## THE BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

### BOSNIA

Mr. WISE. Mr. Speaker, let me pick up where the previous speaker left off in the sense of talking about Bosnia for a second. The first West Virginians are now passing through Fort Dix, NJ, Mr. Speaker, en route to Bosnia.

As Reserve units are called up and others are activated and, of course, active duty, I think it is most likely that we will see a lot of West Virginians going to Bosnia. West Virginians always answer the call. Certainly the C-130 squadrons, the 167th in Martinsburg and the 130th in Charleston, are just about everywhere on the globe anytime there is a problem. They have been to Bosnia as well before.

And so at this Christmas time we need to reflect on what is happening, and as these West Virginia troops pass through Fort Dix and as the others activate or are shipped out.

I voted against the initial military involvement, not because I questioned the good intentions of the policy, and certainly it is well-intentioned, but I questioned whether or not the military would have the ability and means to carry it out.

That question has been answered in an affirmative vote here on the House. The decision has been made. The troops are going, and we must now all stand behind our troops and I am going to make sure they have whatever is necessary to carry out their mission.

I am encouraged by the fact that the rules of engagement for these troops are different than we have seen in Somalia, than we have seen in other areas, where we have now the ability to hit back and hit back hard should our troops be threatened in any way.

But as these troops leave this country, millions of American citizens are asking, what about the other parts of our Government? We know these troops are going to operate efficiently and effectively and carry out their mission. Why are not other parts of Government?

Why do we have parts of our Government shut down? That is a fair question. We are now in our 11th day cumulative this year, the Federal Government or parts of the Federal Government not working. That is an all-time record, I believe, for the Republic, certainly for this century.

There are two parts really that have to be dealt with. Unfortunately the two processes have been brought together by the leadership of this House. One part is the annual budget, what you do to fund the Government on a day-to-day basis for a year at a time, for the fiscal year 1996.

The other part is the budget debate that is taking place in negotiations between the White House and the Republicans and Democrats in the House and the Senate for a 7-year balanced budget. Running the Government day-to-day, one process. Balanced budget, the next. Regrettably, the leadership under Speaker GINGRICH have chosen to tie these two inextricably, and so the Government is held hostage while these important negotiations take place.

So what happens to those who say, well, really are we seeing much of a shutdown in Government? Yes, we are seeing cumulative right now about 60,000 students who will not be able to fill out applications for Pell grants and other student loans as the next semester comes on. We are seeing thousands who had vacation plans turned away.

Well, vacation plans, is that very important? No, but what about people who call the EPA hot line for drinking water violations and want some assurances about the environment? We are finding that those folks are not going to have their calls answered.

When this leadership, the Republican leadership, took over in the spring, I complimented them, not because I agreed with the Contract with America, but I thought that they brought it to the floor in an orderly way and in a very purposeful way and they moved it through quickly. It was not much fun for anybody but they did it. They demonstrated an ability to command the floor.

Unfortunately I have to say, in the same vein, I have seen a total breakdown of that ability in the appropriations process. I recognize this is a complicated area. It sounds like it ought to just be beltway gobbledygook except for this.

The appropriations process is very important. We have 13 appropriation bills that fund the Government on a yearly basis. October 1 is the deadline to get them all passed. We had a handful at best, three or four, that had passed and been signed into law on October 1.

By just this week, I believe we now have seven that have been signed into law. We still have six, and they are fairly big ones, that have not been signed into law. Some of them have not even been taken up by the other body.

I yield to the gentleman from Illinois [Mr. DURBIN], a member of the Committee on Appropriations.

Mr. DURBIN. I would like to report to my colleague from West Virginia that I just left the conference committee on the District of Columbia. The gentleman would not believe what is going on there.

The Republicans have failed to enact the District of Columbia appropriations bill which was due October 1. We are now almost 3 months into this fiscal year. The District of Columbia Government, their local funds as well as Federal funds, are all appropriated funds, so this government is literally running without authority.

In providing police protection, they are trying to keep the streets safe for us to drive on, they are trying to keep the community as safe as they can for the tourists who are visiting Washington, and some of my colleagues who have just joined me on the floor here from the State of Georgia as well as from the State of Wisconsin blame President. Clinton for this. They said the President is responsible, and yet the fact is we have not sent the appropriation bill to the President, almost 3 months into this fiscal year.

## A REPUBLICAN VIEW OF THE BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. SCHIFF] is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I want to take up where the gentleman from West Virginia just left off. That is, when we talk about in the short term why is the Government in this partial shutdown mode, as it has been called, the gentleman is mechanically correct when he explains how our systems work, that a number of agencies are funded through a total of 13 separate appropriations bills, and of those 13 appropriations bills, 7 have been passed by Congress and signed by the President.

□ 1630

Once that occurs, there is no longer a need for a continuing resolution to be passed to keep these agencies open, which is to say the agencies function whether there is or whether there is not a continuing resolution.

However, the gentleman did not mention the fact that with respect to the other six appropriations bills, three of them were passed by the Congress and were just recently vetoed by the President of the United States. The appropriations bill for the Veterans' Administration and independent agencies, for the Department of the Interior and for the Departments of Commerce, State, and Justice, those are contained in three bills that the President vetoed. If the President of the United States had signed the appropriations bills for those agencies, they would be open right now regardless of the impasse over a continuing resolution.

Now, it is important to say that the Democratic side has continually said why does the Congress not do its job and pass appropriations bills, but when we do pass appropriations bills, the President vetoes them.

The gentleman is suggesting that is up to the President of the United States to sign appropriations bills as part of his duties. I do not think they are going to suggest that.

I would like to make the further point, Mr. Speaker, that the President vetoed these bills, these three bills because he felt the amount of spending or other policies within them does not fit his long-term view of where the Government should be going. The President has that prerogative under the Constitution to veto appropriations bills, or any other bills, for that matter. There is a specific procedure in the Constitution for that.

The point I am making is there is no difference, no difference at all, between the President tying long-term policy to his vetoing three appropriations bills which would have reopened those agencies today and the Congress tying the continuing resolution for the rest of the agencies or these agencies, too, without an appropriations bill to Congress' view of a long-term policy for the Government. Both sides are now doing the same thing.

That brings me to the central point of where why I took the floor right now, which is to talk about that long-range policy. Both sides, both the President and the Congress, have said we want to reach a balanced budget, and I hope that goes without saying. The national debt right now is almost $5 trillion that our children and grandchildren will have to pay back someday.

Further, the interest we have to pay on this borrowed money, and we pay interest on money we borrow like any individual would or any business would, the interest we pay is over $200 billion a year. That is more than 10 percent of our current budget.

When I talk about the effect, when I hear talk about the effect of spending on programs, imagine how much we could spend on important programs or allowing tax reductions if we had the use of $200 billion plus a year that taxpayers already send to Washington and, from an economic point of view, we throw out the window because interest buys you nothing. But we have to pay it in order to borrow more, just like anyone else would.

When the Government went through this partial shutdown a month ago, the Government was reopened under an agreement between the President and the Congress that said, among other things, that by the end of the year the parties would reach a balanced budget in 7 years, using the Congressional Budget Office economic projections, although the Congressional Budget Office was expected to, and I believe has, consulted with other agencies and other individuals, and protect certain spending programs. The Congress passed a budget that the Congress believes meets all of those requirements.

Now, I do not agree with every single item and every single choice in that budget. But the Congress as a whole, the majority, believes that it meets the requirements of our agreement of a month ago.

As everyone knows, the President vetoed that budget, vetoed it on the basis it did not adequately protect his spending priorities. Again, that is the President's prerogative.

What the Congress is saying now is, Mr. President, if you believe that the budget we passed does not comply with your priority of spending, show us what your priority of spending is under the terms of an agreement; in other words, put out a budget proposal which is balanced in 7 years and which uses Congressional Budget Office economic projections, and then show us how you would protect your priorities. There is nothing in that that says how the President of the United States has to set spending levels. There is nothing in there that says he has to cut spending for programs or anything else, only that the President of the United States abide by the agreement he made a month ago.

Today the Vice President of the United States said the President refuses to comply with the agreement he made a month ago, and that is why we are at this impasse right now.

## THE BUDGET IMPASSE

The SPEAKER pro tempore (Mr. COBLE). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, the American public must be very perplexed. In addition, of course, we know that they are very angry and, very frankly, a number of us that sit in this body are very angry.

We began this session with the election of a new leadership. Speaker GINGRICH annoiunced a new order, an order committed to revolutionary change. We have had, to some degree, a revolution. It is not, as so many revolutions are, not a pretty thing to watch.

The Contract With America, which was the plan of this so-called revolution, talked about, in two of its first three items, responsibility, personal responsibility, and fiscal responsibility. Personal responsibility was urged on all Americans to do that which would make their lives better and, consequently, the lives of their families

and their communities and their State and Nation better and more productive, more successful.

We have been debating that contract for the last 11 months, and very frankly it has not gone very far. One of the reasons it has not gone very far is because the Republicans in the Senate could not agree with the Republicans in the House. Frankly, the Democrats have not been able to defeat or pass much on their own. We understand that, we are in the minority.

Now we come to funding Government. Personal responsibility would say that each and every one of us ought to share the most efficient and effective operations of the people's Government; reduce it, change it, eliminate some activities, do all of that, but ensure that those activities that we support operate in an efficient and effective manner. The Republican leadership has failed miserably in that effort. Because of Democrats? No. In the first instance, when this fiscal year ended September 30, the Republican leadership had failed to pass any appropriations bills to fund Government. Not 1 of the 13.

My colleague points out that perhaps we passed the legislative bill prior to the first of October, and that was, of course, vetoed because the President thought it unseemly that we take care of ourselves first before we took care of other people's business, and he made a good point.

The Republicans passed a short-term CR that expired, and they had yet to pass the appropriation bills that the President would sign and, indeed, as of today have seven bills that have yet to be passed into law.

Now, ladies and gentleman, we have come to a point where the President, President Clinton, the majority leader BOB DOLE, and the Speaker, NEWT GINGRICH, sat down together at the White House last night and said, "As reasonable people, let us work this out," and the reports I received this morning were that the Speaker thought that was a positive meeting. Senator DOLE, the majority leader, thought that was a reasonable meeting. The President of the United States thought that that was a positive, productive meeting, and the three leaders came out and said, "We think we have a construct to move forward."

And then what happened? The Republican freshmen apparently thought that was not enough. The Republican freshmen want a guarantee that the President would agree to certain things that he believes are not in the best interests of this country, cutting Medicare deeply, cutting Medicaid deeply, cutting education for young people, which he believes, and I share his views is an investment in the future of America, undermining programs that protect our environment.

In point of fact, in the last legislation we passed to keep Government working, both parties agreed that that would be part of it. Unfortunately, Mr. Speaker, the freshmen Republicans have demanded that Government shut down until the President gives up.

That is not right.

## PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, is it out of order that anyone in this 5-minute time be given additional time under unanimous consent?

The SPEAKER pro tempore. Under special order speeches extensions of time are not allowed.

Mr. VOLKMER. I thank the Chair.

## THE EFFECTS OF THE GOVERNMENT SHUTDOWN ON FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. MORAN] is recognized for 5 minutes.

Mr. MORAN. Mr. Speaker, there is no good reason why 260,000 Federal employees should be shut out of their jobs, particularly at Christmastime. This is unprecedented to punish Federal employees because they chose to be civil servants. But that is what this body is doing. And to do it at Christmastime, when virtually all of these Federal employees have children, have been looking forward to Christmas, would like to be out shopping after they finish work each day, but they cannot. They do not know whether they will be paid.

They are aware of the press conference that the Speaker had where he alluded to the fact that a great many Republican Members of this body, particularly freshman, are opposed to reimbursing Federal employees for this period of time when they have been locked out of their jobs. Imagine the strain, imagine the anxiety, imagine the sadness on the part of their children when they see the toll this is taking on their parents.

I have been told by teachers, by one of the principals, in fact, of an elementary school in my district where a lot of Federal employees send their children, that their children are not acting like this is Christmas. Normally, you have pageants and children jumping up and down and squealing with laughter and looking forward in anticipation of Santa Claus. But we have stolen their Christmas from them this year, because their parents cannot afford to go out and buy presents. Their parents have no reason to be happy. Their parents do not know what is going to happen to them, because it is in our hands.

We control what this Christmas will be like for these thousands of Federal employees. And it is wrong. It does not have any reason to be tied to a 7-year balanced budget.

You know, you look back at history, when we have had conflicts between the majority in the Congress and the executive branch, when President Reagan had a conflict with the Democratic Congress in 1987, we went the whole year on a continuing resolution. President Reagan never thought of sending Federal employees home and punishing them and locking them out of their job just because he could not agree with the Congress. Certainly, the Democratic Congress never for a moment thought that they would punish Federal employees like that.

In 1988 we had the same situation, a continuing resolution all year. And now we cannot even get a continuing resolution for the 3 days of Christmas, for this Christmas weekend. We cannot even get this continuing resolution to let Federal employees function and to open up the Government.

□ 1645

Why? Because certain Members on the Republican side of the aisle are saying "It is our way or no way." They just passed a resolution, I am told it was unanimous, I cannot believe it was unanimous because there are good people on the Republican side of the aisle, to say that there will not be a continuing resolution unless the President agrees to the entire 7-year balanced budget. It is wrong, it has got to stop, and the American people have to got to say no, this is not what we want from our Government.

## AMERICANS SUPPORT PRESIDENT ON BUDGET IMPASSE

The SPEAKER pro tempore (Mr. COBLE). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FATTAH] is recognized for 5 minutes.

Mr. FATTAH. Mr. Speaker, I do not rise as normally when Members ask for an opportunity to revise their remarks and extend them. I would like my remarks to be recorded as I speak them. In this case, because I think that what we need to focus on is the simplest assertion of the truth.

We have a Republican majority that is trying to sell something that no one is buying. The American public has rejected, almost 2 to 1, their budget proposal for this Nation. They offer us on one hand a budget that would cut education, Head Start, Pell Grant opportunities for youngsters to go to college, increase the cost of student loans, and cut teacher training programs.

In every poll that has been done, the American public indicates that they do not agree with this budget. They are trying to sell a budget to the President of the United States, and he has vetoed it. He has said that he will not add his

signature, he will not join in a conspiracy to rob this great country of ours from developing its fullest potential. He will not join in attempts to cut millions of young people in terms of their needs, in terms of health care and Medicaid, to further burden senior citizens and their families when they are in need of nursing home care. So, because the Nation and the President have rejected their budget product, they have folded their hands and are now stuck in the same position they started out in, refusing to compromise, refusing to move toward some shared consensus about what direction our budget priorities should be as a country.

The U.S. Constitution is clear, and that is that laws have to be passed by the House and the Senate and signed by the President. I am not proud of the fact that I have been a Member of the least productive Congress in the history of our country in terms of actually passing legislation that moves on to the upper Chamber, or the other body, depending on how you like to phrase it, and then on to the President for his signature.

What we have here is a group of people who are now in the majority that seems to lack the maturity to be productive participants in shaping the course of public policy in our land. So, because their budget product has been rejected by the American people, they have decided to hold hostage 75 percent of the U.S. Government domestic programs.

So we come now on the eve of a holiday season, and many of my colleagues have pleaded for sympathy for Federal workers. I really would hope that we would understand their plight, but I think it is even more a compelling case to feel sympathy for the misguided priorities of the Republican majority. This is a defining moment, I believe, in this Congress. This shows clearly that they do not have what it takes in terms of being able to govern the people's House, to be responsible and reasonable in their actions.

So I would ask that as we reflect upon this moment in time, that we would think clearly about the opportunities that the new year will bring; for the American public to think anew about what type of person they would like to have in the U.S. Congress; to think anew about how we can further develop a more perfect union; to think anew about our responsibilities, as so eloquently outlined in the Declaration of Independence and the U.S. Constitution, in the preamble where it says to promote the general welfare, being our essential priority.

We have a lot to be thankful for in this land, and one of the things we have to be thankful for is that there is an election for Congress every 2 years, and that we will arrive at a point in which the American public will hold the trump card, and they will have an opportunity to make choices about what kind of country we really want to be and what kind of Nation we really want to move toward.

I would challenge each of us as we continue our work in this body to try to be more reasonable, to try to accommodate the differences of opinion that truly exist in terms of how to move our country forward, but always to be prepared, even in a moment in which we lack some degree of comfort, to stand firm for what we believe in, to stand up for our principles, and for the democratic majority and for a President who has struggled to try to reason with an unreasonable majority of the Congress. I think we owe President Clinton a great degree of gratitude for his leadership for our Nation in our hour of need.

## REASONS FOR THE BUDGET TURMOIL

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 of Texas. Mr. Speaker, I think this is an important time in this country. Many of our citizens are turning toward a very spiritual time. Many having been in the midst of celebration of Hanukkah, and others who are looking toward a celebration and commemoration of the birth of Christ.

The value of this Nation is that this holiday will be celebrated differently in many homes across this country. It is the wonderfulness of America, diversity of thought and religion, but a Constitution that applauds differences and recognizes the three branches of government. I think it is important to tell the American people why we are here today, on December 20, 1995, in the midst of turmoil without a budget.

This Congress started on January 4, 1995. I was sworn in as a new freshman, running on the issues of accountability and accessibility, and yes, responsibility, values that I hold very dear and very near to my heart and to my principles, and values that I represent to my constituents at every moment in interacting with them in my district visits.

But what happened to us that time in January and February and March? We were faced with something called a contract. Oh, it is so well for a while, but let me tell you, it was a gimmick. I do not know of any American who can say to me that they engaged and entered into a contract with anyone who was elected to the U.S. Congress.

There was some flag waving on the Capitol steps, and wannabees and others who were running for Congress at that time came up and made some sort of false representations about signing some document. But I would venture to say that even constituents in those districts did not sign any dotted line.

Oh, yes; they might have found exciting some very popular political issues that were raised about tort reform and crime off the streets, bashing the liberals, and other such talk. But that is what it was, it was political gimmickry. And 37 percent of the people voted, so it was not that exciting anyhow.

But we spent 100 days and more in turmoil over the so-called contract, I call it on America. In the meantime, serious health reform did not occur. Many of us came here saying that we could reasonably reform Medicare and Medicaid, not on the backs of senior citizens and children who need immunization and preventive health care, but really sit down to the table of reason and bargaining.

But out of this 100 days came a bashing and elmiminating of the environmental protection laws that most Americans, Republicans and Democrats and Independents, have grown to respect, the Clean Water Act and the Clean Air Act, and then the bashing of Medicare and Medicaid.

We should have had bills passed in April. We should have had all the appropriation bills passed by September or October 1. But what we have now is a quagmire of confusion. Republican proposed block grants which go to States, and when the money runs out and the needs of the people rise up, as we find in the natural disasters that have faced California, Texas, and Florida, among others, that have what we call natural disasters, we would not be prepared to assist those people. Do you think that is reasonable and the American people want that?

We now come to December 20 with no budget. That is what it is, plain and simple, folks. We had a gimmick called a contract. Out of that came one bill that was passed, and we now have no budget. And we have people trying to appropriate away America's values by intimidating us, by saying they stand for what America believes in.

The President, regardless of what your party may be, has an actual constitutional right to engage in this process. He has sat down with the leaders of the House and the Senate, and I might add, if you saw the media accounts, and they sure do reflect accurately many times people's expressions and views, those that came out of the meeting said we are on track.

Today we find out about an extremist position by freshmen Republicans that say all or nothing. We want to take the $270 billion tax cut right now and we will stand on the backs of seniors and children, Medicaid and Medicare, and we do not want to reason. Yet, the President spoke to the leadership and they said we are ready to sit down. Who is leading the leadership at this point? I am a Democratic freshman, and I am not going to let some other guy take the moral high ground on

people in my community, Federal employees who give services, children who have sicknesses who need Medicaid. We must come together to recognize political gimmickry goes out the door, leadership stands up, get a budget, open the doors of this Government, right now, today. Pass a clean continuing resolution to open the doors of the Government and engage in budget talks that do not ask for $270 billion out of Medicare and Medicaid simply to give the rich a tax cut.

That is the moral high ground.

## ALL OUT OF PATIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I must say, in my religion we are in the season of Advent, and on one of these Advent Sundays, we light a patience candle. I fear that patience candle may not even do it for me this year. I have totally lost patience with the extremism of the New Republican freshmen. They appear to have the Speaker on a very short leash. But I am here today, joining the gentleman from Massachusetts, Mr. JOE KENNEDY, and others, in signing a letter to both Senator DOLE and to our Speaker asking for a Christmas trust in this budget war. Can we please have a Christmas trust for the 3.3 million veterans who went wherever they were sent, whether it was whatever holiday, whatever family situation, they went where they were sent. And I do not think they are going to appreciate figuring out tomorrow morning that if we have not done this Christmas trust for at least those 3.3 million, they are not going to get their checks on time on December 29. That is outrageous. That is why I have no patience.

Everybody knows today is the busiest mail day. People are using the mails to get through their holiday packages. So these checks have got to be in the mail tomorrow if they are going to be timely. And you cannot write checks if you do not have anybody there to be there and put them in.

Now, let me say, in hot wars we have insisted on trusts over Christmas. Why in the world in this budget war can we not get the Republican leadership down here and at least get our veterans out of the crossfire in this stupid little budget tantrum that some of the new Members are having?

I guess I just do not understand who is leading whom. But I think we really look pathetic. Here it is, 5 o'clock in the afternoon, we have not really done anything since 2 o'clock except yap, yap, yap, yap, yap. Yesterday, they named post offices. We have not done anything of substance. We discussed some budget that the President had like 9 months ago that was like a dead dog. Nobody has talked about it since, he has moved way beyond. He has agreed to the 7-year balancing of the budget.

I must say, here is a group of people who cannot even get this year's budget done. Hey, we are three Mondays into the fiscal year, and they cannot get this budget done. Seventy-five percent of the domestic spending has not been done, 25 percent of the way through this year. And what are they arguing about? They are arguing about projections 7 years out. Imagine, any American refusing to pay their bills this year because they have not put their budget together because they do not like the budget projections 7 years out? It will not work, America. It will not work.

□ 1700

And yet somehow people here are caving and allowing it to work on the other side of the aisle.

They have no credibility. If we cannot get this year's budget together, how do we ever anticipate getting to the next 6 years? So I really hope that very soon we can get through to the Republican leadership, that they answer the letter so many of us signed, that we see a Christmas truce, and we at least get our veterans out of the crossfire.

Mr. VOLKMER. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I would say to the gentlewoman that it is my information that within a short period of time, supposedly, the Committee on Rules is supposed to meet and bring forward a continuing resolution just for those people, that they can go to work in order to get those checks out for the veterans.

That is great, but that bothers me.

Mrs. SCHROEDER. I agree. The gentleman is absolutely right. We still have students. We have 60,000 students who have theirs to be processed. We can list all those others.

Mr. VOLKMER. Homeowners, trying to get loans from HUD, and everything else. All that will not be done.

What it does is, it tells me that they want to be very political. The majority of the Republicans are very political. They do not want the veterans mad at them, but they do not care about the rest of the people and the Federal workers and everything.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, I do not know about the gentleman's veterans, but the veterans in my area did not come to town on a turnip truck. They realized that had a lot of us not signed that letter to them, and pointed out that these veterans were being held hostage and we should at least have a Christmas truce, they would not be going to the Committee on Rules right now. My veterans have figured that out. They are not dumb.

Mr. VOLKMER. If the gentlewoman would further yield, why do we not have a Christmas truce for all the Federal Government?

Mrs. SCHROEDER. I certainly agree. And I think we should have a Christmas truce for students. They did not cause this. They are totally innocent. They could not even vote in these last elections, and we could go on and on. But especially veterans.

The fact they were going to roll right over them, until a lot of us made some noise, is absolutely unbelievable. As I say, I think all of our patience has been tried. Let us hope they hurry up and get this down here, and I thank the gentleman for his comments.

Mr. VOLKMER. Mr. Speaker, I want to commend the gentlewoman for her leadership in this effort.

## LET US NOT MAKE THE POOR THE SCAPEGOATS IN BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, I am grateful for the opportunity to come to the floor in this special order here. And let me say before I begin any of my remarks that I would consider myself to be a fairly moderate to conservative member of my caucus, as a Democrat.

Mr. Speaker, I have been reading the welfare reform conference report this afternoon, and I wanted to just make a few remarks on it, because I have some concerns about it, frankly, and I wanted to express those concerns to the body.

I favor welfare reform. I know that we have to do certain things to make sure that people exercise their self-responsibility in our society and that Government cannot be the keeper of everyone. I was reading this afternoon, however, and I could not help but think of a time when I was in the State Senate back in Illinois, several years ago, and we were going through a proposal then that I believe the Governor had initiated to cut back on some of the benefits to some of the neediest in our State.

I remember there was a little lady, a nun in the church, who brought a bus load of folks down to Springfield. And they came into our committee room, and we were considering, I believe, at that time perhaps the override of this initiative that was going to cut back funds for these folks. These were all folks that lived in a rundown part of Chicago. They were ragtag. They did not have good clothes. They did not seem to be very clean. Some of them were pretty smelly.

They came into our room, and the little nun who ran the program had

some of them come up and testify before our committee about how important it was just to have the extra $10 or $12 or $15 a month to help them survive.

We were all sitting there listening to this, and I think pretty moved by some of the stories that these folks who lived on skid row were telling us. And I remember very specifically there was this one little guy that came up to the testimonial table and began to speak to our committee. He told us about how difficult it was to get through the winter and how he really did not have a place to stay, and he said those few extra bucks that we were taking away from them meant a lot to him. He said, "I like to get a pack of cigarettes every now and then."

The minute he said that, all the air just went out of the committee room. We were all just kind of sitting there waiting on somebody to validate every prejudice we had in our heart against poor people, and he did it for us. He said the wrong thing. I could just feel the tension begin to rise again in the room and members of the committee sitting there and saying, yeah, well, we told you so. Those welfare cheats. That is all they want the money for is so they can buy cigarettes.

I wrote all that down, I remember specifically, because I thought it was such a tragedy. I do not want us to make the same mistake out here in our welfare reform package. The poor among us are really important. They do not have a lot and they only take up a very small part of our budget. If we look at the whole budget, and we consider Medicaid and housing and food stamps and family support, and those sorts of things, it takes up a very small part of our budget. Yet somehow in this country we want to make the poor the scapegoats for all the problems that we are having here with respect to balancing our budget. Let us not do that, please.

I recall a very important scripture where it said in the end time we will all come before the judgment and the Lord will say, "Enter my good and faithful servant. You have been faithful in a few things; I am going to make you master over many." And we will say, "Well, when did I do that?" And it says that He will say, "Well, when you did it unto the least of these, My brother, you did it unto Me. When I was hungry, you gave Me food. When I was without clothes, you clothed Me. When I was thirsty, you gave Me drink. When I was in prison, you visited Me."

That is what is important, too. We should not, any of us here, just because we need to crunch numbers, or because we need to satisfy ourselves that the poor are the cause of our troubles, forget that we have a responsibility to be our brother's keeper.

## DISCUSSIONS BETWEEN DEMOCRATS AND REPUBLICANS SHOULD REFLECT REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. COBLE] is recognized for 5 minutes.

Mr. COBLE. Mr. Speaker, I will say to my friend from Illinois, before he leaves the floor, he is one of the most gentle, one of the kindest persons on this floor. And oftentimes when a Member comes to the mike on the floor, Mr. Speaker, it is an advantage to follow someone who is not very popular and who is a scoundrel. I have the unlucky draw today to follow the most gentle Member of the House, but I do that nonetheless.

Mr. Speaker, I did not plan to speak today. As the Speaker knows, I have been in the Chair for the past 3 hours and I have had the benefit of listening to discussions on both sides of the aisle.

My friend from Missouri, Mr. VOLKMER, says what a benefit, and it has been beneficial. Not surprisingly, both sides are subjective, as I am. I am guilty of that. But I want to try to add some balance to this in my brief 5 minutes.

One of my friends who sits here to my left now conveniently remembered some of the bad fiscal times under President Reagan. But as was mentioned subsequent to his speech, he conveniently forgot about the fiscal chaos that occurred in the Carter years. Well, this is only natural, I think. I think it is convenient for Democrats to remember the bad for Republicans, and the Republicans to remember the bad for the Democrats. That is only natural, and that is part of the nature of the beast, but I think when we do it so consistently then we are seeking out a balance that we need to retrieve and bring it back into the realm of discussion.

When I was last home, Mr. Speaker, a woman came to me, one of my constituents, and she said answer a question for me. She said, as best I remember the last time the Government was shut down, prior to this last time, she said it was in 1991. And I think it was, indeed, in 1991. And she said to me, the spin from the media then was that President Bush shut down the Government. And she said, even I blamed him. But she said, now, virtually no one from the media is pointing an accusatory finger to the President. They are saying NEWT GINGRICH or the majority Republican Congress has shut it down.

I am wondering, and I do not want to sound paranoid, Mr. Speaker, but I am wondering, is it convenient to blame a President when he happens to be a Republican and to exonerate a Congress when it happens to be controlled by the Democrats? I am afraid that is the spin that we are taking. What is good for the goose is good for the gander.

Many people today have blamed the Congress for veterans not receiving their checks, if they, in fact, do not receive their checks. President Clinton had every opportunity to sign the appropriations bill into law this week and those checks would have been forthcoming. I cannot for the life of me figure why that would be the fault of the Congress.

Am I missing something, America? As my friend from Ohio says: Wake up, Congress.

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

Mr. COBLE. I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Speaker, I was going to ask the gentleman that very question, if I had missed something.

Correct me if I am wrong, is it not true that the President vetoed three appropriations bills, and that had he signed them, the Government would be up and running again today, right now?

Mr. COBLE. Mr. Speaker, reclaiming my time, I know of two. It may well be three. Two comes to my mind. Is it three?

Mr. HOKE. The third was vetoed.

Mr. COBLE. So it is three. So my friends and the viewers who are watching C-SPAN now, let us come back into reality here and let us add balance to this discussion.

Mr. Speaker, as is obvious, I am not prepared, because I am doing this impromptu, but I am grateful for having had this time and I yield back the balance of my time.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WHITE). Members are reminded to direct their remarks to the Chair and not to the President or the viewing audience.

## PRESIDENT SAYS IT IS POSSIBLE TO BALANCE BUDGET BY 2002 AND MEET GOP GOAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I saw this morning in the Baltimore Sun this report, and it was so stunning to me that I just have to read part of it to you, Mr. Speaker. I want to be sure not to offend the gentleman from Texas, and I want to make it clear that I am addressing my remarks to you, Mr. Speaker.

In the paper it says, "In a positive signal, Clinton told reporters before the meeting", this is before yesterday's meeting with Speaker GINGRICH and with Majority Leader DOLE, says "In a positive signal, Clinton told reporters before the meeting that he now thinks it is possible to reach the GOP goal of

a balanced budget by 2002 using the conservative economic calculations by CBO."

Let me read that again, Mr. Speaker, It says, "In a positive signal, Clinton told reporters before the meeting that he now thinks it is possible to reach the GOP goal of a balanced budget by 2002 using the conservative economic calculations by CBO." He said this yesterday. At that point, it had been 29 days since he had personally signed his name to a piece of legislation known as a continuing resolution that included the language that said that he agreed to work with the Congress to achieve a CBO-scored balanced budget by 2002 and that he would do this before the end of this term.

Now, here he told reporters yesterday that now he thinks it is possible to reach that goal using CBO numbers. What is going on? Did he not read the legislation that he himself had signed?

□ 1715

Was the President not aware of what he had signed? Did the President not read that paragraph in the continuing resolution that said that he was agreeing to actually come forward with a CBO-scored balanced budget by the year 2002? Did he not read it? Does not he read the legislation he signs?

Mr. Speaker, I cannot understand this. Here he acts with complete surprise that now he is saying that gosh, he thinks it is possible to reach that goal of a balanced budget by the year 2002.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

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

Mr. DE LA GARZA. Mr. Speaker, I keep hearing about CBO and OMB, and they are all projections. No one for a certainty can say what the accurate final result would be. But I would like to inject into the discussion the name of Sister Rosa. He tells the future by reading cards. I think she could do better than OMB and CBO.

Mr. HOKE. Mr. Speaker, I thank the gentleman for his suggestion.

Mr. DE LA GARZA. Mr. Speaker, she is a lady that does that back in my district.

Mr. HOKE. Mr. Speaker, reclaiming my time, I think that maybe Sister Rosa do a better job than CBO or OMB. But the fact remains that the President did not agree in a piece of legislation that he signed into law to take the projections of Sister Rosa. He did not agree to take the projections of the OMB. He agreed to use the projections of the CBO, and then yesterday he acts as though it is a completely novel idea and he says: Gosh, maybe it will be possible to reach that goal. I think maybe we will do that. This is something new. I had not thought about that. I think we can put it all together.

Well, for heaven's sakes, Mr. Speaker, that is what he agreed to 29 years ago. It seems to me that what is really going on here is a stalling tactic. It is an amazing thing. The President thinks that for his own political good that he will do better by putting this off longer and longer and longer and longer.

We see the same thing going on right now with respect to the subpoena on the Whitewater papers in the Committee on the Judiciary or the Whitewater committee over in the Senate. What the President has done is that he has said: I am invoking an attorney-client privilege. He knows there is no good attorney-client privilege on this matter, but he has invoked the attorney-client privilege, knowing that he will spin that one through.

Mr. Speaker, that will take some time, and then he will go to an Executive privilege that he will call up and ask to spin that one through, all the while, delaying, delaying, delaying.

The President seems to think that time is on his side, but the fact is that he did agree to and we will insist on and we will come up with a balanced budget using honest numbers.

## BUDGET IMPASSE REQUIRES COMPROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KANJORSKI] is recognized for 5 minutes.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from Texas, Mr. DE LA GARZA.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding briefly to me. The previous speaker, I guess, inadvertently mentioned that the President said that 29 years ago, and he meant 29 days. But the one that introduced a balanced budget amendment 31 years ago was this gentleman from Texas. So it is not new. Everyone is climbing on board now. I did it 31 years ago.

Mr. HOKE. Mr. Speaker, if the gentleman would yield, the gentleman from Texas [Mr. DE LA GARZA] should be commended for that. We appreciate it and we appreciate his support working for a balanced budget now. But the fact remains, we have got this agreement and the President should honor his word. That is all we are saying.

Mr. DE LA GARZA. Mr. Speaker, I think we ought to bring Sister Rosa into the picture. She has got better figures than OMB and CBO.

Mr. KANJORSKI. Mr. Speaker, reclaiming my time, I enjoy the fact that we can sit here particularly with the Members of the freshman and sophomore class, and participate in this open discussion. It is worthwhile for those individuals across America who may be bored with Christmas shopping and watching C-SPAN, or perhaps going through some therapy that they are undergoing trying to understand what is going on down here in the asylum.

Mr. Speaker, the fact of the matter is that probably for the first time in the history of the United States, we have extreme polarization of positions on the passage of the budget. A lot of people who are not necessarily informed with the process may think that we are indeed insane, or that what the House of Representatives of the Congress or the entire Federal Government is going through right now is a form of insanity, but in reality we all know that it is a very serious thing and it has to do with very honest and real differences of my friends on the Republican side and our side.

Mr. Speaker, if I could just address for a few moments what those differences are and maybe encourage some of my friends on the other side to talk about it.

Mr. Speaker, the previous speaker talked about some contract. Having been a lawyer, particularly having dealt with Philadelphia lawyers, although not claiming to be a Philadelphia lawyer myself, there is a great deal of respect paid to contracts; that supposedly any time we have a contract, that says something that in reality will take place in accordance with the word of the contract, or that that has some superforce above and beyond anything else.

Well, there are several ways to interpret contracts and I think we have to accept that as a given. Very clearly in the situation of the President and whatever contract is interpreted by the majority party of the House, there is a definitely wide distinction as to how they interpret the meaning of what was agreed to some 29 days ago.

Second, just because we have the Contract for America, or on America, I am never sure, but just because we have that, that does not pass the value of the Constitution and how we interpret that, nor does it pass good sense for what we do this year, next year, for the next 7 years of this Republic, and for as long as this Republic endures under this Constitution.

The one certainly that we have is that government in a democracy is very expensive; it takes a great deal of time; it is very inefficient, because there is the necessity that if 250 million people are to exist in this world with different thoughts and philosophies, different political positions, different social positions, and coming from different cultural backgrounds, it takes a requirement of that ugly word which some of my younger friends on the other side of the aisle seem to find a great deal of distaste for and that is the word called "compromise."

I have heard the Speaker talk much earlier, I think maybe as long as 6 months ago, that with the new revolution that occurred in the House of Representatives, that there would be cooperation but not compromise. If my colleagues have extreme views, I do not

know how we get to a final solution without compromise.

Mr. Speaker, let me talk about what those extreme views are. We can all write a budget that will balance in 7 years, which is a projection of time with no certainty, all dependent on variables that are so complicated and uncertain in their nature that at best it is a guesstimation. We could arrive at a balanced budget in 7 years under the numbers scored by the CBO, the Office of Management and Budget, Morgan and Stanley, the Harvard Business School, the Wharton School, we could find any number of people who would be willing to score it and we could agree that it should be CBO.

## FEDERAL WORKERS UNFAIRLY BURDENED BY BUDGET IMPASSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS. Mr. Speaker, I would be happy to yield to the gentleman from Pennsylvania [Mr. KANJORSKI] to finish his point.

Mr. KANJORSKI. Mr. Speaker, our point is that we could all come up with this type of budget. We could have 435 different budgets taking into consideration various conditions. Right now we have what is called the coalition budget that has no tax cut in it and that does balance the budget, so clearly the Democratic side or the President could put that budget on the table or some various of that, which the Senate seems to have put together on their side.

It requires, however, a decision as to whether or not we are going to have a tax cut, a smaller proportional tax cut, or no tax cut at all to arrive at that balance. That is what we call in common political parlance, and legal parlance, compromise.

Mr. SCARBOROUGH. Mr. Speaker, would the gentleman yield?

Mr. KANJORSKI. It is the time of the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I would be happy to yield to my friend, the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, let me state, the problem is not compromising between Republicans, even freshman Republicans and some conservative to moderate Democrats. We have the numbers to pass a balanced budget right now through this House if the administration would just get on board.

The votes last night, where not one person supported the President's budget. The vote two nights ago, where an overwhelming number of Democrats supported 7-year CBO showed that we could work together. We are willing to put everything on the table, but it has to be in the President's best interest to pass a balanced budget before he gets engaged in this.

Mr. DAVIS. Mr. Speaker, I have to reclaim my time. If I have time, I will yield for a question. Let me say to my friend from Pennsylvania, I do not know if it is extreme polarization on the budget. Clearly, among 435 Members, we have all kinds of opinions.

Some Members do not feel that we ought to balance the budget. Some want to balance the budget their way or no way, and we have some of that. We cannot all stand completely on principle, or we would never get anything out of here. We have to compromise, and I recognize that.

The difficulty that we have on our side of the aisle is that the President whether he was campaigning in 1992, said he was not balancing the budget in 5 years. In 1993, he got up here at the State of the Union and said CBO numbers were the most reliable numbers. Now we come up with CBO 7-years and we have yet to see a plan from him that balance in 7 years, and that has caused us some confusion.

Mr. Speaker, when we see that plan, I think it is going to be easier to compare the President's vision with numbers that balance and our plan.

Mr. KANJORSKI. Mr. Speaker, if the gentleman would yield, I would say but, you realize that 5 years, 7 years, all depends what you want to do. Look, I can give you a budget today, and you can too, that balances the budget in year.

Mr. DAVIS. Mr. Speaker, reclaiming my time, I recognize that, but I think it is key if we could get in that box of 7 years, with honestly scored numbers, then we are all talking off the same song sheet. Right now we are not there.

Ours has been scored by the Congressional Budget Office. We know what it does. If my Democrat colleagues do not like the values or what it does to people, that is fine. But how would my friend do it within the same box?

Let me make a couple of other points. Federal employees have really, during this whole debate, been an unintended victim of this debate. Over the last several years they have seen the Federal Government downsized and many Federal employees have been losing their jobs and having to go elsewhere.

We have seen their benefits cut. We saw them cut in the last Congress. This time, there were resolutions up here to have them give up another 2½ percent of their pay to put in their retirement. We saw an effort to bring their retirement down so that their standards would not be the high 3 years, but the high 5 years. That would basically reduce their retirement.

We saw some proposals up here that would cap the Federal payment for the Federal Employees Health Benefit Plan, which would mean they would be paying more for their health insurance. We saw another proposal here that would charge Federal employees for parking, even in buildings where nobody else was paying a parking fee. We were able to defeat most of those as we were moving ahead, but the unsettling thing is that working for the Federal Government is not what it used to be.

We used to say, "Give me your best and your brightest." Now it is come work for us; we will cut your benefits, we will downsize you, we will furlough you. Now they are experiencing furloughs and it is the Christmas time. Today is December 20. Many Federal employees would have received their paychecks today, but because of the shutdown in some agencies, that is not going to happen.

Mr. Speaker, the good news today, and I would like to ask unanimous consent to put in the RECORD a letter to Senator JOHN WARNER, to myself, to the gentlewoman from Maryland, Mrs. MORELLA, the gentleman from Virginia, Mr. WOLF, my colleague from Virginia, a letter from Speaker NEWT GINGRICH and Senate Majority Leader BOB DOLE, where they say in here that, and I will put the whole letter in the RECORD, but they basically assure Federal employees that when this is over, they will be paid retroactively.

Mr. Speaker, this has always been done before; this will be done this time. Having the House leadership on board, and the Senate leadership on board at this time, is very important.

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

Mr. DAVIS. I am pleased to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I am pleased to hear the news that the Federal employees are going to be paid, but they are not going to be working.

Mr. Speaker, I submit the following letter for the RECORD.

CONGRESS OF THE UNITED STATES,
*December 20, 1995.*

Hon. JOHN WARNER,
*U.S. Senate.*
Hon. FRANK R. WOLF
Hon. CONSTANCE A. MORELLA
Hon. TOM DAVIS
*U.S. House of Representatives.*

Dear Colleagues:

Because of your interest in the ongoing budget negotiations and your strong support for federal employees, we wanted to take this opportunity to reaffirm our letter of November 10, 1995, in which we made clear that employees furloughed through no fault of their own should not be punished.

It is unfortunate that President Clinton has chosen to veto appropriations bills that would have funded the salaries of federal employees at the Departments of Justice, State, Commerce, Veterans Affairs, and Housing and Urban Development, as well as independent agencies such as the Environmental Protection Agency. Similarly, procedural objections by Democrats have prevented the funding of salaries at the Departments of Labor, HHS and Education.

The direct result of those actions is that furloughed federal employees at those particular agencies cannot be paid. However, we

would like to reaffirm our commitment to restoring any lost wages for federal employees in a subsequent funding bill.

Thank you for your continued and strong leadership on behalf of federal workers.

NEWT GINGRICH,
*Speaker of the House.*
BOB DOLE,
*Senate Majority Leader.*

## CONTINUING RESOLUTION IS CONGRESS' RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. DICKS] is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, I was very surprised and disappointed today to learn that negotiations to get the Government operating again have been broken off. I just want to make sure that my constituents in the State of Washington know that I believe that this impasse is not justified; that it is, I believe, time for the senior Members of the House, both on the Democratic side, and the Republican side, to come together and to insist that we get a continuing resolution enacted which can only be done by this House and by this Congress.

It is not the President of the United States's fault that the Republican Congress has refused to enact a continuing resolution. They have precipitated this crisis. As we remember, Speaker GINGRICH said many months ago that he intended to do this very thing in order to try to get the President to capitulate and to accept his budget priorities which clearly are not acceptable to the American people.

□ 1730

I feel very strongly as someone who has served in this body for 19 years that we have a responsibility as Members of this institution to keep this Government running. We have veterans who may possibly not get their checks in the next few days unless we get a continuing resolution passed. I am going to support that. If the leadership of the House brings it to the floor, we ought to vote on it and get it done. But I do not think it should stop there.

I am concerned about the people who work in the Forest Service, who work in the Park Service, who work in the Department of the Interior and the people who work at Health and Human Services, all these other agencies who are not going to be taken care of. It is very obvious that, when there is a little heat put on, the majority is willing to make some adjustments. So if the American people want this Government to operate, they are going to have to make sure that the new Members who were elected last time hear from their constituents that they want this Government reopened and started.

This is ridiculous, and then there is no justification for it. This is the worst crisis we have had in terms, I think, of the confidence of the people of this country about our Government. What the Republican majority wants is for Bill Clinton to capitulate and accept their very radical prescription for the budget. The American people do not accept the levels of cuts in Medicare and Medicaid. I think it is preposterous to have a $254 billion tax cut when we are trying to balance the budget. That tax cut makes it incumbent upon the majority then to make these very large cuts in Medicare and Medicaid and also in education and other very sensitive and important programs to the American people.

I just hope we can bring some common sense back. I hope that the senior Members in the Democratic Party, the senior Members in the Republican Caucus can bring some sense back to this institution and do our job. We should initiate a continuing resolution to get these people back to work.

I feel sorry for the Government workers and their families who at this Christmas time are being denied their work, their opportunity to earn a living, because of this impasse.

I also urge the President to stand his ground. He should not capitulate. He should not accept this radical agenda. I am very upset about this. I am very upset and feel very badly for the people and their families who are being forced out of work because of this inability to reach an agreement.

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

Mr. DICKS. I yield to the gentleman from Missouri.

Mr. VOLKMER. It becomes very obvious to me at least, maybe not others, that there are those, especially among the freshman group, after listening to one of the freshman speak earlier today, that they almost relish the Government shutting down. The Federal Government is the enemy. They want to take it down to nothing.

I can remember back when I had a conservative tell me that the Federal Government should defend our shores, deliver the mail, and get out of our pocketbooks. In other words, that is all the Federal Government should do. That is what I am hearing here, especially among the radical ones, that they want to shut the Federal Government down. To them there is nothing wrong with it. That is what one of the freshmen said earlier today.

## JUST THE TRUTH

The SPEAKER pro tempore (Mr. WHITE). Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, people are talking about how disappointed they are and how sad they are. Let me say what saddens me, that people can get on this floor with a straight face, with a straight face, mind you, and still spread the untruth that we are cutting Medicare. I hear that we are slashing Medicare. It is a radical agenda.

I had a member of my district call and say, please, will somebody tell me who is telling the truth up in Washington. The President keeps saying that he is shutting down the Government, and he is not going to pass the first balanced budget in a generation because you are radically cutting Medicare.

I do not want to call the President of the United States a liar, and I will not. I will let the Washington Post, the New Republic, and members of the President's own staff, former staff do this. This is the front cover of the New Republic. It says why the Democrats' demagoguery is even worse than you thought. The New Republic is one of the most liberal publications in America since 1914. It is flat out saying the President is not telling the truth.

The Washington Post writes an editorial. What saddens me, what deeply saddens me is every person that comes up and says that we are slashing Medicare is, A, either knowing that that is not true or, B, is ignorant of the facts. Ignorant of the facts that the Washington Post points out, when they say that the Democrats led by the President have chosen instead to present themselves as Medicare's great protectors, they have shamelessly used the issue, demagogued on it because they think that is where the votes are and the way to derail the Republicans.

The President was still doing it this week. A Republican proposal to increase Medicare premiums was the reason he alleged to veto and shut down the Government. But never mind the fact that the President himself would countenance the same increase. The Washington Post—this is not from NEWT GINGRICH. Wake up, America. Wake up. This is from the Washington Post, the New Republic: We are being called radical.

Do you know what is so radical about our plan, that on Medicare, we are doing the same exact thing that President Clinton and Hillary Clinton said we needed to do 2 years ago. Hillary Clinton, shake your head, Hillary Clinton testified on Capitol Hill that we needed to slow the growth in Medicare to twice the rate of inflation. She suggested 6½ percent. The Republican plan increases it to 7 percent. Furthermore, spending on Medicare explodes to 65 percent over the next 7 years.

The press knows it. The press has stated as much. The markets have stated as much. Everybody knows the truth. Do not believe me, do not believe NEWT GINGRICH, do not believe the Democrats. Listen to what neutral observers are saying. They are trying to scare senior citizens because they are devoid of any plan to balance the budget in 7 years.

The New Republic has said it. The Washington Post has said it. The Washington Times has said it. The Wall Street Journal has said it. Editorial boards around America have said it. They said it this past week when they called Leon Panetta on the carpet on This Week with David Brinkley.

Do my colleagues know what Leon Panetta's final remark was? Well, it is just to give the rich tax cuts. Let me tell my colleagues, check it out. Eighty-nine percent of these tax cuts for the so-called rich, 89 percent as scored by CBO, goes to families earning under $75,000. Check it out. Check out the truth.

Is $75,000 or less for a family the way that Bill Clinton defines rich these days? If so, I think he needs to lead a Third World country instead of America, because there are a lot of people with three or four children making $75,000 or less that have trouble getting by. If that is a tax cut for the rich, label me guilty. I am sick and tired of what is going on. I just want to hear the truth. Give me some truth.

## REPUBLICAN PROPOSAL ON MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, that was quite a display we just saw, for all the fire and volume, kind of a temper tantrum really at the rostrum. I think it is very unfortunate that we are not proceeding in more of a thoughtful way reflective of the weighty issues that we have responsibility to resolve.

The gentleman hollering, describing how nothing is impacted under the Republican-passed budget regarding Medicare, in point of fact that is simply not the case. The part B premium alone, Mr. Speaker, $46.10 a month today, in the final year of the Republican plan that will be $88.90, compared to $46.10.

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

Mr. POMEROY. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Would the gentleman also admit that under the President's plan there is only a $4 difference between the Republican plan and the President's own plan?

Mr. POMEROY. Reclaiming my time, it is not at all clear to me where the administration is on the part B premium number. But I will tell the gentleman this. The only plan that virtually doubles the part B premium is the GOP-passed budget resolution.

Let me tell my colleagues another thing. I used to regulate insurance. I spent a lot of time dealing with the insurance needs of senior citizens in the State that I represent. There is an issue called balanced billing. In the old days, I mean back just now a decade, even less than that, Medicare would pay a portion of the bill, but the physician could bill the senior citizen that amount. Then any amount more, Medicare would pay the Medicare part, but the senior citizen out of pocket would be eligible for the difference.

Congress in its wisdom a few years ago in a bipartisan vote voted to say, no, no, no, doctors, you cannot charge unlimited amounts over Medicare. You can only bill in fact when fully implemented, I believe the difference is 15 percent over what Medicare approves as an appropriate charge. If you are in an indemnity plan under the Republican budget, you are again exposed to that virtually unlimited amount over what is a Medicare approved charge.

So we can talk differences in part B premium. I believe they are very serious differences, new out-of-pocket costs for seniors. But I think even more serious is this whole business of balanced billing, the physician billing over and above what the Medicare has said is an acceptable charge.

Mr. SCARBOROUGH. Mr. Speaker, if the gentleman will continue to yield, please just clarify for me. The administration proposal is scored, shows a $4 difference in the year 2002 between the Republican plan. I mentioned that before, and then the gentleman said that he did not know if that was the case, but said the Republican plan was the only plan that doubled premiums. If in fact that is the case and that has been documented in the Post and other publications, then the President's plan too would double it, would it not, if there is only a $4 difference in premiums in 2002?

Mr. POMEROY. Reclaiming my time, Mr. Speaker, the only plan that causes part B premiums to double is the GOP budget plan. The things that the gentleman does not consider Medicare cuts in fact to a senior citizen that suddenly has to pay a lot more out of pocket because Medicare does not pay it anyone, I am telling the gentleman, they think their benefits have been cut. They think it in a very real and personal way.

I yielded happily to my friend from South Carolina, and we had an interesting exchange. In fact I wish we had a lot more of that going on right now in constructive circumstances, most particularly at a negotiating table.

I have been in public life a long time. It has been my opportunity, I have not been in Congress long, but I have got the opportunity to work for public issues on behalf of North Dakotans in the State legislature and for the insurance commissioner. In addition to that, I was in the private sector practicing law in my hometown. I have been involved in lots of negotiations, lots and lots of negotiations.

What I learned is, you come to the table with the position. You care deeply about it. The other side comes to the table with a position. They care deeply about that. And then you start to deal. I do not mean callously, just cutting deals willy-nilly. But you begin to negotiate, engaging the other side, talking about the things that really matter to you, trying to find common grounds.

I think it is a tragedy that this afternoon, with the Federal Government, portions of it shut down, with budget talks at an impasse, we do not have this kind of negotiation under way. I urge all of my colleagues to insist we get negotiations underway and let us fund Government while these important talks proceed.

## DO NOT PLAY POLITICS WITH MEDICARE OR THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, prior to coming to the U.S. Congress, I used to practice medicine. I practiced internal medicine and half of my patients were senior citizens. I do hope someday to be able to go back to my practice and resume taking care of senior citizens because I very much enjoy that type of practice. I have always like caring for seniors.

□ 1745

They are all in the Medicare program. The Medicare program has been a tremendous success. I think it has been instrumental in prolonging lives of seniors. And one of the key components of our balanced budget plan that we put on the President's desk is maintaining the solvency of the Medicare plan that makes sure that it will be there for seniors, and all we have done with this plan is we have done exactly what the President and the First Lady said needed to be done in 1993 when they were pushing their health care plan. They said, and if I may paraphrase them if I do not quote them exactly right, is that all you need to do is lower the inflation rate in the Medicare plan from where it is right now, 10 or 11 percent down to about 7 percent, and the plan comes into balance.

Now there has been a lot of stuff said about the Medicare Part B premium. The GOP plan is going to double the Medicare Part B premium over the next 7 years. Well, guess what, my colleagues. Under the Democrats who have controlled this House for 40 years, guess what? Over the last 7 years the Medicare Part B premium doubled, they doubled the premium the last 7 years. Under the President's proposal it is going to much double. But, you know what? Next year, in the election year, under the President's proposal, he wants to reduce the Medicare Part B premium, and then he will increase it steadily every year thereafter once he is firmly ensconced in the White House for another 4 years.

I believe this is wrong, that you should not play politics with a program as important as Medicare which provides health care for our seniors. I also think you should not be playing politics with an issue as important, as crucial, as balancing our budget in 7 years.

Mr. Speaker, I ran on a campaign that says you must balance the budget in 7 years, and there was a very, very high degree of frustration amongst the voters in my district because they heard about Gramm-Rudman, they heard about the budget deal of 1987, they heard about the budget deal of 1990, and the tax increase of 1990 and how that was going to balance our budget, and then they heard again about the 1993 program, how this was finally going to do it.

Here we go again in 1995. We have got $200—$180 billion deficit, and the budget that the President presented to us scored by the CBO, an agency that the President himself said is the group that should be scoring the budgets, says that his budget is going to be in debt, show deficits $200 billion a year out of 5 to 7 years into the plan. He finally produced a slightly better budget that was only going to have a deficit of about $100–120 billion a year.

Now what we are saying, what the Republican freshmen are saying, is enough is enough, no more smoke and mirrors. We want a budget that is going to balance in 7 years.

Now there are a lot of people getting up here and saying, "Oh, we need to do a continuing resolution and get the Government open." I have got a lot of Government workers in my district. I have got Kennedy Space Center. I have got engineers who are furloughed, and guess what, my colleagues on that side of the aisle? They call me up, and they send me letters, and they say, "Don't give in. I know I'm laid off, I know I'm not working, but you have got to balance the budget. We cannot continue to run these deficits." Mr. Speaker, they tell me it is immoral, they want me to hang tough, they do not want me to cave in. They want the budget balanced, and they want the budget balanced in 7 years.

Indeed I got a phone call yesterday from a Democrat who told me that everything we are doing is right. He said, "Don't give in."

Now I am not going to vote for another CR. We signed a CR 3 or 4 weeks ago, and what happened? That gave the President the chance to waffle for 3 or 4 weeks and the AFL–CIO 3 to 4 weeks to run million-dollar-a-day ads trying to get us not to balance the budget.

I will tell you what I think we need to do. Half of your conference over there agrees we need to balance the budget in 7 years, and what I say is the President will not come around, let us forget about the President, let us sit down with the conservative side of the Democratic Caucus with us and come to terms on a 7-year balanced budget so we can do a veto override, and we can reopen the Government, and we can all go home for Christmas.

But I bought a Christmas tree, and I brought my wife and daughter up here, and I am willing to stay as long as it takes.

## THIS IS A HOSTAGE SITUATION

The SPEAKER pro tempore (Mr. WHITE). Under a previous order of the House, the gentleman from Florida [Mr. PETERSON] is recognized for 5 minutes.

Mr. PETERSON of Florida. Mr. Speaker, this is a hostage situation. I know from which I speak. I was a hostage of the Vietnamese Government for six Christmases. I knew what was going on at that time. As a hostage in Vietnam I knew what my options were. I really had a feel of the paralysis of the circumstance, and I could live with that. I was a volunteer, just like so many of our brave men and women that are in Bosnia right now are volunteers to serve their Nation, and I would take my hit. I did not have any problem with that. But what we have here is a nation, an entire nation, every citizen of the United States, being held hostage to the radical extremist portion of the Republican Caucus conference.

Now maybe they can justify that. Maybe that is OK. Maybe they are OK out there writing the new Dickens Christmas Schrooge Carol based on new circumstances, modern circumstances. Maybe in fact they all wish to be the Christmas Scrooge because they are holding not only the Federal employees who have been furloughed, they are holding this entire country hostage to an ideology that the country is not buying into.

The United States citizenry is not extreme, they are not radicals. They are God-fearing, compassionate, logically thinking people, and they cannot understand why it is that we as a House of Representatives cannot sit down and agree to disagree; first of all, to get down to some negotiations, but then to get to the point of compromise, yes, compromise, the word "compromise" which has been for whatever reason essentially destroyed in its definition. In fact we are using the term "compromise" in its worst categorization, which would be to suggest to compromise one's values.

We are ultimately going to have to compromise, my colleagues. We are ultimately going to have to do the people's business. We are ultimately going to have to answer to the mainstream of America as we deal with this budget issue.

Extremist, radical ideas are not America's ideas. There will be a price to pay if the radical elements continue, and that price will be paid at the ballot box next November because that is how it works here.

The question is who, in fact, is in charge? Who is in charge? Who is leading here in this national government? We have lost our leadership. Clearly the Republican side has lost its leadership because they have failed to keep the motors of government working, which is their contract with America as a majority. It is their contract to keep the offices of the government running. They have purposefully shut them down, and they have done so, in fact I believe, with malice. We need to move on.

## THE BLAME GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, today I listened to the President in his news conference, and he was talking about essentially in the same way and with the same terms as the previous speaker about extreme freshmen, 73 individuals that are holding up the Government, and you know it is the same old story: the blame game.

By the way, I remember a President by the name of John F. Kennedy, and I remember when the Bay of Pigs tragedy happened, and President Kennedy stood up and said, "I take the blame, the buck stops here." But what I heard from President Clinton today was that it is the freshmen that are causing this problem, those extremists.

It reminded me not too long ago when we had the tragedy in Waco. The President said, "It is not my fault," and the Attorney General had to take the blame.

He is never to blame. It is never his fault.

He has offered four budgets that do not keep his word with CBO scoring, but it is not his fault. There were three bills on his desk that he could have signed that would have got the Government up and running again, Commerce, Interior, and VA–HUD, that would have put the people back to work, but he vetoed them, and he blames the freshmen.

Mr. Speaker, let us talk about those extreme freshmen just for a minute. What is extreme, and I asked this the other day, what is extreme about wanting a balanced budget in 7 years? Seven years, not tomorrow, not next year, not 2 years from now, but 7 years. A glidepath for 7 years that is going to actually spend basically $3 billion more than what we are spending now. There are no cuts. We are going to be spending more money. As I said, a glidepath toward a balanced budget that will provide a future for our children and our grandchildren, that will not allow this country to go bankrupt. What is extreme about that? Trying to save the economic viability of this country.

Medicare. The President said we are extremists, that we are going to cut, slash, kill Medicare. There is only a 2-percent difference between the Republican plan and the President's plan. Basically $138 difference over a year period of time in the year 2002 on what would be spent per individual.

What are we talking about here when we are talking about extremists and radicals? Individuals that want to save Medicare for their mothers and fathers. My mother and father are 78 years old. I want to save Medicare.

□ 1800

Why would I do anything to hurt the most precious people that I know? I do not know when this rhetoric is going to stop, but it is time that we get serious about balancing the budget. It is time we do have serious negotiations, but the President is not willing. He is the one that is not willing. He is the one that broke it off last night. He is the one that said, in one instance through the Vice President, that, "Well, we cannot go specifically by the CBO. We have to have other numbers in there." Then he comes back later and he said, "That was not what we meant. We are willing to go by CBO scores now."

What are we dealing with here? Mr. President, Mr. Speaker, I wish the President would just come forth, put a budget on the table that would provide for a balanced budget in 7 years and that would allow the CBO to score it to see if the numbers are right. I think we would be willing to then look at, what is he talking about, Medicare and taxes? We are willing to look.

## WE CANNOT FORGET THE POOR IN OUR NATION IN ORDER TO MAKE THE WEALTHY WEALTHIER

The SPEAKER pro tempore (Mr. WHITE). Under a previous order of the House, the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have listened with interest. I, too, am tired with the rhetoric. No matter which way you put it, there are real people out there being affected. I am from a regional city with many, many, many Federal employees. I, too, have gotten messages: Stick with the President.

I am from a city and a district that has one of the most well-known medical schools, one of the most well-known dental schools. A medical school that has four Nobel Prize winners there now in my district. None of them are for these cuts. All of them understand that when we put the bottom line to it, there are a few more dollars being added. So no, there is not a cut as such; but what we have forgotten to be honest with the people about, there are a million more people going into the system to share these dollars. When you put that many more people into a system, those dollars will not spread broadly enough.

When these dollars do not spread, the individuals see it as a cut because the services are simply not there. We can call it whatever we want to call it, but when the services are not there, the choices are not there, and people are having to pay more out of their pockets. When offsprings of these senior citizens are having to pick up the tab, when spouses are having to give up their job security and their homes to pay bills, they see it as a cut. We can count the dollars, whatever we want to do, it is a cut for the people. They feel it. They know it when they feel it.

Mr. Speaker, we are doing this just the opposite than what America has promised. We are punishing the poor and the most vulnerable to help the rich. That is not the way it has been intended. You can say that we are giving a tax break to persons making $75,000 a year, but when you are taking away from those who are making $25,000 or less, that is punishment of the most vulnerable population. When we take away Head Start, when we take away education funds, we are doing just the opposite of what our society needs to cope with tomorrow. Any way you look at it, that is hurting all of us, because we hurt our future.

Every nation that is doing better economically has a history of investing in their human resources. That is their people. We are refusing to do that. We are in the shape of a Third World nation, but it is OK if you are rich. It is the poor, the disabled, the elderly, that are being affected, and our children, which is this Nation's future.

Anyone who thinks the rich children are safe while we let poor children wander around in the wilderness of poverty, hunger, and the lack of education is in a different world than reality. Every child's future is at stake, not just the wealthy. We can get up here and talk all we want to talk about saving the future for our children, taking away the price tag. Let me assure you, when we remove food, when we remove shelter, when we subject the poorest children to water that is not safe, food that is not safe, and continue to dump in the neighborhoods where air is not safe, do not think we are not going to pick up the tab. We are going to pick it up through hospital bills, we will pick it up through prisons, but we have the responsibility and we will pick it up somehow.

We simply cannot forget the poor in our Nation just to keep making the wealthy wealthier. It does not work. It does not work, no matter what gender, no matter what color, no matter what the origin of birth. It does not work for any of us.

It is time for all of us to come to the table, forget the rhetoric, forget we are going to do just a revolution for the sake of revolution. We have to think about human beings. These are human beings we are affecting. These are living, breathing people. I say to you, it is time, it is time for us for give attention to the most vulnerable.

## PASSING A CONTINUING RESOLUTION WOULD LET PEOPLE HAVE A MERRY CHRISTMAS AND A HAPPY NEW YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. HEFNER] is recognized for 5 minutes.

Mr. HEFNER. Mr. Speaker, I would like to maybe digress here. I wish some of the speakers who have spoken earlier were here. I have been around here for quite some time, and some people have a tendency to kind of rewrite history here.

The people that continually come to this well, and the good gentleman from Florida who practiced medicine in Florida, he said he was so concerned about his parents, and I feel sure he is, and is glad he still has his parents with him. Some of us do not have that privilege. But their rhetoric does not match up with the record of the Republican Party.

I remember back early on when Ronald Reagan first came to office, the first budget David Stockman sent to this House called for the $125 cut for the oldest, neediest senior citizens in this country, to cut out the $125 for these senior citizens. I can also remember, and I look at the RECORD back when Medicare was established, and it got no support. In fact, the majority leader in the Senate said he fought, he fought very, very hard to try to see that Medicare would never become a reality. Social Security was not supported by the Republican Party. Certainly Medicaid was not supported by the Republican Party.

The folks say to me, they say, "We are going to give senior citizens a bigger choice. We are going to let you do, and you are going to get an insurance policy. We are going to give you some choice." One of the things that they crucified Hillary Clinton and President Clinton for was to try to get people to move into HMO's and these areas. I can just imagine if I go to Prudential or some carrier that carrier health insurance and I say, "I want to get some insurance," and they say, "How old are you?" I say, "I am 66 years old. I have had open heart surgery. I have heart disease. It will get progressively worse." "Well, I'm sorry about that, but we cannot handle you," and the anxiety that it gives to our senior citizens.

One of the gentlemen mentioned it is only like $100 or $150 a year. That does not sound like much to a Member of Congress here, but I have people who come into my district offices in North

Carolina every day, senior citizens living on fixed incomes that have to make a determination whether they are going to pay their monthly bills or whether they are going to get a prescription filled. It is not just the Medicare and the Medicaid that is so wrong with the budget that the Republicans have passed. It goes to other areas. Unless they have taken it out recently, you have the spousal impoverishment that is in the bill. If one of the couple has to go into the nursing home, the existing spouse no longer can protect their property. Their children can be liable for that homestead or what have you. It is just a cruel hoax, this entire bill. It is not just the Medicare and Medicaid portion of it. It is all across. There is a mean spirit through this entire budget.

The gentleman spoke down here and said the President sent up a bill which we voted on the other day which was a total hoax. There was not one day's hearing. They took some quotes out of some statements that had been made months and months ago and put together a bill with not one day's hearings. It did not even go to the Rules Committee, and they brought it here on this floor and try to pan it off. It was a charade, it was a phony bill, it was a phony vote to embarrass the President of the United States.

Mr. Speaker, I would like to get to another point. My grandkids, if you will permit me to be personal, my grandkids are coming here this weekend. They are going to spend Christmas with me. I do not have to leave this town. The gentleman made the remark his kids are coming. He is probably going to fly his wife and kids up from Florida to be here for Christmas. We can stay here for Christman. But there are thousands and thousands of American citizens out there that do not take part in this debate, they had no part in this, and they are going to be absolutely frustrated during the holidays. They are going to be concerned about it.

Let me just remind my colleagues on the other side, they talk about a revolution that took place in November. Let me just remind my colleagues that 60 percent of the American people said, "A pox on both of your parties. We did not vote for any of you." Your Contract With America said when you were going to balance the budget, you did not go far enough and say we are going to balance the budget, but we are going to cut Medicare, Medicaid, we are going to do away with clean water, all these things. Had you added that into the contract, the numbers would have gone down drastically.

Why do we not do a continuing resolution, let people have a merry Christmas and a happy new year, and same to you, Tiny Tim.

## AMERICANS WANT AN HONEST BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. UPTON] is recognized for 5 minutes.

Mr. UPTON. Mr. Speaker, I would like to say a couple of things during this span, as we wait for the rule to come down from the Committee on Rules. On this side we want a balanced budget. I believe a lot of Members on that side want a balanced budget, too. They want it honestly scored, and that means by the Congressional Budget Office. We are tired of smoke and mirrors and phony numbers and the CR that we had last time. A lot of us were optimistic that something was going to happen, and it did not. That is why we are in the situation that we are in today.

Mr. Speaker, I reminded a colleague of mine earlier this afternoon that I was one of those who voted against the Bush budget back in 1990. I remember being down in the White House and meeting with a number of his advisers, and I said then that his assumptions and statistics that he was showing us in 1990 were wrong, because he told us that if that budget passed in 1990, and it did, despite my opposition, that we would have a surplus in 1995 of $65 billion. The OMB was off $225 billion.

We are tired of that. We are tired of trying to hoodwink the American public in terms of making tough decisions, and when the pie is finally taken out of the oven, it is not done. We want it done. The end product every one of us on this side wants and a good number on your side, and I hope including yourself: that pie done in a balanced fashion by the year 2002.

One of the things we are trying to do now is to get the sides together, put them in a room, lock the door, call out for Domino's Pizza on whatever you are going to do, and not let them out until we get a deal.

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

Mr. UPTON. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, just to make two points on the scoring, I do not think the American people are sitting out there having dinner and saying they are talking about a score by OMB rather than CBO. But CBO was off $135 billion. I will agree with you, get some people together that want to balance this budget. I am for balancing this budget. But we are being told they are not going to pass a budget in this House unless it is Democrats that go your way. You say, "You do it our way, or it will be no way," and that is no way to negotiate.

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

Mr. UPTON. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Speaker, I agree with the gentleman about the point, I think there are probably a lot of people out there eating dinner and probably some of them watching C-Span, and I doubt if very few of them understand all the scoring. But I will tell you one thing the American people understand. I think it is reflected in votes that have been made on this floor throughout the year. The fact that we passed a balanced budget amendment with 300 votes, it included a lot of Democrats, and maybe some of the people who are sitting here this evening. We passed a balanced budget resolution with the vast majority of Democrats voting with us.

The reason is that our people who are elected to these jobs, whether they be Republicans or Democrats, know that the American people want a balanced budget. The reason is because of the fact they balance their budget year in and year out, they know how to do it, they look at their ledgers, they see how much money is coming in, and they say, "Why can't you do this in Washington? What is the problem? Why do we have a $5 trillion debt?" Because we have overspent.

So the average person watching television out there, eating dinner, for those people that are, they understand how this works.

Mr. HEFNER. If the gentleman will yield further, Mr. Speaker, I am not disagreeing with him. But it boils down to this: we can have negotiations, but it cannot be "My way or no way."

□ 1815

That is no way to negotiate.

Mr. UPTON. Reclaiming my time, I think that we can reach a bipartisan accord. The vote that we had here 2 nights ago, it passed big time: 7 years, CBO numbers, most of us, again. I think only 40 Members voted against it. I think that there is room for a bipartisan agreement, and there are a number of us that want to do that.

Mr. HEFNER. Mr. Speaker, I do not mean to sound sarcastic, but if we could put together a budget, get to a budget in 7 years scored by CBO, is the gentleman at liberty to deliver some Republican votes if it met with your approval?

Mr. UPTON. I believe so, and I think that is what we all ought to be working here tonight to try and do, and tomorrow night and the next night, until it is done.

Mr. HEFNER. Because we understand and have been told that the only budget we are going to get will be a Republican budget with enough votes over here to override a veto. If we cannot get some support to where we can come as a bipartisan group, we have very serious reservations about it. But I am asking if you and I could sit down as honest brokers.

## LET THE LEADERS LEAD

The SPEAKER pro tempore (Mr. WHITE). Under a previous order of the

House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I rise to come down here on the floor and say that all week I have stayed away from the floor. I felt that there was really nothing that could be said at this point in time, that the American people mostly, those that are fortunate enough to be with their families and about to enjoy a holiday with shopping and getting ready for Christmas and trying to have a family occasion where there could be happiness and good cheer, that they probably thought that we in Washington, Members of the House of Representatives and the Senate, that we could not get our job done.

They pay us well, they send us to Washington to represent them, and they would like us to carry out our duties. Yet we hear this more or less "blame game." I do not think that is going on in the country. I think they are saying, all of us are not doing our job.

I reached a point of frustration this afternoon, listening to the conversation on the floor, because things get mixed, what is happening here. We have appropriation bills that are passed on this floor and on the floor of the Senate that go to the President and are signed, and those bills fund, through taxpayers' money, the various agencies of the U.S. Government. Six of these bills have not been finished.

That has happened in other years, and then we have what is called a continuing resolution. It comes to both floors and is passed, and then the problems within the different bills are hammered out and worked out, and then eventually we have an appropriations bill. Of course, that is not what happened 2 weeks ago and that is not what is happening now.

The continuing resolution does not pass and, therefore, those agencies stop, and the result is that 200,000 people cannot go to work.

I do not understand it. This is not the budget. The budget is another whole process. The budget, there are a lot of differences, differences about values, differences about priorities, differences about the budget of the United States of America and about the size of the Federal Government. That is all in the budget.

But the continuing resolution is different, and I do not see why we hold the continuing resolution hostage to the budget.

We as Members of Congress are fortunate. We have an office down here and at home. In that office, I think each and every one of us works very hard on casework, and yet we are saying to 200,000 Federal workers, we are not letting you go to work. I just think that goes against everything I have ever worked for.

We are saying to people who want to go to work at the Smithsonian and other museums and our art galleries, at our monuments that we are so proud of, at our parks that are so beautiful, no, you cannot go. Yet, as Members of Congress, we work very hard so that people who want to come to Washington can get their tickets, can go to the Washington Monument and the Mint, yet we have closed all of these. It is beyond me.

So I would just like to say tonight, can we not pass a continuing resolution, open up the Government to the people who pay for it, the citizens of the United States of America, and not hold it hostage to the budget of the Federal Government which has different philosophical thinking and priorities. I just do not understand why we do not respect our Federal worker more.

Some of us have traveled in other countries; we have read about other countries, we have dealt with other countries, and we know that their federal governments, their government workers are not respected to the extent they should be because they have not been treated correctly. They work at a lower rate of pay, they do not get the respect that they deserve over the years, and as a result, they do not function like our Federal Government has always functioned and its workers.

Our workers are proud of what they do, they go to work in the morning, they do a full day's work, they go home at night, they are with their families and they are very, very good citizens. They should not be put in the vise of this budget resolution.

Tomorrow we should have a continuing resolution on this floor and on the Senate floor, and our Government should go on.

Then I hear people saying, well, what is happening about the budget; and it is said, you know, that there is a group that does not want the budget, the new freshman class, they are saying, no, you cannot have this particular budget unless it has what we want in it. You cannot do it that way.

First I heard a young man down here talking tonight and he was talking about the President of the United States, the President, another President, a former President saying, "The buck stops here." We did have a former President that said that. But they are not letting the buck stop here with this President.

Yesterday we had the President of the Senate, Mr. DOLE, and the speaker of the House, Mr. GINGRICH, go to the White House. All of the television cameras were on, and the two gentleman walked in and sat down with the President and they began some discussion; they came out, and it looked like we were going to have some progress, and we all felt so good.

Yet today we hear that, no, the 73 freshmen are not exactly satisfied with what happened there.

Well, you cannot have it both ways. You cannot have it: "The buck stops here," and the: "We want to all be involved." The negotiations, any negotiations, breaking it down to a smaller group with only the leaders. In Dayton, they sent the Presidents of those countries and they sat down at the table and they figured out what was going on. They could not bring all of the countries with them.

So what I am saying is why do we not all step out of the way and decide what is happening and come back and vote on it. Let us let the leaders lead.

## PRESIDENT SHOULD GET SERIOUS ABOUT BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CHRYSLER] is recognized for 5 minutes.

Mr. CHRYSLER. Mr. Speaker, 31 days ago, President Clinton committed to balancing the budget in a signed contract with Congress that stated: "The President and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office * * *." Since that time, however, it has become more apparent that this President has no intention of living up to the agreement.

Last October, the 104th Congress passed a balanced budget, one that finally reforms the Nation's welfare system, provides pro-family and pro-jobs tax relief, and saves Medicare from bankruptcy. For 26 years our Federal Government has continued deficit spending, crippling the Nation with a national debt of nearly $5 trillion and jeopardizing the future prosperity of our Nation. This is our last, best hope to do the right thing for the future of our children and grandchildren.

The President claimed he could not agree to our budget and used his Constitutional authority to veto it. This is his right, but in exercising his power to veto he has a moral obligation to present the American people with an honest alternative.

After 4 weeks we are still waiting for him to present us with a budget that balances in accordance with the terms agreed to last month.

Instead of a comprehensive budget proposal, we have received press releases and rhetoric. Instead of negotiating in good faith to seek an agreeable compromise, the President and his allies produced and aired commercials bashing our proposal even before sitting down at the negotiating table. The President talks about compromise but in reality has only engaged in confrontation and demagoguery.

Last Friday, President Clinton submitted yet another budget that comes no where close to balance in 7 years according to the honest, nonpartisan

CBO. In 2002, when our budget would produce a surplus, his plan remains at least $75 billion short. This is the same "we'll get to it someday" mentality that has overshadowed this issue for decades and left us in the current deficit mess we have today.

When put to a vote before this House, the President's budget did not get one single vote—not one Republican vote, not one Democratic vote.

The day before the vote on the President's budget, the House voted overwhelmingly, by a vote of 351 to 40, to reaffirm our commitment to a 7-year balanced budget as determined by the Congressional Budget Office signed by December 31, 1995.

Taken together, that should be a clear signal to the President to get serious about a balanced budget.

Today, however, we get another sign that the President still has not gotten serious. Today the President once again broke his word and broke off negotiations, continuing the partial shutdown of the Federal Government.

I, for one, will not support another continuing resolution until the President lives up to the agreement he made law.

In 1992, President Clinton campaigned on a balanced budget, ending welfare as we know it, and providing tax relief for America's middle class working families—our proposal simply follows through on what this President could not. We have kept our word to the American people and attempted to negotiate in good faith for an agreement both sides could live with. Has the President? Strip away the rhetoric and there is little evidence he truly wants a balanced budget.

## NO LINKAGE BETWEEN CR AND BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, my colleagues, let us make no mistake about this. It is the Republicans who are shutting down the Government. Clearly and simply, the Republicans, by refusing to vote for a continuing resolution to keep the Government open, are shutting down the Government. They have the majority of votes here and in the Senate, they could easily keep the Government open by voting for a clean continuing resolution with no strings attached, no blackmail attached, and the Government would open and 250,000 Federal workers would go back to work, and then we could negotiate a budget.

But no, they will not do that, because they are trying to link the two issues together; they are saying they will vote for no continuing resolution until there is a 7-year balanced budget.

Now, I want everybody to understand that there is no linkage to keeping the Government open with a continuing resolution and a balanced budget. The Republicans are the ones who are linking it. The reason we are in trouble in the first place is because they did not do their job.

October 1, 1995 was the start of the new fiscal year, and there are 13 appropriations bills which the Republicans were supposed to have sent to the President of the United States, and by that time they had sent only 3. So it is their fault that the Government could not continue and that the Government had to shut down; and the only way you can keep the Government open under those circumstances, when the majority party does not do its job by sending the appropriations bills to the President, is by passing a continuing resolution. They are refusing to do that.

All of this talk and rhetoric about balancing the budget in 7 years is a separate issue from the continuing resolution and from the Government shutdown. The President of the United States has said, and rightfully so, that he will not be blackmailed into accepting the Republican mean-spirited and extreme agenda.

Yes, the majority of Americans want to see a balanced budget, but when you ask the majority of Americans, do you want to see a balanced budget at the expense of Medicare and Medicaid, if it means devastating Medicare and Medicaid, the American people overwhelmingly say no. Well, on the Democratic side of the aisle we say that Medicare and Medicaid and education and the environment and helping working people and not giving a tax break for the rich are Democratic priorities.

□ 1830

While the President did agree 31 days ago to have a 7-year balanced budget, CBO-scored, the Republicans also agreed to protect the Democratic priorities of Medicare, Medicaid, education, the environment, and student loans.

It seems to me that the President, by accepting the concept of a 7-year balanced budget, CBO-scored, has done more to compromise with what the Republicans want to see than the Republicans are doing to compromise with the Democrats. Instead, we get this mean-spirited, extreme attitude, "We're going to shut the Government down if we don't get our way."

NEWT GINGRICH came to the Republican Conference this morning attempting to compromise, apparently, and he was told, "No, we are not going to have a continuing resolution, we're going to shut the Government down." This from the party that talks about family values. A quarter of a million American workers before Christmas are thrown out of work, and they talk about family values.

Congress is going to be in session next week, so we cannot be with our families. They talk about family values. Now, I do not mind Congress being in session if we are actually doing something, but we have been sitting around here all day long today and yesterday while the Republicans are caucusing and not getting anything done, not doing the people's work, arguing, quibbling, passing ridiculous, irrelevant resolutions instead of passing the continuing resolution to get Government open again.

That is the truth. So do not talk to me about family values, do not talk to me about balanced budgets, when you are the ones that are not allowing compromises to be made.

We talk about health care, whether it is a cut in Medicare or just a lessening of an increase, the bottom line is senior citizens in my district and in everybody's districts are on Medicare and Medicaid. The health care coverage is inadequate now. They do not have enough money now to buy medicine.

But let us look at the health care that seniors are getting now in 1995, and what kind of health care will they be getting in 2002 under the Republican plan? The answer is seniors will be paying more and getting less. They will not have the choice. They will be thrown into HMO's. They will not have a choice.

So let us stop the nonsense, let us pass the continuing resolution, let us open up Government again, and then let us negotiate on a balanced budget. One issue has nothing to do with the other.

## BOTTOM LINE IN BUDGET BATTLE

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I would like to respond to my colleague and say to him that this is about everything that is important. I have waited 8 years to see my Government finally balance its budget and get its financial house in order, and that is what we are attempting to do.

We are attempting to do three basic things. Get our financial house in order, balance our Federal budget, is one. The second issue is to save our trust funds, particularly Medicare, from bankruptcy. It starts to become insolvent next year and becomes literally bankrupt in 7 years. The third thing we intend to do and are working very hard to, is to change both the social and corporate welfare state into a caring opportunity society.

That is our objective. I know my colleague feels very heated about this issue, but it is really a distortion to talk about cuts to education when education loans are going to go from $24 to $36 billion. That is a 50-percent increase in education loans.

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

Mr. SHAYS. If I could just make some points first. Then if I have some time, I would be glad to.

Again, let me say that we intend to have this go from $24 to $36 billion. Only in Washington when you spend 50 percent more on student loans do people call it a cut.

Our Medicaid number is going to go from $89 to $127 billion. Again, only in Washington when you spend so much more do people call it a cut.

We are increasing the school lunch program. We are increasing the student loan program. We are increasing Medicare, we are increasing Medicaid.

We are absolutely determined, and this is not something which one part of our party feels strongly about, we, this Republican Conference, have been working all year long to balance our Federal budget. That is what we are going to do. We are going to get our financial house in order.

It is just amazing to me that we have had such a struggle throughout the year.

Ms. BROWN of Florida. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. No. I will not yield yet. I will be happy to yield later if I have time. I only have 5 minutes.

I do want to make the point and I think it is very important to be made. We are not saying that it has to be the Republican balanced budget. We do not even come close to saying that.

Yes, we would like to see tax cuts, if it is going to be extended over 7 years. I would be happy to give up any tax cut if we balance the budget in 5 years, but if it is going to take 7 years, I cannot understand why we cannot balance the budget in 7 years with a tax cut. Balance it in 4 or 5 years without a tax cut, it makes sense.

It does not have to be our spending priorities on discretionary spending. Obviously the President and this Congress, Democrats and Republicans, have to weigh in. It is just wrong, in my judgment, for anyone on that side of the aisle to suggest that it has to be our budget. No, it does not. It just has to be balanced in 7 years using the nonpartisan numbers of the CBO.

I would be happy to yield to the gentleman from New York.

Mr. ENGEL. Mr. Speaker, I just want to say to my good friend from Connecticut, when he spoke about taking care of Medicare and not letting Medicare go bankrupt, the actuaries said that it would take $89 billion to ensure that Medicare would not go bankrupt. Why then under the Republican plan are there $270 billion worth of cuts?

Mr. SHAYS. Reclaiming my time, the gentleman needs to recognize that we need to make it solvent for many more years, and we want to bring it up to the year 2010, 2011, which is the start of the baby boomers. Your plan brings it to solvency for a few more years but does not get it up to the year 2010, which is our objective. We want to balance our Federal budget, we want to save Medicare, and we want it to be solvent to the year 2010.

I would be happy to yield to my colleague.

Ms. BROWN of Florida. Mr. Speaker, I have a question on the shutdown. You and I had a lengthy discussion yesterday. I raised the issue to you that this shutdown is costing the American people over $800 million. You indicated to me that you all felt that this was the only way you could get the attention of the President of the United States. So the purpose of this shutdown has nothing to do with the balanced budget but with trying to get the President's attention.

Mr. SHAYS. Mr. Speaker, reclaiming my time, and I plead this not be used against my time. It is very simple to respond. I wish that 10 years ago this Congress had shut down the Government and balanced our Federal budget, and we would not be in the mess we are in today. Our big regret on this side of the aisle is that we gave the President 30 days to come forward with a balanced budget and he chose not to. That is the bottom line to this issue.

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

Mr. SHAYS. I am happy just to continue with the time that I have left.

The bottom line to this issue, Mr. Speaker, is that we need to get our budget balanced. We would like to do it in less than 7 years. We are determined to save Medicare in particular.

Mr. Speaker, we are determined to balance our budget, get our financial house in order, and save our trust funds.

## THE DEMOCRATIC RESPONSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. WYNN] is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, over the last few days we have been having a momentous debate on this floor and in this country. We have been debating the balanced budget, not whether to have a balanced budget but how to have it. What are the proper priorities?

A lot of people come to me and say, "Why are you guys going back and forth on this?" I tell them, no, it is a good debate, we ought to have this debate. But the question tonight becomes, why do we have to shut down the Government in order to have this debate?

As a point of fact, I believe in a balanced budget, a 7-year balanced budget with CBO estimates. That is not the problem. The question before us tonight is why are we shutting down the Government, why are we putting millions of Federal employees out of work, why are we then paying them not to work on the eve of Christmas?

That is the issue before us tonight.

Well, I will tell you why. The reason why we are shutting down Government is because the Republicans cannot get their budget. Not because they cannot have this debate but because they cannot have their way.

You see we were making progress. The President and the Republican leadership and the Democratic leadership were making good progress and they said, since we are making this progress, why do we not pass a continuing resolution to keep the Government up and running?

The gentleman from Georgia [Mr. GINGRICH] took this issue back to his Republican colleagues and the radical freshman Republicans said, "No, it's our way or no way." So instead of having a reasonable compromise, a continuing resolution while this debate continues, we have shut down the Government.

I was particularly irritated when I heard one of our smug freshman colleagues comment that, "Well, I've got my Christmas tree and I'm bringing my family up, so I really don't care."

Well, I think that speaks for itself, but it is certainly a sad statement.

Mr. LEWIS of Kentucky. Mr. Speaker, will the gentleman yield for a second?

Mr. WYNN. I would be happy to yield in just a minute.

Let us talk about the merits of this issue. Let us talk about their notion of a balanced budget. First of all they cut $270 billion out of Medicare. Now, a gentleman got up a little earlier on the Republican side and said, "Oh, no, this isn't a cut. We're just slowing the increase."

Let me tell you, ladies and gentlemen, try this on the Defense Department. Take $270 billion out of a Defense Department budget that is below projected needs and then tell them that is not a cut. I do not think it would fly.

We all know this is a cut. It is a significant cut. It means that by the year 2002 seniors will be paying on average $138 more per year just in additional premiums, not to mention the loss of choice of their doctors.

They say, "Well, that's not all that significant." Keep in mind these same seniors only average about $25,000 or less in annual income. So the Medicare question is significant. We do not need the big cut in Medicare. As was indicated, the actuaries say we only need to cut about $89 or $90 billion and we could solve the solvency problem.

Then we go to Medicaid, and in their budget they want to cut 8 million people off the rolls by the year 2002. They want to eliminate the guarantees that we have for the sick, the elderly, the poor, the blind, and the disabled. They want to take 3.8 million children off the Medicaid rolls and deny them the safety net guarantee that we have now.

We have a problem with that. We do not think it is necessary. The reason it is not necessary is because they have hidden in their budget a little poison pill in the form of a $245 billion tax break for the wealthy.

You cannot see this chart out there in America but I will tell you what it says. It says that about half of the tax breaks, half of the $245 billion, go to people making over $100,000 a year. I do not see any reason why we in this Congress ought to be giving a tax break to people making over $100,000 a year. But apparently they do. That is why we are having this problem.

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

Mr. WYNN. I would be happy to yield to my colleague from North Carolina.

Mr. HEFNER. I want to ask you a question, because I heard you say that you believe in doing the CBO scoring. Is that right?

Mr. WYNN. Absolutely.

Mr. HEFNER. Let me ask you this and see if it makes sense. You are going to have a $245 billion tax cut, basically going to the wealthiest people in the country. Unless they get the $270 billion reduction in Medicare, and it gets scored that way, you cannot have the $245 billion tax cut. Does that make sense?

Mr. WYNN. That makes sense to me.

Mr. HEFNER. Is that not the way the scoring works?

Mr. WYNN. That is the way the scoring works.

Mr. HEFNER. Unless you get the cuts in Medicare, you cannot have the $245 billion tax cut?

Mr. WYNN. That is right.

Mr. HEFNER. And that ain't fair in any State in this country.

Mr. WYNN. Absolutely. That is why they want to do it, so they can deliver this big tax break to people making over $100,000 a year.

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

Mr. WYNN. In just a minute.

That does not make any sense. They come down and they say, give us honest figures, give us 7 years.

Gentlemen, I will make you a deal. We will give you honest figures and 7 years. You get rid of the tax break for the wealthy, and I think we can work this out.

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

Mr. WYNN. In just a minute.

The gentleman said, why do we not put all these people in a room, order pizzas and all that. Maybe we could do that, but you do not need to shut down the Government. You have got Scrooge and the Grinch that stole Christmas. Add to that list the Republican freshmen.

## REPUBLICAN REBUTTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, I am going to yield my time in just a moment, but I do want to respond to the previous speaker.

We repeatedly hear this demagoguery that there are tax cuts for the wealthy, and repeatedly during his comments when I asked an opportunity to enter into a colloquy, we heard that these tax benefits are for people making over $100,000 per year.

Well, I have had a lot to do with that $500 per child tax credit. It is something that I have worked on from day one when I entered this Congress, something I totally believe in, because the American family is overtaxed, squeezed to the limit.

For the family making $30,000 a year, I say to the gentleman, to the family making $30,000 a year with two children, they will see their Federal tax liability cut in half. That is not a tax break for the wealthy.

Mr. WYNN. Mr. Speaker, would the gentleman yield on that specific point?

Mr. HUTCHINSON. No, sir, I believe I have the time and since you would not yield to me, I would like to complete my statement.

The family making $30,000 a year with two children will see their Federal tax liability cut in half. That is a tax break to the wealthy? That family with $30,000 income and two children? I suggest to you no. They are not wealthy at all.

□ 1845

Mr. Speaker, they are the very people who most need tax relief. For that couple with two children making $25,000 a year, they will see their entire Federal tax liability eliminated. I suggest to you that there are millions and millions of families out there right now who are desiring this tax relief to become a reality. In fact, I was on a radio talk show this morning, one call after another saying, please, do not let the liberals back you down on family tax relief. They need it. We need it. America needs it.

I yield to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, what is so distressing to me is the fact that the numbers are just being misstated politically. I saw Leon Panetta this weekend say that the majority of the tax cuts that go to the families were for wealthy Americans.

The fact of the matter is, CBO has scored it that 89 percent, 89 percent of these tax cuts go to families making $75,000 or less. What frightens me about this is that this is the liberal view, I guess, and the President's view of what now constitutes a rich person in America, a family with three or four people now making $75,000 or less is, according to Leon Panetta on This Week with David Brinkley, is now a rich person in America. That is a truly sad view of America.

Mr. SHAYS. Mr. Speaker, if the gentleman will continue to yield, I would like to point out that the $500 tax credit applies to a single person whose income is less than $75,000. Only then would her child be given a $500 tax credit and a married couple of 110. It is income sensitive to those families at that number and below.

I want to reiterate the fact that we have tax cuts in our 7-year plan. We actually eliminate some programs. We slow the growth of other programs. We take entitlements and we definitely slow the growth of entitlements. But with Medicare, Medicare was to grow at 10 or 11 percent. We did what Hillary Rodham Clinton suggested, that we get the growth of Medicare down to 6 to 7 percent. In fact it is actually 7.2 percent. It is .2 percent higher than the First Lady suggested it should be.

So what we are trying to do is slow the growth of certain programs. But if our colleagues on the other side of the aisle and the President do not agree to that, it is a concept of opportunity cost. If you do not slow the growth of one program, where are you going to slow the growth of another program ultimately to balance the budget in 7 years?

So I would just say it is just a misrepresentation of the fact if someone suggests that we are saying they have to agree to our budget. The President does not have to agree to our budget. He has to, for the first time, submit a balanced budget. If I had my wallet in my hand, I would take it out and I would offer it to my colleagues on the other side if they could show me a budget from the President of the United States that is balanced in 7 years using the Congressional Budget Office numbers. It simply has not been done.

In fact, when the President submitted his last budget we put it up for a vote and only a very few Members on either side of the aisle supported it. What we are asking is a balanced budget in 7 years, scored by the Congressional Budget Office. It does not have to be our budget. It can be their tax cuts, with or without.

Mr. SCARBOROUGH. If the gentleman will continue to yield, this is an important point. Even though we believe that that is important to us, we will put that on the table. We will put everything on the table. All we want is a balanced budget for future generations. If we have to take up certain tax cuts next year, fine. I just want to see the President of the United States say that my children and future generations are important enough that the Federal Government finally spends only as much money as they take in. Everything is on the table but negotiating our children's future. We must balance the budget.

MEDICARE AND MEDICAID

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I yield to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, let us get straight on these tax figures. The gentleman talks about the people who make $30,000. They only get 13 percent of the total tax break. We could balance this budget and have a deal. Cut out the tax breaks for the wealthy. Just give it to the folks that make $30,000. They are only getting 13 percent. The rich, over $100,000, are getting almost half, almost 50 percent of the tax breaks.

In addition, they repeal the family tax credit so they are actually increasing the taxes on the middle class and working poor. They also give another windfall to the rich because they eliminate the alternative minimum tax. What does that mean? That means $17 billion to the richest corporations in America. That is the truth about the so-called tax breaks.

Mrs. MALONEY. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I want to say to the gentleman from Connecticut, he talks about demagoguery, there was a little bit of demagoguery that took place on this floor yesterday when they offered up the sham on the President's budget that had not been scored. It had not been brought here by the President. The President did not request it. It did not go to the Committee on Rules. It had not one day of hearing, not reported out of any committee. There were no comments on it. The gentleman from Connecticut [Mr. SHAYS] has been around here a long time. He knows that was a sham to embarrass the President of the United States, and we are better than that.

I could not let him get away with saying that all those Members voted against the President's budget, because it was a sham and it was a disgrace to the most deliberative body in this country.

Mrs. MALONEY. Mr. Speaker, the American people do not just want a balanced budget.

They want a balanced balanced budget.

And the Republican budget—which the President is rightfully resisting—is an unbalanced balanced budget.

The Republican budget is unfairly balanced on the backs of seniors on Medicare.

It is unfairly balanced on the backs of the poor, the disabled and middle class families whose parents benefit from Medicaid.

It is unfairly balanced on the backs of the children of our public schools and students with student loans.

The Republican budget is a load off the backs of corporate welfare recipients, defense contractors, polluters, and all the other Republican special interest groups.

No issue more clearly divides Democrats and Republicans than Medicare and Medicaid reform.

The proposal to block grant Medicaid takes away the guarantee that poor people will receive health care.

At this time in history—when the gap between rich and poor is wider than ever—that is inexcusable.

The block grant proposal is predicated on a blind-faith fantasy, that States will come up with a magic formula, to do much more in health care for the poor with much less money.

If there are any such miracle cures to health care in New York State, I've certainly never heard of them.

And neither has anyone else in the New York hospital system.

What's more, this block grant proposal has no flexibility.

It will be most effective in providing health care for the poor during good economic times, and least effective in recessions, when America needs Medicaid most.

That stands the very purpose of Medicaid on its head.

The Republican Medicare plan is just as reckless, and just as cruel.

Cutting $270 billion out of a program that needs a $90 billion cut to remain solvent—and is so important to so many seniors—is outrageous.

Just as this proposal will hurt Medicaid and Medicare clients/it will also devastate Medicaid and Medicare providers.

Estimates vary, but it is clear that if the Republican plans are enacted, New York State will lose between $40 and $50 billion dollars.

That would endanger the very survival of literally every public hospital in New York City.

Two provisions are of particular concern to the city and State of New York under the Republican Medicare proposal.

They are programs which took decades to evolve and refine.

If they are gutted by these senseless cuts, these programs will be virtually impossible to reconstruct.

The proposal to cut formulas for Medicare graduate medical education and disproportionate share payments would devastate New York's hospitals.

Fifteen percent of all medical residents in the America are educated in New York metropolitan area hospitals.

New York City's hospitals also serve an unusually high proportion of special needs patients: the elderly, the disabled, the chronically ill, and the poor.

Overall Medicare payment rates determine indirect Medical education and disproportionate share payments.

If those payments are reduced because of smaller inflation adjustments, New York's hospitals would be hit with a double whammy.

Graduate Medical Education would be further devastated by new restrictions on training international residents, who comprise 45 percent of all residents.

What country a resident comes from is unimportant as long as he or she is saving American lives.

New York's world-renowned hospital system is struggling to stay afloat TODAY.

These cuts are far in excess of what that system can absorb without catastrophic consequences.

Medicaid cuts will especially hurt New York nursing homes and other long-term care providers, who rely on Medicaid for 90 percent of all payments.

That will trickle down to middle class families, who could be bankrupted by simply giving their parents quality care in their old age.

Mr. Speaker, it comes down to this.

New York State, with 7 percent of the population, would absorb 11 percent of the cuts in Medicare and Medicaid.

New York City, with 2.9 percent of the population, would absorb 6.5 percent of these cuts.

These numbers don't just represent dollars.

These numbers represent lives.

Thousands of lives lost, ruined or needlessly compromised.

There are numbers in this budget that we can cut which will NOT represent lives.

It's time to spare these critically important health care programs for our seniors, our poor, our disabled and our people.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 134, FURTHER CONTINUING APPROPRIATIONS TO ENSURE PAYMENT OF VETERANS BENEFITS

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–428) on the resolution (H. Res. 317) providing for consideration of the joint resolution (H.J. Res. 134) 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.

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REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1655, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–429) on the resolution (H. Res. 318) waiving points of order against the conference report to accompany the bill (H.R. 1655) to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 134, FURTHER CONTINUING APPROPRIATIONS TO ENSURE PAYMENT OF VETERANS BENEFITS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 317

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the Minority Leader or his designee.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], 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 317 allows for consideration of House Joint Resolution 134, which will make further continuing appropriation to ensure that our veterans continue to receive the payment of their benefits during the budget negotiations and the current partial Government shutdown. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule also provides for one motion to recommit which may include instructions if offered by the minority leader or his designee.

Earlier this week, the President vetoed the conference report for the VA-HUD appropriations for fiscal year 1996, and as a result, put the Government in the position of reneging on its promise to pay veterans benefits checks. We cannot allow our veterans to lose these benefits, and this Congress will take any action to protect our service men and women and their families.

This is a simple resolution which deals with one specific issue in our Federal budget that we in Congress believe is important enough to merit this action. This resolution provides a temporary solution by ensuring the payment of veterans benefits in the event of a lack of appropriations through fiscal year 1996.

Mr. Speaker, the 3.3 million veterans in the United States and their dependents not only look forward to and need these benefits—they deserve these benefits. If we do not act on this temporary funding measure tonight, our veterans and their dependents who are expecting benefit checks will see a delay in the receipt of these critical funds.

I have co-sponsored this resolution and I strongly support this action to provide our veterans with the benefits that they have earned and rightly deserve. Despite the importance of the budget negotiations to the future of our Nation, there is no arguing that the men and women who have served this Nation do not deserve the financial uncertainty that may occur. Both parties are responsible for putting this Nation into the fiscal mess that we now face, but this resolution shows that we will not punish those who have put their lives on the line to protect the freedoms that we enjoy today.

This resolution was unanimously approved by the Rules Committee and it is a fair resolution that will assure that our veterans receive the benefits they deserve.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague from Georgia for yielding me the customary 30 minutes.

Mr. Speaker this continuing resolution is a very small step in the right direction.

This resolution says to American veterans that they should not have to pay the price for this ridiculous game of political brinkmanship my Republican colleagues are playing. What I do not understand Mr. Speaker, is why my Republican colleagues believe the entire country should pay this price.

Why don't my Republican colleagues tell the 383,000 people who are shut out of National Park Service facilities every day that Congress cares about them too?

Why don't my Republican colleagues tell the 80,000 people who are shut out of the Smithsonian and the National Zoo every day that Congress cares about them too?

Why don't my Republican colleagues tell the 2,500 people whose FHA home purchase loans aren't being processed that we care about them too?

As the gentleman from Massachusetts noted up in the Rules Committee earlier this evening, although the Speaker and the Majority Leader supposedly had a very productive discussion with the President, a funny thing happened to the Speaker at the Republican conference, he found out his radical colleagues would rather cut Medicare and Medicaid than keep the Government running. He found out that Members of the Republican Party won't let a continuing resolution come to the floor at all.

So, Mr. Speaker, I'm sure the country will support my attempt to defeat the previous question in order to expand this continuing resolution to the entire Government, not just the veterans.

I'm sure the country wants Congressional Republicans to stop these games, leave Medicare alone, and fund the entire Federal Government through January 26.

I urge my colleagues to defeat the previous question.

□ 1900

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

Mr. Speaker, it is worth pointing out that the State of Arizona has kept the Grand Canyon open by working out an intergovernmental agreement.

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

Mr. FOX of Pennsylvania. Mr. Speaker, I, too, rise to support House Joint Res. 134. This is a bipartisan effort under the leadership of the gentleman from Arkansas [Mr. HUTCHINSON], the chairman of the Committee on Veterans' Affairs' Subcommittee on Hospitals and Health Care, and our chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON]. This legislation would ensure, Mr. Speaker, the payments to more than 3.3. million veterans and their dependents will continue to be made on schedule during the current partial Government shutdown. The bill also ensures vendor payments to contractors who supply the Veterans Administration with products and services vital to the health and the safety of our VA patients.

The Hutchinson-Livingston bill currently has the support of nearly 30 Members of both parties and obviously, by the number of speakers here this evening, many more Members of the House are in support of this important legislation.

The President's veto of the VA-HUD appropriation bill means the veterans' benefit checks will not be paid on time next month, and veterans may be denied needed medical supplies if the partial shutdown continues. The President could have easily signed the bill and avoided putting veterans' benefits at risk and in jeopardy. However, this legislation would solve that problem, and I believe that the Hutchinson-Livingston bill will assure that GI bill benefits, compensation, and pension payments for veterans will continue, as well as dependency payments and indemnity compensation for survivors of veterans are made on schedule.

So, I support this legislation, and, Mr. Speaker, I urge my colleagues to unanimously vote for its adoption.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking Democratic Member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, there is not a day that goes by that when I pass the Capitol and take a look at the dome that I am not immensely proud of the privilege that I have of representing the people of my district in this Congress of the United States, in this great Capitol Building. I have profound respect and love for this institution and respect for every Member in it because of what they represent and who they represent. But I have to say there are some times when I get very disappointed about the conduct of this institution and people in this institution, and tonight is one such occasion.

Anybody who knows me knows that I have strong partisan views and I am not afraid to express them. But I think anybody who has worked with me through the years also knows that when it comes to my legislative responsibilities, in dealing with my committee work, that I have always tried to approach that work in a bipartisan way, and I think the record speaks for itself. We produced 9 appropriations subcommittee bills under my chairmanship, all of which were bipartisan, and when I chaired the Committee on Appropriations last year, we produced an allocation of budget resources to all 13 subcommittees, which was a bipartisan allocation.

I think we need that same approach tonight.

Last night the networks told the country that the President, and the Speaker, and Senator DOLE had begun talking again about the budget, and, as the networks showed tonight, Mr. Panetta came down here today expecting to try to negotiate on that and on the question of reopening the Federal Government. We are then told on the nightly news that the Republican caucus, led by the freshmen, decided to reject any effort whatsoever to reopen the Government until a total deal is consummated between the White House and the leadership of the Congress.

As anyone who understands anything about government knows, even if agreement on policy were reached tonight, it would take a good period of time to draft the legislation necessary to reflect that policy.

If we are truly interested in meeting our bipartisan responsibilities, what we would do is pass this motion before us tonight to allow veterans to be paid their benefits, but we would expand it so that all of Government, which is closed down, is opened. The taxpayers deserve to get the services they are paying for from all the workers in the Federal Government, not just those in the Veterans Department.

Mr. Speaker, that is why I will be asking at the appropriate time that we defeat the previous question on this rule tonight so that we can offer a resolution which would allow all of the Government to reopen.

I think it is just fine that this proposal would allow us to pay veterans' benefits, disability, pension, education benefits, but it will not allow us to process new claims for veterans' benefits, it will not allow us to deal with the same 2,000 claims a day that come for those benefits it will not allow us to tell our troops who are on the way to Bosnia that they will be guaranteed their military pay raise this year, their COLA, because we are not opening all of the Government under this resolution.

I have talked to many of you on the majority side of the aisle, and I know you as human beings, and I know that there are a good many of you who do not agree with the idea of keeping Government closed down. I understand the peer pressure that is being put upon you. But I ask you to rise above that tonight and do what is necessary to restore some semblance of respect in the country for our processes in this institution by reopening all of Government and dealing with our divisions on long-term budget policy in a restrained, disciplined, and adult manner. That is the only way in my view that we can earn our pay the way the public expects us to earn our pay.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Georgia [Mr. LINDER] for yielding this time to me, and I would just say to my very good friend, the gentleman from Wisconsin [Mr. OBEY], who I have a great deal of respect for, he has been here longer than I have; I have been here for close to 18 years now, I guess; but I just want the gentleman to know, yes, the freshman feel very strongly that we are going to stay here, and we are going to get this job done, we are going to balance this budget. But, as my colleagues know, there are others, too. I feel like an 18-year veteran freshman because I feel the same way.

Mr. Speaker, I have been here during times when Ronald Reagan, when that great President, tried to bring about this revolution. He could not do it because he did not have the control of both Houses. And then I recall a time later on in 1985 when this body had the courage to pass something called Gramm-Rudman. As my colleagues know, that was a balanced budget. That was an attempt to do what we are doing now, to balance the budget over a 5-year period, and even though we did not have the right figures to work with, we were making those cuts.

As my colleagues know, I have a button in my pocket here that says, "It is the spending, stupid," and that is the problem out here.

But my colleagues know we conscientiously, with good Democrats supporting us, passed Gramm-Rudman, and the only problem with it is that in bringing that to a balanced budget over 5 years, we did not make any cuts in years 1, 2, and 3. We only did it in years 4 and 5.

So what happened? The Congress sent out all their press releases, we are going to balance the budget. But then what happened in year 1? We did not have to make the hard cuts, so we got through that, we got through year 2, we got through year 3, and all of a sudden it became too difficult, and we abandoned that attempt to balance the budget.

I am going to say to my friends on the other side of the aisle that is not going to happen this time. No matter what, we are going to balance that budget, and that means staying on the glidepath, staying on that glidepath in the very first year.

Now having said that, that is what I guess I get so upset about, and I am going to be calm here tonight, but when the President then vetoes this bill which has all these benefits in it, it just irritates me because we have to say on that glidepath.

We had a part of the pie which was allocated for the Department of Veterans Affairs, Department of Housing, the Environmental Protection Agency, and all of these other sundry departments, bureaus, and agencies, and we were willing to say to the President, "Please, you tell us how you would like to divide up that part of the pie," and he would not do it. He would not tell us. So we sent him our way that we would divide it up, and do my colleagues know what we did because there is not enough money there for all of these programs? We first determined that the medical care delivery system function of the VA Department of Veterans Affairs had to have about a $550 million increase in order to maintain the veterans hospitals outpatient clinics, et cetera, and in order to get that, then we had to cut and reduce the growth of the other programs like NASA, like EPA, like Department of Housing, and that was our way of staying on this glidepath.

Now the President has vetoed that bill, and that is why we are here today. In doing so we have not reached a conclusion, and the veterans' checks for medical compensation will not be going out unless we pass this piece of legislation.

That is why today, after hearing all this rhetoric out here, I believe everybody is going to come over here, and they are going to vote for this very important bill. We need to do it. We need to do it for these people that have sacrificed their lives for their country, that have come home wounded and disabled, and that is where most of this

money will go. This continuing resolution would allow them to get their checks on time.

So let us put aside the rhetoric, let us go ahead and pass this bill and make sure that those checks go out on the 1st of January.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, the rule we are considering today is a very good rule. American veterans should not have to pay the price for the Republican inability to pass appropriations bills, nor do I think the American people should be used as pawns in a political game.

That's why I will be supporting the effort to defeat the previous question so that we can expand this continuing resolution to the entire Government not just the veterans. And everyone in this Chamber will have a chance to vote for that amendment to stop these games and fund the entire Federal Government through January 26.

I look forward to seeing all of my colleagues put politics aside and vote against the previous question so we can offer an amendment to fund the entire Government.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Georgia [Mr. LINDER] for yielding this time to me, and I think it is important that we clarify a few things.

First of all, we are not here tonight because of Congress' inability to pass an appropriation bill regarding veterans. We have done that. It is the President who vetoed it for his own political purposes, and that is why the Republican Congress has had to come forward with help, with bipartisan help, on the Committee on Rules to pass this important rule.

The national parks. I heard somebody complain about the national parks being closed. We did our job, we passed the bill; the President vetoed it.

The employees of Commerce, State, and Justice did not work today, not because we did not do our job. We passed the bill; the President vetoed it.

VA-HUD, EPA, Independent Agencies; all of these agencies would be open today but for the fact that the President of the United States did not sign into law the appropriation bills that we passed.

We did our job, and now if I can address comments from the gentleman from Wisconsin who stated, and I quote, that he is disappointed in the conduct of Congress tonight.

□ 1915

I respectfully would state to the gentleman that Americans who elected me and Americans who swept the Republicans into Congress for the first time in 40 years have been disappointed in the conduct of this institution over the past 40 years, not just tonight, but over the past 40 years, when we only managed to balance the budget one time in 40 years.

As far as respecting, and I am quoting again, "Respecting the process in Congress and moving forward in a restrained, disciplined manner," let me ask what is so restrained and disciplined about passing deficit bills for 40 years; of running up a $4.9 trillion debt? If that is discipline, if that is restraint, then count me out. There is nothing restrained or disciplined about that.

We are here tonight as part of a bigger showdown. The one thing that I hope all of us in this Chamber can agree on, and I see the gentleman from Mississippi, SONNY MONTGOMERY, a champion of veterans for years, a Democrat, who has been out front on it, what I hope we can all do tonight is unite together and make sure those veterans that sacrificed for this country to protect and defend the Constitution, hope that they will not be left out in the lurch tonight.

I hope we can join together, pass this important rule, and pass this bill. The veterans should not be part of this political battle simply because the President of the United states did not like environmental policies of the Republican party. We need to separate them. Veterans' benefits should not be held hostage. The veterans earned it, they sacrificed, they stayed away from their families.

I hear a lot of Members whining about not being with their families this year. Think about the future veterans who are in Bosnia tonight. That is the sacrifice veterans have been doing. We need to protect veterans' rights.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, we had an agreement.

Last night, the President agreed to sit down and talk. The Senate majority leader agreed to sit down and talk. Even the Speaker of the House agreed to sit down and talk.

They had a deal.

They had a commitment to go forward.

But the Speaker is not willing or able to keep that commitment today. Why?

Because a small minority in this House, who don't represent the views of the people, who don't represent the views of this House, who don't represent the mainstream of America, who want to shut down this Government, and force their priorities on the American people.

The only reason the Government is shut down tonight is because 73 militant freshman Republicans can't get their way.

And once again, national parks are closed.

Benefit checks for 3.3 million veterans are threatened; 60,000 students and parents applying for Pell Grants and student loans are being denied.

Small businesses have not received the loans they need.

And hundreds of calls to the EPA's hotline for drinking water contamination have gone unanswered.

All because a small group of extreme Republicans are holding America hostage.

And what are they holding out for?

Tax breaks for the wealthiest people and the wealthiest corporations in America, paid for by extreme cuts in Medicare, Medicaid, education, and the environment.

In other words, they are holding out for the biggest transfer in income—from the middle class to the wealthy—in the history of America.

The Speaker gave his word last night—that the talks would start—that we would move forward, but today, he can't or won't deliver.

Who is in control here?

Who speaks for the Republican Party?

Does the Speaker expect us to believe that he can't persuade his own membership to stand behind his word?

This is a sad and irresponsible act by a party who claims to be leading a second American revolution.

Mr. Speaker we are 5 days away from Christmas.

For many of us, this holiday is about more than just gifts and reindeer.

It's one of the most sacred and joyous religious holidays of the year.

It's a time to celebrate our faith and a time to hold close to our families.

It is a disgrace to watch this spectacle of partisan gamesmanship overshadow one of the most holy days of the year.

For over 200,000 families who have been shut out of work today, they are facing the Christmas season without another paycheck.

It is wrong to hold these people hostage.

It is wrong to hold our Government hostage.

It is wrong to hold this Nation hostage to the views of an extreme minority who are trying to force their way.

The American people deserve better.

Defeat the previous question and get America back to work.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

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

Mr. Speaker, I listened with great interest to our friend, the minority whip, who used the phrase "partisan gamesmanship." I think that accurately describes the diatribe which he launched here from this well just a few moments

ago; this mindless mantra, always dealing with fiction rather than fact, and now separating out the newest Members of the House, those who made a new majority and who, Mr. Speaker, if we are extreme, are only extreme in terms of making extremely good sense.

The gentleman noted the spiritual significance of the days coming now. At the risk of being politically incorrect, I would offer this scriptural admonition, for He whose birth we will celebrate in a few days said, "It is more blessed to give than to receive." So let us give our children the chance for a meaningful future. Let us give this entire Nation a chance to survive and prosper into the next century and beyond. Let us also give our veterans, those who have served with distinction, the benefits they deserve.

No, the gamesmanship and the interesting interpretations of what transpires in this body are best left to the fiction writers. The American people will understand the fiction inherent in the comments of the gentleman from Michigan. Members of Congress will recognize their responsibility to pass this rule, and to pass this legislation, and to ensure that our veterans are provided for, and indeed, this entire Nation is provided for.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the Republicans' problem is with the Constitution. They want to make very drastic, extreme changes in programs like Medicaid and environmental protection, and they do not have the votes, so they have decided to take the Government hostage. But they are getting a little heat. They did not have a game plan.

So what do they do? They come up now and say, "We will let the veterans' checks get paid, but we will not let the EPA function, we will not let housing authorities function so veterans who live in housing will be hurt, but we will let the VA function." So now I understand their game plan. It is literally a game plan. This one is "Red Rover, Red Rover, let the Veterans' Department come over," and then we will do that. Tomorrow, we will hear from another group that is complaining, and it will be time to "Let the housing department come over."

I do not know what has come over them, but it certainly is not rational government.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

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

Mr. Speaker, I would say to the previous speaker that it is not a game at all. The reason we are in the situation that we are in right now is because President Clinton determined that he would veto a very good and very fair veterans' appropriation bill. We did our job. We are faced with the dilemma we are tonight faced with because he chose to veto that bill.

A previous speaker referred to this as a game of brinksmanship. It is not a game of brinksmanship. It is not a game of dare. It is not a game at all. There are very high stakes about what this is all concerned with. That is the future of this Nation, the future of our children, the future of our grandchildren, what kind of hope we are going to give them, what kind of life and what kind of standard of living our veterans are going to have.

It has saddened me deeply that the President, who hails from my State, has chosen, has gone to the lengths of using every vulnerable part of our society as pawns in this budget debate: little children and their school lunches; students and their loans; the disabled, as if they are going to be thrown in the streets; senior citizens, as if they are going to lose their Medicare; and now, the veterans of this Nation, used as pawns.

Tragically enough, the usual bipartisan support that has existed for veterans of this country has begun to unravel as the VA has become more and more politicized, attacking those in good faith who want to tend and care for our veterans, a concerned campaign to scare the most vulnerable.

There was a veto. Had it not been for that veto, we would not face this situation that we face right now. We would have the veterans cared for. What was vetoed was this: An appropriation bill that in 1996 would have provided $399 million more for medical care than the 1995 level, a total of $16.5 billion; medical research would increase $5 million, to $257 million.

During the next 7 years, more than $275 billion will be spent on veterans' programs under our appropriation bill. That is $40 billion more than was spent during the last 7 years. We increase veterans' programs by $40 billion at a time that the VA population, the veteran population, will be decreasing. That reflects a deep commitment for the welfare of our veterans.

In spite of that appropriation bill being vetoed, tonight we will do the responsible thing and we will pass this CR to ensure that not one veteran's benefit check is delayed even 1 day, in spite of the President's veto. I urge support.

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

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I come to this floor to plead with people to please, please, let us have a Christmas truce. Yes, I am very pleased Members are going to open the gates finally for veterans, and not hold them hostage in this incredible war on the budget. But what are you going to say to small business men who cannot get their loans and need to be moving forward? What are you going to say to students who need to be making their plans for going on to school, over 60,000 of them? What about the Federal workers whose lives have been put into a total tailspin, not knowing what is going on. What about the parks? Why are these people guilty? Why are they the hostages of this budget war? Why should they be the hostages?

Mr. Speaker, I am from Northern Ireland. That is where my relatives come from. They used to even be able to have peace during the Christmas period, and they have been fighting forever. We now see in Bosnia all sorts of groups met in Dayton, OH, and they were able to come up with some kind of a peace. These folks should not be held hostage while these negotiations go on and while people argue about how big is the table, how many people get to sit there, what kind of food, where are we going to have the meeting. What is going on? Petty, petty, petty stuff. We cannot even get the thing launched and going.

To say to Americans who all work for this same flag, who all pay money to this flag as taxpayers, and who all think it means something, they have got to be really asking questions when for the second time this year, 3 months into the fiscal year, we are slamming the door shut again. I am pleased that we are opening it for veterans, but please, vote against the previous question so we can open the door for all, and in the name of the season and in the name of shedding the rhetoric, let us not hold hostage innocent people who do not have a dog in this fight.

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Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, many years ago there was written on a wall in Gibraltar these words:

God and the soldier all men adore;
In time of trouble and not before.
When trouble is gone, and all wrongs are righted,
God is forgotten, and the old soldier slighted.

Mr. Speaker and my colleagues, today the President once again insulted and offended and slighted our military men and our veterans when he stood up and claimed that it was Republicans who were preventing their benefit checks from being mailed to them, their dependents and their widows.

Mr. Speaker, the President has offended our veterans on many, many occasions, and I think our veterans have

tried to overlook this in the past. When he told his draft board many years ago that he was too educated to fight, to wear the uniform, they overlooked that. We all said, he was young, those of us who did serve, and we overlooked that. We excused the fact that he went to England and he led demonstrations. He was young. It was his right to lead demonstrations.

Then, when he became our President and we had doubts, then we started hearing that his staff and the staff of the First Lady showed open disdain for our military fighting men at the White House, and it again made us question this President and his respect for our fighting men.

Then sadly, recently, he sent our fighting men and women into harm's way in Bosnia, and many of us questioned that. We questioned the fact that when he was at the University of Arkansas, he told Colonel Holmes, we should not be involved in a civil war, they are dangerous. Yet, he sent our fighting men and women into an ancient civil war.

More recently, he wrote in his journal, and later affirmed that he still believed this, that:

> From my work, I came to believe that no government rooted in democracy should have the power to make its citizens fight and kill and die in a war they oppose, a war which, in any case, does not involve immediately the peace and freedom of the Nation.

Does he believe now that we should not send our fighting men and women into a war that does not involve immediately the peace and freedom of the Nation? Regardless, that is what he has done.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the previous speaker has brought into question the patriotism of the President of the United States. I would like to point out to the people on the other side the old saying that "People in glass houses should not throw stones."

Of the current elected Republican leadership of the House, not a single Member of the elected leadership of the Republican House has served in the military. The Speaker did not serve in the military. The majority leader did not serve in the military. The whip did not serve in the military. My counterpart, the chairman of the Republican Campaign Committee, did not serve in the military.

On the Democratic side, the minority leader [Mr. GEPHARDT] served in the military. The minority whip [Mr. BONIOR], served in the military. I served in the military.

I resent the remarks made by the previous speaker, directed at the President of the United States, and I would suggest that he direct those remarks to the Members of his own leadership who chose not to serve in the military.

Mr. LINDER. Mr. Speaker, I might point out that none of those Republican leaders sent people into a war zone.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman from Georgia [Mr. LINDER] for yielding me this time.

I do not claim to have been in leadership here, but I did serve in the Army, and I was proud to do it, and I am very concerned about the veterans.

Mr. Speaker, Americans need to understand that the reason many Federal agencies—including the administrative services of the Veterans' Administration—are closed today is because our President, President Clinton, vetoed three major appropriations bills that were sent to him last week, before the shutdown began. It appears that he vetoed those bills to score political points. We can only assume that he did so in order to evade serious discussions about balancing the budget in 7 years. Regardless of all the propaganda coming out of the White House, there is no escaping the facts: If the President had done his job and signed those spending bills on time, we would not be facing yet another day of Federal shutdown of this magnitude, and our Nation's veterans would not be worried about receiving their benefit checks on time this month. However, because our President vetoed those bills and because President Clinton still refuses to come to the table with a balanced budget proposal using real numbers and meeting the 7-year commitment that he agreed to, we now are taking steps to provide limited spending authority on behalf of our Nation's veterans. House Joint Resolution 134 will provide the funds necessary to keeping veterans' services up and running throughout this negotiations process. We know the shutdown has been difficult for many Americans besides veterans and we are willing to keep working at the discussions to bring this stalemate to an end. All we need is for the President to stop the posturing and come to the table in good faith—and remain true to his word.

If the President spent more time at the negotiating conference and less time at the press conference, I believe we would get the job done.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think if we needed any example of why it is we have the mess in Washington that we have tonight, it has been provided by some of the speakers among our Republican colleagues, people that come here wanting to even old political scores instead of trying to even up the budget and get the Government back to work. It is wrong.

America wants to put an end to the politics and to have a little good sense and maybe even a tad of goodwill at this time of the year.

It has been said that we would not have this problem if the President had not vetoed a particular piece of legislation. Thank heavens he had the courage to do that, because that is a piece of legislation that a majority of this House, including a number of Members from the Republican side, voted to recommit with instructions that over $200 million added in medical benefits and health care benefits for our veterans.

After a lot of arm-twisting, some of our Republican colleagues backed off of the bill and brought it back without those resources in it.

This is a bill our veterans can understand that the President vetoed. It is a bill that provided for unilateral disarmament. It required a tremendous cut in the law enforcement powers to enforce our clean air and our clean water. Thank heavens the President had the courage to veto that bill and then to say, as with some of these other measures, let us keep the Government going. Let us protect our veterans and our clean air and our clean water by operating the Government instead of having a high-jack or a blackmail with reference to that.

Yet, I read, as did the thousands of veterans in Austin, TX in today's paper, that unless this Congress acted by tomorrow, they would not get the benefits that they worked for and deserve.

Mr. Speaker, they are not the only people. In Texas, because of the inaction of this Republican majority, Texas will not get $24 million for child support enforcement. I think our veterans are important, but I think it is important to take care of child support; and the same thing is true of "workfare" and child care as well. We need to get this Government going again, not just to take care of one problem, but take care of all of them.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of both the rule and the resolution. As a member of the Appropriations Subcommittee on VA-HUD and Independent Agencies that provides funding for our veterans, I want to make it clear, we did our job, we passed our bill, we provided for our Nation's veterans. For some to suggest otherwise, I think is an outrage.

Surely the President must have well understood when he vetoed the VA-HUD bill on Monday that in fact he was jeopardizing health benefit checks for our veterans. Frankly, we would not be here today had the President signed the VA-HUD bill and these other appropriations bills. Without the support of the President, we are taking this

necessary action to honor our financial commitment to our veterans. Our veterans deserve nothing less. We need to support the rule and the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, it has been suggested the last couple of days that the shutdown of the Federal Government by the Republicans is a matter of high principle, but apparently that is not so, because if you have the strength of the veterans' lobbies and you have the concerns of this Congress that we have for veterans, you can escape that. But if you are trying to refinance your home or you are trying to buy your first home or you are trying to provide for your family, you will be out of luck.

This is not a matter of high principle; this is again another temper tantrum. The first temper tantrum was thrown by the Speaker; the second is now by the Republican caucus that insists that if they do not get their way at the outset of the talks, then the Government must be shut down.

Mr. Speaker, we are here rewarding veterans for their service to this country to protect a democracy. Dictating the terms at the outset of negotiations is not in keeping with the democratic spirit or principles of this Government. So I think we ought to understand why we are here.

The President had the courage to veto a very bad bill; the Republicans do not have the courage to face the consequences, and yet they want to dictate the terms of the shutdown of the Federal Government.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I would urge that we vote against this rule, because veterans, every veteran is a former public servant, every veteran is a citizen, every veteran is a taxpayer.

Veterans do not just care about their own benefit checks, they care about the Federal workers that have been locked out of their jobs that cannot provide Christmas for their families this week. They care about the other Americans who are denied services because the Government is shut down, and they care about the other taxpayers, taxpayers who will pay out, as of today, $900 million to Federal employees to not work.

Federal employees want to be on the job, and yet every Republican on the Committee on Rules voted against an amendment that I offered that would let Federal employees go to work and then get paid subsequently, and those who chose not to go to work would not get reimbursed, but at least we would not be paying money for people not to work. I cannot believe we are creating this situation where we now are going to pay almost $1 billion for no work performed.

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We have an opportunity tonight to rectify an unconscionable situation, unconscionable to Federal employees, to taxpayers, to the entire American public. We ought to do it, do it now, add it to this rule. But without it being added to the rule, we ought to vote it down.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA].

Mr. de la GARZA. Mr. Speaker, I am getting tired of finger-pointing, blaming the President and Mrs. Clinton for everything that is happening.

My friends, we are here tonight on the verge of closing the Government because you did not pass the appropriations bills in time. That is the main reason. It is a legislative failure, Mr. Speaker; the Republicans failed.

I have told my colleagues, and I will tell them again, my colleagues waited 40 years to be in power and they have messed it up the first year.

□ 1945

You did not pass the appropriation bills in time. You are saying the President vetoed them this week.

Where were you when the fiscal year ended? You have the majority. You have an overwhelming majority, and the veterans and the people of this country should know it was a legislative failure.

It has nothing to do with the President. He does not legislate it. You, my friends, messed it up. You messed it up royally. You cannot blame it on the President. It was pure simple legislative failure and you made it fail.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the President vetoed the bill. We did not veto the bill. The President vetoed the bill. I think America should know that.

Let me just talk about something else that came to my attention tonight that really concerns me. I went to a conference that the Republicans had today and we were unanimous, like a fist of steel, we are unanimous, 235, that we are going to get a balanced budget in 7 years using CBO figures. But I watched television tonight, and I saw Tom Brokaw and Dan Rather and their people saying that our party is split all to heck and that NEWT GINGRICH cannot lead, and it is all because of the freshmen that we have this problem.

Let me tell Dan Rather and Peter Jennings and Tom Brokaw and the Democrats and the President, and anybody else, we are united. We want a balanced budget in 7 years using CBO figures and we will not be deterred. I do not care what you guys tell the media. The media was spewing out exactly what the Democrats have been telling the people tonight. It is wrong.

We are united, we are not going to deviate. We are going to get a balanced budget in 7 years using CBO figures or else. I just want to tell everybody that I get a little bit concerned when I see the national media spewing out garbage that I know to be false. We had a conference today and when NEWT GINGRICH walked into that room, he got a standing ovation. Everybody applauded. And yet they keep telling us on television, he cannot lead our party.

He is leading our party, he is doing a great job. We are united. So, Mr. President, Mr. Brokaw, Mr. Jennings, Mr. Rather, my Democrat colleagues, we are united, we are going to get it one way or another, and we are not going to pass any more CRs until we do.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, evidently what the previous speaker is saying is they have not been able to fool the public, they have not been able to fool the President, they have not been able to fool the press, and somehow it is somebody's fault but not their own.

If you want to know why your position is not selling, if you want to know why you are in trouble, look in the mirror. It is because of the way you have been acting. Do not blame somebody else for your own failure to meet your responsibilities. People know what you are doing. They have caught on. They do not like it and they want you to change it.

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

Mr. DURBIN. Mr. Speaker, this is a sad situation. I do not take any comfort in standing in this well realizing that a quarter of a million Federal employees have been sent home.

Some people on the Republican side of the aisle believe that this is part of a grand political strategy. They say it is a matter of principle. If it is a matter of principle, you should put your own paychecks on the line, not the paychecks of innocent Federal employees who showed up for work ready to do their job and were sent home to an uncertain future and, for many of them, an unhappy Christmas season.

But the sad fact of the matter is, neither Speaker NEWT GINGRICH nor any of the Republican leaders has been willing to put his paycheck on the line and say, as a matter of principle, "I will not get paid until this budget crisis is over." No, you will all be in line to get your checks but you say to a quarter of a million Federal employees, "You are the ones who will have to sacrifice for principle."

So tonight comes this resolution because, quite frankly, we all honor the veterans. We want to do our best by them, and maybe inadvertently, but

certainly you have to admit it is a fact, the veterans are losing out because of the Republican strategy. They may not get their checks in time, and the Republicans are afraid of that. They are afraid of facing veterans' groups, trying to explain how this crazy strategy of theirs did not penalize any Republican Members of Congress but may have penalized some veterans unwittingly.

I will be with you on the veterans, but let me tell you, do not forget the other people you are hurting.

When you suspend medical research at the National Institutes of Health, you are hurting every family in America. When you suspend the awarding of Pell grants and student loans to kids from working families, you are hurting every family in America. When you suspend the activities of the Department of Housing and Urban Development, you are saying to families who have been dreaming for a lifetime that they might own their own home, "Wait until Newt is ready." That is unfair.

If it is a matter of principle, put your own paycheck on the line. Do not put the paychecks of 250,000 innocent Federal employees on the line. Support "no budget, no pay." It is the only way to end this crisis.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. Speaker, what kind of message are we sending tonight to those currently stationed in various war zones around the world?

We really should not be blaming each other, no matter what party we are from.

All of us should urge passage of this legislation. I think it is clear tonight, if the President had signed the VA-HUD bill, we would not be in this sorry position that we are in here tonight. We would not have to have a continuing resolution to ensure that our veterans receive their rightful and hard-earned benefits.

I could sit here tonight and blame you and you could blame us. But tonight we should all come together and pass this continuing resolution. Maybe the President had a good reason to not sign the VA-HUD appropriations bill. Maybe he had his reasons and maybe a lot of you agree with him, but I have been here before when I saw you provide a VA-HUD bill that we did not like.

But now the bickering is over. There is no use screaming and hollering. Let us think about our veterans first and let us proceed and pass this continuing resolution. But, frankly, I think all of us should realize that this problem can be solved by the President signing the VA-HUD appropriations bill; we would not be here tonight this close to Christmas discussing this if he had signed the VA-HUD appropriation bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in support of our veterans and against the previous question.

I am pleased that America's veterans will not be held hostage to the budget impasse. What I do not understand is why Republicans are willing to make this concession for veterans but not for the 250,000 Federal employees who are out of work because of the shutdown.

As we embark on the holiday season, I ask my Republican colleagues to think about those 250,000 families.

The gentleman from Virginia [Mr. MORAN] came to the floor yesterday and put a human face on the Government shutdown when he told a story about his visit to a local elementary school. He said that the teachers told him that the children were not enjoying the holidays as they had in the past.

Why are these children not enjoying the holidays? Because many of their parents are Federal employees, hard-working men and women who now find themselves out of work at Christmastime. They want to be working.

And the children? They hear their parents fighting, they know that Mom and Dad are not working. They listen to their parents explain that this will be a lean Christmas because they do not know when or if they will get their next paycheck.

It is right that we are making certain that veterns do not suffer because the Republican majority failed to produce a budget. Now it is time to summon the same compassion for the 250,000 families who are the unfortunate pawns in Speaker GINGRICH's game of budget blackmail.

The Speaker would have you believe that he did not want to break his promise to the President to reopen the Government. He claims that the extremists in his party forced his hand. But we all know that this extreme agenda is the Speaker's agenda, to cut Medicare and Medicaid and education to pay for a tax break for the wealthiest Americans.

Mr. Speaker, give Americans an early Christmas present, a budget that reflects their priorities and not yours.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, yesterday the President of the United States had the opportunity to sign an appropriations bill that we presented to him which would have funded the Veterans Administration, as well as the Department of Housing and Urban Development, as well as NASA.

POINT OF ORDER

Mr. FROST. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair recognizes the gentleman from Texas for a point of order.

Mr. FROST. Mr. Speaker, the gentleman has removed the button from his lapel.

The SPEAKER pro tempore. The gentleman from Florida may proceed.

Mr. WELDON of Florida. I thank the Speaker.

Again I would like to resume and just point out that the President had the opportunity to fund NASA. He had the opportunity to fund the VA. And he chose not to. He chose to veto that bill. Today we have a good piece of legislation before us here which will at least keep the veterans' checks going to our needy veterans, the veterans in District 15 of Florida that need them.

Mr. Speaker, I rise in strong support of this legislation and I rise in strong support of the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, it is time to stop the suffering of the people. But, that can be done only if we bring a clean continuing resolution to the House floor tonight.

Is the other side afraid of the outcome of a vote on a straight, clean CR? If not, then give the House a chance. Straight. Up or down.

A month ago, we exempted from this Republican-imposed government shutdown the Federal workers who help people on social security. Tonight, we are helping veterans.

Who is next? What about the first-time home buyer whose HUD loan cannot be approved by the end of the month? What about the senior citizen who needs a simple hot meal once a day? Or the student applying for a college loan?

These programs also are affected by the inaction of the other side of the aisle. My Democratic colleagues colleagues and I are willing to keep vital functions operating during budget negotiations. A shutdown is not necessary for negotiations. Indeed, a shutdown could have been avoided if, as in the 103d Congress, the majority had passed its appropriations bills by mid-November.

Because I support not only veterans but also new home buyers, needy students, and senior citizens, I urge Members of good will toward their fellow Americans to pass a clean CR tonight.

Mr. LINDER. Mr. Speaker, I have one speaker left, and I reserve the right to close.

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

Mr. FROST. Mr. Speaker, I would inquire the amount of time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 3½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, by the action of the Republicans this evening, we see how easy it would be to make whole all the Federal employees, all the people out there looking for services, while we continue to negotiate an agreement for 7 years. There virtually is no difference in spending in 1996.

We are going to take care of veterans' benefits in this one instance. But if you are a veteran working for the Federal Government in one of the other agencies that shut down tonight, you are not getting a paycheck or you are in limbo at the moment. If you are a veteran trying to get a new student loan, you cannot get that student loan because we are taking care of one small group of veterans as compared to all the veterans out there asking for Federal services.

□ 2000

If you are a veteran looking for an SBA loan to bridge some spending for your company or to help you reorganize so you can keep your business and your family together, you do not have any Government services today. Veterans who are waiting for the benefits of biomedical research are left out. We need to solve all our country's problems and the veterans', and we could do it tonight.

Mr. FROST. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Maryland [Mr. HOYER].

My. HOYER. Mr. Speaker, Americans, as I said earlier today, are distressed. They are angry. They do not understand why adult, presumably responsible, individuals they have sent to represent them from 435 districts throughout America cannot honestly debate and come to resolve the differences between them and, indeed, to compromise.

Our Speaker has said that he will cooperate but not compromise. There is not an American who lives who has been in a family who knows that compromise is essential if those with differences are to make progress.

We have shut down a portion of the Government. Not only will it not solve the budget deficit problem, it will add to it. There is a cost to doing that. Those of you on your side of the aisle talk about privatize, go and contract out and in fact we have done that. A lot of people talk about Federal employees, but let me tell you, there are a lot of contractors out there for NASA, somebody mentioned NASA, who have been told, you cannot work. They and their employees are not drawing a salary. And notwithstanding Mr. GINGRICH's letter, nobody is saying they are going to be reimbursed. My colleagues, America expects of us responsibility. America expects us to act in a fashion which will bring credit to our Government and to our country. I am going to vote for this resolution but it ought to be a resolution affect go all of the Government that is shut down.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a privileged resolution. When would be the proper time to bring it before this body?

The SPEAKER pro tempore. The Chair will not respond to that at this point without knowledge of the resolution.

The Chair recognizes the gentleman from Texas [Mr. FROST].

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

Mr. Speaker. I urge a note vote on the previous question. If the previous question is defeated, I shall offer an amendment to the rule which would make in order the text of House Joint Resolution 131. This resolution would provide for a clean continuing resolution that would fund the Government through January 26th and would also provide for the military pay raise and retiree COLA provided for in the Defense authorization bill that was passed by the House earlier this month. This amendment is in addition to the continuation of veterans' benefits. I include the text of the amendment at this point in the RECORD.

H.J. RES. 131

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FURTHER CONTINUING APPROPRIATIONS.**

Section 106(c) of Public Law 104-56 is amended by striking "December 15, 1995" and inserting "January 26, 1996".

**SEC. 2. MILITARY PAY RAISE FOR FISCAL YEAR 1996.**

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

**SEC. 3. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1996.**

(A) IN GENERAL.—The fiscal year 1996 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1996.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1996 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1995.

(2) The term "retired pay" includes retainer pay.

(c) FINANCING.—The Secretary of Defense shall transfer, from any other funds made available to the Department of Defense, such sums as may be necessary for payment to the Department of Defense Military Retirement Fund solely for the purpose of offsetting the estimated increase in outlays to be made from such Fund in fiscal year 1996 by reason of the provisions of subsection (a). Notwithstanding any other provision of law, the transfer authority made available to the Secretary in Public Law 104-61 or any other law shall be increased by the amounts required to carry out the provisions of this section.

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

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

The SPEAKER pro tempore. The gentleman from Georgia, [Mr. LINDER], is recognized for 5 minutes.

Mr. LINDER. Mr. Speaker, one of the first persons to speak on this rule noted that the networks told the country last night that we would be working again. A two-hour meeting in the White House with our leadership led us to believe that was the case.

The morning papers all said that the President has agreed to put on the table his specific budget proposal using CBO numbers and shortly thereafter the Vice President spoke and said, no, we are not going to do that.

We have not just 73 Republican freshmen but 236 members of a caucus that is still growing that are very, very frustrated in trying to reach a balanced budget in 7 years using honest numbers. We are not only frustrated but we are united that we will balance the budget using honest numbers in 7 years and we will do it now.

This administration has had so many different positions on this issue that it is hardly worth recounting, but it reminds me, dealing with this administration reminds me of duck hunting. You get off in the wind, because every time you see a target it moves and the wind changes it.

Virtually every speaker on this rule tonight voted against the balanced budget amendment, the coalition's balanced budget and our balanced budget. We are faced not with Members who want to balance the budget under different terms but with Members who want to spend more money, liberal extremists who want to spend more money. And that is what the whole thing is about.

We should have gotten off the discussion of whose numbers we use and just say we are not going to spend more than $12 trillion. Sit down at the table with us, argue priorities, but we are not going to continue to spend money that we have not raised. That is our children and grandchildren's money. There is not a program in this budget

that cannot be defended by somebody, but we should not be spending it if we have not raised it.

We have for 30 years voted ourselves wishes and dreams over needs and passed the bill on to future generations. And this Republican majority said that is going to stop.

Much has happened; much movement has occurred. We now are all discussing a 7-year balanced budget and by the time this weekend or early next week passes, we will be talking about using the same numbers. I think by the end of the year, we will have passed and the President will have signed a 7-year balanced budget with honest numbers and we will have done our children and grandchildren a great service. It is time.

Frankly, the numbers are not that far apart. We want to increase spending 3 percent; the President wants to increase it 4 percent. We want to presume an additional 5 percent revenue; the President wants to presume 5.5. The numbers are not that far apart.

We can get together if we will just sit down and honestly and straightforwardly look each other in the eye and say, where are your priorities? The President's budget is not on the table using the same numbers, even though he has said he would do that. So this effort tonight under this rule is merely to say for those veterans who have served their nation, who have earned their benefits, we are going to pass a continuing resolution to assure that you will get your checks. We are not inclined to pass a continuing resolution for the rest of the government because it will take entirely the pressure off the President. The last time we did that, under certain assurances, 30 days went by where we were hammered and demagogued with our specific numbers; $30 million was spent by unions trashing our specifics in our districts where we have marginal districts for freshmen. We are not going to do that again. We are going to keep the feet to the fire.

It is unfortunate that decent, hardworking, honest Federal employees are caught in this pinch. But the President, seemingly to bolster the notion in this country that he believes something, has chosen to pitch a battle with the Congress of the United States. It seems to have helped him in the polls and he seems to think that is the thing to get reelected on so he will continue to veto and we will continue to have this problem. But I tell my colleagues, from our point of view, we are united. We were sent here to change the economic direction of this nation, to balance the budget for our children and grandchildren. We intend to do that.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FROST. 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 238, nays 172, not voting 23, as follows:

[Roll No. 871]

YEAS—238

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
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
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
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
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
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—172

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
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
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOT VOTING—23

Beilenson
Chapman
Conyers
Edwards
Filner
Flake
Foglietta
Gilchrest
Gutierrez
Hall (OH)
Istook
Lantos
Martinez
Myers
Packard
Payne (VA)
Rose
Skaggs
Stark
Weldon (PA)
Williams
Wilson
Yates

□ 2028

Ms. BROWN of Florida changed her vote from "yea" to "nay."

Mr. SKELTON and Mr. PICKETT changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2030

## PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, I was here during the entire last vote. I put my card in and pushed the button. It apparently did not record. If it would have recorded, it would have recorded a "yes" vote.

## GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 134, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## CONFERENCE REPORT ON H.R. 4, PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1995

Mr. ARCHER laid before the House a conference report and statement on the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence:

(The conference report on H.R. 4 will appear in a subsequent issue of the RECORD.)

## REQUEST FOR PERMISSION TO AMEND HOUSE RESOLUTION 317

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the rule just passed be amended to read as follows:

It shall be also in order to consider an amendment by the minority leader or his designee adding at the end of House Joint Resolution 134 a new title II consisting of the text of House Joint Resolution 131, continuing funds for many critical Federal departments through January 26, 1996, and authorizing a 2.4 percent pay raise for the Armed Forces of the United States. All points of order shall be waived against such an amendment.

The SPEAKER pro tempore (Mr. LAHOOD). Under the guidelines consistently issued by successive Speakers as recorded on page 534 of the House Rules Manual, specifically the guideline of November 14, 1991, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leadership.

Mr. OBEY. Mr. Speaker, I would urge the Speaker to clear that request.

## FURTHER CONTINUING APPROPRIATIONS TO ENSURE PAYMENTS OF VETERANS BENEFITS

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 317, I call up the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 134

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

**SEC. 101. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.**

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection(b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

The SPEAKER pro tempore. Pursuant to House Resolution 317, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. Speaker, I bring to the floor a continuing resolution for certain activities of the Department of Veterans Affairs. This continuing resolution would only have effect in fiscal year 1996 during periods when appropriations are otherwise not available. This is the situation we are in right now. If the regular bill or another CR is enacted, then this particular continuing resolution would not be operable.

The activities provided for in this continuing resolution are payments for compensation, pensions, and educational benefits within the Department of Veterans Affairs. In addition, it also provides for payments to contractors for services that directly relate to patient health and safety. It also provides for the necessary administrative expenses to carry out these activities.

Mr. Speaker, this continuing resolution will assure that veterans benefits checks will be received on time, at the end of the month, and in the full amount authorized. Let me stress, had the President not vetoed the VA-HUD bill, this continuing resolution would not have been necessary and these benefits would have been paid. These benefits would have been paid and this CR would not have been necessary if the President had not vetoed the VA-HUD bill. Once again, these benefits would have been paid if the President had not vetoed the VA-HUD bill. I want everybody to understand it. He vetoed it. That is why we are here today. The President vetoed it.

Mr. Speaker, I urge all my friends and colleagues to support this resolution.

Mr. Speaker, two more points. This bill is necessary because the President vetoed the VA-HUD bill, but it would not be necessary to progress through both houses and be enacted into law if the President would, in good faith, come to the bargaining table, reach a final agreement on a 7-year balanced budget, according to Congressional Budget Office numbers, and put this whole deal to bed and let us get out of here. But so far that is not happening. We cannot get a deal from the President, so we progress into the Christmas holidays.

Mr. Speaker, let me remind our colleagues, let me remind everyone here that the House went on record on Monday by a vote of 351 to 40 in favor of a balanced budget within 7 years as scored by the Congressional Budget Office. Yesterday, on Tuesday, the President's budget got zero votes, zero

votes; none on the Republican side, none on the Democratic side. The President's budget got zero votes.

Now we are on record for a 7-year balanced budget as scored by the CBO. His budget got zero. That leaves only one alternative. That leaves the alternative of the President coming to the bargaining table with the leaders of the Congress and reaching a deal, reaching a deal that allows us to fund government, to score the budget according to the Congressional Budget Office with a balanced budget for 7 years, and to go home. I hope that happens, Mr. Speaker.

Today, today I might remind our colleagues, today we overrode his veto on the securities litigation bill. This place is not getting better for the President. He should come and cut a deal.

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

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

Mr. Speaker, let me simply say that nobody is opposed to this bill. This bill will pass, probably 435 to nothing. Our objection is not to this proposal. Our objection is to not going beyond this proposal.

We are here because the appropriations legislation was delayed for 90 days in this House because our friends on the Republican side of the aisle wanted first to adopt their contract. That is their privilege. They are in the majority. They run the House. But as a practical consequence of that, that meant that the appropriations bills were shoved back 90 days in the cycle. That meant that there was no possible way for the gentleman from Louisiana [Mr. LIVINGSTON] to produce all of the appropriation bills on time.

The when the bills were brought to the floor, a number of extraneous legislative items were added to the bills, and that slowed up consideration of those bills even more. That meant that by the time of October 1, the beginning of the new fiscal year, a huge number of appropriation bills had not yet become law. That and only that necessitated the passage of a continuing resolution. You do not need a continuing resolution to keep discussions going between the President and the Speaker on a 7-year budget proposal. You need a continuing resolution simply because the 1-year appropriations have not become law.

□ 2045

So tonight we have a proposition before us under which the majority party is saying that they will not allow the remainder of the Government to reopen; since they have been closed down this week, they only want us to allow the Veterans Department to reopen, and then only for certain purposes.

Now, we think it is fine that this bill will say, OK, let us pay veterans' benefits, let us pay veterans' disability benefits, let us pay veterans' pensions, let us pay their education benefits, and also let us pay some contractors with the VA. But we would also ask the following questions:

Why should we not also allow the Veterans Department to process legitimate new claims for veterans' benefits? Some 2,000 veterans will apply each week for benefits to which they are entitled by law. Why should not the Veterans Department be open to provide those services?

Why should the Veterans Department not be open, further, to provide services for home loans? Veterans have earned the right to those home loans. Why should they not be allowed to have those claims processed?

I would also ask, why should not veterans who want to go to Yosemite be able to get in?

Why should not veterans who need education loans be able to have those processed, or to have the Pell grants open for application for everyone?

Why should we only open up the Government for a very narrow band of American citizens?

The taxpayers have paid their hard-earned money so that they might get all of the Government services to which they are entitled, and unless we go beyond this resolution tonight, they will not get those services. That is our objection.

What is happening is very clear. There was an agreement yesterday that the President and the leaders of both parties would try to reopen discussions for a 7-year budget, and at the same time, they would explore ways to open the Government for all citizens. Instead, tonight, the network news tells us because that agreement blew up in the Republican caucus, again we face the prospect of not having any continuation of services from those departments shut down.

Mr. Speaker, the gentlemen in the well here likes to laugh every time somebody else is speaking. I would ask him for the same courtesy I give him every time he speaks.

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

Mr. OBEY. No, I will not, until the gentleman demonstrates some degree of courtesy.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin has the time, and the Chair would ask Members to extend the same courtesy to speakers when they are in the well, speaking on this bill to all Members.

Let us extend courtesy to one another.

The gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, let me simply say that I think what is at stake here is that the American public is simply being held hostage to the power agenda of the new 73 freshmen who have come into this place on the Republican side of the aisle. They have a perfect right to be here and do anything they think is in the interests of their constituents, but the American citizens will judge the balance and the temperament that they bring to those efforts.

I would simply say that what we really face was summed up by my very good friend, the chairman of the committee on Appropriations [Mr. LIVINGSTON].

When the President signed the Defense appropriation bill, against my advice, because I warned him that he would then lose whatever leverage he had on the remainder of the appropriations bills, the President signed that bill for two reasons: because he wanted a bipartisan consideration of his policy in Bosnia, and because he thought that it would be taken as a sign of goodwill to our Republican friends in the majority on other appropriation items.

Instead, the following day, the chairman of the Committee on Appropriations said as follows:

> The President is at our mercy. If the government shuts down on December 15 and 300,000 people are again out of work, most of the people going out will be his people. I think he is going to care more than we do.

Now, as everyone knows, I have a great deal of respect and affection for the chairman of this committee. We have been friends for years, and we have had a constructive working relationship for years. But I think that the leverage which other power centers in this body are bringing to bear on the appropriations process is making it very difficult for this House to do its duty to every single citizen in this country.

We have a duty not just to disagree on what we disagree upon; we also have a duty to agree on that which we can agree upon. Right now, we ought to at least be able to agree upon the idea that every citizen of this country has a right to the full range of services that he has paid for. He cannot have access to those services when the Government is shut down.

So what I ask my colleagues to do tonight is not only to support this resolution, but to support our efforts at the end of the debate in our recommittal motion to expand the services which are providing a narrow range for some veterans' programs, expand those to all veterans' programs and, indeed, all of the programs to which our citizens are entitled. if we do not do that, we are not earning our salaries; we are not providing the services which our taxpayers have a right to expect.

Forget the leverage games, forget the zeal, remember your duty; open up the entire Government for the benefit of the American people.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN] the distinguished chairman of the Committee on National Security.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in strong support of House Joint Resolution 134, a continuing resolution to extend veterans' benefits for the month of January. I commend the distinguished gentleman from Louisiana [Mr. LIVINGSTON] for his worthy efforts in bringing this important measure to the floor at this time.

In these days of fiscal debate and disagreement, it is crucial that we forget those who rely on us. There are millions of deserving veterans who depend upon their monthly pension or disability checks. It would be an injustice if we, in our current impasse over the budget, allow these veterans' checks, which contain a 2.6-cost-of-living adjustment, not to be processed due to a lack of authorized funds.

Our Nation's veterans answered their country's call, sacrificing their time, quite often their health. They loyally fulfilled their duty to their Nation. In this holiday season, their Nation should fulfill its obligation to them. This resolution will fulfill that obligation, even as we continue our important debate over a balanced budget.

Accordingly, I urge my colleagues to fully support this worthy measure designed to protect our veterans during this Government shutdown.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, this continuing resolution for one segment of our society, one category of our citizenry is symbolic of the destructive nature of the politics of division that our Republican colleagues are practicing so successfully, but just because it is successful does not make it right.

This CR, for one group of our people over another, begins the Republican crusade to pit our American people against one another. It starts with this CR and it will end with the block grants. You will pit elderly people against poor kids. You are going to pit the veterans against children on AFDC.

Why are you not giving a CR for AFDC recipients? It is because you are making a value judgment here that veterans count more than young kids.

That is what is wrong with your approach, and that is what is wrong with your Contract With America.

Mr. LIVINGSTON. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I would say to the gentleman from Rhode Island [Mr. KENNEDY] that AFDC does not require a continuing resolution.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON], the distinguished chairman of the Subcommittee on Hospitals and Health Care of the Committee on Veterans Affairs.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would say to the gentleman who just spoke that there is nothing that we can do for our children that is more important than balancing the budget. If you want to talk about pitting something against the young people of this country, then please talk about the crushing load of debt that we are transferring to them because of our selfishness. Talk about the $187,000 in taxes that they are going to pay during their lifetime to pay for our profligacy and our unwillingness to discipline ourselves.

I say to my colleagues there is nothing more proveteran than balancing the budget. They know what it is to serve this country, and they could use the 2-percent lower interest rates that a balanced budget will mean.

One of the speakers on the other side referred to the veterans of this country, the 2.2 million veterans who are going to be affected by this resolution this evening, as a narrow band of our society. Well, 2.2 million veterans are not a narrow band, and they are the most deserving constituency in this country.

What we are doing is right, and what we are doing is responsible.

Mr. Speaker, 2.2 million veterans receiving compensation for their service-connected disabilities; 308,000 widows, children, and survivors of veterans who have died of service-connected disabilities; 450,000 veterans receiving pensions for their wartime service; and thousands of veterans receiving the Montgomery GI bill payments each month, that is no narrow band of our country.

It is a shame, it is a crying shame that what we are doing this evening is even necessary because this Congress did its business, it did its duty, it passed a VA appropriations bill, one that was good and fair to veterans, increasing veterans' spending over the next 7 years by $40 billion more than the last 7 years at the time that the veteran population is going down.

Let us support our veterans.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I do not understand why we are here just a few days before Christmas, and I hope some of the rhetoric that I am hearing around here is just that.

Let me just point out one thing. Sixty percent of the eligible voters in this country, where you hear about a mandate and a revolution, 60 percent of the eligible voters in this country sent "a pox on both our Houses." That is not a revolutionary number.

Mr. Speaker, let me say one other thing. The gentleman talked about children. I would suspect that some of those 275,000 or 280,000 people that are going to be out of work have children and grandchildren that are going to be impacted because their parents and their grandparents are out of work; and I would suspect that there are some veterans, whom I strongly support and take no back seat to anybody in this building, that have children and grandchildren with jobs that are going to be impacted by this shutdown of government.

I was watching television the other night, and I was watching some of the freshmen on the Republican side, which shows what kind of life I lead. But a young man from Tennessee said, we want to close the Government down. That is what we want to do, close this Government down.

What do my colleagues have against those 270,000 people that have absolutely nothing to do with this budget argument? Absolutely nothing.

Now, what we can do, we can do a resolution that lets these people go back to work, go to their jobs; and we will stay here all weekend, and my colleagues can take turns thrashing the President. Will that not serve the same purpose?

These people have absolutely nothing to do with the budget negotiations. These people have been put out of work for absolutely no reason, and I challenge anybody on this side to give me a reasonable reason why we are putting these people out of work here 3 or 4 days from Christmas when they could be shopping with their children and their grandchildren and experiencing the spirit of Christmas.

So let us get on with the continuing resolution. Let the people go back to work, and then we can continue to work on the budget.

□ 2100

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me just say, the gentleman from Wisconsin a few minutes ago, as others have, has made reference to the 73 freshmen we have on our side of the aisle, indicating that they are going off on a tangent and holding us all hostage and stopping progress on the negotiations.

Many of us have been waiting for a long, long time to head this country toward a balanced budget. I have been here 13 years. We have waited and we have waited and we have waited for that additional cadre of people who are willing to fight with us to get to a balanced budget.

We have heard all the rhetoric, all the arguments for years from the Democrat side of the aisle saying, "We're going to do it, we're going to do it, we're going to do it" but we never do it. The deficit continues to rise and

rise and rise and we now have a $5 trillion national debt.

So I would just like to say to my colleague from Wisconsin, thank God for the 73 new Republican freshmen because they speak for what we have been speaking for the past 13 years. They do not speak by themselves. They speak for all of us. We are all together on this and we are going to get the job done.

Mr. FAZIO of California. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, the previous speaker in the well said that the most important thing we can do for our children is to give them this balanced budget.

It is a strange notion of Christmas, as you gather your children around, and you say you gave them a balanced budget. But when your children ask you what is the price to other children, you tell them the children in foster care will not be able to receive placement, children who are abused are likely not to receive placement in a safe home away from the abuse, children that need health care because their parents lost their jobs will find that not there because of your cuts in Medicaid.

They always say the children are not as cruel as adults, but they will find out how cruel it was. When you tell them the price for the other children in this Nation, they are going to say, "Shame on you, Daddy. Shame on you, that you did that to the children of this Nation." Because children do not desire to see their colleagues hurt, to see their colleagues suffer that kind of pain, but that is what your budget does and that is why it should not be accepted.

I yield to the gentleman from Rhode Island [Mr. KENNEDY}.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the gentleman from Florida [Mr. SHAW], who attempted to correct me, is not quite correct in his trying to correct me.

If we do not complete the work on the Labor-HHS bill, States will not get the money that they need to provide for these dependent children, and that was the point I was trying to make. In fact, the point seems to have been lost here that we are trying to make a value judgment in passing a CR for one group of Americans and not another, because we all perceive this group to have political legitimacy but the children do not. That is the point I was trying to make.

Mr. MILLER of California. The gentleman is exactly right.

Mr. LIVINGSTON. Mr. Speaker, yielding myself 15 seconds, I am concerned for all of the poor people that the gentleman from California referred to. But the point is that if he would get on the phone and talk to his colleagues on the other side of the building, so they might release their filibuster and that Labor-Health and Human Services bill that has been filibustered for the last 6 months by the Democrats in the Senate might go forward.

Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker I would really like to talk about what the resolution does. I rise in support of the continuing resolution that will assure that 3 million veterans will get their benefit checks on time. Two million of the 3 million veterans are service-connected either because of wounds or because of wounds or because they were hurt in the service. Also, the service-connected will get a 2.6-percent cost of living increase in their checks.

Mr. Speaker, I have felt very strongly about this, that the Federal Government has a stronger responsibility to the persons who marched off to war and came home, or to the widows and orphans of those who did not come home. So let us vote for this veterans' resolution.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

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

Mr. Speaker, the distinguished chairman of the committee has made the point on a number of occasions that the Labor-Health bill is held up because of a filibuster. But he never says why, the reason being, because the Republicans have put a provision on the Labor-Health bill that will make it easy to fire people, easy to get rid of people, easy to get them out of jobs. Is it not ironic that the CR that you will not allow us to pass does exactly the same thing, keeping people out of jobs? That is why the Labor-Health bill has not passed.

Mr. LIVINGSTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. BILIRAKIS], a distinguished member of the Committee on Veterans' Affairs.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of this legislation to ensure that veterans' programs will continue to be funded in the wake of the President's recent veto. Because President Clinton vetoed H.R. 2099, the 1996 VA–HUD appropriations bill, as has been said so many times here tonight, veterans' benefit checks will not be paid on time next month unless a short-term spending measure is passed by 8 o'clock tomorrow morning.

The President should have signed H.R. 2099 and avoided putting these benefits and services in jeopardy. However, since he did not, we in Congress must act to ensure this funding and protect the Nation's veterans.

The question has been asked a few times tonight: Why do this special thing for the veteran? I will tell why. Because if history has taught us anything, it is that the American serviceman has borne any hardship, has overcome any obstacle and has conquered any foe in the defense of liberty, justice, and freedom.

I think that he and she, more than anyone, can understand our battle to balance the budget for the sake of our children and our grandchildren. We must maintain our commitment to them, and Congress is here tonight because we feel strongly that veterans' benefits must not get lost in the battle to balance the Nation's budget.

America can never really fully repay our veterans and we will never be able to express our feelings to our fallen soldiers, but we can act to ensure that veterans will receive the benefit checks that they have earned. Our Nation's veterans deserve nothing less. I urge my colleagues to support this legislation and ensure its passage.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, first of all I would like to associate myself with the remarks of the gentleman from Rhode Island [Mr. KENNEDY]. Then I would like to get to this point at hand.

There is no veteran in this country who has exhibited bravery and courage on behalf of our Nation who did that to protect or to defend themselves. They did that to protect and defend this country and the people who live here, the women and children and senior citizens of our land who are being victimized by this budget impasse and by this Government shutdown.

So to come to the floor and say we want to honor the veterans by allowing their checks to go out, we should honor their bravery and their courage by putting this Nation's budget back in order and allowing the Government to operate so that the children of these veterans, the parents and grandparents of these veterans, so that the communities that these veterans live in, can be the kind of Nation that may of them fought and gave so much for.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education, Training, Employment and Housing of the Committee on Veterans' Affairs.

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

Mr. Speaker, I agree with the comments of my good friend, the gentleman from Mississippi [Mr. MONTGOMERY], who said we really should be talking about what is before us. That is, as chairman of the Subcommittee on Education, Training, Employment and Housing of the Committee on Veterans' Affairs, I take my duty and responsibilities very seriously to the 26 million veterans.

The bill which the President vetoed was very disappointing because we had over a $400 million increase in VA medical care. The research budget totaled $257 million. Veterans' benefits programs funding will increase from $36.9 billion in fiscal year 1996 to $41.8 billion in fiscal year 2002. So during the next 7 years, more than $275 billion will be spent on veterans' programs, $40 billion more than the previous 7 years. I think that is very important.

The budget which is being attacked here all of a sudden, it fully funds the important veterans' compensation, pension programs, the GI bill, vocational rehabilitation insurance, the home loan program, and a COLA increase of 2.6 percent.

The bill that is before us will ensure the on-time payment of benefits for compensation, pension, DIC, and the GI bill. It will also ensure that contractors who supply the services directly related to patient health and safety will be paid, and it will also ensure that such services as ambulance service and contract physician coverage for emergency care will continue.

I also would like to share with my colleagues, as I witnessed the debate on the rule, I would almost caution my colleagues, my Republican colleagues and my Democratic colleagues, that I was disappointed in some of the lack of civility shown here in the House.

No one in this Chamber by political party has a cornerstone on the concerns of veterans. Many of us in this body, when we wore the uniform, no one ever asked us were we a Republican or were we a Democrat. This is why we operate in the Committee on Veterans' Affairs in a tremendous bipartisan spirit, not only in the authorizing committee but in the appropriating committee.

Here is what is going to happen here tonight. We are going to continue to play a little politics, but America will receive a message here tonight. This body will overwhelmingly support this because we believe in bipartisanship for veterans.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, of course I intend to support this bill. I was sitting in the back of the Chamber listening to the rhetoric, and some of it rather fiery and some of it rather tough, and here in this season, the season supposed to be that of good will and peace, and I think that we lack that element here in this whole debate, that of good will.

I hope that in the days ahead, not just for this body, a very special revered body in this country, but for the people back home, that we reexamine and have good will and work toether and get the people's work done.

Mr. LIVINGSTON. Mr. Speaker, in the spirit of good will, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT], chairman of the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs of the Committee on Veterans' Affairs.

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

Mr. Speaker, our Nation's veterans deserve better treatment than they have received from this President. President Clinton alone bears responsibility for the Government shutdown, since he vetoed the Veterans Administration appropriations bill earlier this week. This is a good bill. It added $400 million above last year's VA health care budget and increased overall VA spending while most departments of government face cuts.

Mr. Clinton had a choice to put veterans first. Instead, he put treehuggers first. In his statement today, President Clinton spoke of protecting Medicare. He is going to leave saving Medicare to Republicans. Medicaid, education, and the environment. True to his principles, Mr. Clinton left out out Nation's veterans. He has lavished funding on his priorities, the paid volunteer AmeriCorps boondoggle, a Bosnian occupation, jet-setting Cabinet members, and a host of failed liberal social programs.

But, sadly, the President has chosen to play politics with our Nation's veterans and to jeopardize the balanced budget which benefits our Nation and all Americans. Our bill corrects this. Rather than shortcutting our Nation's veterans as the President was willing to accept, this bill ensures that payment to some 3 million veterans and their dependents will continue to be made on schedule.

Despite the utter lack of this President's leadership, Congress will look out for those who have worn our Nation's uniform. Though this President has avoided the tough choices required in restoring fiscal sanity needed to support our veterans, we will ensure their protection. I urge adoption of this legislation.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

□ 2115

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

I was in the district of the gentleman from Pennsylvania [Mr. MASCARA], my colleague, a couple of months ago. We were traveling with some hospital administrators in our area who were telling senior citizens the impact in a nonpartisan way. Many of them were Republicans. They were telling the senior citizens about the impact of the Republican cuts in Medicare and Medicaid on their hospitals. They were telling them in their own words. We did not coach them.

At the end of it this exsteelworker looked up at me with a big broad smile that turned into a very sad face, and he actually started to cry. And I said, What is the matter? He said, You know, I have never asked this country for much of anything. I laid in the snow and I laid in the mud and the rain for 5 years in Europe. I was not wounded. I was one of the the fortunate ones. I never asked this country for anything except keep its promise to me. Give me Medicare and Medicaid, if I need it. Do not make my children have to give up educating my grandchildren because they have to pick up the bill because we no longer prohibit that sort of thing to occur.

He was very sad. So I am glad that we are taking care of the veterans with this rifle shot CR. But there are so many things that we are doing that is hurting those same veterans. We are balancing the budget on their backs and they are being asked to fight again.

Mr. LIVINGSTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon [Mr. COOLEY], a member of the Committee on Veterans' Affairs.

Mr. COOLEY. Mr. Speaker, I rise today in favor of House Joint Resolution 134—a bill to ensure that our Nation's veterans receive their compensation checks during this shutdown.

I am firmly committed to balancing our Nation's budget, but our veterans are innocent victims of this shutdown.

Those who have risked their lives and liberty in service of this Nation—those who depend on the monthly benefits that our Federal Government has contracted to give them—should not be cut off at any time.

For all of us, this should be an easy vote. It would be immoral to turn our backs on our veterans.

That said—I must say one thing. Let there be no mistake about it.

This budget fight might be ugly—but the Republicans in Congress are waging this fight to preserve the strength and integrity of this Nation.

As a veteran myself, I cannot sit back and watch our Nation become weaker—racking up trillions of dollars in debt.

I hope and believe that other veterans throughout this great Nation agree with me.

Congress must—for once—exercise some fiscal discipline.

Meanwhile, we will provide for those who have served this Nation.

I urge a "yes" vote on the bill.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, as a ranking member of the Subcommittee on Education, Training, Employment, and Housing of the Committee on Veterans' Affairs, I am ashamed to hear the staging and profiling by too many of my Republican friends on the other side of the aisle proclaiming their love for our veterans.

Where were they when the President needed them for resources for hospitals and medical care? He had to veto the VA-HUD bill and in his message he told them why he was doing it. They refused to support him for hospital resources for veterans.

Besides that, where were they when the Republican-appointed Clerk just fired a veteran of 23 years who helped to install the electronic voting system for this House? A veteran who served in Vietnam, who was fired without cause, they just kicked him out before Christmas without cause. They just let go a veteran who served in Vietnam and told him they did not care about him or his family.

With friends like you, the veterans do not need any enemies.

Mr. LIVINGSTON. Mr. Speaker, wondering whether the preceding speaker voted for the defense appropriations bill, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], a distinguished member of the Committee on Veterans' Affairs.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding time to me.

Mr. Speaker, I would like to endorse fully the remarks made in a bipartisan fashion by the gentleman from Missouri and the gentleman from Indiana. I, too, yearn for a return to civility, which is why I listened with great interest when my friend, the ranking member on the Committee on Appropriations, chose to attack me personally.

Mr. Speaker, I think it must be forgiven when a web of fiction is so intricately weaved and pronounced here on the floor of this House that quite often it is my natural reaction to chuckle. If a smile or a chuckle at the absurdity is inappropriate, well, then I suppose I am guilty of having a sense of humor, but a sense of humor born of the fact that we have to laugh to keep from crying. Because once again, Members of the minority get up with a straight face and they ignore reality.

The President of the United States vetoed veterans appropriations that were genuine increases in spending, $400 million over last year, fact. And the fact is that this new majority, working in concert with responsible Members of the minority, will pass this overwhelmingly. I dare say that was the one remark given by the ranking member of the Committee on Appropriations that I can agree with. This legislation will pass overwhelmingly because it is the right thing to do.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], former chairman of this committee, who would like to speak to the issue of veterans benefits.

Mr. OBEY. Mr. Speaker, I would simply comment on the comments of the previous speaker who addressed himself to something I said on the floor.

I would simply note, I have observed him on three occasions this week sitting in the front row of the Chamber and loudly laughing at whoever it was who was speaking at the moment, disrupting their ability to speak. I think the House deserves better conduct than that from any Member.

I would also make the point, if we want to talk about fiction, I would make the point that it was solid fact when we stated earlier in the day, and when I stated in that same statement, that the bill for veterans funding, for veterans health care was $213 million below the amount that the bill was when it left the House.

That conference report contained $1½ billion more in total funding, and yet they managed to cut the veterans funding by $213 million.

The gentleman may feel that that is an adequate level of funding. That is his prerogative. I happen to honestly disagree. It would be nice if we could honestly disagree without constantly demonstrating physical disrespect for each other.

Mr. LIVINGSTON. Mr. Speaker, I yield 30 seconds to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, good people can disagree. Good people can disagree about a great many subjects. But when repeated fiction is stated on the floor of this House, it is sad.

Once again, the ranking member has chosen to personally attack this Member of the Congress. I just simply want to say that it is shameful that these people would rather engage in shenanigans than to confront the problems we have today.

Once again, I reach out my hand to the minority side and indeed to the gentleman at the other end of Pennsylvania Avenue. Let us reason together and solve America's problems.

Mr. FAZIO of California. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA], a senior member of the Committee on Appropriations, former chairman of the Subcommittee on National Security.

Mr. MURTHA. Mr. Speaker, one of the things I wanted to point out to the Members that I think is so important in the recommittal motion that we had, and this may not be the right time and I know the Members that voted for the authorization feel that they have taken care of the two problems that we have in this recommittal motion, but in this recommittal motion we have language which will take care of the disparity in the COLA between the military retiree and the civilian retiree. We think that is important. We also have in this legislation to take care of the increase in pay for the military.

Now, I know the President is going to veto the bill. I know it passed by a slight majority in the Senate. As I understand it, the majority leader on the other side may add this to their bill at some point, but I just want the Members to realize, this is something that has to be done by the first of the year. If we do not take care of it, if we do not put this type of language in one of our appropriations bills, if the authorization is vetoed, then it means that the members of the armed services would not get their first month's increase or whatever increase it was or the COLA disparity would continue.

For 3 years the Subcommittee on National Security has taken care of the COLA disparity. We put the money in, even though it was forced on the authorization. So I would hope as the Members vote they think about this one particular provision in this recommittal. It is a very simple provision that takes care of those two things.

As I say, since the authorization has not been vetoed at this point, my colleagues may feel that this is not the time to do it. but at some point we have to do this. I would hope that the majority would recognize this so we could get it done before the first of the year.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Georgia, [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there is only one person who stands between a balanced budget in this town and that is the President of the United States because he vetoed the balanced budget. There is only one person that stands between those employees of the Commerce and Justice Department being at work, and that is the gentleman who vetoed that bill, the appropriations that would have paid their wages. That is the President of the United States.

There is only one person that stands between the national parks being open and the people who work for the Department of Interior, and that is the gentleman who vetoed that appropriation bill, the President of the United States. There is only one person who stands between those who work for VA and HUD and besides there would have been a 2.4-percent increase for our military had this bill been approved, and that is the President of the United States, the man who vetoed the appropriation bill.

Mr. Speaker, I was reading the other day in Reader's Digest a quote that I think fits this area, this time very well. It was by the late Harry Truman. He said, it is not the hand that signs the laws that holds the destiny of America; it is the hand that cast the ballot.

I think that we could say the same here. It is not the hand that vetoes the laws that holds the destiny of America; it is the hand that casts the ballot.

I urge support of this continuing resolution to fund the benefits of our veterans.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of this bill.

The untold story of the Gingrich budget process is that this Congress simply did not get its work done on time. Thirteen appropriations bills were supposed to be completed by October 1. Not one of them was signed by the President into law by that deadline.

This Congress has been badly run, poorly administered, extreme and radical. That is why we now have this absurd Government shutdown.

The other reason American taxpayers have had to bear this ridiculous Gingrich Government shutdown is that the Speaker personally threatened over and over and over to shut down the Government so he could have his way to have a massive shift of money and resources from the poor and from the middle class to give to the rich; Medicare cuts so we could have tax breaks for the rich; student loan cuts so we could have tax breaks for the largest corporations in this country; education and environmental cuts so we could have tax breaks for billionaires who renounce their citizenship.

It is wrong, and the Gingrich Republicans know it is wrong.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I get confused. Is this the same President that went on TV tonight and said, after vetoing the VA appropriations bill, we are going to delay veterans benefits?

□ 2130

Is this the same President that I recall that cooked with the other side a bill to delay military COLA's for months and months and would permanently have to reinstate it? Is this the same President that proposes better benefits for a volunteer program, a new volunteer program, than he does for our veterans? Is this the same President—I keep getting confused—who proposes better benefits for welfare recipients than our veterans? My goodness, am I confused. Is this the same President who offers better and cooked with the other side better benefits for illegal aliens who wash up on the shore and have never served the country? Is this the same President who just a few weeks ago threatened to veto the appropriations bill until he was going to send our troops into Bosnia? I get confused. Is this the same President that my colleagues have said he, as a candidate, he was going to have a plan, and he would get elected, and he would have a plan to balance the budget in 5 years? I get confused. Is this the same President who called the 73 freshmen extremists, the businessmen and women, people who have worked for a honest living and come to this place to straighten up its messed-up finances?

Now who do my colleagues believe? I am telling my colleagues that there are over 230 of us who are prepared to stay here until Washington, or whatever, freezes over, until we get a balanced budget and until we treat our veterans right.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Needless to say by the previous speaker's antics, Mr. Speaker, my Republican colleagues are mired in confusion for they believe that they have the moral high ground, and yet I find them someplace that we would not want to proceed.

The American people know where the trouble is. They realize that the President of the United States stands with opportunity. They also realize that there was a Congress here some years ago, a Democratic Congress with two Republican Presidents, and they recognize that there was great dispute on the budget, and under Reagan there was no historic shutdown, under Bush there was no long, extended shutdown.

So, Mr. Speaker, we realize that politics of Republicans is to bring the country to its knees. The people realize that the Democrats offered to increase the pay of those in Bosnia; the Republicans rejected it. They realize that we can have a clean continuing resolution, and the Republicans rejected it so that we cannot keep this Government open. They realize that disabled children will not have their benefits because of the Republicans.

This is not about the President of the United States. This is about no moral leadership with the Republicans.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I was surprised to hear earlier the question from the other side, of the wonderment from the other side, that we would actually prioritize a particular rifle-shot continuing resolution for veterans, that we should not somehow be putting them at the top priority, and I just want to remind my friends on both sides of the aisle that, if there is one group that we ought to, for heaven's sakes, prioritize as being No. 1, that we should take care of without any question before, yes clearly before we take care of other groups in our society, those are veterans.

Think about the veterans who have spilled blood and are now on a pension, and think about that veteran's widow, that veteran's children. Why on Earth would it come as a surprise, why would it even be an issue? Where would the question ever come from?

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. HOKE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I have a great deal of respect for the gentleman from Cleveland, but I would like to ask him the question, "If you truly want to serve the veterans of this country, would you vote with me to pass the VA-HUD-EPA bill with the amendments that we have been trying to offer in the committee?"

Mr. HOKE. Reclaiming my time, I did vote for the VA-HUD appropriations bill that was passed in this House that was vetoed by the President of the United States 2 days ago. I vote for it proudly. We would not be here tonight, we would not be doing this tonight, had the President not vetoed that bill.

Ms. KAPTUR. Would the gentleman yield further?

Mr. HOKE. No. I will not yield, but I will yield at the end if I have time.

Clearly what disturbs me is that there would be a question as to why we would be here this evening to prioritize the needs of the Nation's veterans. It seems to me absolutely and utterly appropriate that we would do that, and it is only a very mean-spirited, very extreme liberal agenda that would not put that first.

Mr. FAZIO of California. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, there is absolutely nothing wrong with putting veterans at the head of a line. We ought to put all of the veterans at the head of the line. What is wrong with making available Government services so that new veterans who are entitled to housing benefits, who are entitled to disability benefits, who are entitled to pensions; why do we not handle this resolution tonight so they can also get the services they need in order to get the aid that they have a right to expect from their Government? Why are our colleagues shutting the Government down to them and only opening it to people who already have those benefits?

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, listening to this debate tonight reminded me of when I was a small child. In the Catholic school I attended there was a framed picture on the wall, and it said, "Suffer little children and come unto me." I could not understand it. I asked by parents and teacher who would want children to suffer, and then it was explained to me that the third or fourth meaning of suffer was permit, allow, children to come unto me.

Listening to our colleagues exclude children from this continuing resolution goes to the first meaning of suffer little children, to hear our colleagues come to the well and say that they have to have it this way, only the veterans.

By the way, I agree that the question here tonight is not why should we be doing this for the veterans. Of course we should. The question really is why should we not be doing it for children and others as well? But to hear our colleagues come to the well and say they are doing this so their children do not have to pay interest on the national debt 20 years from now, some children do not have anything to eat 20 minutes from now.

The message is very clear, Republican majority: Suffer, little children.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, for yielding me the time, and I rise in strong support of this resolution to get payment to our Nation's veterans. They have sacrificed for our country, they have laid their lives on the line, and this is a very important continuing resolution, and those on the other side of the aisle who pointed out that there are a number of other things that need to be resolved, they are absolutely right as well. As a matter of fact, there are a number of things that should be taken care of, and we pointed out on our side that many of them would have been taken care of if the President had signed into law the veterans appropriations, the Department of Housing and Urban Development appropriations, the Commerce Department appropriations, and State Department appropriations, the Justice Department appropriations, the Interior Department appropriations. But this week he vetoed every single one of those appropriation measures and has effectively closed down all of those agencies except for essential personnel.

Now the President of the United States has a constitutional right to veto every single one of those pieces of legislation, but he also has a moral obligation and an obligation based on the law he signed over 30 days ago to balance the budget in 7 years using real numbers, to come forward with his itemized response to everything he does not like in each one of those appropriations bills, in each one of the entitlement measures we have in the country, so that we can sit down with him and negotiate. It is time to stop name calling, it is time to get down and negotiate, but we have got to have a reasonable, responsible approach to do that, and both parties laying their cards on the table, and everybody sitting down and getting serious about this is exactly what is needed, and I call upon everybody, including the President of the United States, to stop the press conferences and start negotiating.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I am glad to follow the last speaker, because I hope we would put our cards on the table, and if the other side would do it and say, OK, let us take that tax cut off the table, $245 billion, $200 billion, we would not have to be worried about keeping the checks going to our veterans or veterans' widows.

I had the opportunity tonight to talk to a widow of a veteran. She said she could not pay for her food, she could not pay for her utilities unless her check is there, and I am glad we are at least dealing with that.

The reason we are here though is because this bill, the VA-HUD bill, was rejected by this Congress I do not know how many times because of the 20-percent cut in HUD, cuts in veterans' programs, cuts in lots of programs, and that is why we are here tonight on a stopgap measure.

I hope we pass this, but let us remember the reason we are here is because the majority could not pass these bills by October 1, not because the President vetoed it, because they could not pass them, and now they are having to take care of it on this. I would hope we would take care of our veterans, but I hope we would also be able to take care of those who need housing.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. KINGSTON], a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding this time to me.

As my colleagues know, I hear a lot of partisan finger pointing tonight, but this is not about Democrats, it is not about Republicans. It is about veterans. Do my colleagues want to help those who have helped us? Do my colleagues want to honor what they have done for us in the past?

Samuel Johnson said we should always remember our forefathers and our future generations, but, more importantly, we should remember the sacrifices of the former on behalf of the latter, and that is what we are doing tonight. We are remembering our veterans.

Now I would say to the gentlewoman from San Francisco, CA [Ms. PELOSI] we are not forgetting our children, we are certainly not forgetting the children. Our colleagues are going to give them a $5 trillion debt when they are through with their left-wing spending policies. If a child is born today, he or she owes $187,000 as his or her part of interest on the national debt over a 75-year working period of time. That is $187,000 above and beyond local, State, and Federal taxes. I say to my colleague, "Boy, you have not forgotten the children, I must say, and I tell you what. If that's your idea of compassion, that's your idea of caring, if that's your idea of a great Christmas present, fast forward me and my kids to groundhog day."

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise today to join my colleagues in expressing my concern and dismay that we must be here tonight to debate this mini CR. As we all know, this work should have been completed months ago.

As we work tonight to ensure that our veterans receive the benefit checks they so deserve, I cannot help thinking about the over 250,000 federal employees who are sitting in their homes, wondering and worrying about their fate and wondering if we care.

Christmas is 5 days away. Yet the radical new Majority refuses to find a way to solve this budget impasse, and insists on holding hardworking federal workers—and their families—hostage to their misguided and unfair budget priorities.

Let us stop the nonsense. Let us open the entire government. And let us finish our work so Federal employees can do their work.

Mr. LIVINGSTON. Mr. Speaker, I only have one more speaker, so I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

□ 2145

Mr. MORAN. Mr. Speaker, I thank the ranking Democrat on the Committee on Appropriations for yielding time to me.

Mr. Speaker, let me explain why we have problems with this bill. It is certainly not that this bill provides benefits for veterans. The problem with this bill is that it is shortsighted and insufficient. If we do not pass a continuing resolution by December 22, this Friday, 13 million welfare checks cannot be processed by the Department of Health and Human Services. Are we going to pass a specific continuing resolution for welfare checks? I think not. But they cannot be processed if we do not have a CR by December 22. If we do not have a continuing resolution by next Wednesday, $11 million in checks cannot be sent to the States by the Medicaid program. The States cannot function without that $11 billion in Medicaid programs.

Between votes I checked my message machine. I just want to share with you a little message that was on it. It said: "Please tell Congressman MORAN that we veterans have been hungry before, we veterans have been cold before, but we veterans have never put our interests ahead of the country's interests before." He said: "As far as I am concerned, I do not want my benefit check until women and children get their checks first."

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

Mr. Speaker, let me take this time to point out that the recommit motion that I will offer would simply do everything that the motion before us purports to do. Our motion would open up the government for all of the veterans services described in the motion before us. We would add to that all other services to be provided, that could be provided by the Veterans Department, so the Veterans Department is open for all programs, for servicing all programs. We would expand that to provide, in fact, a clean CR through January 26 for all other functions of government, and we would at the same time authorize the 2.4 percent military pay raise for our servicemen and eliminate the 6-month disparity between COLA payment dates for military and civilian retirees, so we can assure that our military personnel will in fact be treated fairly, and will in fact receive their full COLA.

As we know, Mr. Speaker, the authorization bill is expected to be vetoed. Without this language, we can, therefore, not guarantee our troops going to Bosnia that they will have the full COLA. We think we ought to do that and, most fundamentally, we think we ought to open all of the services of government because the taxpayers have paid for those services and they are entitled to receive them.

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

Mr. Speaker, we have heard a number of arguments on this joint resolution. I am not sure they were in opposition to it, because it appears that everybody is going to vote for this bill. Some of the arguments were, "We are not doing enough." Well, if the President had not vetoed the last three appropriations bills we sent him, we would be doing a heck of a lot more than we have done so far. The fact is, as was said in the well, the President has vetoed the Justice Department appropriation, the Commerce Department appropriation, the State Department appropriation, the Interior Department appropriation, the VA–HUD appropriation, the Judiciary appropriation, and the NASA appropriation. He has vetoed all of those in the last week. All the people that work for those agencies could have gone back to work and been paid. All of the benefits that accrue under those bills could have gone into effect if the President simply signed these bills. And for all of those people who say they are concerned about children, for crying out loud, do not direct your concern at us. Tell those people, your counterparts in the other body that are filibustering the Labor-Health and Human Services bill in the Senate. It has been there for 5 months. It is about time to move that bill.

As a matter of fact, Mr. Speaker, it would be real nice if they would all of a sudden lift that filibuster, and we could dispose of it through a conference report, send it to the President, and maybe he might sign that bill and maybe he might not. Listening to his messages that we hear on television day after day about the Republicans being extremists, I get a little confused, as the gentleman from Florida earlier pointed out. Who is on first base here?

It is about time he starts getting the message. The Republican message is we want a balanced budget in 7 years, 2002. That is the only message. The rest of it is just quibbling about details. But the President has said on various times, "I am for a 5-year balanced budget, I am for a 10-year balanced budget, I am for a 9-year balanced budget, I am for an 8-year balanced budget, and yes, I am even for a 7-year balanced budget, but not that 7-year balanced budget." He does not have any details. He has come to us, he has given us, one after another, budgets that were imbalanced year after year after year, and he has not come to the table and bargained in good faith to give us what we are asking for, a 7-year balanced budget.

Mr. Speaker, this is a good bill. It may not cover everything we want, but it is a start. It gives the veterans the benefit payments that they need, and hopefully, if the President comes to the table, we can take care of the rest of the unfunded activities as well.

Ms. BROWN of Florida. Mr. Speaker, I rise in support of this continuing resolution to make sure that veterans receive their checks on time at the end of this month. There is no doubt that this Congress is concerned about our veterans. It is clear that this continuing resolution is important and I will vote for it.

However, I must say that there is no reason why we can't pass a continuing resolution to keep the rest of the Government operating.

More than a quarter of a million Federal workers who have been furloughed are important, too. They have families. They have children. Federal workers matter.

Any yet the Republicans in this Congress refuse to pass a continuing resolution to keep our Government open because they want to force the President to accept their extreme agenda.

Mr. Speaker, we were sent to Congress to do the work of the people. We know what we need to do—pass a responsible budget that protects seniors, protects children, protects veterans, and sends our Federal employees back to work.

Mr. Speaker, let's stop the partisan fighting. Let's get our work done and let's give the American people the best Christmas presents they could ask for—a holiday they can spend with their families and a Government that can work together to solve this budget crisis.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of House Joint Resolution 134, legislation to ensure that veterans, dependents, and survivors will continue to receive their well-earned benefits during this Government shutdown.

I would like to recognize the dedicated efforts of TIM HUTCHINSON, who has been a tireless advocate for veterans and has introduced legislation to ensure that veterans receive the compensation they deserve even when the Government is closed. I would also like to thank Chairman STUMP and ranking member MONTGOMERY for their tireless work on behalf of this legislation.

Mr. Speaker, this legislation should never have been necessary. This week, the President had an opportunity to sign the VA–HUD appropriations bill, which would have secured the funding for veterans benefits. Instead, he vetoed it. President Clinton also has the unilateral authority to order the delivery of veterans' benefits during a Government shutdown. But he has not used it. Because of the administration's insistence on playing partisan politics with veterans, the livelihood of 3.3 million veterans, dependents, and survivors is in jeopardy.

No one in this country has a greater claim to this Nation's Treasury than veterans who have been disabled as a result of service in the Armed Forces and the survivors of those who made the ultimate sacrifice and gave their lives in the defense of our Nation. Keeping faith with these heroes, their widows and their orpahns—whatever our Nation's fiscal circumstance—is as important as anything we do in Congress.

We must do what we can to guarantee that these brave men and women, who answered the call to duty and were willing to put their lives on the line in defense of their country, will receive what they deserve. This bill does that.

Our veterans deserve better than to be sacrificed at the altar of partisan politics. I urge my colleagues to vote in favor of this bill, which will put veterans ahead of politics.

Mrs. LINCOLN. Mr. Speaker, tonight we consider a bill that is vital to protect our veterans during this Christmas season. As you know, the current Government shutdown means that veterans' checks will be delayed if we do not pass a "rifle-shot" continuing resolution to allow the checks to be sent. I applaud the efforts of my fellow Arkansan, Mr. HUTCHINSON, chairman of the Subcommittee on Hospitals and Health Care, for his effort to get this bill to the floor so that we can protect the benefits of those who have served our country.

I strongly feel that each of us is forever in debt to our fellow Americans who risked their lives to protect our freedoms. I believe that after a person has served in the military, like my father did and his father before him, we should make every effort as a country to care for them, especially if they were injured in the line of duty. I want to ensure that veterans benefits receive fair treatment during the current budget negotiations. The current budget debate should not cloud our country's responsibilities and obligations to her veterans and this bill safeguards that obligation.

As important as this bill is, it should not be necessary. There is no excuse for holding any of our citizens hostage to the partisan bickering which has led to the current government shutdown. Although this bill will protect our veterans throughout the rest of the budget debate, we still have millions of other citizens who are not protected from the ill effects of this ideological impasse. For example, many hunters in Arkansas have been turned away

from our wildlife refuges at the height of hunting season, even though they played by the rules and purchased their permits.

Since the principal parties have agreed to balance the budget in 7 years, let's end this partisan bickering and accomplish our stated goal. No group, especially our veterans who selflessly served to protect our liberty and freedom, should be pawns in our political games. I strongly support this legislation because it protects our veterans from being used again. However, we should do the same for our hunters and all Americans. The coalition budget proves that a reasonable compromise is possible. Let's stop this demagoguery and get down to the heavy lifting we were sent here to do.

Mr. LIVINGSTON. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 317, the previous question is ordered on the joint resolution.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, at the direction of the minority leader, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. At this point, in its present form, Mr. Speaker, I certainly am.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves to recommit the resolution to the Committee on Appropriations with instructions to report back forthwith with an amendment as follows:

Strike all after the resolving clause and insert:

**SEC. 101. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.**

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

**SEC. 102. FURTHER CONTINUING APPROPRIATIONS.**

Section 106(c) of Public Law 104-56 is amended by striking "December 15, 1995" and inserting "January 26, 1996".

**SEC. 103. MILITARY PAY RAISE FOR FISCAL YEAR 1996.**

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

**SEC. 104 ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1996.**

(a) IN GENERAL.—The fiscal year 1996 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1996.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1996 increased in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1995.

(2) The Term "retired pay" includes retainer pay.

(c) FINANCING.—The Secretary of Defense shall transfer, from any other funds made available to the Department of Defense, such sums as may be necessary for payment to the Department of Defense Military Retirement Fund solely for the purpose of offsetting the estimated increase in outlays to be made from such Fund in fiscal year 1996 by reason of the provisions of subsection (a). Nothwithstanding any other provision of law, the transfer authority made available to the Secretary in Public Law 104-61 or any other law shall be increased by the amounts required to carry out the provisions of this section.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be permitted to explain the amendment.

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, if the gentleman would explain which motion to recommit he is talking about.

Mr. OBEY. No. 1.

Mr. LIVINGSTON. Mr. Speaker, I reserve a point of order on the gentleman's motion.

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

There was no objection.

The SPEAKER pro tempore. A point of order is reserved on the motion to recommit.

Mr. OBEY. Mr. Speaker, I think the purpose of this motion is quite clear. As I said earlier, this motion would incorporate the provisions of the Veterans Department which are included in the original legislation before us. We would open up the Government for those services, but we would add to that the following: We would add all remaining services to be provided by the Veterans Department.

Mr. LIVINGSTON. Mr. Speaker, I must insist on my point of order.

Mr. OBEY. We would also add all other remaining functions of the Government which have been closed down up until now. We would also, as I said, guarantee that the military receive their 2.5-percent pay raise, and correct the differential that now exists between civilian pay and military pay, so that the military pay would be provided in the same terms and conditions as civilian pay.

Mr. Speaker, I would urge the adoption of the motion to recommit.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from Louisiana [Mr. LIVINGSTON] insist on his point of order?

Mr. LIVINGSTON. Mr. Speaker, I make a point of order against the motion to recommit with instructions because it is not germane to the underlying resolution, and as such in violation of clause 7 of rule XVI.

Mr. Speaker, I quote from the Precedents of the House:

"It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment."

Mr. Speaker, a specific proposition cannot be amended by another proposition broader in scope. The motion to recommit deals with funding and authorizing activities outside the Department of Veterans Affairs, and therefore is not germane to the underlying resolution which deals only with funding for selected activities in this department.

Mr. Speaker, the gentleman's motion to instruct is not germane, Mr. Speaker, and I ask for a ruling from the Chair.

The SPEAKER pro tempore. Does the gentleman from Wisconsin, Mr. OBEY, wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Speaker, I would simply say the purpose of the resolution before us this evening is to

provide additional services to taxpayers. The purpose of my motion is to provide additional services to taxpayers. It simply expands the number of services available. It is the same taxpayers we are talking about, and I think they are entitled to a full range of services. I would therefore urge the Chair support the germaneness of the proposition.

The SPEAKER pro tempore. The Chair is prepared to rule.

The pending joint resolution continues the availability of appropriations for a specified fiscal period to fund certain activities of the Department of Veterans' Affairs.

The amendment proposed in the motion to recommit offered by the gentleman from Wisconsin seeks to continue the availability of appropriations for a similar fiscal period to fund the activities of other departments and agencies for which regular appropriations for fiscal year 1996 have not yet been enacted.

One of the important lines of precedent under clause 7 of rule 16—the germaneness rule—holds that a proposition addressing a specific subject may not be amended by a proposition more general in nature.

For example, the Chair held on September 27, 1967, that an amendment applicable to all departments and agencies was not germane to a bill limited in its applicability to certain departments and agencies of Government. That precedent is annotated in section 798f of the House Rules and Manual.

The Chair notes another illustrative ruling that is recorded in the Deschler-Brown precedents of the House at volume 10, chapter 28, section 9.22. On that occasion in 1967 the House was considering a joint resolution continuing appropriations for a portion of a fiscal year. An amendment was offered to restrict total administrative expenditures for the fiscal year. Noting that the amendment affected funding beyond that continued by the joint resolution, the Chair sustained a point of order that the amendment was not germane.

The amendment proposed in the motion to recommit offered by the gentleman from Wisconsin addresses funding not continued by the pending joint resolution. Where the joint resolution confines itself to funding within one department, the amendment ranges to at least six others. As such, the amendment is not germane.

The point of order is sustained. The motion to recommit is ruled out of order.

Mr. OBEY. Mr. Speaker, I most respectfully and reluctantly appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: "shall the decision of the Chair stand as the judgment of the House?"

MOTION OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON] to lay the appeal of the ruling of the Chair on the table.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 236, noes 176, not voting 21, as follows:

[Roll No. 872]

AYES—236

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
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
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
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
Shadegg
Shaw
Shays
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
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—176

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
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
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
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
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOT VOTING—21

Beilenson
Berman
Chapman
Conyers
Edwards
Filner
Flake
Foglietta
Gilchrest
Gutierrez
Hall (OH)
Lantos
Myers
Payne (VA)
Rose
Skaggs
Stark
Weldon (PA)
Williams
Wilson
Yates

□ 2217

Miss COLLINS of Michigan changed her vote from "aye" to "no."

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, at the direction of the minority leader, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman opposed to the joint resolution?

Mr. OBEY. In its present form, yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the resolution to the Committee on Appropriations with instructions to report back forthwith with an amendment as follows:

Strike all after the resolving clause and insert:

**Sec. 101. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.**

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

**SECTION 201. PAY FOR FEDERAL AND DISTRICT OF COLUMBIA EMPLOYEES DURING LAPSE IN APPROPRIATIONS FOR FISCAL YEAR 1996.**

(a) PROVISIONS RELATING TO THOSE WHO ARE PERMITTED OR REQUIRED TO SERVE.—Any officer or employee of the United States Government or of the District of Columbia government who is permitted or required to serve during any period in which there is a lapse in appropriations with respect to the agency in or under which such officer or employee is employed shall be compensated at the standard rate of compensation for such officer or employee for such period.

(b) PROVISIONS RELATING TO THOSE WHO HAVE BEEN FURLOUGHED.—

(1) IN GENERAL.—Any officer or employee of the United States Government or of the District of Columbia government who is furloughed for any period as a result of a lapse in appropriations shall not be entitled to basic pay with respect to any portion of such period, except as provided in paragraph (2)

(2) EXCEPTION.—Notwithstanding any other provision of law, any officer or employee referred to in paragraph (1) who is willing and able to serve during the period of the lapse in appropriations—

(A) shall be permitted to serve; and

(B) shall be compensated for any such service in accordance with subsection (a).

(c) DEFINITION.—For the purpose of this section, the term "agency" includes any employing entity of the United States Government or of the District of Columbia government.

(d) APPLICABILITY.—This section shall apply with respect to any lapse in appropriations for fiscal year 1996 occurring after December 15, 1995.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I make a point of order but reserve that point of order if the gentleman will make a brief explanation.

The SPEAKER pro tempore. The gentleman from Louisiana reserves a point of order.

The gentleman from Wisconsin [Mr. OBEY] will be recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I will not take the 5 minutes I will only take 1.

Mr. Speaker, as it now stands, government workers cannot volunteer to come in to work during the shutdown, but the Speaker has announced tonight that they will nonetheless be paid. What this motion would simply do, at the suggestion of the gentleman from Virginia [Mr. MORAN], is that we simply say that since workers will be paid, the ought to be allowed to come in and work if they want to. That is in essence all this does.

Mr. Speaker, let me simply, in asking for a ruling from the Chair, indicate that I think on both sides of the aisle we recognize that you have tried to do an extremely fair job tonight, and we congratulate you for it.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Speaker, I echo the gentleman's remarks about the way the Speaker has maintained order throughout this debate.

Mr. Speaker, I make a point of order against the motion to recommit with instructions because it is not germane to the underlying resolution, and as such is in violation of clause 7, of Rule XVI.

Mr. Speaker, I quote from the Precedents of the House:

It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment.

Mr. Speaker, a specific proposition can not be amended by another proposition broader in scope. The motion to recommit deals with funding and authorizing activities outside the Department of Veterans Affairs, and therefore is not germane to the underlying resolution which deals only with funding for selected activities in this department.

Mr. Speaker, the gentleman's motion to instruct is not germane, and I ask for a ruling from the Chair.

The SPEAKER pro tempore. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. OBEY. Mr. Speaker, I would simply say that the purpose of this resolution tonight is to open certain functions of the veterans Department so that the public can receive the benefit of the services from that department.

We are simply saying that since it has already been announced that government workers will be paid afterwards, whether they work or not, that we think they ought to be allowed to work, and I will leave the ruling in the hands of the Chair.

The SPEAKER pro tempore. Using the same reasoning as in the case of the previous point of order, the Chair finds that the amendment proposed in this second motion to recommit exceeds the relatively narrow ambit of the joint resolution by addressing the compensation of Federal employees on government-wide bases. Accordingly, the point of order is sustained, and the motion to recommit is ruled out of order.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, at the direction of the minority leader, I offer a third motion to recommit.

The SPEAKER pro tempore. The gentleman remains opposed to the joint resolution?

Mr. OBEY. I do, Mr. Speaker.

Mr. SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the resolution to the Committee on Appropriations with instructions to report back forthwith with an amendment as follows:

Strike all after the resolving clause and insert:

**SEC. 101. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.**

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

"(3) all other authorized activities of the Department of Veterans Affairs including

processing of existing and new applications for benefits and pensions, processing of certificates of eligibility for homeownership loans and loan guarantees, and payment of salaries of federal government personnel providing health care for our nation's veterans, are continued at a rate for operations not to exceed the rate in existence on December 15, 1995.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment for such benefits are available (other than pursuant to subsection (b)).

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this amendment is very simple. The proposition now before the House allows the Veterans Department to open for the purpose of payments of existing veterans' benefits and to provide payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs when due in the case of services, provided that those services directly relate to patient health and safety.

All we would do is add the following language. We would add language saying that the Veterans Department would also be open for all other authorized activities of the Department of Veterans Affairs, including the processing of existing and new applications for benefits and pensions, processing of certificates of eligibility for home ownership loans and loan guarantees, and payment of salaries of Federal Government personnel providing health care for our Nation's veterans.

And that they would be continued at a rate for operations not to exceed the rate in existence on December 15, 1995.

That is all it does. It simply says if you are going to open up the Veterans Department, open it up to everyone.

I would urge the Members of the majority, in the interest of comity, in the interest of rationality, to accept this amendment.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON] for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, I am compelled to oppose this motion, and I ask that it be defeated. We have made a good-faith effort to address the specific veterans' problems that were included in this bill, so that they can get their checks next week. We should pass this bill.

We want to work with all parties, the White House, the minority, and various members of our committee to take care of the balance of the other concerns down the line. But let us defeat this motion, let us pass the bill, let us conclude our business and let us go home for the night.

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

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.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 234, not voting 21, as follows:

[Roll No. 873]

AYES—178

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
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
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
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
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
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
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
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 (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
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
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 (NC)

Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Beilenson
Chapman
Conyers
Edwards
Filner
Flake
Foglietta
Gilchrest
Gutierrez
Hall (OH)
Lantos
Myers
Olver
Payne (VA)
Rose
Skaggs
Stark
Weldon (PA)
Williams
Wilson
Yates

□ 2242

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the joint resolution.

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

Mr. LIVINGSTON. 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 411, nays 1, not voting 21, as follows:

[Roll No. 874]

YEAS—411

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Obey

NOT VOTING—21

Beilenson
Chapman
Conyers
Edwards
Filner
Flake
Foglietta
Gibbons
Gilchrest
Gutierrez
Hall (OH)
Lantos
Myers
Payne (VA)
Rose
Skaggs
Stark
Weldon (PA)
Williams
Wilson
Yates

□ 2258

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, I was unable to be present due to a family emergency.

On vote #871, the previous question I would have voted "No.".

On vote #872, the motion to table, I would have voted "No."

On vote #873 the motion to recommit I would have voted, "Yes."

On vote #874, House Joint Resolution 134, the targeted C.R., I would have voted "Yes."

## GOVERNMENT SHOULD BE OPEN FOR ALL CITIZENS

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

Mr. OBEY. Mr. Speaker, I simply take this time to explain for the RECORD why I have cast the only vote against the proposition the House just voted on. I did not vote no because I was opposed to the proposition; as I said during debate, no one was opposed to the proposition. But House rules dictate if I were to be in a position to offer a motion to recommit that I needed to vote "no" on final passage.

I did so because I felt strongly that we should not only open the government for the services provided in the resolution, but should also open the Government for the purpose of other services that could be provided by the veterans department, and all other government employees as well.

The motion that I offered included all of the language of the original resolution, plus the additional language that would have opened up other functions of the veterans department, providing those services as well, and opened up all other agencies of the government which remained closed.

So for procedural reasons, to protect my right to offer that language which included all of the language provided in the original resolution, I was required by the House rules to vote "no".

## NOTICE OF INTENTION TO OFFER PRIVILEGED RESOLUTION PROVIDING DEFICIT REDUCTION AND ACHIEVE A BALANCED BUDGET BY FISCAL YEAR 2002

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman from Mississippi making a notice?

Mr. TAYLOR of Mississippi. I have a privileged resolution at the desk. As you know, the Chair can either bring this up immediately——

The SPEAKER pro tempore. The Chair would advise the gentleman from Mississippi that there is no privileged resolution at the desk.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman from Pennsylvania will state his inquiry.

Mr. WALKER. Mr. Speaker, the inquiry that the gentleman from Pennsylvania has is, has his privileged motion been properly noticed?

The SPEAKER pro tempore. The Chair believes that the gentleman is trying to properly notice his resolution as privileged.

The Chair recognizes the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I am informing the Chair of my intention to serve a privileged resolution before this body, and as the Chair knows, under the Rules of the House, the Chair may bring this up immediately or may ask for a 2-legislative-day delay on this matter.

Since the matter involves the highest privilege of the Members collectively, and that is the privilege of doing our constitutionally mandated responsibility of providing for the budget in the appropriations of this country, I would ask for its immediate consideration.

As you know, Mr. Speaker, we have no budget before this country, and 300,000 good people are wondering whether or not they are going to get paid.

We have a job to do. We are 81 days late in fulfilling our legal responsibility of providing for a budget for this country. The budget that was passed has been vetoed by the President. There are not sufficient votes to get the two-thirds majority to override the President, and it is my intention to submit, as a result of that, privileged resolution H.R. 2530, commonly referred to as the coalition budget, in an effort to break this impasse.

I would like to point out that under rule IV of the Rules of the House of Representatives, Questions of Privilege, clause 1 states questions of privilege shall be, first, those affecting the rights of the House collectively. Article I, section 9, clause 7 reads, and I am quoting, "No money shall be drawn from the Treasury but in consequence of an appropriation made by law."

Obviously, we cannot solve this budget impasse until we have passed and the President has approved a budget. Today marks the 81st day that this Congress has been delinquent in fulfilling our statutory responsibility of enacting a budget into law; and again, one has passed, but short of the two-thirds majority needed to override the presidential veto.

Mr. Speaker, by failing to enact a budget into law, this body has failed to fulfill our most basic constitutionally mandated duties. This Congress has failed to appropriate the necessary funds to fulfill the vital functions of our Nation.

The SPEAKER pro tempore. Will the gentleman from Mississippi suspend?

The Chair would advise the gentleman, the gentleman needs to make notice to the House of his resolution. The Chair would ask the gentleman to state his notice.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am doing so in telling my fellow Members.

The SPEAKER pro tempore. Could the gentleman from Mississippi read the title of his resolution in order to give notice to the House?

Mr. TAYLOR of Mississippi. Sir, as of today, I am introducing the coalition budget, H.R. 2530, to provide for deficit reduction and achieve a balanced budget by fiscal year 2002, as a privileged resolution and request its immediate consideration.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within 2 legislative days of its being properly noticed. That designation will be announced at a later time.

In the meantime, the form of the resolution proffered by the gentleman from Mississippi will appear in the RECORD at this point.

The Chair is not at this point making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at a time designated for consideration of the resolution.

Mr. TAYLOR of Mississippi. Will the Speaker recognize me for a unanimous-consent request?

The SPEAKER pro tempore. The Chair would advise the gentleman that the title will appear in the RECORD.

Mr. TAYLOR of Mississippi. The Chair has fulfilled my request.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BROWDER. Mr. Speaker, the gentleman from Mississippi [Mr. TAYLOR] has filed a motion, and I understand that the Chair has ruled that this will be dealt with by the Speaker in the next 2 days.

My inquiry is this: Does this mean that before we leave this Friday that this request will be scheduled by the Speaker so that the people of this country will not go through Christmas without a budget for the U.S. Government?

The SPEAKER pro tempore. The Chair would advise the gentleman that consideration will be scheduled within 2 legislative days by the Speaker.

Mr. WALKER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. In the action that just took place here a few minutes ago with regard to the privileged resolution, is the totality of the privileged resolution, namely the budget offered by the gentleman, going to be printed in the RECORD, or just the title?

The SPEAKER pro tempore. The Chair stated earlier the title of the resolution would be printed in the RECORD.

Mr. WALKER. So the totality of the resolution would not be printed?

The SPEAKER pro tempore. The title of the bill will be printed, not the totality.

Mr. WALKER. I thank the Chair.

Mr. TANNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TANNER. Mr. Speaker, how much notice would the Chair give to the sponsor of the resolution? Would it be tomorrow or would it be Friday, or is it impossible for the Speaker to so advise at the moment?

The SPEAKER pro tempore. The Chair intend to give adequate notice to Members.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

## TRIBUTE TO ROBERT WALKER

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, I rise on this occasion to speak to my colleagues about someone very special who has been working very hard for this House and this country and the Commonwealth of Pennsylvania for 20 years. I speak of Congressman ROBERT WALKER who announced this week that he would not be seeking an 11th term in the House of Representatives.

There is no one I can think of presently, in Congress or in recent years, who has been more of a deficit hawk, a budget hawk, or a U.S. Representative extraordinaire. His expertise on parliamentary rules has been the best, and for many of us, like myself, he has been a role model for how to be a U.S. Congressman when it comes to constituent services and legislative advocacy.

His 10 terms of outstanding service to the people of Chester County and Lancaster County in Pennsylvania have

certainly shown just what an outstanding Congressman can do for his State and his community. He is Pennsylvania's favorite son, ROBERT WALKER, a champion.

As chairman of the Committee on Science, he has worked to increase research for health care, for jobs, and for science. This is a man who loves this institution, who has respected its traditions, its history. It seems appropriate that the House now stands, Mr. Speaker, poised on the verge of passing a balanced budget for the first time since 1969, and that with Congressman ROBERT WALKER, his inspiration, his spirit, his drive, his enthusiasm have helped to sustain all Members of the House who believe that we can balance this budget, that we can in the next few days or weeks come to an agreement with the President of the United States and the Senate in helping our children, our grandchildren, to pass a balanced budget.

We know from Alan Greenspan that by passing a balanced budget we will reduce interest rates and thereby reduce the cost of home mortgages, car expenses and college costs. The balanced budget is what we need for our country, and ROBERT S. WALKER, the outstanding Congressman from Pennsylvania, will help lead us there, as he has through many fights, to make sure we maintain fiscal responsibility in this country.

I am proud to yield to the gentleman from Arizona [MR. HAYWORTH], for his comments.

Mr. HAYWORTH. I thank my good friend from Pennsylvania, and I would join him in the remarks of respect and affection for our colleague, BOB WALKER.

Mr. Speaker, through C-SPAN, millions of Americans have been able to see the expertise and the grace and the exemplary conduct with which ROBERT WALKER has comported himself on this floor. While it was his brother, Wally, who grew to a taller height and started, both at the University of Virginia and the National Basketball Association, and still labors in the front office of the Seattle Supersonics, I think it is safe to say that BOB WALKER has always stood tall, both for the people of Pennsylvania Dutch country, and more importantly, for the entire citizenry of the United States.

With that, I would yield back to my colleague from Pennsylvania, [Mr. FOX].

Mr. FOX of Pennsylvania. I would yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding, and let me just say that everybody holds BOB WALKER in great esteem.

I am reminded of a story by Jack Kemp when he was on a plane in the Caribbean, and somebody saw him and started to come toward him, saying, are you a Member of Congress. Jack figured here was another guy coming to recognize him, the potential Presidential candidate and a well-known sports star and Congressman; and when Jack Kemp said, I am, the guy said, well, then you must know BOB WALKER. I have seen him on C-SPAN.

All of us have seen BOB on C-SPAN, but what a lot of folks have not seen is that BOB WALKER is a guy who was always here to help anybody who comes out on the House floor, who has a legislative initiative. Whether you are a freshman or a Member who has been here for 16 years, Bob is always gracious, always willing to help, and maybe most importantly, always ready to fight for you.

I can remember when we did the all-night special orders, and BOB would always be the guy that volunteered for the slot from 2 a.m. to 3 a.m. in the morning. That takes a lot of guts.

A great American, and it is a real tragedy that he is leaving this House, a wonderful friend of all of us.

Mr. FOX of Pennsylvania. I am hoping this special order will change his mind.

I yield to the gentleman from Georgia, Congressman KINGSTON.

Mr. KINGSTON. I feel that I am a second-generation special order guy; I know that I am walking down a trail that was blazed by BOB WALKER and NEWT GINGRICH and JACK KEMP and DUNCAN HUNTER and a lot of guys before us who got a lot of people in the habit of watching C-SPAN, but more importantly got people to tune in to the issues of reducing the size of Government, providing tax relief, welfare reform, cutting down on Government, micromanagement out of Washington, and increasing personal freedom and responsibility, and I attribute that to BOB WALKER.

Mr. FOX of Pennsylvania. Thank you, Mr. Speaker, for your indulgence and thank you, BOB WALKER, for being a great American and a great Congressman.

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□ 2315

## THE BUDGET DEBATE

The SPEAKER pro tempore (Mr. CHRYSLER). Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, older Americans have fought this country's wars, built its cities, reared its children and tilled its soil. They deserve much and need much. So said the late Claude Pepper, who served Florida for 15 years in the Senate and 26 years more in the House. He was a true champion for the seniors of Florida and this country.

Mr. Speaker, we all agree that we were sent to Congress to pass a responsible budget. But I do not believe we should balance the budget on the backs of the elderly, the sick, the poor, and the disabled.

Claude Pepper once said, "My one great wish is to live long enough to see the day when this great and prosperous Nation can give every man, woman, and child every bit of health care he or she needs. I think this is a part of the American dream."

Mr. Speaker, I share Claude Pepper's dream. Let us protect seniors. Let us pass a responsible budget, and let us do it now.

I yield to the gentleman from New Jersey [Mr. PALLONE].

Would the gentleman explain for the constituents of Florida why we are into this second shutdown. And I think the first one cost over $800 million?

Mr. PALLONE. Exactly.

I appreciate the gentlewoman from Florida bringing that to our attention. I think that much of that has been lost, unfortunately, during the debate.

The bottom line is that after the first shutdown, both the President and the Congress got together and passed what we call a continuing resolution which allowed the Government to operate for a few weeks while the parties involved worked out their differences over the budget. The resolution that was passed not only called for the Government to continue to operate, it also called for a balanced budget in 7 years, and it recognized certain priorities that had to be protected as part of that budget, such as Medicare, Medicaid, education.

Ms. BROWN of Florida. School lunch.

Mr. PALLONE. Environment, nutrition programs, et cetera. The problem is that when that resolution ran out last Friday, the Republican leadership refused to bring up another continuing resolution. They have not done so Friday, Saturday, Sunday, Monday, Tuesday. Now we are into the fifth day, if you will, without a continuing resolution, which means that the Government continues to be shut down. They have refused so far to meet the agreement, if you will, of the previous continuing resolution.

Ms. BROWN of Florida. Does the continuing resolution have anything to do with the budget talks that we can pick up in January and go on until the November election of 1996? Because I really believe that the American people are going to have to resolve this. They have got to decide what kind of House do they want.

Mr. PALLONE. Exactly.

Ms. BROWN of Florida. And whether or not they want this House to be run by extreme radicals.

Mr. PALLONE. Exactly. I think the point is that we had agreed, with the previous continuing resolution, that while we worked out our differences on the budget, the Government would continue to operate. And it set forth an agreement that we would have a 7-year

balanced budget, assuming that certain priorities were maintained, such as Medicare and Medicaid and some of the other programs that you mentioned.

The problem now is that the Republicans let that continuing resolution run out and have refused to bring up another one, and as a consequence, the Government shutdown is in a sense the hostage that is being held by the Republican leadership because they cannot get their way, if you will, on the budget.

Ms. BROWN of Florida. I heard some of the freshmen earlier said that they would never vote for another continuing resolution. Did we not just have one on VA?

Mr. PALLONE. We had one on VA.

Ms. BROWN of Florida. Did they not vote for it?

Mr. PALLONE. They voted for one just with the VA but they refused to bring up a larger continuing resolution that would prevent the rest of the Government from being shut down. Basically, what they are doing is playing politics, because they know that veterans' benefits will not go out tomorrow. So they agreed to let that go by, but they refused to worry about the other benefits, the other programs, whether it be education or some of the other social programs or agencies, whatever is necessary for various agencies.

Ms. BROWN of Florida. I was talking about Claude Pepper earlier, and I have a picture of Claude and Lyndon Baines Johnson together.

I have heard these Republicans get up here and talk about they want to tear this Government down, brick by brick. I think the American people need to weigh in on how they want this country to look, whether or not they just want this country for the rich and famous or for all of us.

Mr. PALLONE. I think you are absolutely right. This is the first time, and I think it is outrageous, that people have articulated that they are going to close the Government down because they cannot get their way on legislation.

Ms. BROWN of Florida. In closing, you can fool some of the people some of the time but you cannot fool all of the people all of the time.

## A TITANIC BUDGET BATTLE

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

Mr. METCALF. Mr. Speaker, is there anyone in America that believes that there is no waste in our budget today? That we cannot make cuts or decrease the increases which have been projected, in a $1.6 trillion budget?

We spend over $1.6 trillion each year. Some say there is no way we can cut it at all. Every dollar we try to cut brings a chorus of screams. Any projected increase that we try to decrease, they say will devastate Medicare and will take food out of the mouths of children, it will put the poor right out on the streets.

This is a huge system that has been built, a spending system that has been built over many years. It is producing deficits of hundreds of billions of dollars. Now we have come to the time we have to make the decision.

Everyone in America knows that there is a lot that we can remove from this budget without serious harm to anything. What is going on, then? What is going on in this House? What is going on is a titanic battle that is being waged that will determine the destiny of this Nation.

The question that will be answered in the next 2 weeks, 3 weeks, month or so, will we in this time be able to balance the budget or will we continue with the deficits that are destroying this Nation? This huge $5 trillion debt is strangling America. The interest on this debt will surpass the defense spending, the huge defense spending bill. The interest will surpass defense spending next year in the budget that we start on in the next few months.

My wife and I have realized the American dream. We own our own home, free and clear. We run a small business in our home. It is not a large business, just a small business. But that, to me, and I think to most people, is the American dream.

But let us look to the future. What chance do our children, what chance do our grandchildren have to realize the American dream? A child born in 1995 will pay $187,000 in taxes just to pay the interest on the debt. Just to pay the interest on the debt—$187,000 will buy a pretty good house today. The previous spending has destroyed the American dream for a lot of the children that will be born in 1995, because it is that $187,000 house that they are not going to get, because they had to pay that $187,000 just to pay the interest on the national debt.

Every vote for an unbalanced budget over the last 40 years was a vote to destroy the American dream for our own children.

We have got to look at this interest thing and the amount of money that we pay in interest. England is still paying interest on the money that they borrowed to fight Napoleon. They have paid that principal in interest over 15 times and they still owe that principal.

Mr. Speaker, we have to balance the budget. We have no choice. This is not really negotiable. A balanced budget with honest numbers is the only way that we will protect the American dream for our children and grandchildren, and we must succeed at that.

## PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. KINGSTON. With both the Democrat and the Republican leaders having an hour left and there being less than 1 hour remaining, we would like to split the time. That being the case, I would like to know how much time each side would have.

The SPEAKER pro tempore. Each side will have 17½ minutes.

Mr. KINGSTON. It is my intention to split that time with the gentleman from New Jersey [Mr. PALLONE].

## FAILURE TO PASS CONTINUING RESOLUTION A REAL TRAGEDY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 17½ minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to use my time tonight to point out what I consider to be a real tragedy in what has happened here today in the House of Representatives. This morning when we began the session, I was particularly upset because the gentleman from Texas, who is part of the Republican leadership, got up and made a point of the fact that it was incumbent, if you will, on the Republican majority to shut down the Government until they were able to get agreement on the budget.

I strongly disagree with the message that was sent in that regard. As the day went on, we saw speaker after speaker on the Republican side get up and say basically the same thing, which is that if the Republicans cannot get their way on the budget, if the President and I guess the Democrats in the House do not agree on the policy of the budget that the Republicans have put forth, then we should simply shut down the Government and it should not continue to operate until that agreement is reached.

That is totally the opposite of what I believe we should be doing here and what I believe the obligation of the majority is.

The majority that was elected in this House of Representatives in November of 1994, like any majority, has the obligation to govern. The obligation to govern means that the Government continues to operate while you work out your differences with the minority or with the President about what the budget should be.

Speaker GINGRICH actually articulated a few weeks ago exactly what the position is that the Republicans represented today. He said, "I don't care what the price is, I don't care if we have no executive offices and no bonds for 30 days, not at this time."

It is totally irresponsible in my opinion to hold the Government hostage, in essence, and say that unless we get our

way on this budget, unless our priorities are met, we are going to keep this Government shut down. That is exactly what we have in front of us.

This evening there was a continuing resolution passed, a continuing resolution, which is what allows the Government to continue to operate, only on one aspect of the government shutdown and that was with regard to veterans' benefits.

But it should be pointed out, as it was today by many of the Democrats, that the price of the Government shutdown is not only millions of dollars that are lost because Federal employees will get paid for doing nothing, and also the fact that the Government has to keep certain essential services going, but also that many Americans who have paid taxes all along simply do not have the benefit of Government services that for many of them are very important or are very necessary.

We only dealt with one aspect of that this evening, and that was with veterans' benefits. Thankfully the Republican majority was willing to bring up the provision that would allow veterans' benefits to be paid starting tomorrow. But for whatever political reasons they saw fit to do that so as not to offend the veterans, the same should be done for every other Government agency and every other Government program. They should be allowed to continue to operate.

Just as an example, we have as of day 5 of this shutdown, this second shutdown now, almost 2 million people who have been turned away from National Park Service facilities. Four hundred thousand people have been turned away from the Smithsonian museums and the National Zoo just here in Washington. Sixty thousand students and parents applying for Pell grants or student loans have not had their applications processed and may not be able to pay for college. Over 780 small businesses have not received SBA guaranteed financing totaling over $120 million in loans. And about 720 calls made to the EPA, the Environmental Protection Agency's hot line for drinking water contamination outbreaks, have gone unanswered.

I could go on. There is a long list of the various Government services that are not functioning now with the shutdown. Again, I would say, what is the reason for this? What possible reason is there to hold the government hostage and to not allow the taxpayers who have paid for these services to receive them and thus be inconvenienced?

□ 2330

We could talk about passport offices, we could talk about many other things that are not being accomplished here.

The problem is that the President and the Democrats in Congress together have a very different sense of a priority for a balanced budget than the Republican majority, and what I have maintained all along is, if there are those differences, and there are, we should continue to operate the government while we work out the differences, and do not misunderstand that the Republican majority, because they control the Congress, they are the only ones that can bring up a continuing resolution and send it to the President so that Government can continue to operate. So, if anyone suggests to you that somehow the President is shutting the Government down, it is simply not true. The legislative responsibility for passing the continuing resolution exists with the Congress and with the majority party that governs the Congress.

Today it was my understanding actually that the leadership in the Republican Party, both Speaker GINGRICH and the House, as well as the Senate leadership in the Senate, were willing to go along with a continuing resolution to reopen the Government, and the President articulated and said that that was the case, and they, both of the gentlemen who lead the House and the Senate, indicated to the President that they were willing to go along with that. But our understanding is that when Speaker GINGRICH went back to the Republican Caucus, he was told mostly by the less senior members, the freshmen and some others perhaps, that that was unacceptable, that the Government should not continue to operate until the budget is signed by the President.

I think that those on our side who have characterized many of the new members of the Republican Party as extremists because of their position on the budget realize now that those extremist elements, if you will, within the Republican Members of Congress are now controlling the show and that even the Speaker, who has the responsibility, if you will, to represent the majority party, does not have the ability any more to control those extremist elements within the Republican Party, the less senior members who want to hold the Government hostage because they cannot get their way on the budget.

Now in the time that I have left I would like to talk about these priorities that the President has set forward and that he insists must be maintained in the context of a 7-year balanced budget before he would sign the bill, before he would sign a budget bill, and I want to stress that these are important priorities, these are priorities that effect every American in some way.

One of the most important, of course, is Medicare.

The problem is that the Republican budget would take so much money out of Medicare that Medicare as we know it essentially would not be able to continue to operate. And for those who doubt that that is the case I will go back to a statement that Speaker GINGRICH made awhile ago on Medicare where he said, "We don't do not get rid of it in round one because we don't think that's politically smart, and we don't think that's the right way to go through a transition period, be we believe it is going to wither on the vine because we think people are voluntarily going to leave it." He said that; it was quoted in the Washington Post on October 26 of this year.

This is the problem. So much money is cut out of the Medicare program under the Republican budget, and the way that the Medicare program is transformed essentially so that those who now have a choice of doctors are essentially pushed into managed care or HMO's where they do not have a choice any more, the changes to the Medicare program are going to be so radical, if you will, and the money is going to be so much less in terms of what is needed to operate a quality Medicare program that Medicare will essentially wither on the vine and eventually cease to exist. That is the major reason why the President and the Democrats in the Congress are so concerned not to go along with this Republican budget.

And, secondly, there is also the Medicaid program which is the health care program for low income individuals, mainly again seniors, the disabled, children, and, in many cases, pregnant women. The Medicaid program under the Republican budget, $163 billion is cut out of it essentially making it so that it cannot cover all the people that are now eligible for Medicaid, and then it is block granted or sent to the State, that money that is essentially cut back is block granted and sent to the States, and the States have to decide whether or not those who are now covered by Medicaid will continue to be covered. And so Medicaid, like Medicare, essentially withers on the vine, it does not have adequate funds, it is block granted, it is no longer guaranteed, and many of the people who now receive it will probably end up with no health insurance because many of the States, with the less money that is involved, will not be able to cover the seniors, the disabled, the children, the pregnant women who are now covered by Medicaid.

Now in the context of this, one of the most egregious, if you will, problems that the President sees and that the Democrats in Congress see, and one of the reasons why they are most unwilling to go along with this Republican budget plan, is because the money that is being taken away from these two health care programs is primarily going to tax breaks for wealthy Americans and wealthy corporations, and one of the main criteria or one of the main concerns that we have is that the Republicans have so far been unwilling to, if you will, eliminate or take back

most of these tax breaks in order to finance Medicare and Medicaid.

It would be fairly easy for the Republican leadership to say, "OK, we won't provide these tax breaks to wealthy Americans, we won't provide these tax breaks to wealthy corporations, and we'll use that money that we were going to use for those tax breaks and put it back into Medicare and Medicaid in order to keep those programs viable." But so far there has been no willingness on the part of the Republican leadership to go in that direction, which is one of the reasons why the President can simply not support the Republican budget the way it has been laid out.

Now I have one more chart here that I wanted to, and I only have another 5 minutes, and the gentleman can use his time, so let me just finish this, and if I have a few minutes left, I will yield, but I just wanted to show this chart that gives you some indication of the exploding costs of the Republican tax breaks.

The tax breaks are not only the wrong way to go because they are financing tax breaks for mostly wealthy people in order to cut Medicare and Medicaid, but they also do exactly the opposite, if you will, of what the Republicans say they want to do with this budget. They say they want to balance the budget, they want to eliminate the Federal deficit, and that is certainly a noble goal that both Democrats and Republicans in Congress, as well as the President, want to accomplish. But how in the world do you manage to balance the budget if you provide more tax breaks for wealthy Americans, or for anybody for that matter, and, as you can see, the cost of the tax breaks in the 7 years that the Republican budget sets forth beginning from 1996 into 2002, you can see what that means in terms of the overall budget. It makes it much more difficult to balance the budget, and many of us maintain that by the time the year 2000, or 2001, or 2002 comes around, the effect of giving out so many tax breaks will mean that ultimately the budget is not balanced.

So you can really see, I think it should be clear, why this battle that exists, if you will, between the Democrats and the Republicans, between the President and the Republican majority in Congress is so important for the future of the country. In order to truly balance the budget over 7 years, in order to protect Medicare and Medicaid, in order to protect some of the other priorities that the President wants to maintain such as education, direct student loan programs, environmental protection to make sure that our air and water quality does not deteriorate, all these things are crucial, and it is not just a question of people getting together and saying, you know, we can go along with what the Republicans have proposed because, if the President does and if the Democrats do, there are going to be some major negative impacts on the lives of the average American whether it be their health care, their education, or the quality of their life.

This is important; this is not something that should be trivialized. But I would stress again, and I think in closing, if I could, that the most important thing is that the Government should not be held hostage to the differences between the two parties or between the President and the Republican leadership over the budget. The Government should continue to remain open. A commitment was made when we passed the last continuing resolution a few weeks ago that we were all going to let the Government continue to operate while we negotiated and while we worked out a 7-year balanced budget that would protect the priorities such as Medicare, Medicaid, education, and the environment, and I was really outraged, and I really do not know where we are supposed to go the next few days when so many in the Republican Party in Congress now insist that the Government should remain shut down and that unless the President simply signs on the dotted line what the Republicans want in the budget, that we are going to continue to have this impasse.

This impasse is having a terrible effect on our country. Many of you saw that the stock market once again plunged today. It is going to have a major impact on the economy during the Christmas holiday and beyond, and I think that it is really tragic that so many of my colleagues on the Republican side got up today during the various times of the debate and said that they were insistent on closing the Government down in order to accomplish their goal.

If I have some time left, I would be glad to yield for a question.

Mr. KINGSTON. What I would like to ask you in particular, but not necessarily—I mean you and a lot of other Democrats:

If the Republicans said, "OK, forget the taxes," then would Democrats then say, "OK, we'll balance the budget in 6 years instead of 7?"

Mr. PALLONE. My understanding, and I think that it was brought home to you very clearly today with the coalition—you know the coalition, a group of more conservative Democrats who want to bring up their budget—that one of the things that they have in their budget is that they say we will use the 7 years that the Republicans have asked for, we will eliminate all the tax breaks, all the tax cuts, and we will take a lot of that money and put it back into Medicare and Medicaid in order to preserve those programs.

I think that it is not possible to accomplish the goal. It would be very difficult to accomplish the goal of protecting Medicare and Medicaid if you reduced your time frame to less than 7 and made it 6 or 5.

I would like to see the money from the tax break used to be put back into Medicare and Medicaid and keep the suggested 7-year time limit.

Mr. KINGSTON. And does the gentleman believe that the tax breaks for the working people of America, that, you know, most of it goes to people with a family earning less than $75,000, that that would not help stimulate the economy and, therefore, increase the number of jobs and, therefore, increase the revenues?

Mr. PALLONE. I will say this first of all. I do not agree with the gentleman that the majority of the tax breaks go to middle-income people. I think that I can show, and I do not have the chart here, but I can read some documents to you that show the majority of the money actually goes to wealthy Americans, but I would say to you, just respond to your question, if I could, and I forgot what your question is.

## A REALISTIC BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized until midnight.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE], my friend.

Mr. PALLONE. You mean the stimulation of the economy.

No, I believe that it is more important to balance the budget than to rely on a theory that says with these tax breaks that will go to most wealthy Americans that we can stimulate the economy. I think the economy would be better served by balancing the budget and not using and not providing the tax breaks.

Mr. KINGSTON. I thank the gentleman for his honesty on that. We will have to debate that further and continue.

Let me yield to the gentleman from California [Mr. HUNTER], my friend.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Georgia [Mr. KINGSTON] for yielding and, let me just say that in listening to my friend from New Jersey I have learned I have got some new terms for what I call my liberalspeak dictionary. The first term is the rich.

The rich, according to liberalspeak, is anybody who has children, because the tax cuts and credits that are given in the Republican budget are given to people who have children.

□ 2345

That means if you get a $500 tax credit per child and you are a working guy who pays $1,500 a year in taxes, you have three children times $500, you

take $1,500 off your taxes and you have reduced your taxes to zero. If you are a guy that pays $50,000 and you have three children at $500 apiece you take $500 off your $50,000 tax liability, and you still pay $48,500. The first liberalspeak term that they have been using extensively is "the rich." "The rich" are any people that have children. That makes you rich in America. I guess in a way it does.

The other liberalspeak term that we have all been learning is "a cut." This is why we have a $5 trillion deficit today. For the liberals, any increase that is less than 40 percent is a cut, because Medicare payments per senior citizen are going under the Republican budget from $4,800 to in excess of $6,700 per senior.

Mr. KINGSTON. If I could reclaim my time, I think I could enhance the gentleman's words. This is what is happening with Medicare under the Republican plan. It goes from $4,816 in the year 1995 to $7,101 in the year 2002. Only in Washington, DC would that be called a cut. I would suggest it is really a mathematics problem.

Mr. HUNTER. The gentleman is absolutely right. But we have to accept this liberal dictionary because all of our Democrat friends are using it across the country. Any increase in a government program that is less than a 40-percent increase they will call a cut.

Lastly, they have a new term. It is called "radical." Anybody that believes that working men and women who earn money with their own sweat should be allowed to keep that money is a radical. The moderate view, the accepted view for the liberals, is that all the money belongs to the government, and only in times of extreme prosperity can the government afford to give back working men and women the money that they earned with their own sweat. Otherwise, you are a radical. So we have some new terms from the liberal dictionary, and I just heard the fine gentleman from New Jersey expound on those terms and once again define them for us.

Mr. KINGSTON. I yield to the gentleman from Arizona [Mr. HAYWORTH], but for a minute I want to point out the infamous $1 million check that is waiting here for any Democrat or any member of America who can show where the Republican plan is cutting Medicare. It is interesting that this check is dated December 6, and it has been collecting interest because nobody can prove there is a cut and nobody can collect this check.

Mr. HAYWORTH. I thank the gentleman for yielding, and to have our colleague, the gentleman from California, and another great gentleman from Georgia [Mr. COLLINS] here during the course of this special order with my good friend, the gentleman from Savannah, GA, in the well.

It is worth noting for the record, though, there have been those who have tried to change the terms of the offer, just as they have tried to change the terms of the debate. Indeed as my colleague, the gentleman from California [Mr. HUNTER] pointed out, this liberal lexicon is not limited only to the other side of the aisle in this Chamber. As my good friends know, Mr. Speaker, that liberal lexicon exists on the other end of Pennsylvania Avenue, with a President who I am sure means well but who has the most inventive approach to history that I have ever seen.

For example, this afternoon the President of the United States went out to a press conference and said that there was one group in this institution that was causing all the problems, these infamous 73 freshman in the House of Representatives. I know my colleagues here take great umbrage at that, because indeed they are part of the new majority.

It is not only 73 percent of the freshman class, nor the 236 or maybe 237 Members now of our new majority, but if the President would check the RECORD he would find, Mr. Speaker, that yesterday when his budget was brought to this floor no one, no Republican, no Democrat, not even the Independent in this Congress cast a vote in favor of that budget.

Mr. KINGSTON. Let me claim the time now, Mr. Speaker, because I want to make sure I understand what the gentleman is saying. Does the gentleman mean to tell me that the President of the United States had a balanced budget on the floor and not one Democrat voted for it? Is that what you are saying?

Mr. HAYWORTH. I would ask my friend to yield, because that is the important caveat. You see, again the President, who talked about a balanced budget as a campaigner in 1992, said we could balance it in 5 years, and who more recently has said 7, 8, 9, 10 years, the President of the United States has yet to send to this Congress a budget that will balance in 7 years. So I think, quite forthrightly and responsibly, Democrats, independents, and Republicans rejected that budget yesterday.

Of course, 2 days prior to today there was another resolution on the floor of this House simply restating the parameters and the guidelines for the balanced budget agreement, the same words the President signed into law 30 days ago agreeing to balance the budget in 7 years, using the honest, nonpartisan numbers of the Congressional Budget Office. On that occasion, 2 days ago, not only did this majority vote for that resolution, but so did three out of every four Democrats, and the lone Independent in this Congress, the self-described Socialist, the gentleman from Vermont [Mr. SANDERS].

Mr. Speaker, I would make this appeal to the President of the United States. Mr. President, thanks for the credit, but in reality, if you fancy yourself a student of history and a self-described policy wonk, take a close look at the real numbers, because you see Republicans, Democrats, and Independents united on this floor, and get real numbers into this budget negotiation process. Then you can join with us, Mr. President, and say that you truly have made history.

Mr. KINGSTON. Mr. Speaker, what I wanted to do was get back on the tax issue a minute. We have the distinguished gentleman from Georgia on the Committee on Ways and Means here, and the gentleman from California, Mr. DUNCAN HUNTER, who used to be in charge of the policy committee and knows all these things. It is interesting that the chart I am about to show you was actually developed by the Heritage Foundation which, while it is conservative, is certainly not Republican and is an independent think tank as opposed to some of the charts we are seeing by the Democrats.

This $500 per child tax credit, which we have heard time and time again, "a tax credit for the rich," and I do not know when the Democrat Party crossed the line, but it is obvious if you are rich in the Democrat Party, it is worse than being a criminal, and it is certainly a lot worse than being an illegal alien, given the benefits they want to give to illegal aliens in California. In San Diego, goodness gracious, you cross the border and you are a lot more welcome than somebody is who is rich. Good gosh, a rich person might be an employer.

Here are 89 percent of the people in America who will benefit from the $500 per child tax credit, and almost 90 percent have a family income of $75,000 or less. These are the rich people. So I guess what the extreme left is telling us is that if you make $75,000 or less, as the gentleman from California [Mr. HUNTER] said, if you got a job, they do not like you. You are one of those big, bad, evil rich.

I am glad to yield to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate the gentleman yielding.

A lot has been said about the agreement in the bill that the President signed some 30 days ago dealing with the balanced budget and the agreement that we would reach one by the end of this legislative session. You asked the gentleman from New Jersey a while ago a very good question about tax policy: Did he think tax policy change would actually help to create jobs, as evidenced by the $500 per child tax credit?

I want to refer to the agreement, too, that the President also agreed with. That is, the last line in the first paragraph says "Further, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth." Even the

President himself believes that if you help working families, and working families are the ones that pay the bills in this country, they are the ones that work, earn a paycheck, and money comes out of that paycheck and comes into the Government, he agrees that if you help those people, you will help and stimulate economic growth, also through tax policy that helps benefit those who provide those jobs for those working people. So the President himself has said, "Let us change and adopt tax policy that helps working America and also stimulates the economy."

Mr. KINSTON. Mr. Speaker, I would ask the gentleman, was that candidate Clinton or President Clinton?

Mr. COLLINS of Georgia. Mr. Speaker, that is in the law the President signed some 30 days ago. He himself promotes the fact that we need to change and adopt tax codes that will stimulate the economy, and that goes back to the capital gains, the repeal of the depreciation schedule, the alternative minimum tax, the $500 per child tax credit. All of those things will help stimulate the economy, you do have growth, economic growth, as he agreed to.

□ 2355

Mr. HUNTER. If the gentleman will yield, one thing we have noticed with the liberals with their new dictionary that says that if you are rich, that means anybody who has children is rich. They have avoided in all of their descriptions of the budget, of the Republican budget, the term children, because they know that the American people have common sense, and if the American people know that the bulk of the tax cuts in the Republican plan are giving anybody who has children $500, count them, $500 per child tax credit, then everybody has enough common sense to realize that that is mostly going to be absorbed by working people.

Rich people do not have 50, 100, 200 children. They do not have more children than people in middle income class or lower income class. They know that everybody has children. They also know that working people, the working guy who is paying $1,500 a year in tax liability who has three children at $500 apiece will see his tax liability totally erased, and the guy who has $50,000 a year in tax liability and has three children at $500 apiece will only have it reduced about 1 percent, down to $48,500.

That is why the Democrats never use the word "children." They think they want to let the American people rely on the notion that there is some obscure formula that we put together that says only the Forbes family gets this tax cut, and that is not true. Anybody with children.

Mr. COLLINS of Georgia. Will the gentleman yield? Let us look at how that $500 actually helps that working family and then simultaneously stimulates the economy. What will they do with the $500? They will spend it. They will spend it on their family. That is how it helps that family, and once they spend it, they spend it normally on consumer goods or some type of service.

That helps stimulate the economy. It is a very positive move for this country to adopt tax policy, as the President has agreed, that will help working families and stimulate economic growth.

Mr. KINGSTON. Well, the thing that I think is also important to remember is that the average middle-income family in the 1950's paid 2-percent Federal income tax. Today that same average middle-income family pays 24-percent Federal income tax, and that does not even take into account all of your State and local taxes that have gone up year after year, and as a result, we have less time as a family to sit down and import information to the next generation: help educate kids, help teach them manners, and help teach them right from wrong. You have to have two-income families just to pay the Government. It has become a lower quality of life.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague from Georgia, and I think he absolutely again addresses this situation in the most accurate manner possible. Because again, when we are talking about our children, there is nothing ignoble or selfish about letting hard-working Americans hang on to more of the money that they earn, because as our colleague from California points out, this money is not the Government's; the Government does not create the wealth. Working people create the wealth by the fruit of their own labors. As our colleague from Georgia points out, yes, Americans will spend that money, but it is also true, Mr. Speaker, that those Americans will save that money and invest that money in their children's future.

I thought my colleague from Georgia who stands in the well here in this special hour said it quite well during the course of the debate. This is all about children, and how dangerous and how immoral for us to saddle unborn generations with a debt that my young son faces. John Michael Hayworth, now 2 years old, over $185,000, almost $187,000 in interest on the debt the will have to pay if we do not make a change for the better.

Mr. KINGSTON. Gentlemen, we are about out of time. Let us all wrap up quickly.

Mr. COLLINS of Georgia. Our final word for my colleague from Georgia. You made a very important statement a while ago when you compared the tax policy of 1950 to today and how much more it takes out of a family income.

There has been a lot said in this Chamber about the erosion of family income. The President himself has talked about the erosion of family income. One of the reasons for erosion is taxation. Another is excessive regulations that go into the cost of consumer goods and services. That has accounted for the erosion of family income in this country.

Mr. HUNTER. Let us balance this budget. That is what we are here for. We are not going to leave this Hill until the budget is balanced, and I thank the gentleman for his great leadership in this area.

Mr. HAYWORTH. I would concur in that. I thank our friend from Georgia for organizing this special order, and I would simply say again to the President of the United States, you can try to attack us, but ultimately, the President should work with us, because the future of this Nation, nothing less than the future of this Nation, the future of our children and the future of all Americans is at stake. With that, I yield back to the gentleman.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Arizona [Mr. HAYWORTH], the gentleman from Georgia [Mr. COLLINS] and the gentleman from California [Mr. HUNTER] for being with me tonight.

Balanced budget, what does it mean to you? Lower interest rates. Small businesses can expand, create more jobs. It means lower home mortgages, lower car payments, lower student loan rates. It means a better quality of life, and more importantly than anything, it means an honest American Government, one that can look forward to even greater heights.

Mr. COLLINS of Georgia. To sum it up, the only person standing between the balanced budget and the people of this country is the President of the United States, because he vetoed the balanced budget that the leader from the other body and the Speaker of this House were instrumental in passing and sent to his desk. He vetoed it. He stands between the people and the balanced budget, and I thank the gentleman for yielding.

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

## THE PEOPLE'S WORK

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection without objection.

Mr. HAYWORTH. Mr. Speaker, I would just simply like to point out that this is more evidence that this House is about the work of the American people. It is this House that has passed appropriations bills that this President has vetoed. He has put Americans out of work. It is his decision; the

mantle of leadership rests uneasily on his shoulders.

We are here in the Congress of the United States to lend a helping hand to inject a dose of honesty and reality into these proceedings, and that is why even now, as our friends in the Committee on Rules labor, they are doing so for the highest of purposes: to restore the ideal of limited and effective Government and to achieve the balanced budget which we all have said we want to achieve, for our children deserve no less.

Mr. KINGSTON. Will the gentleman yield?

Mr. HAYWORTH. I would be happy to yield to my friend from Georgia.

Mr. KINGSTON. Mr. Speaker, what is curious about this whole process is that we are not cutting spending, unfortunately. We are not freezing spending, unfortunately. We, over a 7-year period of time, are increasing spending 3 trillion new dollars, and the President wants to increase it 4 trillion new dollars.

Mr. HAYWORTH. Would the gentleman from Georgia please repeat those numbers?

Mr. KINGSTON. We, over a 7-year period of time, we being the Republican Party, are suggesting increasing spending 3 trillion new dollars over the next 7 years. The President wants to increase spending $4 trillion over the next 7 years.

Mr. HAYWORTH. The $4 trillion in additional spending is what this President would like to do, and that is the reason he is against a balanced budget?

Mr. KINGSTON. The gentleman talked earlier about the 73 new freshmen, and I assume not 1 of you ran on a platform of increasing spending 3 trillion new dollars. The point being is I really and truly believe the American people want a balanced budget. I believe the time has come for it, and I also believe, to paraphrase Dwight W. Eisenhower, that once the American people make up their mind to do something, there is not much you can do to stop it.

So I believe, thank the Lord, that this is beyond the President, this is beyond Congress, this is beyond the Senate. This is something the American people want, and therefore, I think we are going to get a balanced budget.

Mr. HUNTER. Will the gentleman yield?

Mr. HAYWORTH. I am happy to yield to our friend from California.

Mr. HUNTER. Mr. Speaker, the gentleman just hit the nail on the head, because you mentioned the time. A number of our friends on the other side of the aisle call a balanced budget a noble goal, but it is never the right time to have it. It is always the right time to increase another program by 50 percent, because if you increase it by less than 40 percent, they will call it a cut, but it is never quite the right time to have a balanced budget.

I think you are exactly right. The American people think that this is the right time. If we leave this Hill without having a balanced budget over this next 5, 10, 15 days, we will have failed the American people.

Mr. KINGSTON. On that subject, I want to mention that I know Mr. Hayworth knows this story, because I have told it before, about the guy that goes to the farmer and wants to borrow his friend's ax and he goes next door and he says, "I want to borrow your ax today; I have to chop some wood." The guy says to the farmer, "I do not want to lend you my ax," and the farmer says, "why not?" He says, "I am making soup today." He says, "making soup? What does that have to do with me borrowing your ax?" He says, "nothing, but if I do not want to do something, any excuse is a good one."

What we are seeing on issue after issue is: yes, I want to balance the budget, but not here, not now, not this one, not that program.

I yield back to the gentleman from Arizona.

Mr. HAYWORTH. I thank the gentleman, and I thank the Speaker.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

□ 0010

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHRYSLER) at 12 o'clock and 10 minutes a.m.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4, THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-431) on the resolution (H. Res. 319) waiving points of order against the conference report to accompany the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION AUTHORIZING SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR FROM DECEMBER 23, 1995 THROUGH DECEMBER 27, 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-432) on the resolution (H. Res. 320) authorizing the Speaker to declare recesses subject to the call of the Chair from December 23, 1995, through December 27, 1995, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EDWARDS of Texas (at the request of Mr. GEPHARDT), for today, on account of his son's birth.

Mr. EMERSON (at the request of Mr. ARMEY), for today until 7 p.m., on account of chemotherapy treatment.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of personal reasons.

## 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. COLEMAN) to revise and extend their remarks and include extraneous material:)

Mr. DOGGETT, today, for 5 minutes.

Mr. POSHARD, today, for 5 minutes.

Ms. WATERS, today, for 5 minutes.

Ms. DELAURO, today, for 5 minutes.

Mr. STUPAK, today, for 5 minutes.

Ms. BROWN of Florida, today, for 5 minutes.

Mr. VOLKMER, today, for 5 minutes.

Mr. FRANK of Massachusetts, today, for 5 minutes.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. BARR, today, for 5 minutes.

Mr. GEKAS, today, for 5 minutes.

Mr. FOLEY, today, for 5 minutes.

Mr. LEWIS of Kentucky, today, for 5 minutes.

Mr. BARTLETT of Maryland, today, for 5 minutes.

Mr. KIM, today, for 5 minutes.

Mr. LONGLEY, today, for 5 minutes.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY of Massachusetts, for 5 minutes, today.

Mr. LINDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MORAN, today, for 5 minutes.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, today, for 5 minutes.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FATTAH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. COBLE, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KANJORSKI, for 5 minutes, today.

Mr. DAVIS, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

(The following Members (at their own request) and to include extraneous matter:)

Mrs. EDDIE BERNICE JOHNSON of Texas.

Mr. HEFNER.

(The following Member (at his own request) and to include extraneous matter:)

Mr. UPTON.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PETERSON of Florida, for 5 minutes, today.

(The following Member (at this own request) to revise and extend his remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WYNN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous materials:)

Mr. HUTCHINSON, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous materials:)

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, on December 21.

Mr. FOLEY, for 5 minutes, on December 21.

Mr. FOX, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

## ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes a.m.), the House adjourned until today, Thursday, December 21, 1995, at 10 a.m.

## OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 104th Congress, pursuant to the provisions of 2 U.S.C. 2b:

Honorable JESSE L. JACKSON, Second District, Illinois.

Honorable TOM CAMPBELL, 15th District, California.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1855. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force; transmitting a report concerning contracting of work currently performed at Newark Air Force Base [AFB], OH, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

1856. A letter from the Secretary of Health and Human Services, transmitting a report on activities of the Office of Minority Health, pursuant to Public Law 101-527, section (104 Stat. 2313); to the Committee on Commerce.

1857. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing the use of $8.1 million in fiscal year 1996 funds made available to carry out chapter 6 of part II of the FAA for assistance for states participating in the ECOMOG peacekeeping mission in Liberia, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

1858. A letter from the Director, Division of Commissioned Personnel, Department of Health and human Services, transmitting the annual report of the Public Health Service Commissioned Corps retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1859. A letter from the President, National Railroad Passenger Corporation [Amtrak], transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and management's response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1860. A letter from the Secretary of Transportation, transmitting a report on the U.S. Coast Guard military retirement system for fiscal year 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1861. A letter from the Chairman, Federal Election Commission, transmitting reports regarding the receipt and use of Federal funds by candidates who accepted public financing for the 1992 Presidential primary and general elections, pursuant to 26 U.S.C. 9009(a)(5)(A) and 9039(a); to the Committee on House Oversight.

1862. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled, "Progress Made in Implementing Sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," pursuant to Public Law 102-240, section 6016(e) (105 Stat. 2183); to the Committee on Transportation and Infrastructure.

1863. A letter from the Secretary of Transportation, transmitting the Department's report entitled, "Ability of Crewmembers to Take Emergency Actions," pursuant to Public Law 101-380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

1864. A letter from the Administrator, Environmental Protection Agency, transmitting the 1994 National Water Quality Inventory Report, pursuant to 33 U.S.C. 1315(b)(2); to the Committee on Transportation and Infrastructure.

1865. A letter from the Secretary of Labor, transmitting the Department's report on the impact of the Andean Trade Preference Act, pursuant to Public Law 102-182, section 207 (105 Stat. 1244); to the Committee on Ways and Means.

1866. A letter from the Secretary of Labor, transmitting the 11th report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COMBEST: Committee of Conference. Conference report on H.R. 1655. A bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. 104–427). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 317. Resolution providing for consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–428). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 318. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1655) to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, and for other purposes (Rept. 104–429). Referred to the House Calendar.

Mr. ARCHER: Committee of Conference. Conference report on H.R. 4. A bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence (Rept. 104–430). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 319. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence (Rept. 104–431). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 320. Resolution authorizing the Speaker to declare recesses subject to the call of the Chair from December 23, 1995, through December 27, 1995 (Rept. 104–432). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUTCHINSON (for himself, Mr. STUMP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. BUYER, Mr. QUINN, Mr. BACHUS, Mr. STEARNS, Mr. NEY, Mr. FOX, Mr. BARR, Mr. HAYWORTH, Mr. COOLEY, Mr. SCHAEFER, Mr. CHABOT, Mr. WELDON of Florida, Mr. THORNBERRY, Mr. COBURN, Mr. MONTGOMERY, Mr. EDWARDS, Mr. SPENCE, Mr. MASCARA, Mr. KENNEDY of Massachusetts, Mr. DOYLE, Mr. CUNNINGHAM, Mr. TEJEDA, Mr. EVERETT, Mr. WELLER, Mr. FLANAGAN, Ms. BROWN of Florida, Mr. NEUMANN, Mr. HOEKSTRA, Mr. RIGGS, Mr. TAYLOR of North Carolina, Mr. TOWNS, Mr. DAVIS, Mr. DEAL of Georgia, Mr. DELLUMS, Mr. DICKS, Mr. EHRLICH, Mr. DICKEY, Mr. TRAFICANT, Mr. HASTINGS of Florida, Mr. HEFLEY, Mr. PACKARD, Mr. MICA, Mr. BUNN of Oregon, Mr. PARKER, Mr. LAHOOD, Ms. DANNER, Mr. DIAZ-BALART, Ms. DUNN of Washington, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. EWING, Mr. BALLENGER, Mr. LATOURETTE, Mr. LUCAS, Mr. DORNAN, Mr. EMERSON, Mr. LARGENT, Mr. HALL of Ohio, Mr. HEINEMAN, Mr. HANCOCK, Mrs. LINCOLN, Mr. LAUGHLIN, Mr. TANNER, Mr. DUNCAN, Mr. MCHUGH, Mr. NORWOOD, Mr. NETHERCUTT, Mr. MCINNIS, Mr. LINDER, Mr. MCINTOSH, Mr. METCALF, Mr. MARTINI, Mr. MCCOLLUM, Mr. HAYES, Mr. MCKEON, Mr. MCDADE, Mr. MCCRERY, Mr. BAKER of California, Mr. LAZIO of New York, and Mr. HORN):

H.R. 2813. A bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits, and payments to Department of Veterans Affairs contractors providing services directly related to patient health and safety, are made regardless of Government financial shortfalls; to the Committee on Appropriations, and in addition to the Committee on Veterans' Affairs, 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. STUMP (for himself, Mr. MONTGOMERY, Mr. HUTCHINSON, and Mr. EDWARDS):

H.R. 2814. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1996, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KNOLLENBERG (for himself, Mr. BONO, Mr. BOUCHER, Mr. HEINEMAN, Mr. SCHIFF, and Mr. SMITH of Texas):

H.R. 2815. A bill to amend section 101 of title 11 of the United States Code to modify the definition of single asset real estate and to make technical corrections; to the Committee on the Judiciary.

By Mr. NEY (for himself and Mr. REGULA):

H.R. 2816. A bill to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes; to the Committee on Commerce.

By Mr. SCHUMER:

H.R. 2817. A bill to treat juvenile records in the same manner as adult records in certain cases; to the Committee on Economic and Educational Opportunities, 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. SERRANO:

H.R. 2818. A bill to provide demonstration grants to establish clearing houses for the distribution to community-based organizations of information on prevention of youth violence and crime; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILLIAMS:

H.R. 2819. A bill to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes; to the Committee on Resources.

By Mr. WATTS of Oklahoma:

H.R. 2820. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. STUPAK:

H.R. 2821. A bill to provide for the transfer of six obsolete tugboats of the Navy; to the Committee on National Security.

By Mr. LIVINGSTON:

H.J. Res. 134. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. DORNAN:

H.J. Res. 135. Joint resolution to establish a joint committee to oversee the conduct of Operation Joint Endeavor/Task Force Eagle; to the Committee on Rules.

By Mr. GILMAN (for himself, Mr. YATES, Mr. LANTOS, Mr. LATOURETTE, and Mr. REGULA):

H. Res. 316. Resolution deploring individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the U.S. Holocaust Memorial Museum; to the Committee on Resources.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. MORAN.
H.R. 359: Mr. SOUDER.
H.R. 885: Mr. KING and Mr. HOUGHTON.
H.R. 969: Mr. SHAW.
H.R. 1073: Mrs. CLAYTON.
H.R. 1074: Mrs. CLAYTON.
H.R. 1305: Mrs. CLAYTON.
H.R. 1656: Mr. OLVER.
H.R. 1674: Mr. JOHNSON of South Dakota.
H.R. 1972: Mr. MCHUGH, Mr. SCHIFF, Mr. MARTINI, and Mr. PACKARD.
H.R. 2223: Mr. ZIMMER.
H.R. 2246: Mr. FRAZER, Mr. FOGLIETTA, Mr. BURR, Mr. LIPINSKI, and Ms. PELOSI.
H.R. 2309: Mr. MATSUI.
H.R. 2406: Mr. BACHUS, Mr. KING, Mr. HAYWORTH, Mr. NEY, Mr. CHRYSLER, and Mr. STOCKMAN.
H.R. 2407: Mr. ZIMMER.
H.R. 2531: Mr. ENSIGN and Mr. HAYWORTH.
H.R. 2535: Mr. HANCOCK.
H.R. 2540: Mr. COBURN.
H.R. 2575: Mr. LEWIS of Georgia.
H.R. 2579: Mr. HOBSON and Mr. RIGGS.
H.R. 2632: Mr. BILIRAKIS.
H.R. 2657: Mr. EHRLICH.
H.R. 2697: Mr. CONYERS, Mr. TOWNS, Mr. REED, Mr. SABO, Mr. WAXMAN, and Mrs. CLAYTON.
H.R. 2727: Mr. NORWOOD, Mr. JACOBS, Mr. STOCKMAN, and Mr. CHRYSLER.
H.R. 2729: Mr. PASTOR.
H.R. 2747: Mrs. KELLY and Mr. CLYBURN.
H.R. 2757: Mr. REGULA, Mr. WAMP, Mr. WILSON, Ms. PELOSI, and Mr. NEY.
H.R. 2785: Mr. OBERSTAR, Mr. FAZIO of California, Ms. PELOSI, Mr. LIPINSKI, Mr. SAWYER, Mr. SCOTT, and Mr. BORSKI.
H.R. 2807: Mr. GENE GREEN of Texas.
H. Con. Res. 50: Ms. ROS-LEHTINEN.

H. Res. 283: Mr. WALSH, Mr. ZIMMER, Mrs. CHENOWETH, and Mr. ROTH.

H. Res. 286: Mr. WARD.

H. Res. 315: Mr. GILMAN, Mr. CLINGER, Mr. PACKARD, Mr. HEFLEY, Mr. LEACH, Mr. VISCLOSKY, Mr. LATHAM, Mr. HEINEMAN, Mr. KNOLLENBERG, and Mr. MANZULLO.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 558

OFFERED BY: MR. BRYANT OF TEXAS

AMENDMENT NO. 1: Page 2, line 9, "(a) IN GENERAL.—" before "The consent", in line 15 strike "and", in line 18 strike the period and insert "; and", and after line 18 insert the following:

(4) is granted subject to the condition described in subsection (b).

(b) CONDITION.—The consent of the Congress to the compact set forth in section 5 is granted on the condition that no compact facility (as defined in section 2.01(3) of the compact) may be sited within an active earthquake zone. For purposes of this subsection, an active earthquake zone is an area within 150 miles from the epicenter of an earthquake which measured in excess of 5.0 on the Richter scale and which occurred in 1995.

H.R. 558

OFFERED BY: MR. COLEMAN

AMENDMENT NO. 2: Page 2, line 9, insert "(a) IN GENERAL.—" before "The consent", in line 15 strike "and", in line 18 strike the period and insert "; and", and after line 18 insert the following:

(4) is granted subject to the condition described in subsection (b).

(b) CONDITION.—The consent of the Congress to the compact set forth in section 5 is granted on the condition that no compact facility (as defined in section 2.01(3) of the compact) may be sited within 60 miles of an international boundary which is a river and which is within an active earthquake zone. For purposes of this subsection, an active earthquake zone is an area within 150 miles from the epicenter of an earthquake which measured in excess of 5.0 on the Richter scale and which occurred in 1995.