

SENATE—Wednesday, December 20, 1995

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God moves in mysterious ways
His wonders to perform.
He plants His footsteps in the sea
And rides upon the storm.
His purposes will ripen fast,
Unfolding every hour.
[Leave to history what is past
And receive His mighty power.]
Blind unbelief is sure to err
And scan His work in vain.
God is His own interpreter,
And He will make it plain.—William
Cowper.

Dear God, we thank You for the progress being made in negotiations on the balanced budget. Keep us steady on the course. It is the set of the sail and not the gale that determines the way the ship will go. We pray for Your spirit to continue to guide the President and Vice President, our majority leader, and the Speaker of the House. Keep them open to You and each other. Give strength to those charged with hammering out the specifics of an emerging agreement. We trust You to bring this crucial process to a successful completion. There is no limit to what can be accomplished when we give You the glory. In the name of our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, for the information of my colleagues, immediately we will begin consideration of Senate Resolution 199, regarding the Whitewater subpoena. That will start as soon as we can. There is no time limit on the resolution; however, we hope we will be able to dispose of this resolution after a reasonable amount of debate.

Following the disposition of Senate Resolution 199, there are a number of possible items for consideration. We would like to complete action on House Joint Resolution 132. The Democratic leader objected to its consideration last night but indicated in a positive way that, if we could make one change and clear one other bill, we could probably pass that today. I assume there will be a request for a rollcall. It will

have to go back to the House where I assume they would take the Senate amendment and send it on to the President.

A cloture vote could occur on the motion to proceed to Labor-HHS appropriations. It is my hope we will get a continuing resolution today from the House. I am not certain what the length would be, but it could go until Friday, or it could go until next Tuesday or Wednesday—probably until Friday.

We still have three appropriations bills: D.C. appropriations, foreign ops, and Labor-HHS, which we are unable to bring to the floor because of opposition on the other side.

So, there could be rollcall votes throughout the day. Let me indicate that it seems to me we ought to make a decision here that we stop the legislative business no later than Friday of this week. It is going to be difficult for those of us involved in budget negotiations if there is legislation every day in the next week. It is my hope we can complete action on a budget agreement Friday or Saturday of this week and that only the principals might have to return next week.

In any event, I ask staff and others to determine if that is a possibility, to say—of course, we are at a point now where any one Senator can object to anything and it will not come up unless you have unanimous consent or unless it is privileged. So I hope we could take a look at that.

I would just say, one thing we have agreed to—I think it is fair to state this—is if we do reach an agreement on sort of the format, framework, and scheduling, there will not be press conferences. There will be a news blackout, unless there is an agreement at the end of each day to issue a joint press statement. I think that has been part of the problem. There have been so many press conferences, so many people reacting to other people that it makes it difficult to proceed. So, hopefully we can work that out.

MEASURE PLACED ON THE CALENDAR—HOUSE JOINT RESOLUTION 132

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will read a bill for the second time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 132) affirming the budget resolution will be based on the most recent technical and economic assumptions of the Congressional Budget Office and shall achieve a balanced budget by fiscal year 2002 based on those assumptions.

Mr. DOLE. I object to further consideration at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE 175TH ANNIVERSARY OF TUSCUMBIA, AL

Mr. HEFLIN. Mr. President, my hometown of Tuscumbia, AL is in the midst of celebrating a very special day in its history. On December 20, 1820—175 years ago—Tuscumbia was officially declared to be a city in the State of Alabama. Hers is a rich and colorful history, steeped in the tradition and development of Alabama and of the Nation.

Tuscumbia's recorded story is, first, one of French settlers, who as far back as 1780 established a trading post on Cold Water Creek near the Tennessee River about 1 mile from the present-day northern city limit. This creek, which runs through Tuscumbia, is the outlet for the immense spring which rises from the ground near the center of the city. It had probably been a center of Indian activity for many centuries prior to that.

When the French colony was established, Nashville, TN was the most important American trading station in what was then the southwestern United States. Nashville and the settlements to its south were frequently subjected to hostile incursions by Indians stirred up by the French.

In 1787, Col. James Robertson organized an expedition, marching south and across the shoals of the Tennessee River where he found the Indian village near the mouth of Cold Water Creek. The Indians and their French allies retreated a short distance up the creek to where Tuscumbia is located and here Col. Robertson attacked and defeated them, capturing the trading post and a large quantity of supplies.

In March 1817, Congress passed an act establishing the Territory of Alabama. The town was first surveyed and laid out as a city by Gen. Coffee that same year, 1817. When the territorial legislature assembled at Huntsville in October 1819, a bill was passed incorporating the town of "Ococopoosa," which

means "cold water." At another session of the territorial legislature a few months later, the name of the town was changed to Big Spring, and on December 20, 1820, the legislature of the new State of Alabama officially incorporated it as a town. The name was changed on December 31, 1822 to Tuscumbia, after a celebrated chief of the Chickasaw Indians who had befriended the Dickson family, the first American settlers who arrived in 1815.

When Tuscumbia was established, the Tennessee River was navigable from the Ohio River until it reached the shoals near Tuscumbia. The shoals extended to nearby Decatur, where the Tennessee River again became navigable up into the State of Tennessee. About this time, a new enterprise known as the railroad became commercially viable in the United States.

The very first railroad to be built west of the Allegheny mountains was one that connected Tuscumbia to the Tennessee River. It was completed in 1832, 2½ miles long. In 1834, the Tuscumbia, Courtland, and Decatur Railroad was built in order to serve as a connecting link between the 2 portions of navigable waters of the Tennessee River. Over the next 25 years, there was an enormous amount of trade with New Orleans by water. Magnificent steamers, some of them carrying as much as 6,000 bales of cotton, glided up and down the rivers. Some of these ships were palatial in their accommodations and furnishings. Excursions on one of these elegant boats to the Crescent City were very popular. Other steamers ran to cities along the Ohio River and to St. Louis. River traffic became less popular around 1857, when the Memphis and Charleston Railroad was connected with the Tuscumbia, Courtland, and Decatur Railroad.

Until completion of the Memphis and Charleston Railroad, the Tuscumbia Post Office was a major distributing office, and probably the largest and most important one between Nashville and New Orleans. A number of State lines converged here.

Tuscumbia's story is also a tragic one of war and destruction. During the War Between the States from 1861 to 1865, there were few areas of the South more completely devastated than the beautiful Tennessee Valley. Tuscumbia was at the center of the fiery track of the armies of both sides. Large blocks of brick stores and many private homes were destroyed and condemned. Cavalry horses roamed at will through grounds that were the pride of their owners.

Americans have, thankfully, rarely experienced the infliction from an enemy army's occupation. But the people of the Tennessee Valley area, including Tuscumbia, during the time of the Civil War were all-too-familiar with looting, burning, and other atroc-

ities. In her book *200 Years at Muscle Shoals*, Nina Leftwich recalls some of the conditions these citizens faced. The following passage appears in her historical writings:

The story of the wrongs inflicted upon the defenseless citizens of Tuscumbia during the occupation by the Federals is best told by an account of it written by Mr. L.B. Thornton [the editor of the local newspaper] soon after it occurred:

"The Federal army first made its appearance in Tuscumbia on the 16th of April 1862 under General Mitchell . . . They broke open nearly every store in the town, and robbed them of everything they wanted, arrested a great many peaceable citizens, forcing some to take the oath of allegiance to the U.S. government, robbed the masonic hall of its jewels and maps, and broke open and destroyed the safes in the stores and offices. They destroyed my office by breaking my desk and book cases, and destroying the papers, and took them from my office 30 maps of the state of Alabama . . .

"Ladies could not safely go out of their houses. Citizens were arrested and held in confinement, or sent off to the North, in many cases without any charge being made against them, and the citizens were not permitted to meet on the streets and converse together. Person nor property was safe from the soldiers. They took from private citizens whatever they wanted—hogs, sheep, cattle of every kind, vegetables, corn, potatoes, fowl of every description . . . When they evacuated the town, they set fire to it in 4 or 5 different places * * *"

More than 30 of Tuscumbia's brave young men were killed during the war, and for years after the sound of battle had died away, the town sat on the ashes of desolation, waiting for a brighter day to dawn. That day did come when the industrial city of Sheffield was founded, bringing jobs and trade to Tuscumbia.

Colbert County was established on February 6, 1867, when it was separated from Franklin County, one of the original Alabama counties. Later that same year, the county was abolished by the Constitutional Convention. After Alabama was readmitted to the Union in 1868, the new government reestablished Colbert County. This new county need a county seat, and on March 7, 1870, an election was held to determine if Tuscumbia or Cherokee would be the permanent county seat. Tuscumbia won by a vote of 1367 to 794.

Writing in 1888, Capt. Arthur Henley Keller, who authored the book *History of Tuscumbia, Alabama*, described Tuscumbia as having "caught the contagion of progress and enterprise, and within the last 2 years has doubled her population. Observant and far-seeing men recognize the fact that she has every natural advantage that any other place in Northern Alabama has, and that which money can never secure. Her society is as good as can be found anywhere. She has churches of all denominations and first-rate schools. The Deshler Female Institute stands in the front rank of Southern schools. It stands as a monument to

the memory of Brigadier Gen. James Deshler, of Tuscumbia, who was killed at the battle of Chickamauga."

The story of Tuscumbia is that of leaders like Robert Burns Lindsay, who served as Governor of Alabama in the early years of the 1870's, which were difficult years of Reconstruction. He opposed secession, along with most of the residents of north Alabama, but after Alabama's ordinance of secession was enacted, he remained loyal to his adopted state.

In 1870, Lindsay was elected Governor of Alabama. His leadership was important during those tough Reconstruction years and he fought mightily to end that difficult era of occupation.

Governor Lindsay and his wife Sarah had a daughter named Maud McKnight Lindsay. She attended Deshler Female Institute and received kindergarten training. She went on to teach kindergarten in Tuscumbia and served as the principal of the Florence Free Kindergarten, the first free kindergarten in Alabama. She became a great leader in the cause of educating young children and was the author of many children's books. She passed away in 1941.

No history of Tuscumbia would be complete without the story of Helen Keller, who was born at Ivy Green in 1880. In fact, the Keller family first settled in Tuscumbia around the time of its founding in 1820. Her grandfather was very involved in the railroad development. His son was Captain Arthur Henley Keller, a colorful confederate soldier, lawyer, and newspaper editor who wrote the history from which I quoted earlier. Capt. Keller was Helen's father.

When she was only 19 months old, she suffered acute congestion of the stomach and brain which left her deaf and blind. It was right behind the main house at Ivy Green at the water pump that Helen Keller, under the tutelage of her teacher Anne Sullivan, first learned that every object had a name. The word "w-a-t-e-r" was the first one she understood, but "teacher" became the most important word in her life.

Tuscumbia native Helen Keller contributed so much in her lifetime as an educator, author, and advocate for the disabled. She furthered the cause of improving education and general conditions for the handicapped and disabled around the world. During World War II, she visited the sick and wounded in military hospitals. Today, Ivy Green is host to an annual weekend festival celebrating the life and accomplishments of the "First Lady of Courage." Thousands of people from all across the world pay visits to see where Helen Keller lived as a child and where she learned to overcome obstacles to become an inspiring heroine. Each summer, thousands also attend live performances of the play "The Miracle Worker." This most famous daughter of Tuscumbia is a symbol of hope to

those around the world who have ever doubted their ability to persevere and achieve. She passed away in 1968.

An integral part of the story of Tuscumbia is the founding of the Tennessee Valley Authority, one of the great achievements of the New Deal. Congress created TVA in 1933 and gave it the overall goal of conserving the resources of the valley region. Congress also directed TVA to speed the region's economic development and, in case of war, to use the Tennessee Valley's resources for national defense. It provided many much-needed jobs during the dark years of the Great Depression and contributed to our military success during World War II.

Congress established TVA after many years of debate on how to use the Federal Government's two nitrate plants and Wilson Dam at Muscle Shoals. During the ensuing 62 years, TVA has built dams to control floods, create electrical power, and deepen rivers for shipping. It has planted new forests and preserved existing ones, led the development of new fertilizers, and is now involved in solving the nation's environmental problems. The lakes created by damming the Tennessee River and its branches add to the beauty of our region. Besides providing electrical power, water recreation, and navigable waterways, TVA has been a major contributor in the economic growth and development of this area and all of north Alabama.

Attracted by TVA electrical power, Reynolds Metals Co. was located at Listerhill, AL, and for more than 50 years, many Tuscumbians have been provided jobs there. During a somewhat similar period, the Robbins plants located in Tuscumbia have impacted the economy of the city and region.

During a very crucial period in the development of the Tennessee Valley, the northern part of Alabama was represented in Congress by a Tuscumbian, the Hon. Edward B. Almon. He was elected in 1914 and was very much involved in the congressional authorizations for Wilson Dam and the two government nitrate plants. He played an important role in passing the National Defense Act of 1916, which was highly instrumental in the development of this area. He was the Congressman when the TVA was created. He died a short time after the TVA act was signed into law, and was succeeded by another Tuscumbian, Archibald Hill Carmichael. He served during the most formative years of the Roosevelt era.

Earlier, I mentioned Brig. Gen. James Deshler, for whom Deshler Female Institute was named and whose name our high school bears. I should also mention that his father, Maj. David Deshler, played an important role in the development of Tuscumbia, particularly with regard to the railroads.

The name of Gen. John Daniel Rath-er is also indelibly etched into the rail-

road history of Tuscumbia. He served as a director and officer of the Memphis and Charleston Railroad. While he was its president, it was merged with the East Tennessee, Virginia, and Georgia Railroad to become the Southern Railway System.

Tremendous contributions to the State's educational system came from 2 Tuscumbians, Dr. George Washington Trenholm and his son, Dr. Harper Councill Trenholm. And no history of Tuscumbia would be complete without mentioning Heinie Manush, a professional baseball player who was the first Alabamian to be enshrined in the Baseball Hall of Fame at Cooperstown, NY. He compiled a life-time batting average of .330.

I hope the celebrations and events over the last 3 weeks have brought Tuscumbians a better understanding of the city and area's history. As the 175th birthday of our beloved Tuscumbia comes to a close, and as we start speeding toward her 200th anniversary in the year 2020, I hope that each resident will take a moment to reflect upon how blessed they are to be from there.

I think back upon my life and career there and cannot imagine them having been anywhere else. It is a progressive little city that has changed a great deal over the years, but it is also one that has always retained its small-town charm and the many qualities that make it such a unique place to live. Since her birthday 175 years ago, Tuscumbia has aged gracefully and improved with time. As I said back in March when I announced my retirement from the Senate, I will enjoy the remainder of my days in my hometown after I retire, for Tuscumbia is a wonderful little town to be from and the best little town in America to go home to. I wish Tuscumbia a happy birthday and look forward to enjoying many more with her well into the next century.

PRIVILEGE OF THE FLOOR

Mr. HEFLIN. Mr. President, on behalf of Senator SARBANES, I ask unanimous consent that Richard Ben-Veniste, Lance Cole, Neal Kravitz, Timothy Mitchell, Glenn Ivey, James Portnoy, Steven Fromewick, David Luna, Jeffrey Winter, and Amy Windt be granted floor privileges during consideration of Senate Resolution 199.

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

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

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

SHUTDOWN II: THE RIGHT NOT TO PASS MONEY BILLS

Mr. BINGAMAN. Mr. President, we are now in the second Government shutdown of the year. This is the second one we have had in a month.

There have been many Government shutdowns in the past. In fact, I have been here in the Senate during some of those. But the shutdowns of this year seem very different than previous ones.

Prior to this Congress, the shutdowns of Government were short, and they were generally regretted by the congressional leaders. And, even when the Congress and the President continued to be at odds, those involved were eager to pass continuing resolutions to restart the Government and maintain basic services.

In this Congress we have a very different situation. In this Congress, the shutdowns are longer, and the Republican leadership in Congress sees the shutdown and the maintenance of the shutdown as an essential part of their strategy to gain leverage on the President in their negotiations with him about major policy issues.

Monday morning, when I was reading the Wall Street Journal, I saw a statement in the front page article. The statement was from Speaker GINGRICH. In reading that, I gained an insight into how we arrived at this year's shutdowns, and why these shutdowns are so different from those of the past.

The paper describes the strategy that Speaker GINGRICH devised to get his way in disagreements with the President. I will quote very briefly from that article.

"He"—that is Speaker GINGRICH—"would need to make heavy use of the only weapon at his disposal that could possibly match President Clinton's veto: The power of the purse."

Here is a quote from the Speaker.

"That's the key strategic decision made on election night a year ago," Mr. Gingrich says. "If you are going to operate with his veto being the ultimate trump, you have to operate within a very narrow range of change . . . You had to find a trump to match his trump. And the right not to pass money bills is the only trump that is equally strong."

Mr. President, I want to focus people's attention on this phrase "the right not to pass money bills." The Speaker talks about this right, this so-called right. The obvious question is whether this is an appropriate and an acceptable trump for the Presidential veto, as the Speaker seems to believe, or whether, on the contrary, it is an abuse of power, whether it is a proper use of the power vested in the congressional majority under the Constitution, or whether it is a perversion or destruction of the delicate system of checks and balances set out by the Framers of the Constitution.

I have done my best to analyze the Constitution in light of the Speaker's

remarks, and it is my conclusion that the refusal to maintain funding for basic Government services is, in fact, an abuse of the power granted by the people to the Congress and the Constitution. I would like to take a few minutes to explain that reason.

The Founding Fathers set up a very delicate system of checks and balances. In article I, Congress is given authority to make laws in a wide range of areas. For instance, Congress is given exclusive authority to appropriate money.

Article I, section 9, reads:

No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

The Framers recognized the need to have a check on irresponsible legislation by the Congress and they gave the President the power to veto.

Article I, section 7 contains that power. It says:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law . . . be presented to the President of the United States; if he approve, he shall sign it, but if not he shall return it. . . .

Clearly, when there would be a disagreement between the Congress and the President, the Framers of the Constitution wanted to provide a method for reconciling the differences, and in this language, this language describing the veto, they established a procedure to determine which side should prevail. When in disagreement with the Congress, the President would veto the bill and return it to Congress. If no agreement were reached, the Congress could pass the bill again, and if they had the votes, the two-thirds votes in each House to override the President's veto, the bill would become law.

This system of checks and balances has served us reasonably well for 206 years, with both the Congress and the President generally agreeing to abide by the procedures set out in the Constitution. There was one major departure, and that was with the action by President Nixon to impound funds which the Congress had appropriated for spending. In that case, the final determination was that the President had, in fact, abused his power, that appropriations legally made and passed, in some cases over the veto of the President, prevailed over the contrary desire of the President to get his way. And just as the President in that case abused his power under the Constitution when he impounded funds that were legally appropriated over his objection, I believe that by shutting down Government services and maintaining those services shut down in order to gain leverage with the President on larger policy issues, the Congress is similarly abusing its authority under the Constitution.

Those who wrote the Constitution were focused on how to resolve legislative differences between the Congress

and the President. The Supreme Court has recognized this focus of the Founding Fathers. Mr. Justice Jackson in *Youngstown Sheet & Tube Company versus Sawyer* stated:

While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable Government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity. 343 U.S. 579,635 (1952).

The Founders of the country assumed that the failure of the President to sign legislation or the failure of Congress to enact legislation would be based on specific disagreements on what that legislation should contain, not on the desire of either the Congress or the President to extort concessions from the other on basic policy differences.

Mr. President, I use the word "extort" here because I believe it actively describes the current situation. The dictionary defines "extort" as "to wrest or wring from a person by violence, intimidation or abuse of authority."

I believe we have an attempt here to wrest or wring concessions from the President by abuse of authority. Mr. GINGRICH talks about Congress' so-called right not to pass money bills—in other words, the right to shut down the Government to get his way in disagreements with the President. He is not just asserting his right to disagree with the President on spending levels or levels of taxation. He is not just asserting the right to pass legislation reflecting his view of what is the right level of spending or taxation. He is not just asserting the Congress' right to pass those laws again over the President's veto if the disagreement continues.

No, here the Speaker's position goes well beyond the constitutional framework for resolving disagreements between the Congress and the President. Here we have Mr. GINGRICH's majority in Congress arguing for major changes in authorizing legislation in Medicare, in Medicaid, and in numerous other areas of policy in seeking to get his way by, in fact, refusing to fund the Government itself, the entire Government or what is left of the Government to be funded, if the President does not bow to their wishes—not just refusing to fund the portion of the Government that the President wants to fund and the majority wants to defund but refusing to fund other broadly supported areas of Government activity.

This abuse of power or extorting of concessions from the President by refusing to maintain the basic services of Government is not part of the checks and balances that the Framers of the Constitution envisioned. They assumed that the maintenance of Government activities which both the Congress and the President deemed to be worthwhile would be supported by mutual consent

of the two branches of Government. They did not anticipate that one branch would be willing to kill its own children unless the other branch agreed to give ground on policy disputes.

The obvious question is whether in fact this so-called right not to pass money bills is the ultimate trump or even the best trump. I suggest it is not. I suggest that the Founding Fathers put one more trump in this delicate balance of Government structure, and that is the trump of the people's vote every 2 years.

Abuse of power is always possible in politics and government, and the Framers of our Constitution were more keenly aware of the danger than any of us. In fact, the entire Constitution was written in reaction to the very abusive power which they suffered at the hands of the British monarchy.

For that very reason, they provided what is literally the ultimate—and certainly the best—trump, the right of the people to express their will every 2 years on who comprises the House of Representatives and on who holds one-third of the seats in the Senate.

Article I, section 2, and article I, section 3, set out that the House of Representatives shall be composed of Members chosen every 2 years and that a third of the Senate shall be elected every 2 years.

Time will tell whether the people of the country decide to use that ultimate trump to remedy what appears to me to be a clear abuse of the power granted by the people to the Congress by way of the Constitution. Until that time, this extortion, this abuse of power, should stop. It should stop today.

Today we should pass a continuing resolution to bring the Government back to full operation. Today we should pass a continuing resolution for a period long enough to allow careful negotiation on the budget and serious negotiation on the budget, not for the 2 or 3 days for which we were just advised by the majority leader we are likely to be passing a continuing resolution.

And today we should resolve that the power not to pass money bills, which the Congress clearly has—and I do not dispute that Congress has that power, but that power should never become or never be seen as a right not to pass money bills, as Mr. GINGRICH asserts. Today we should fully restore the checks and balances between the President and the Congress which the Constitution of the United States contemplated at the time of the founding of the Republic.

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

The PRESIDING OFFICER. The clerk will read the roll.

The legislative clerk proceeded to call the roll.

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

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

DIRECTING THE SENATE LEGAL COUNSEL TO BRING A CIVIL ACTION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Senate resolution 199, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 199) directing the Senate Legal Counsel to bring a civil action to enforce a subpoena of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy, III.

The Senate proceeded to consider the resolution.

PRIVILEGE OF THE FLOOR

Mr. D'AMATO. Mr. President, I ask unanimous consent that the privilege of the floor be granted to staff during consideration of Senate Resolution 199, whose names shall be submitted to the desk at this time.

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

The staff names are as follows:

Alice Fisher, Chris Bartolomucci, Jennifer Swartz, David Bossie, Vinezo Deleo, Richard Ben Veniste, Lance Cole, Neal Kravitz, Tim Mitchell, Jim Portnoy, Glenn Ivey, Steve Fromewick, David Luna, Jeffrey Winter, and Amy Wendt.

PRIVILEGE OF THE FLOOR

Mr. SARBANES. Mr. President, I ask unanimous consent that Joanne Wilson, a congressional fellow with Senator SIMON's office, be granted privileges of the floor for the consideration of Senate Resolution 199.

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

Mr. D'AMATO. Mr. President, I regret that we find ourselves here today. I must say that I believe my colleague, Senator SARBANES, has made every reasonable effort to see if we could resolve this problem. And, indeed, in the past we have been able to resolve many of the outstanding issues with our professional staff and counsel working together—even some that might be considered contentious. I believe this one is beyond the control of my friend and colleague on the other side. We have made every reasonable effort to attempt to settle this matter. That is a question of the enforcement of a subpoena on Mr. Kennedy for his notes—William Kennedy was formerly associated with the Rose law firm, former associate counsel in the White House—regarding a meeting of November 3, 1993.

I summarize that because it is well known. To go over every single aspect of it, I think, would draw this out unnecessarily.

It was but a short time ago that my colleague and friend, Senator SARBANES, requested that I speak to Chair-

man LEACH in the House of Representatives in regard to an offer that was made, apparently, to the Speaker in regard to a possible settlement of the manner in which to produce these notes. Let me first say that I find the conduct of the White House to be absolutely one based upon delay and obfuscation—delay, delay, delay, delay, delay.

Let me tell you, with some specificity, what I am talking about. We asked for this information, and information was covered going back to August. We had numerous conferences with the White House with regard to not only this, but all of the relevant information. Throughout these proceedings, we have had the continued posture, publicly, of cooperation and, yet, when it came to producing relevant material evidence that goes to the heart of the matter, we have had delay.

This is not the first time. Only when the issuance, or the threat of the issuance, of a subpoena and bringing this public would we get cooperation—in numerous instances. But this one takes the cake. Let me tell you why. Because after our August 25 request, ensuing meetings took place in September, October, and November. On November 2, it gets down to specificity as it relates to these notes of Mr. Kennedy. November 2. Here we are now in December. It comes to the issue of privilege for the first time and, remember, this is the same administration, and these people are working for the same President, who says, "I will go to great lengths, and I cannot imagine raising the issue of privilege." And privilege is raised.

Now, clearly, in looking at the legislative history of the Congress of the United States as it relates to the Executive, there has never been an instance where a committee, in its capacity of investigating, has been turned down or has the claim of privilege succeeded in thwarting that committee's request for documents. Never. There is a history on that. Clearly, bringing up the issue of privilege in this case is very, very doubtful, very, very tenuous. But I suggest, Mr. President, it flies in the face of what Mr. Clinton, the President of the United States, promised and said publicly: "We will cooperate." What sense is it if you have 50,000 pages of documents? You can give us the Federal Registry. So what? You can give us a million pages. But when it comes to the relevant information that we request, there is repeated delay, delay, obfuscation.

That is what we have had to deal with. This is a perfect example. Only when we say that we would vote these subpoenas, move this, do we begin to get any kind of response. Let me say that it is absolutely disingenuous, it is wrong, and it is a contrivance for the White House to say that it has offered us conditions by which to accept this agreement. The fact of the matter is,

those conditions that they have added to it are over and above what was reasonable, and that back on November 2—again, almost 6 weeks ago—we said to them, "You do not have to concede anything. Give us the information and indeed it will not be deemed a waiver." So we offered that to them.

The whole month of November goes by, right up until the recess this time, and delay, delay, delay. They come back and they say, "Oh, by the way, we will be willing, if you will agree that this is not a waiver of privilege, first, and then attach other conditions—conditions to say that we, the Senate, should get approval from other bodies."

Now, I do not have any objection and, indeed, would suggest and recommend that other bodies have no reason—be they my colleagues in the House or investigatory bodies, or the independent counsel—to go along with this. But to make this public and then to claim that they have conceded something that we offered weeks ago is wrong. Spin doctors. They are very good at this spinning.

In an effort, just a little less than an hour ago, to come about some kind of suggestion, some kind of resolve of this matter, my friend and colleagues suggested that I reach out to Chairman LEACH, chairman of the House Banking Committee, which is also conducting its investigation into the matter known as Whitewater/Madison, and related matters.

I said that I would, and I did. I have seen now for the first time a letter of response or a letter from Chairman LEACH to Speaker GINGRICH. I do not know if my friend and colleague has a copy of this letter. I will make a copy available. We just received this by fax at 10:30. Mr. President, I ask unanimous consent that the complete letter be printed in the RECORD.

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

COMMITTEE ON BANKING AND FINANCIAL SERVICES,

Washington, DC, December 19, 1995.

Hon. NEWT GINGRICH,
Speaker, Office of the Speaker,
Washington, DC.

DEAR MR. SPEAKER: I have reviewed the letter of December 18, 1995, to you from Jack Quinn, Counsel to the President.

Committees of the Congress may from time to time consider entering arrangements of one kind or another with the White House. However, House determinations should not be contingent on Senate agreement or vice versa.

What the White House is attempting to do in this instance is position the House of Representatives—and particularly the Committee on Banking and Financial Services and the Committee on Government Reform and Oversight—in opposition to the Senate and the Independent Counsel. This is a circumstance we should prudently avoid.

In his cover letter Mr. Quinn suggests that "our interest is not in maintaining the confidentiality of the notes, but rather in ensuring that the disclosure of the notes not be

deemed to waive the President's right to confidentiality with respect to other communications on the same subject covered in the notes." In the letter of December 14, 1995, from Ms. Jane Sherburne to Mr. Michael Chertoff it is noted that "our concern about disclosing the Kennedy notes has not had to do with the notes themselves, but instead the possibility that disclosure would result in an argument that there had been a waiver (in whole or in part) of the President's privileged relationship with counsel."

It is my view that while these may be credible concerns for the Counsel to the President to raise, they are inconsistent with the objectives of the Congress concerning full and complete disclosure in this matter. Just as the White House is concerned with precedent from its perspective, so must Congress be for its oversight prerogatives.

To my knowledge, this request by the White House of the House for a commitment relative to a Senate request is unprecedented. It underscores the gravity of the issues at stake and hints at White House concerns that a new path of inquiry could be opened by the information transferred. In this context, what the White House is inappropriately attempting to do is hamstring one congressional body by holding hostage documents subject to a constraining agreement by the other body.

What appears to be at issue with regard to the requested documentation is that there may have been a transfer of confidential law enforcement information related to an investigation touching on an office holder to outside attorneys representing the office holder in his personal capacity. The then House Committee on Banking, Housing and Urban Affairs was assured in 1994 that such disclosure did not occur and would not be appropriate. In this regard, for example, Bernard Nussbaum, former White House Counsel, testified that he had on his staff at the White House Neil Eggleston and Bruce Lindsey, both of whom attended the meeting the notes for which are at issue. Under oath Nussbaum stated that Lindsey and Eggleston "would not release confidential information which they received in the course of [their] official capacities to anyone outside the White House for any improper purpose, or for any purpose."

The White House's reluctance to turn over the requested documents may cast doubt on the accuracy of this and similar testimony by other White House officials before a committee of the House of Representatives.

On process grounds, I have sought to be as deferential as prudently possible to the White House, but with each new revelation, some of which if viewed in isolation might seem relatively inconsequential, the evidence of a consistent pattern of delay and obfuscation is clearly emerging.

Accordingly, my advice is that a respectful letter be sent to Mr. Quinn denying his request.

Sincerely,

JAMES A. LEACH,
Chairman.

Mr. D'AMATO. Mr. President, let me read part of the letter. I made that call because if there was an attempt to settle this and we could get the documents—let me start by saying this: If we are given the documents at any time—any time; at any time—why, we will cease and suspend. It is not necessary to go forward. We are asking the Secretary or the Senate legal counsel to seek enforcement of this subpoena,

whether after the vote, prior to the vote—whatever.

Let me suggest that the White House and the President has it within his discretion and within his hands to deliver those documents to us. We could end it tomorrow. If people say you are unnecessarily going forward—no, it is because we have had nothing but delay, delay, conditions that we have not been able to accept. We have had a rebuttal of our efforts going back to November 2 when we offered to say we will put aside the question of privilege, you have not waived it. Yet it is at the last moment when we finally say we will vote to issue a subpoena that they come forth with what I consider to be another tactic of delay.

Let me read part of Chairman LEACH's letter:

What appears to be at issue with regard to the requested documentation is that there may have been a transfer of confidential law enforcement information related to an investigation touching on an office holder to outside attorneys representing the office holder in his personal capacity. The then House Committee on Banking, Housing and Urban Affairs was assured in 1994 that such disclosure did not occur and would not be appropriate. In this regard, for example, Bernard Nussbaum, former White House counsel, testified that he had on his staff at the White House, Neil Eggleston and Bruce Lindsey, both of whom attended the meeting the notes for which are at issue. Under oath Nussbaum stated that Lindsey and Eggleston "would not release confidential information which they received in the course of [their] official capacities to anyone outside the White House for any improper purpose, or for any purpose."

I have a copy of a hearing before the Committee on Banking, Finance and Urban Affairs, dated July 28, 1994, page 18. Chairman LEACH furnished this to me, again by fax at 10:32, less than half an hour ago.

Mr. Nussbaum's testimony:

On my staff, I had a number of very experienced people. Congressman. I had Cliff Sloan, who was a former assistant solicitor general, a partner in a distinguished law firm. I had Neil Eggleston, a former assistant U.S. attorney in the Southern District of New York and an experienced litigator, Bruce Lindsey, who is on the White House staff is a lawyer of high competence and high integrity. I didn't feel it necessary to issue those kind of instructions to those people.

I knew and I still know to this day that those people would not release confidential information which they received in the course of our official capacities to anyone outside the White House for any improper purpose, or for any purpose.

A letter that Chairman Leach sent to me says:

The White House's reluctance to turn over the requested documents may cast doubt on the accuracy of this and similar testimony by other White House officials before a committee of the House of Representatives.

On process grounds, I have sought to be as deferential as prudently possible to the White House, but with each new revelation, some of which viewed in isolation might seem relatively inconsequential, the evi-

dence of a consistent pattern of delay and obfuscation is clearly emerging.

Accordingly, my advice is that a respectful letter be sent to Mr. Quinn denying his request.

Sincerely, Chairman Leach.

The chairman advised me he might have additional letters on this matter.

I have made an attempt, as it relates to asserting what the position of my colleagues—I have explained our position that we have no problem in going forward under the conditions that we had offered to this administration, to this White House, back in early November, and which was the subject matter of discussions, repeatedly, for weeks and weeks and weeks as it related to this and other matters.

So when we want to talk about avoiding constitutional clashes, I say right now, Mr. President, please, keep your promise to the American people. Give us the information that Congress is entitled to, that the people are entitled to.

Let me, if I might, refer to the New York Times of yesterday, and, Mr. President, I will ask that the complete editorial be printed in the RECORD.

The editorial is entitled: "Averting a Constitutional Clash."

If Mr. Clinton relinquishes the documents, it would be a positive departure from the evasive tactics that have marked the Clintons' handling of questions about Whitewater since the 1992 campaign. Mr. Clinton's assertion that the subpoenaed material is protected by lawyer-client privilege, and his quieter claim of executive privilege, are legally dubious and risk a damaging precedent.

As it relates to this, let me read just part of the editorial of December 14 of the Washington Post:

The privilege claims also undercut Mr. Clinton's much-professed interest in getting the facts out.

Mr. President, I suggest again that attempting to raise this claim and raising and delaying this matter for months—for months, now—and forcing us to demonstrate that we are absolutely serious in terms of our determination to get the facts that we are entitled to, that the Congress of the United States and the Senate of the United States, the American people are entitled to, will not be delayed any longer.

Again, I said at any point, at any time the White House says we will deliver and we are going to deliver these within a period of time—and I do not mean days; I do not mean weeks; I mean within an hour or 2 hours—we will stop, but not until that takes place.

The privilege claims also undercut Mr. Clinton's much-professed interest in getting the facts out. To the contrary, these actions of administration officials and associates—like other of their actions in this long, evolving Whitewater affair—look cagey, not candid, and are suggestive of people with something to hide.

Let me go on:

It is fair to ask whether the White House exploited information it obtained improperly from Federal agencies that were looking into possible criminal matters involving the Clintons.

That is the Washington Post editorial Thursday, December 14.

We can go on and on. December 12, New York Times, an editorial:

The committee reasonably wants to know about government matters that may have been discussed, such as the handling of investigations by the Treasury Department . . .

That is exactly what Chairman LEACH points out. Those questions were raised. Now we know, at least this Senator knows, for the first time, Mr. Nussbaum said, no, materials would not be turned over of this nature, or words to that effect.

A court will decide whether notes taken at the meeting and a White House memo about the session can be deemed personal legal papers. That will take an expansive interpretation on Mr. Clinton's behalf.

To be sure, citizen Bill Clinton is entitled to claim whatever privacy the courts will give him. But President Clinton, the politician and national leader, cannot expect the public to be reassured by mysterious mobile files and promises of openness that disappear behind the lawyer-client veil.

Mr. President, I ask unanimous consent these editorials be printed in the RECORD in their entirety for completeness.

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

[From the New York Times, December 19, 1995]

AVERTING A CONSTITUTIONAL CLASH

President Clinton may be moving to avoid a constitutional confrontation with Congress over the Senate Whitewater committee's access to notes taken by a White House lawyer at a Whitewater meeting two years ago that was attended by senior officials and personal lawyers for Mr. Clinton and his wife, Hillary Rodham Clinton.

If Mr. Clinton relinquishes the documents, it would be a positive departure from the evasive tactics that have marked the Clintons' handling of questions about Whitewater since the 1992 campaign. Mr. Clinton's assertion that the subpoenaed material is protected by lawyer-client privilege, and his quieter claim of executive privilege, are legally dubious and risk a damaging precedent.

A forthcoming response to the Senate's request would seem especially timely in view of new disclosures that more records have disappeared from the Rose Law Firm. These documents deal with Mrs. Clinton's legal work for Madison Guaranty, the failed savings and loan run by their Whitewater partner. This news comes one week after the disclosure that Vincent Foster removed three files from the firm during the 1992 election campaign and turned them over to the Clintons' trusty political errand-runner, Webster Hubbell.

The dispute with the committee involves notes taken by William Kennedy 3d, an associate White House Counsel, at a November 1993 meeting at the offices of the Clintons' private attorneys. This meeting was attended by three members of the White House Counsel's office, three lawyers for the Clin-

tons and Bruce Lindsey, one of the President's senior political aides. Clearly, lawyer-client confidentiality ought to apply to Mr. Clinton's exchanges with his personal lawyer. But to try to extend the privilege to such a broadly constituted meeting is a stretch, especially given the committee's mandate to find out whether Administration officials, including some at the meeting, may have improperly used confidential Government information to aid the Clinton's private defense.

Mr. Clinton's various lawyers, and some legal ethics experts, speak of the overlap of the President's public and private roles to justify the claim of lawyer-client privilege. But this argument misses the vastly different and even conflicting responsibilities of Mr. Clinton's two sets of attorneys.

As for executive privilege, it ought to be a way to protect a narrow band of Presidential privacy on important matters of governance, including national security. It is a distortion of the doctrine's history to raise it to block a legitimate Congressional inquiry into the Clintons' Arkansas financial dealings and the official conduct of senior Administration aides.

A decent resolution that had the White House handing over the notes seemed to be in sight over the weekend. But yesterday Senator Alfonse D'Amato, the committee chairman, complained that the White House was trying to bargain in the media instead of negotiating with the committee. It should still be possible to make arrangements before tomorrow, when the full Senate is due to take up the matter. If not, the Senate has no choice but to vote to go to court to enforce the committee's subpoena.

[From the Washington Post, December 14, 1995]

NOW A SUBPOENA CONTROVERSY

In refusing to honor a Senate Whitewater committee subpoena for notes taken by then-White House associate counsel William Kennedy during a Nov. 5, 1993, meeting between White House officials and the Clintons' attorneys, the administration risks traveling down a familiar dead-end. Seeking refuge from a legislative inquiry behind the twin shields of executive privilege and attorney-client privilege—as the administration is doing—may slow Congress. But it will do nothing to avoid a confrontation and a debilitating fight that is likely to end up in court.

Claims of executive and attorney-client privilege play directly into the hands of Republicans on the Hill who, despite their wails of protest, are not the least bit bothered by the image of a stonewalling Democratic administration. The privilege claims also undercut Mr. Clinton's much-professed interest in getting the facts out. To the contrary, these actions of administration officials and associates—like other of their actions in this long, evolving Whitewater affair—look cagey, not candid, and are suggestive of people with something to hide. The political affiliation of Sen. Alfonse D'Amato and company notwithstanding, there are aspects of the November 1993 meeting that raise legitimate questions.

It is fair to ask whether the White House exploited information it obtained improperly from federal agencies that were looking into possible criminal matters involving the Clintons. If, for instance, administration officials used confidential government information to try to shield Bill and Hillary Rodham Clinton from exposure to probes into Madison Guaranty, the failed Arkansas thrift par-

tially owned by the Clintons, and the Small Business Administration-backed loan company owned by Judge David Hale, then they have something serious to answer for. Obviously Mr. Kennedy's notes on the Nov. 5 meeting can shed light on those questions. His notes, however, are what the administration seeks to withhold.

This impasse between the Senate committee and the White House over so-called privileged documents must and will be resolved. It would be better, however, if the dispute could be settled between the executive and legislative branches. A reasonable accommodation of each side's interests, not a legal challenge, is what's needed at this time. The overriding interest is to get at the truth. If, however, a satisfactory solution cannot be reached, then the courts must decide. It shouldn't have to come to that.

[From The New York Times, December 12, 1995]

TRAVELING WHITEWATER FILES

Just when it seemed possible that the White House could not handle Whitewater any more clumsily, here come two new moves to undermine public confidence.

The disclosure that Vincent Foster removed three files from Hillary Clinton's law firm during the 1992 election campaign and turned them over to the Clintons' political fixer, Webster Hubbell, is truly a blow to those who want to believe the Clintons have nothing to hide. The files related to Mrs. Clinton's work for Madison Guaranty, the savings and loan owned by the Clintons' Whitewater investment partner, James McDougal. The White House will no doubt argue that the files are innocuous.

But that claim seems lighter than air compared with the fact that they were stored in the basement of a lawyer later convicted of a felony and that they disappeared from the Rose Law Firm in a year when the Clinton campaign team was perfecting its stonewall defense on Whitewater.

The other matter has to do with the dubious claim of lawyer-client privilege being advanced by President Clinton about a 1993 meeting at which his senior lawyers and aides discussed Whitewater. Mr. Clinton seems headed for a messy legal showdown with the Senate Whitewater committee. But the President is stretching attorney-client privilege beyond any reasonable limit and also revoking his promise of openness about this matter.

Surely no one wants to intrude on exchanges between the President and his personal lawyers. But this meeting included a top political aide, Bruce Lindsey, and a battery of attorneys on the public payroll, including White House Counsel Bernard Nussbaum and two of his assistants.

The committee reasonably wants to know about government matters that may have been discussed, such as the handling of the investigation by the Treasury Department and the Resolution Trust Company into Madison Guaranty. A court will decide whether notes taken at the meeting and a White House memo about the session can be deemed personal legal papers. That will take an expansive interpretation in Mr. Clinton's behalf.

To be sure, citizen Bill Clinton is entitled to litigate all he wants and to claim whatever privacy the courts will give him. But President Clinton, the politician and national leader, cannot expect the public to be reassured by mysteriously mobile files and promises of openness that disappear behind the lawyer-client veil.

Mr. D'AMATO. Mr. President, last Friday our committee voted out this resolution, asking that the full Senate authorize the Senate legal counsel to go to court to enforce the subpoena served on William Kennedy, former associate counsel to the President. The subpoena seeks the notes that Mr. Kennedy took at the Whitewater defense meeting, and which was attended by others, on November 5, 1993, with other White House officials and President and Mrs. Clinton's personal attorneys, a meeting that took place at the Clintons' personal attorney's office.

The President has repeatedly claimed that he would not assert privilege with regard to Whitewater matters. He has promised to cooperate fully with our committee investigation. But over the past weeks, President Clinton has chosen to resist our committee's investigation by preventing Mr. Kennedy from turning over his notes. Our committee must obtain Mr. Kennedy's notes in order to fulfill our obligation to the Senate and to the American people.

I could go on and on. I, indeed, will raise other matters. I will say that what we are attempting to do is to find the truth about the failure of an Arkansas savings and loan called Madison Guaranty that cost the American people \$65 million. We want to find the truth about what happened to documents in Vincent Foster's office following his death, and why White House officials prevented law enforcement officials from seeing those documents; the truth about the activities of Hillary Clinton's law firm, the Rose Law Firm, in connection with their representation of Madison; the truth about White House efforts to obtain confidential law enforcement information about Madison and Whitewater and what they did with that information; the truth—not what Mr. Lindsey has said to us, that he gathered it so he could answer newspaper inquiries. But getting to the truth about these matters has proved to be rather difficult. And these notes, we believe, are relevant and will answer some of the questions and will lead us to other areas.

President Clinton's refusal to deal openly with our committee's investigations comes at a time when damaging facts have begun to mount and mount. These are facts that we have had to uncover on a daily basis, dragging out, dredging out, fighting for the information. So, again, to come before the American people and say we provided 50,000 pages of documentation means little, when the critical, crucial matters—which may be 8 pages, 10 pages, 2 pages of notes, telephone calls, logs that are missing, missing files—that is the key.

Vincent Foster was deeply concerned about Whitewater. That he was concerned about Whitewater can be at-

tested to by his notes in which he said, "Whitewater, can of worms you should not open." Vincent Foster had files about Madison that Webster Hubbell transferred to the Clintons' personal attorneys. Their phone records and White House entry and exit logs indicate that the President, that the First Lady, her chief of staff, Maggie Williams, and the First Lady's confidant, Susan Thomases, were deeply involved in the decision to prevent law enforcement officials from searching Vince Foster's office.

Let me again say, phone records indicate and the White House entry and exit logs indicate that the First Lady, the chief of staff, Maggie Williams, and the First Lady's confidant, Susan Thomases, were deeply involved.

That the First Lady was concerned about allowing law enforcement officers unfettered access to the documents in Mr. Foster's office; that a Secret Service officer saw Mrs. Clinton's chief of staff, Maggie Williams, carry files from Foster's office on the night of his death; that Hillary Clinton had not been forthcoming about the amount of work she did for Madison while a partner at the Rose Law Firm.

We have also learned that the critical billing records have disappeared, which raises the question: What was in the files Maggie Williams was carrying from Vince Foster's office? What did they contain? Are they the billing records? Where have the billing records gone to?

That former White House Counsel, Lloyd Cutler, misled the Banking Committee when he claimed, in the summer of 1994, that the Office of Government Ethics had exonerated the White House colleagues for their handling of confidential RTC information and that high White House officials sought to obtain confidential information from the Small Business Administration and in the Small Business Administration office in Little Rock about David Hale, a former Arkansas judge, who contended that the then Governor Clinton forced him to make an improper \$300,000 loan to the Governor's Whitewater partner, Susan McDougal; that there was a deliberate effort to obstruct the RTC's criminal investigation of Madison and Whitewater; the U.S. attorney in Little Rock remained on the Madison case over the warnings of senior Justice Department officials in Washington and declined the first RTC referring.

Mr. President, our committee has uncovered these and other patterns, patterns of people who cannot remember where they were or what they were doing or who they were doing it with. We have a constant attempt at a diversion of information and the American people and the committee have a right to the facts.

Mr. President, let me say it is the intent of the committee to go forward. It

is the intent of the committee to see to it that the subpoenas are enforced. It is the intent of the committee to bring this matter to a head.

I would say, even after a vote we stand ready to accept this information as we had outlined, going back to November. We had detailed that, I believe in writing, November 27. What we want is the facts. What we want is the information that the President has promised us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am going to take a few minutes to discuss the legal issue because I think it is very important in terms of the Senate reaching a decision whether to go to court with respect to obtaining these notes. The fact of the matter is the White House has said that these notes will be available. The White House, in order to make the notes available, is seeking certain assurances that it will not have a general, broad waiver of the attorney-client relationship. Our committee has indicated that the conditions the White House is seeking are reasonable ones and our committee is prepared to agree to them.

The White House concern, then, is with respect to other investigative bodies. For example, the independent counsel and the House of Representatives.

As I understand it, I am told that the White House has reached an understanding with the independent counsel that I presume parallels what our committee is prepared to do regarding the turning over of the notes as not being a waiver. So we are very close to having a resolution of this matter.

The problem now becomes, will the House of Representatives treat it—are they unwilling, in effect, to say this is not a general waiver?

Let me discuss briefly why this is important. The White House has made a number of proposals to try to resolve this matter. I disagree with the chairman, in terms of the chronology he set out with respect to efforts, back and forth, and who was being uncooperative. I think, frankly, the committee staff, on occasions, was not seeking a resolution of this matter and was moving in the direction of provoking a confrontation and a crisis, constitutional confrontation.

The special committee has agreed that the production of the notes of Mr. Kennedy, taken at this November 5, 1993, meeting—on which there are strong assertions of attorney-client privilege—but our committee has agreed that the production of those notes shall not act as a general waiver of the attorney-client privilege.

The only remaining hurdle then to getting those notes is agreement by the independent counsel and the House. I understand the independent counsel

now has worked out an understanding with the White House.

I believe that the concerns about a general waiver of the attorney-client privilege are meritorious, and that the Senate should make additional efforts to accommodate them before sending this matter to the Federal court. It always should be borne in mind that when the executive and legislative branches fail to resolve a dispute between them and instead submit their disagreements to the courts for resolution, significant power is then placed in the judicial branch to write rules that will govern the relationship between the elected branches. In other words, we have a chance here to work this out in a way that we get the notes, the White House concern about a general waiver of a privilege is accommodated, and there is no need to go to court running the risk, I would suggest to some Senators, of an adverse precedent. And I will make reference to that shortly.

Since a mutually acceptable resolution of this matter is at hand, if we can just reach out and grasp it, I strongly urge the Senate not to precipitate unnecessary litigation by passing this resolution. The argument is made, well, there is a time factor. If you go to court on this matter, there certainly will be a time factor. I mean you are caught in a situation here, the choice as it were, between achieving a resolution which would make the notes immediately available to us and going through an extended court proceeding which would take an extended period of time even under the most expedited procedures.

Let me first simply state that a number of legal scholars have examined this meeting that was held on the 5th of November of 1993, a meeting between the private lawyers the President was engaging and the governmental lawyers who had been handling various aspects of these matters for the President. The meeting was to brief the new private counsel hired by the Clintons. Several legal scholars have examined that meeting and have concluded that a valid claim of privilege has been asserted.

For example, University of Pennsylvania law professor Geoffrey Hazard, a specialist in legal ethics and the attorney-client privilege, provided a legal view that the communications between White House lawyers and the President's private lawyers are protected by the attorney-client privilege.

Other legal experts have concurred with that view. New York University law school professor Stephen Gillers stated, and I quote—this was in the paper:

The oddity here is that Clinton is in both sets of clients, in one way with his presidential hat on and in one way as a private individual. The lawyers who represent the President have information that the lawyer

who represents the Clintons legitimately needs, and that is the common interest. It is true that Government lawyers cannot handle the private matters of Government officials. However, perhaps uniquely for the President, private and public are not distinct categories. So while the principle is clear, the application is going to be nearly impossible.

And there are other legal experts who have said that there is a privilege that applies here.

Efforts have been made over the last few weeks to try to resolve this matter in a way that the committee would get the information it was seeking, and the White House would get assurances that it was not broadly and generally waiving the lawyer-client privilege—not only with respect to this particular meeting but with respect to all other meetings that touched on this subject matter. That is what the law may well provide. And that is one of the things, of course, that seems to me is a legitimate concern on the part of counsel for the President.

There is an original proposal for Mr. Kendall, the President's private lawyer, that would allow for questioning of people at that meeting in terms of what they knew when they went in and what they did after they came out. But I will not get into the questioning about the meeting itself. I thought that was an effort to try to accommodate, and to give the committee the chance to gain information, and, yet, not intrude upon the lawyer-client privilege. The majority projected that proposal, and the White House went back and sort of obviously reconsidered and came forward with a new proposal that embraced providing the notes to the committee.

Mr. KENNEDY, it needs to be pointed out here, is sort of a stakeholder. He happens to have these notes. He is not providing them in response to the committee's subpoena because he is instructed that he has to observe the lawyer-client privilege and, therefore, cannot provide this information. The canon of lawyer ethics is that you have to abide by the lawyer-client privilege. So he in effect says, "Well, I have these notes. This is what I have been told and this is what I am doing." The White House and Mr. Kendall, the President's lawyer who was brought in to handle the private side of this matter, have in effect said that those notes ought not to be provided until they can get assurances with respect to the lawyer-client privilege.

Let me just make a point that I think legitimate privilege issues have been raised. I think it is clear that an attorney-client privilege does apply here. It is one of the oldest of privileges for confidential communications known to the law. I mean, if anyone stops and thinks about it, it is obvious why you have it. People then say, "Well, if you have nothing to hide, why do you not tell everything?" Of course, the logic of that assertion is that there

would be no lawyer-client privilege. The logic of that assertion is that there would be no lawyer-client privilege, and in this instance, the White House says we are prepared to give the notes. We are prepared to provide the notes. We just want assurances that providing the notes will not be seen as a general waiver of the lawyer-client privilege.

So that in other fora, and in other matters, it will be sort of, well, in fact here you waive the lawyer-client privilege.

So they are trying to be forthcoming. They are trying to meet the demands of the committee for this information, and at the same time not completely eliminate the lawyer-client privilege. And the committee in the conditions it is prepared to accept—our committee, this committee—has moved to address that problem. The question then is will others who may undertake an investigation be prepared to do the same? As I understand it, the independent counsel is prepared to do so as well.

So it now really is a question of whether the House, the relevant committees in the House of Representatives, are prepared to do the same. Will they in effect make the same undertaking our committee is prepared to take? I might point out it does not lose them any position. I mean I have read this letter from Chairman LEACH that Chairman D'AMATO provided me. I am not quite sure that it is understood that they will not lose any of the positions they now have. The notes will become available. But it is understood that the notes do not constitute a waiver of a privilege. And the question then becomes why will not that be acceptable? What is the difficulty with that? I mean we obviously asked the same question amongst ourselves and reached a conclusion that those conditions were reasonable. There were some others that the White House dropped by the wayside. But we are now back to these conditions as was mentioned in the committee hearing, the two or three which the committee had been prepared to accept.

Let me just talk briefly about the general waiver issue.

The concern here is that the production of these notes could constitute a general waiver of the attorney-client privilege, and it would be a waiver that would apply to all communications relating to the subject matter of the meeting. In other words, you could then turn to other meetings, other discussions between the President and his lawyers and say, oh, no, the privilege has been waived with respect to those meetings.

It is this far-reaching aspect of the law of attorney-client privilege, the subject matter waiver, that creates the difficulty the special committee is facing here. Production of the notes without these understandings could be construed as a waiver of the privilege as to

all communications on this subject matter. Potentially such a waiver would encompass all communications between the President and his lawyers at any time up to the present that pertain to the subject matter of this meeting.

Obviously, that is very far-reaching. The committee itself recognized that. Our committee recognized that. And our committee in effect said, no, that is not what we want to do. We do not want to intrude in that manner into the attorney-client privilege, and therefore we are willing to agree to the condition that it would not be used, the argument would not be used that this constituted a general waiver.

This is a complex issue, no question about it, and it seems to me that taking it to the courts instead of resolving it, especially when it appears we are very close to resolution of the matter—that must be understood. We have a situation now in which the White House says we are willing to make the notes available. Our committee has said we will accept them on certain conditions which constitute an accommodation between the legislative and the executive branch. The independent counsel apparently has taken the same view. And the question becomes, will the House of Representatives join in, so you do not end up having a whipsaw action in which notes are provided in good faith and on certain understandings and then another investigative body says, oh, no, we are going to treat that as a general waiver and we are going to proceed on that basis, after this committee has said it would not treat it as a general waiver and after apparently the independent counsel has taken the same position.

In my view, this dispute has escalated needlessly. The White House has offered to provide the Kennedy notes to the committee, provide the Government lawyers for testimony, and in my view, rather than proceeding to the court at this time, the Senate should make a further effort to obtain this information in a manner that protects against an unintended general waiver of the attorney-client privilege.

It seems to me there is a constructive role that the committee can play in trying to accomplish that. We are not very far away from it, in my view, and it comports I think with the advice and counsel that has generally been provided historically with respect to these potential confrontations between the Congress and the Executive.

First of all, let me note that Congress historically has respected the attorney-client privilege. Indeed, Congress first acknowledged the confidentiality of attorney-client discussions back in the middle of the last century. In the middle of this century, the Senate considered a rule that would have expressly recognized testimonial privileges that traditionally are protected

in litigation. The Senate thought of adopting a rule. It ultimately decided that a rule was unnecessary and stated:

With few exceptions, it has been committee practice to observe the testimonial privileges of witnesses with respect to communications between clergyman and parishioner, doctor and patient, lawyer and client, and husband and wife.

As recently as 1990, Senate majority leader Mitchell stated that:

As a matter of actual experience, Senate committees have customarily honored the attorney-client privilege where it has been validly asserted.

That has been true even in highly charged political investigations with respect to respecting the attorney-client privilege. For instance, during Iran-Contra, Gen. Secord and Col. North successfully asserted the attorney-client privilege. During the proceedings against Judge HASTINGS, the impeachment trial committee considered his claim of attorney-client privilege and ruled that testimony would not be received in evidence.

The Senate's most recent experience with the attorney-client privilege arose in the disciplinary proceedings against Senator Packwood. Prior to the controversy over Senator Packwood's diaries—prior to that—the Select Committee on Ethics considered Senator Packwood's assertion that certain documents other than the diaries were covered by the attorney-client or work product privileges. That was the assertion he made, that he was covered by these privileges.

To resolve that claim, the Ethics Committee appointed a former jurist—interestingly enough, it was Ken Starr—as a hearing examiner to make recommendations to the committee and accepted his recommendation that the privilege be sustained. With respect to the diaries, the committee agreed to protect Senator Packwood's privacy concerns by allowing him to mask over the information dealing with attorney-client privilege.

So there was no intrusion into the attorney-client privilege claim in that instance. The Senate respected that. This committee has extended protection of the attorney-client privilege to witnesses that have been before the committee.

During the hearing testimony of Thomas Castleton, Chairman D'AMATO confirmed that Castleton need not testify about conversations with his attorney. Similarly, he limited questioning of Randall Coleman by minority counsel regarding an interview his client, David Hale, granted to a reporter for the New York Times during which Coleman was present. That was Coleman, the client, and this reporter for the New York Times, and that was given this protection.

It seems to me that the President and Mrs. Clinton ought to have protection for the lawyer-client privilege consistent with past Senate practice.

Let me turn to why we need to avoid a needless constitutional confrontation by pursuing a negotiated resolution to this dispute.

Congressional attempts to inquire into privileged executive branch communications are rare and with good reason. In fact, the courts on occasion have refused to determine the dispute and have encouraged the two branches to settle the differences without further judicial involvement. In other words, when it comes to the court, it says you ought to settle it between yourselves and not involve the court in trying to address this matter. The U.S. Court of Appeals for the District of Columbia has long held that Presidential communications are presumptively privileged, and therefore it would take this matter to court. The committee is taking on a heavy burden.

Really what you have to do here is balance the interests. And how do you reconcile these differences? William French Smith, when he was the Attorney General, commented:

The accommodation required is not simply an exchange of concessions or a test of political strength, it is an obligation of each branch to make a principled effort to acknowledge and, if possible, to meet the legitimate needs of the other branch.

The White House is trying to meet our needs by providing the notes. The White House now is taking the position, we will provide to the committee. The committee asserts that it wants these notes and needs these notes in order to carry forward its inquiry. The White House has said we will make these notes available. The White House says there is one problem with doing that, that making these notes available will then be seen as a general waiver of the lawyer-client privilege. And we do not want to be in that posture. We want to have assurances with respect that this does not constitute a waiver of the lawyer-client relationship.

This committee has recognized that argument because the committee has indicated that it is willing to accept the conditions that preclude that general waiver. The White House says well, that works with the committee, but there are other investigative places that could make the providing of the notes to the committee say this constitutes a general waiver, which is, I think, what the law provides. So they say, "We want assurances with respect to these other bodies."

One such body was the independent counsel. It was my own view that we should all get the independent counsel in, have a meeting, see if we cannot resolve this matter, and that the committee could have, you know, played a constructive role in doing that.

In any event, the White House went and engaged in its own direct discussions with the independent counsel and I am told they reached an understanding as of yesterday evening that will

make the notes available, will provide the assurances against the general waiver of the lawyer-client relationship.

The question now becomes with respect to the House of Representatives, the White House apparently wrote to the Speaker about this matter. The two chairmen of the relevant committees have indicated that they will not agree to the assurance, the very one this committee is prepared to make. I find it difficult to understand that. In other words, there is nothing in these conditions that causes them to lose anything in terms of their position. It does not deny them their position in any way with respect to future assertions that they might choose to make. It makes the notes available, which people say needs to be done, and it does it in a way that the White House is not confronted with the very high risk that they have waived the lawyer-client relationship.

The Senate has recognized and respected this relationship for more than a century. A waiver of the privilege would deprive the President and Mrs. Clinton of the right to communicate in confidence with their counsel, a basic right afforded to all Americans. It is my view that the committee ought to turn its attention to resolving this matter in a way that the committee is prepared to do with respect to itself, that the independent counsel is prepared to do.

If that is accomplished, then the notes become available and you do not have any risk of the waiver of the principle. If you go to court, who knows how a court will rule. I think there is a very substantial chance that the court will rule against the Senate, and may in fact establish limits with respect to the Senate's congressional investigatory power that some of those pressing this matter will come to regret. You do not know what the court's outcome will be, but I think that is a very real possibility in this situation.

There has been a lot of movement on this issue. And it seems to me that the offer now that the White House has made in an effort to try to resolve it is very reasonable, is justified on the law and that it behooves us to try the accommodate to it and find a solution to this matter, a solution which would make this information available now as opposed to going to court.

I have difficulty understanding why this matter is at this point. I do not understand—I do not begin to understand why the House committees are taking this position because I think if they make the accommodation they have something to gain and nothing to lose. Now, if they simply want to provoke a confrontation, if that is the objective, that is a different story.

Mr. D'AMATO. Will my friend yield for an observation?

Mr. SARBANES. Certainly.

Mr. D'AMATO. On this point, and I just got this letter faxed to me. It says 12:18, but indeed it was 11:18. It is off an hour, this time clock, wherever this fax is operating from, which I have just sent over to my colleague.

Mr. SARBANES. Still on daylight saving time.

Mr. D'AMATO. And it comes from Chairman LEACH. And he did point out to me in a conversation—and it has just taken me a little time to assimilate this—obviously Chairman LEACH is very perplexed and disturbed and will not agree to a limitation of his rights even as it relates to the possible lawyer-client relationship because he feels that there is testimony in the record before him to his question that Mr. Nussbaum indicated these people at the meeting would not transfer information that should not have been transferred that would be inappropriate. I am summarizing it in order to save time.

And he goes down to—I will go to the last two paragraphs on page two. He says:

To accede to the White House position that disclosure of the notes of the Nov. 5, 1993 meeting does not constitute a waiver of the President's attorney-client privilege, one must accept the proposition that a privilege attaches to this meeting in the first place. Given the presence of three Government lawyers at the meeting—and the indication that confidential law enforcement information may have been improperly disclosed to the President's private lawyer—that is a proposition that legal experts the committee has consulted on the subject cannot accept.

I think more importantly is his last paragraph that he points out to me:

Given White House denials under oath to a House Committee that a transfer of information to parties outside the White House occurred, White House efforts to place limitations upon the House's ability to gather information necessary to fulfill its legitimate oversight function takes particular chutzpah.

I did not know that my colleague from Iowa would use a term that was frequently used in the Northeast, particularly in the Northeast. But—

To date the White House has not consulted in any manner on this issue with the House Banking Committee.

I do not mean to be arguing the case on behalf of the House, but I think that what Congressman LEACH is saying quite clearly is they are very much concerned that under oath, the question he raised, as it relates to the possible transfer of documents that would be inappropriate to be transferred, such as criminal referrals to people outside of the White House, being assured by Mr. Nussbaum that it did not take place, and it appearing that maybe it did take place, he is not willing to concede or give up or limit the ability of the House to proceed as related to what took place to those documents.

That raises the question, a very interesting question, of whether or not

even that relationship, which this Senator under most circumstances would say absolutely exists between a lawyer and his client may come into sharp contrast if information improperly received is passed to a private attorney, whether or not that private attorney may be examined as it relates to what he did, what he did not do, et cetera.

I believe that that is—this is again outside of my particular knowledge—but it is certainly contained within this letter. And I think that is one of the things that Mr. LEACH is concerned about.

Again, coming back to our particular proposition, I will say to my friend and colleague, I think that you and I and the committee, Democrats and Republicans, the minority and majority, have really gone as far as we possibly could. And I do not think this is a failure on the part of the committee. We did put forth fact that we would not say that this constituted a waiver. That is not the issue.

The issue is, when will you produce this documentation? As it relates to the independent counsel, we contacted him and the office of independent counsel has informed this committee that they cannot confirm or deny. So maybe they have worked it out. Obviously if the White House says that their objections have been met, I am not going to contest that. But they are not in a position to confirm or deny this statement, and an agreement has been reached.

But once again what we are hearing is the White House and the President saying one thing, and he is willing to make these documents available, that "I will not hide behind privilege," and yet doing exactly that. And that is what this Senator has difficulty understanding. We have gone, this committee and this Senate, as far as we can. We have made every reasonable effort, and that is what brings us to this point.

I might note that in the five cases we have come forward as relates to the enforcement of subpoenas, in every one of those cases Congress has gone forward to enforce the subpoenas.

I thank my friend for yielding. We just did get this communique, and I shared it with you as soon as we received it. I wanted to bring it to your attention.

Mr. SARBANES. I am glad the Senator brought it to my attention, because it really does underscore the problem the White House is concerned about. In fact, Chairman LEACH is wrong in asserting they would have limitations placed upon their ability to gather information, just as that is not happening to us.

So the question then becomes, if you can get the notes which everyone asserts would provide an important piece of information, if you can get the notes and the condition you agree to for getting the notes is that the providing of

the notes will not be treated as a general waiver of the lawyer-client privilege, which is a perfectly reasonable condition, it seems to me, why would you not enter into that arrangement? What is the problem? Why are the House committees taking this position? What game is afoot?

It is not a reasonable position to take in the circumstance. They lose nothing by accepting the notes and agreeing to the condition. In fact, they get ahead of where they are now, because the notes then become available. They cannot use the furnishing of the notes to claim the privilege was waived somewhere else, but if the notes are not provided, they cannot make that claim elsewhere, in any event. So it is not as though this sets them back. This, in fact, makes some progress in the inquiry.

I just do not understand this position, and it seems to me what this committee ought to be doing, frankly, is seeing if we cannot get the accommodation—well, I hear the statement from the independent counsel, and we would have to see what the story is there, but I understood that could be resolved in the direct communications and then with respect to the House. Then you get the notes and you do not intrude on the lawyer-client privilege.

This administration has provided an enormous amount of material and access. Of course, people say a long time ago, you made a quote everything would be provided and there would be no invocation of privilege. I was asked about that by a newspaper person the other day. They said, "Well, what about that?"

I said, "Well, I'm sure when the President made that statement," and, in my view, he has delivered on it essentially, "he never anticipated that we would get to the point where you would make a kind of a sweeping request that would carry the risk of totally wiping out his lawyer-client relationship."

Obviously, when he made that statement, it seems to me, he was assuming that the request that would come would be within the area of reasonableness and that he would not confront one that carried with it the very real risk of no more lawyer-client relationship.

Obviously, when it reached that point, the President's lawyer said, "Wait a minute, the logic of this is that you will not be able to have any confidentiality in your relationship with your lawyer." Of course, then some say, "Well, he doesn't need any, he should just tell everything." "What do you have to hide?"

But the logic of that argument is that you would never have any confidential relationship.

In fact, when the committee sent letters down to the White House requesting various materials, we recognized in

the letters that we sent that some of the material sought would be subject to claims of privilege. In fact, we told the White House, if that were the case, to provide a log identifying the date, the author, the recipient and the subject matter and the basis for the privilege.

So this committee recognized at the outset that we could make interests for which a privilege could be asserted. We did not start from the premise that asserting a privilege was off bounds. We recognized it in the request that we made to the White House.

We have had a tremendous number of depositions, witnesses. None of that has been impeded or inhibited. We have had 32 days of hearings. We have had about 150 people who have been deposed. We have had, I think, some 80 people who have been actually heard in open hearings.

Virtually all of the differences have been resolved with respect to providing information. This one could be resolved. I want to underscore that point again: This one could be resolved.

We are at the point where the White House, in effect, has said we will accept the conditions the committee was willing to validate to provide the notes. They are trying to find the same assurances from the independent counsel and from the House of Representatives. That is not unreasonable. In fact, I think that is very sensible. And, therefore, the opportunity is here, in effect, to resolve this matter, without going to the courts, without, in effect, running this risk of trespassing on this very important relationship.

The chairman says, "Well, you have turned over a lot of pages of documents," but that is not the relevant matter. Well, it is partly relevant. They have turned over an incredible amount of material. The committee has worked through it. It constitutes the basis for our questioning. The committee has now focused on the notes of this meeting and has said, "We want the notes of those meetings."

Originally, the position that was taken by Mr. Kendall was, "Well, you can get that information in a different way without actually getting the notes."

The majority said, "Well, we don't accept that. We want the notes." The White House now has made a bona fide offer to provide the notes with certain assurances. This committee is prepared to give those assurances.

So if we were the only forum in which this issue might arise about the waiver, there would be no problem if the committee was the only forum. But the fact is there are other forums, and I think the White House reasonably says if we give the notes to this special committee, others will argue in those other forums that this constitutes a waiver; therefore, we want assurances there as well—the independent counsel and the House committees.

It is a perfectly reasonable request. My own view is, frankly, that the committee ought to take a more positive role and, in effect, bring these parties in and say, "Let's resolve this matter without a constitutional confrontation." It is obvious that it can be done, and that is the course we ought to take. That, in effect, would provide the information far, far sooner than going to court will provide the information, and it will meet, I think, a very reasonable concern on the part of the White House that there is a general waiver of the lawyer-client privilege.

I would be surprised if there were Members of this body who thought there should be a general waiver of all lawyer-client relationships.

That is not the way the Senate has acted in the past. It is not the position we have taken. It was clearly not the position we took with respect to witnesses before our very committee. It was not the position the Senate took in the Packwood matter. I can run on back through history with respect to the decision to accord a certain respect to the lawyer-client relationship.

So, Mr. President, I think it is important that the Senate shift its attention to resolving this matter without a constitutional conflict. In my view, that is within reach, and we ought to be engaged in the process of trying to bring that about. That would be a solution that would provide the information, protect against the general waiver. That is something this committee is prepared to do. I understand it is something the independent counsel is prepared to do. If our colleagues in the House were prepared to do it, this confrontation would be set aside and this issue would be resolved.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have listened with interest to my colleague from Maryland. We have discussed many of these issues in committee already, but I think it is necessary that we talk about them here on the floor.

Let me state to my colleague, and any other colleagues who may be listening, that I will stand absolutely with the Senator from Maryland to protect the attorney-client privilege in every circumstance, whether it regards the President of the United States, any citizen of the United States, or a convicted felon who is incarcerated by the United States. Wherever you wish to go where there is a legitimate attorney-client privilege, this Senator will stand to protect that privilege.

That is not an issue here. The President has the right to the attorney-client privilege. The President has the right to consult his attorneys on matters relating to his personal affairs, with the absolute assurance that no

committee of Congress will ever intrude upon that consultation, and that no one will ever do anything that would weaken that right. It is one of the more fundamental rights established in American common law, and it must be protected.

I make that strong statement so that people will understand that the issue here is not the President's right to an attorney, or the President's right to protect the attorney-client privilege. The issue here is whether or not Government attorneys, paid for by the taxpayers, attending a meeting with the President's private attorneys, discussing matters that did not impact the Presidency, matters that took place prior to the President's election, have the same attorney-client privilege.

I am troubled by the number and type of people who attended the meeting with the President's private attorneys. This was a matter of discussing the President's private legal problems, so why was it necessary for four members of the White House staff to be present at this discussion, one of whom, though he has graduated from law school and has practiced as an attorney, at the time of his attendance, was not involved in legal matters for the White House. He was the head of White House personnel. He was not functioning in his capacity as an attorney when he attended that meeting.

I recall, Mr. President, when the office of counsel to the President was occupied by a single individual. It was not necessary for the President of the United States to have a substantial law firm operating under the cloak of "counsel to the President," paid by the taxpayers, handling the President's personal affairs.

If I may, I will go all the way back to an era, which I realize has passed and cannot be reclaimed, to find an example and use it as an example of the kind of separation between personal affairs and private affairs that we once had. Harry Truman, as President of the United States, kept a roll of 3-cent stamps in his desk. Whenever he wrote a letter to his mother, which he did almost daily, he would reach into his desk and pull out the roll of 3-cent stamps, lick the stamp himself and put it on the envelope because, he said, "Letters to my mother are not public business and, therefore, I will pay the postage myself." I realize we have come a long way from that point, and I would not expect the President of the United States to take the time now to say in his correspondence, "Well, I must pay the postage on this one," or "I will not pay the postage on that one." All of us in official life are so beset with correspondence that we never know whether the answer to a letter is a response from our official capacity or our private capacity. We pay for our Christmas cards ourselves, but much of the correspondence that

comes out of our office could easily fall into either category.

But it is the mindset that there must be a separation between private affairs and public affairs that I want to appeal to. Here is a President who appoints—as it is his perfectly legitimate right to do—as deputy White House counsel a man whose principal activity in the White House turns out to be handling the Clintons' personal affairs—Vincent Foster, the focus of all of this investigation—who made himself the focus by virtue of his tragic suicide. He spent most of his time handling the Clintons' tax matters, the Clintons' investment matters, the Clintons' personal affairs. That came out in our hearings, as one of the support people on the White House staff—a secretary—was sufficiently concerned about the amount of time Mr. Foster was spending on non-public issues that she went to the general counsel for the President, Mr. Nussbaum, and asked the question, "Is this a legitimate thing for Mr. Foster to be doing while being paid by the taxpayers?" She made the comment that she, as a long-time employee of the White House counsel's office, had never seen anything like that being done in previous Presidencies. Specifically, she referenced the Bush Presidency. She was told that it is up to the counsel, Mr. Nussbaum, to make the decision as to what is appropriate and what is not in terms of time allocation, and as long as Mr. Nussbaum says that it is all right for Mr. Foster to spend the majority of his time handling the Clintons' personal affairs, that means it is all right for Mr. Foster to spend the majority of his time handling the Clintons' personal affairs.

I raise this because it is at the core of the controversy we find ourselves in. The Clintons obviously believe that anyone who works for the counsel to the President immediately becomes subject to the Clintons' private attorney-client privilege. If Mr. Foster was spending his time doing the Clintons' personal tax affairs, I think the case could be made that those tax matters could be covered by the attorney-client privilege. I certainly hope that my consultation with my attorney on tax matters is covered by the attorney-client privilege, if anybody should ever challenge me. And if I use Government lawyers to do that—I have not and will not—I guess the presumption in my mind would be that even though they are paid by the taxpayers, because they are doing this personal work for me, the work would be covered by the attorney-client privilege if they were private attorneys, so it should be covered by the attorney-client privilege now that they are public attorneys.

Let me digress, Mr. President, long enough to make the point that all of us in our official capacities do indeed have to call upon Government employees from time to time to advise us on

private activities that impinge upon our public circumstance.

For example, when I was called upon to put my assets in a managed trust by virtue of my election as a Senator, I turned to the attorney in my Senate office who is familiar with Ethics Committee positions and requirements and asked him for advice as to how this should be done. I would expect those conversations to be covered by the attorney-client privilege as I discuss with him matters of some confidentiality.

The trust has been formed, the assets have been placed there, and documents have been filed with the Ethics Committee disclosing all of that. That is an example where I have a matter of personal concern that I discuss with an attorney who is on the payroll because he is in a position to advise me as to how my personal affairs impact in a public arena; in this case, the Senate Ethics Committee and the filings we are required to make here.

Accordingly, if the President were to turn to a member of the counsel to the President's office and say, "I have a matter that stems from my personal affairs but that impacts on my public duties. I would like you to counsel me on those affairs, and I would expect that your counsel would fall within the attorney-client privilege." I have no argument with that.

The argument here is a meeting where the President's personal attorneys, concerned with actions that took place prior to his becoming President, concerned with allegations about impropriety if not illegality in those matters, holds a meeting with four employees of the White House to discuss those matters, and then says, "Those employees of the White House are covered by attorney-client privilege, the same as we are."

I find that a bit of a stretch, Mr. President. I made the point in the committee that there must be a dividing line somewhere between the President and Government employees. If you say, "No, there is no such dividing line," you can then go to the point of saying any attorney who works for the executive branch anywhere in the executive branch can, by the President's direction, be covered by attorney-client privilege. Obviously, nobody would say that is common.

Where does the line move back to? Does the President have attorney-client privilege just with the counsel to the President? Does the President have personal attorney-client privilege with everyone in the counsel to the President's office no matter how large it gets? I am alarmed at how large it is getting. I remember when a President needed only one lawyer. If he wanted a legal opinion on something other than his own direct office matters he called the Attorney General. We are getting away from that now. We have a whole law firm under the title of counsel to

the President. It seems to be supplanting the Attorney General in the role of advising the President on legal matters. That is another issue.

I think the line must be drawn as tightly to the President as possible. The President obviously thinks the line should be drawn as far away from him as possible. That is where the controversy for this Senator arises on this issue.

I am happy to exchange with my friend, the Senator from Maryland, in any colloquy or exchange, as long as I do not lose my right to the floor.

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

Mr. SARBANES. First, let me say I think the Senator has made a very reasoned statement about the matter. Let me simply say when Mr. Roger Adams was before the committee, he is a career person in the Department of Justice, and he is sort of the one who gives advice on Government ethics to attorneys in the Department of Justice. That is his specialty. He was asked about Foster doing private law work for the President and Mrs. Clinton. He says, "That doesn't surprise me a bit. There is a thin line between public business and private business and it does not offend me at all that the counsel or deputy counsel to the President does work on some personal things of the President and the First Lady."

Just as the Senator indicated you might have a member of your staff, suppose you are doing your disclosure statement—

Mr. BENNETT. Precisely, and I have no problem with that. I do have a personal problem, whether it is legal or not, with the extent to which this President seems to use this White House staff. I am entitled to that concern.

Mr. SARBANES. When Lloyd Cutler took over as White House counsel he raised that and apparently changes were made in the workings of the White House to more clearly draw the line between personal and public matters.

Mr. BENNETT. I have Lloyd Cutler's statement to that effect, if the Senator would like to hear it.

Mr. SARBANES. I think he was on point with that.

Let me go a step further on this question about this particular meeting and your observations about the extent of it which apparently causes you to question whether the lawyer-client privilege applies to it. Of course that, ultimately, if we press forward will be resolved by a court.

Let me just read this letter from Geoffrey Hazard, a very distinguished legal scholar, professor of law at the University of Pennsylvania, and he travels all over the country talking about these very problems. This was a letter to the White House counsel.

You have asked my opinion whether the communications in a meeting between lawyers on the White House staff, engaged in providing legal representation, and lawyers privately engaged by the President are protected by the attorney-client privilege. In my opinion, they are so protected.

The facts, in essence, are that a conference was held among lawyers on the White House staff, and lawyers who had been engaged to represent the President personally. The conference concerned certain transactions that occurred before the President assumed office but which had significance after he took office. The Governmental lawyers were representing the President *ex officio*. The other lawyers were retained by the President to provide private representation to him. On this basis, it is my opinion that the attorney-client privilege is not waived or lost.

A preliminary question is whether the attorney-client privilege may be asserted by the President, with respect to communications with White House lawyers, as against other departments and agencies of Government, particularly Congress and the Attorney General. There are no judicial decisions on this question of which I am aware. However, Presidents of both political parties have asserted that the privilege is thus effective.

This position is, in my opinion, correct, reasoning from such precedents as can be applied by analogy. Accordingly, in my opinion, the President can properly invoke attorney-client privilege concerning communications with White House lawyers.

Then he goes as he draws toward a close:

The principal question, then, is whether the privilege is lost when the communications were shared with lawyers who represent the President personally. One way to analyze a situation is simply to say that the "President" has two sets of lawyers, engaged in conferring with each other. On that basis there is no question that the privilege is effective. Many legal consultations for a client involve the presence of more than one lawyer.

Another way to analyze the situation is to consider that the "President" has two legal capacities, that is, the capacity *ex officio*—in his office as President—and the capacity as an individual. The concept that a single individual can have two distinct legal capacities or identities has existed in law for centuries. On this basis, there are two "clients", corresponding to the two legal capacities or identities.

The matters under discussion were of concern to the President in each capacity as client. In my opinion, the situation is, therefore, the same as if lawyers for two different clients were in conference about a matter that was of concern to both clients. In that situation, in my opinion the attorney-client privilege is not lost by either client.

The recognized rule is set forth in the Restatement of the Law Governing Lawyers, Section 126 (Tent. Draft No. 2, 1989), as follows:

If two or more clients represented by separate lawyers share a common interest in a matter, the communications of each separately represented client . . .

(1) Are privileged against a third person . . .

Inasmuch as the White House lawyers and the privately engaged lawyers were addressing a matter of common interest to the President in both legal capacities, the attorney-client privilege is not waived or lost as against third parties.

Now, as he said, it has never been adjudicated in a court. It could be decided differently. But this is a leading expert, and I think that is a very strong letter with respect to this matter.

Mr. BENNETT. I understand. I agree he is a leading expert. And it is a very strong letter.

I also note, however, as you have, that the matter has not been adjudicated in a court, and I think that may well argue strongly for us to proceed and allow the court to so adjudicate, because if we solve these matters by getting legal opinions on opposite sides and then reading the opinions to each other, we do not need courts. The courts exist to take the legal opinions on one side and the other and listen to them and make a decision. Many of those decisions, as the Senator well knows, are decided on a five-to-four vote, with strong letters from real experts ending up on the side of the four, sometimes, when it goes to the Supreme Court, and the strong letters from real experts ending up, sometimes, on the side of the five.

I have heard from distinguished commentators, lawyers of sufficient reputation to require us to pay attention to their views, that the President, in this case, has little or no grounds to stand on. The lawyer you have just quoted obviously disagrees with those opinions. I think that is why we have courts. It may be that this matter is important enough to be resolved once and for all, and the way to get it resolved is to proceed with the subpoena and let the court hear the matter.

Mr. SARBANES. Will the Senator yield?

Mr. BENNETT. Sure.

Mr. SARBANES. If the reason you are proceeding is in order to get the notes, and if the notes can be made available under what I regard as perfectly reasonable conditions, why should we provoke a court controversy on this matter?

Mr. BENNETT. If I may respond to the Senator, quoting comments he made in his opening statement, he said, "There has been a lot of movement here." I agree with him, that there has been some movement here. But it is my observation that the movement has always come after the committee has decided to get tough, that the movement on this issue has come after the chairman said, "We are going to issue a subpoena. We are going to go to the floor. We are going to demand Senate action." That is when the movement started to come.

So when the Senator from Maryland says if it is my purpose to get the notes, we can drop this and get the

notes through other means, I say to the Senator, I would be willing to drop this as soon as the notes appear. I would be willing to vacate the order for a subpoena as soon as the notes appear, and not provoke this kind of confrontation. But until the notes come along, the pattern of behavior that I have seen on the committee says to me the best way to keep the movement going is to keep the pressure on.

Mr. SARBANES. If the Senator will yield?

Mr. BENNETT. I will be happy to yield.

Mr. SARBANES. First of all, it is my view, as I indicated also in my remarks, that the White House has been trying to reach an accommodation, and to some extent I think the confrontation was provoked by the committee.

But putting that to one side, we are now at the point where the proposition that we are wrestling with is pretty simple. That is, if the White House can get the same assurances from the independent counsel and the House that it has gotten from our committee with respect to this waiver question, they are prepared to provide the notes at once. We obviously thought that the conditions were reasonable in dealing with the White House on this matter, because we have agreed to them.

I think it is reasonable for the White House then to say that we ought not to be blind-sided or whipsawed on this thing, by other investigatory bodies, in other forums. And, therefore, we need to get from them the same or comparable assurances.

As I understand it—I do not have anything definitive—but I am told that this matter has been worked out with the independent counsel. Of course, assuming that is the case, that itself is a further major step forward. Then it just, apparently, now leaves us with a question of the House of Representatives.

Mr. BENNETT. If I could respond to the Senator? I agree. If, in fact, the independent counsel has made this agreement, that is a significant step forward. He says that leaves only the House with which to deal. I am glad to know that, because the original condition that was sent to the committee had other agencies besides the independent counsel and the House. It had the RTC and the FDIC. I am assuming from the Senator's statement that means the White House has now dropped the demand that those people also have a veto power on whether or not the notes will be given to us?

Mr. SARBANES. Let me just read a letter from the White House counsel to Chairman D'AMATO. A copy was sent to me.

Mr. BENNETT. Absolutely.

Mr. SARBANES. It said:

DEAR CHAIRMAN D'AMATO, As I informed you yesterday we would, Counsel for the President have undertaken to secure non-

waiver agreements from the various entities with an investigative interest in Whitewater-Madison matters. I requested an opportunity to meet with your staff to determine how we might work together to facilitate this process. Mr. Chertoff declined to meet.

Nonetheless, we have succeeded in reaching an understanding with the Independent Counsel that he will not argue that turning over the Kennedy notes waives the attorney-client privilege claimed by the President. With this agreement in hand, the only thing standing in the way of giving these notes to your committee is the unwillingness of Republican House Chairmen similarly to agree. As I am sure you are aware, two of the Committee Chairmen who have asserted jurisdiction over Whitewater matters in the House have rejected our request that the House also enter a non-waiver agreement with respect to disclosure of these notes and related testimony.

We have said all along that we are prepared to make the notes public; that all we need is an assurance that other investigative bodies will not use this as an excuse to deny the President the right to lawyer confidentiality that all Americans enjoy. The response of the House Committee Chairmen suggests our concern has been well-founded.

If your primary objective in pursuing this exercise is to obtain the notes, we need to work together to achieve that result. You earlier stated that you were willing to urge the Independent Counsel to go along with a non-waiver agreement. We ask that you do the same with your Republican colleagues in the House. Be assured, as soon as we secure an agreement from the House, we will give the notes to the Committee.

Mr. BENNETT. If my colleague will yield—

Mr. SARBANES. Let me read the last paragraph because it is important to keep this thing current.

Mr. Chertoff has informed me that the Committee will not acknowledge that a reasonable claim of privilege has been asserted with respect to confidential communications between the President's personal lawyer and White House officials acting as lawyers for the President. In view of the overwhelming support exercised by legal scholars and experts for the White House position on this subject, we are prepared simply to agree to disagree with the Committee on this point.

Accordingly, the only remaining obstacle to resolution of this matter is the House.

So that is where the matter now stands.

Mr. BENNETT. I thank the Senator for that. It represents, in this Senator's view, a significant movement on the part of the White House from the position taken less than a week ago, when the same Jane Sherburne gave us five conditions, two of which the majority on the committee had recommended to her, and the other three of which many members of the committee found to be unacceptable.

The two most objectionable of those conditions that she placed on giving up the notes, Nos. 4 and 5, in her correspondence of the 14th of December have been dropped from the letter that the Senator from Maryland just talked about. There is no relevance.

Mr. SARBANES. If the Senator will yield, 4 and 5 have been dropped; 4 is

still relevant because that involves trying to get those assurances from another investigatory body.

Mr. BENNETT. No. 4 has been dropped as proposed. It has been replaced, in my view, with the request that the House now be involved because she wanted the House involved in No. 4 in the original letter. It represents movement. But I think the tenor of No. 4 has, in fact, been dropped and replaced by the acceptance on her part of taking just the House. We no longer have any references to the Resolution Trust Corporation and its successor and the Federal Deposit Insurance Corporation, which were for this Senator the two most difficult requirements that the White House had placed. So we have had movement. We have had significant movement. We have seen that movement come in response to the pressure created by the requirement for this subpoena.

The only other comment I would make with respect to Ms. Sherburne's letter of the 20th that the Senator from Maryland has just quoted is a personal disagreement with the opening clause in her sentence in paragraph 3 when she says, "We have said all along that we are prepared to make the notes public." That does not coincide with this Senator's memory of the way the White House has proceeded. I will take the notes. I will read the notes as soon as they are provided. But I personally do not agree that the White House has indeed said all along that they are prepared to make the notes public. As I have said, I believe they have responded as the committee has gotten tough, and they are now saying things that in fact do not coincide with this Senator's memory of history.

If I can proceed then, Mr. President, if my colleague from Maryland is finished with the colloquy on this issue, I want to make some general points about why it is necessary for the committee to continue this somewhat militant stance that we have taken. I have been interested to watch this thing unfold as covered by the media.

If we were to go back to the beginning of the hearing, the reaction on the part of people covering this issue was that it was, frankly, a gigantic yawn and nothing for anybody to pay any attention to, nothing for anybody to get very excited about. I will not go back with a quotation trail beyond the month of December. But someone who wants to do a historical pattern of this could follow the pattern of media comments from the summertime on through the fall and then into December and see that people are beginning to pick up in their understanding, pick up in their concern about this. And, interestingly enough, it has come not just from the media that one would automatically assume would be favorable to the Republican point of view, but it has come from sources that have

been traditionally, shall we say, somewhat skeptical of Republican positions.

In this month alone, Mr. President, starting toward the first of the month we have the following paper trail, if you will, from some of the leading papers in this country.

The New York Times on the 6th of December with the lead editorial entitled "Whitewater Evasions, Cont." That is an interesting lead, an interesting title for an editorial. "Whitewater Evasions, Cont." The Times has had previous editorials on Whitewater evasions, and they talk about it.

The final sentence of the editorial says, " * * * what we are left with is a portrait that grows cloudier by the day of an administration that always dodges full disclosure."

I suggest that comment by the New York Times corresponds with my response to the Senator from Maryland about the latest White House letter that says "We have said all along that we are prepared to make the notes public."

On the 7th of December, the next day, the Washington Post has an editorial entitled "The White House Mess." This editorial states "And the conflicting statements keep coming. That is the problem. Ms. Williams told the Senate Whitewater Committee this summer that she has given the Clintons' lawyer access to some 24 files found in Mr. Foster's office that contained personal matters of the Clintons. But she did not say that she was with him when he reviewed the files or that the review occurred in the first family's residence, as he now maintains." The editorial continues with the specifics of that particular comment.

How does this editorial conclude following on the editorial of the New York Times? "Has the White House, through these twists, managed to throw suspicion over matters of little consequence, or is there something serious being covered up? The question is everywhere these days, in large part because of all of the improbable and implausible responses that have been made to inquiries so far. If the White House can clear them up, it surely should. Congress and the independent counsel are clearly not going to let things stand as they are now."

That was the Washington Post on Pearl Harbor day, the 7th of December.

We go on to the 12th of December. The New York Times again, in an editorial entitled "Traveling Whitewater Files," talks about the mysterious movement of files back and forth from closet to attorneys' offices and back to attorneys with occasional stops at basements of other attorneys. And it concludes with the point we have been discussing at such length here this morning, Mr. President. "To be sure, citizen Bill Clinton is entitled to litigate all he wants and to claim what-

ever privacy the courts will give him. But President Clinton, the politician and national leader, cannot expect the public to be reassured by mysteriously mobile files and promises of openness that disappear behind the lawyer-client veil."

Then we go on. We get closer to today. On the 14th of December, the Washington Post has an editorial entitled "Now a Subpoena Controversy." It begins, "In refusing to honor a Senate Whitewater Committee subpoena for notes taken by then-White House associate counsel William Kennedy during a November 5, 1993, meeting between White House officials and the Clintons' attorneys, the administration risks traveling down a familiar dead end."

The Washington Post apparently is losing patience.

The final comment of this editorial is: "The overriding interest is to get at the truth. If, however, a satisfactory solution cannot be reached, then the courts must decide. It shouldn't have to come to that."

Apparently, the lawyers that advise the editorial writers for the Washington Post are not as easily convinced as the lawyers who have sent their opinions to the Senator from Maryland.

Just yesterday, in the New York Times again, the editorial is headed "Averting a Constitutional Clash." And I quote: "If Mr. Clinton relinquishes the documents, it would be a positive departure from the evasive tactics that have marked the Clintons' handling of questions about Whitewater since the 1992 campaign."

"Mr. Clinton's assertion that the subpoenaed material is protected by lawyer-client privilege, and his quieter claim of executive privilege, are legally dubious and risk a damaging precedent."

Now, I cannot argue that the New York Times is as distinguished a legal source as the lawyer who gave the opinion that the Senator from Maryland quoted, but again the lawyers who advise the editorial writers in the New York Times must have looked at this and they find it, to quote, "Legally dubious, risking a damaging precedent."

Mr. D'AMATO. Will my colleague yield—

Mr. BENNETT. Yes, I will be happy to yield.

Mr. D'AMATO. Just for an observation. Given the posture which the White House has taken and given the difficulty we have had in getting documents or information, given the dubious claim as it relates to lawyer-client privilege, is it not even harder for us, the committee, to accept this claim in light of the President's public statements as it relates to not raising privilege as a manner by which to protect documents? Does this impact on the Senator?

This is a statement that comes from the President on March 8, 1994, when he

is appointing Lloyd Cutler, and the question was, was he going to invoke Executive privilege or a lawyer-client relationship privilege, and he ends up with, as his answer, he says, "It's hard for me to imagine circumstances in which that would be an appropriate thing for me to do."

Does this square then, Ms. Sherburne raising this, with what the President has said, that he would not—it is hard for him to imagine raising that privilege?

Mr. BENNETT. The Senator is correct to raise that quote in this context. It simply demonstrates that there are now some circumstances that the President was unable to imagine that long time ago because he has now asserted the privilege and we confront it.

Mr. D'AMATO. The meeting took place. He was aware of this meeting, obviously.

Mr. BENNETT. I believe he was aware of the meeting.

Mr. D'AMATO. This meeting took place well before, in November, and he made the statement in March. So he was aware of the meeting. It was not a circumstance that took place after the meeting.

Mr. BENNETT. I do not wish to be flippant about these matters because they are important matters, but I find myself saying the lapse of memory seems to fit a pattern that we have seen from other people in the White House.

Mr. D'AMATO. I thank my friend.

Mr. BENNETT. Mr. President, going back to the editorial in the New York Times of yesterday, after they made the statement that I have quoted about the legally dubious claims, they conclude that editorial with this comment cutting straight to the issue that we are talking about today on the floor:

It should still be possible to make arrangements before tomorrow when the Senate is due to take up the matter. If not, the Senate has no choice but to vote to go to court to enforce the committee's subpoena.

Now, I have gone to the trouble of quoting all of these editorials leading up to this to indicate that this is not a sudden decision on the part of the editorial writers of the New York Times or I would assume the Washington Post, whose stream of editorials has gone the same way. As I say, I have not quoted from all of the papers that have been considered to be Republican friendly. I have quoted from papers that would normally be expected to take the President's side on this issue, and I find it somewhat interesting that the leader of those papers concludes its editorial by saying that the Senate has no choice but to vote to go to court and enforce the committee's subpoena. I see my friend from Connecticut rising.

Mr. DODD. Will my colleague yield?

Mr. BENNETT. Under the same procedure, Mr. President, that it is understood I would not lose my right to the

floor, I will be happy to engage in whatever colloquy and debate my friend from Connecticut may desire.

Mr. DODD. I thank my colleague from Utah, Mr. President.

I just ask my colleague if he could enlighten us on whether the media have ever taken a position, on any matter where access to documents was the issue, they should not have total access to everything they want?

Going back over time, when the issue was attorney-client privilege or executive privilege, can the Senator cite to me an editorial from the New York Times or the Washington Post or any other paper where the paper did not think they ought to have unfettered access to documents? My point is that the media always want all of the documents. So we should expect to see the editorials my colleague cites.

Does my colleague disagree with me that, unlike legal scholars who look at constitutional issues, the press always takes the position that materials should be turned over?

Mr. BENNETT. I have not done that kind of research. I will go back and take a look at the past media circumstance. It is my impression that no one has called for breaching the attorney-client privilege for the President or anybody else; that the concern here has to do with whether or not that privilege extends to Government lawyers. I do not know of anybody in the media who would say that if the meeting was confined entirely to the President and the lawyers who had been hired by him and are being paid by him to represent him in his personal matters, the notes should be turned over. I have not had anybody say that to me. The issue is whether or not the presence of Government lawyers at the meeting so changed the nature of the meeting as to make it appropriate for the committee to ask for those notes.

So I understand the point that my friend from Connecticut is making, and I am sure that he is correct in terms of the institutional bias of the press. I would stop short of saying that it applies to violating all kinds of privilege. I think it applies to the narrow issue here as to what happens by virtue of the Government lawyers having been present.

Mr. DODD. Let me further inquire. I appreciate my colleague's generosity in allowing me to inquire. As I understand this particular point, we are down to basically one problem that stands in the way of an agreement—we need the House to agree that the release of the notes by the White House will not constitute a general waiver of the attorney-client privilege. That seems like a small problem to work out. Clearly, we would all like to avoid having to take this matter to the courts. After all, precedent suggests they may just throw it back in our lap and say "resolve it." So we spend 2

months on this issue and we are back where we started.

Mr. BENNETT. Two months, if we are lucky.

Mr. DODD. My colleague from Utah is probably correct. As I understand it, the independent counsel has already reached an agreement with the White House. It occurs to me that if the independent counsel, which has a prosecutorial function, can reach an agreement, than the congressional committees, whose fundamental function is legislative, should also be able to reach an agreement. If the independent counsel is satisfied with the agreement, then we should also be able to reach an agreement.

I am just curious as to why it would not be in our interest to take some time to have the conversation with our colleagues in the other body who are apparently resisting this to see if we can work out an agreement and put this issue behind us.

Is there some compelling reason why we ought not try to do that? If the independent counsel said this is totally unacceptable, I need the subpoenas, I can almost understand at that point why we would have to go through this process. But that is not the case. I ask my colleague if he would not agree with that.

(Mr. KYL assumed the chair.)

Mr. BENNETT. I say to my colleague that I would be happy to sit down with him if it were just the two of us and see if we could arrive at an agreement on that point. I have learned long since, even though I am a relatively new Member here, not to try to guess what the House will do under any circumstance.

Mr. DODD. My colleague has become very wise in the few years he has been here.

Mr. BENNETT. So I would not presume to try to give instructions to my colleagues in the House. But I think it is appropriate that we have these kinds of conversations. I think the Senator from Connecticut raises a very logical course of action that we should consider.

But I am not prepared to remove the pressure that the existence of this vote creates toward getting a solution because, as I said to the senior Senator from Maryland, in my opinion, the movement to which he refers would not have taken place if the committee had not taken the tough stance that it has taken.

The movement that we have seen in the White House position in just the last 24 hours, I believe, is attributable to the pending vote that we are going to take. If we take the vote and the White House and the House can come to some kind of a conclusion, then the subpoena called for in this vote is rendered mute and the matter is taken care of. But I would rather not remove the pressure that this vote represents

until after the agreement is reached because I believe that the pressure of this vote has had a salutary effect in moving us toward that.

Mr. DODD. I thank my colleague for the time he has given.

Mr. BENNETT. Mr. President, I had not planned to go on this long.

Mr. SARBANES. Would the Senator yield on this point? I think there is a chance, once the vote is taken and the matter is sent to the court, then the people may say, "Well, let the court decide it." And if the court decides it, first, you do not know what opinion you will get. That is, people make their reasonable calculations. Second, the timeframe then becomes quite extended.

It seems to me, given all the admonitions about trying to avoid a confrontation between the executive and the legislative branches, it would behoove us to do that because I think we are at a point right now where that opportunity is right here in front of us.

Mr. BENNETT. The Senator has raised a possibility which may indeed turn out to be the outcome. The matter becomes a matter of judgment as to which scenario you believe is the one that will play out, the one I have posited or the one that the Senator from Maryland has posited. And we will all have to vote and see which of those two scenarios is the one that comes about.

Mr. President, I had not planned to go on this long. I will be happy to yield again to my colleague from Connecticut, but I would like to wrap up.

Mr. DODD. I will seek recognition later in my own right. I thank my colleague.

Mr. BENNETT. I thank the Senator. Mr. President, before I leave the quotations from the media, I must share with my colleagues one last editorial which comes from a source that is clearly not generally favorable to Republican positions, from a man whose writings I am not familiar with. However, I can catch the flavor of his position simply from reading this particular editorial. His name is James M. Klurfeld. He is the editorial page editor for Newsday. I will just quote a few comments, but I think it summarizes what is happening on this issue.

He says:

I have to admit that I haven't paid that much attention to the Whitewater investigation. That is not only because it's too complicated to figure out, but also because an essential element of any real scandal is missing: the anticipation that the high and the mighty are about to be brought down. There has been, to be blunt, no scent of blood. Until now.

Mr. Klurfeld then goes on to recite some of the specifics of what has come up. He says:

At the crux of the Whitewater investigation is whether they knowingly got money from the Whitewater-related projects and mixed it illegally with campaign money for a gubernatorial re-election campaign. That

case has not been made. But there has always been a second Whitewater issue: whether the Clintons have abused the power of the White House to obstruct the investigation. And here things begin to look more troubling. There are credible allegations of files removed from the White House, of improper interference with the investigation of Foster's death and, most recently, the White House has refused to give memos of conversations involving the Whitewater matter to the Senate committee, first claiming lawyer-client privileges and now invoking the doctrine of executive privilege.

He continues later on in the article:

What keeps nagging at me is that if my first assumption is true—that there is no criminal wrongdoing involved in the matter—then why is the White House and Hillary Clinton, in particular, so reluctant to come clean about everything? What does she have to hide? Why not just open all the files? After all, Hillary Clinton worked as an investigator on the Watergate matter. We all know she is smart and as sharp as any lawyer in Washington, let alone Little Rock. She knows, as we all know, Richard Nixon got caught up by the coverup of Watergate, not the burglary itself. It is inconceivable she would blunder into the same type of mistake. Unless, of course, there is something to hide. Then a cover-up makes sense, at least from her point of view.

Once again we find a pattern. Mr. President, I quote the summary sentence. Mr. Klurfeld says:

There are enough unanswered questions and White House evasions to justify further investigation. And I am ready to pay some attention to it.

The one area that has struck me as I have listened to this whole thing, that for some reason reached out and grabbed my attention, concerns the law firm records relating to Mrs. Clinton's billing for her services to Madison Guaranty. This first came up, Mr. President, when Mr. Hubbell was before our committee, and as part of the documents that were furnished to us at that time, we received a summary—recap, to use the word that is on the document—a recap of fees, from Madison Savings and Loan, and then typed below it says "FINAL RECAP." And that is in all caps.

Understand, Mr. President, to put it in context, this is the legal work for which Mr. McDougal has said Mrs. Clinton was paid a retainer of \$2,000 a month. Mr. McDougal's testimony was that then-Governor Bill Clinton came to him and said, "We're having financial troubles. Can you get Hillary some money?" And he said, "I'll pay \$2,000 a month to the Rose law firm. And she can handle the Madison affairs."

To be clear in the RECORD, denial from the Clintons that this ever happened has been entered in the record. So it is Mr. McDougal's word against the Clintons' word on that particular issue. But nonetheless, in the documents that came from Mr. Hubbell, here is the final recap of fees paid.

When Mrs. Clinton was asked about these fees, she said—and I am quoting from her press conference—"The young

bank officer did all the work. And the letter was sent, but because I was what you call the billing attorney—in other words, I had to send the bill to get the payment made, my name was put on the bottom of the letter."

The strong implication there, you see, is she did little or no work, she simply signed the letter because she was the billing partner, and the client did not want to pay a bill if it was from an associate.

In an interview with the Office of Inspector General at the FDIC on the same matter, we find this characterization: "Mrs. Clinton indicated she did not consider herself to be the attorney of record for Rose's representation of Madison before the ASD and presumed it to be Rick Massey. She recalled Massey came to her and asked her to be the billing attorney, which was a normal practice when an associate was handling a matter."

Then, Mr. President, in her affidavit on this matter that was given to the FDIC Office of Inspector General, she, being duly sworn, says, "While I was the billing partner on this matter, the great bulk of the work was done by Mr. Richard Massey, who was then an associate at Rose and whose specialty was securities law."

"I was not involved in the day-to-day work on the project. My knowledge of the events concerning this representation, as set forth in this Answer, has been largely derived from a review of the relevant documents, rather than my contemporaneous involvement in the representation since Mr. Massey primarily handled the matter."

The reason this is important, Mr. President, is that Mrs. Clinton clearly had some relevant documents she reviewed in order to conclude that she was not involved in the day-to-day work on the Madison matter. She had no contemporaneous memory of it. She had to go back to the relevant documents.

Now we have what I consider to be two relevant documents, and the first one is the one that came before the committee, the recap of fees for Madison Guaranty Savings & Loan. I questioned Mr. Hubbell about this at some length, and Mr. Hubbell finally said, "Senator, I apologize that I am unable to articulate to you exactly the way things are handled so that you can really understand what happened."

I said, "Mr. Hubbell, I'm sorry, I can't articulate to you my reaction to these numbers. I am not a lawyer. I have never made out a time sheet, but I have paid lots of legal bills. I think I can read a time sheet." And I went over this as I would if it were submitted to me, and I find the following, Mr. President.

In the total amounts covered by this final recap, the amount billed by Mr. Massey by name is \$5,000, rounded. I have not added up the odd dollars and

cents, but I have rounded it. Mr. Massey, over the period of this representation by the Rose law firm, billed around \$5,000. Mrs. Clinton, in that same period, billed approximately \$7,700. She says she reviewed relevant documents that refreshed her memory, but that she was nothing more than the billing partner and that the work was done by Mr. Massey. But from these billings, Madison Guaranty was billed in Mr. Massey's name for around \$5,000. If Mrs. Clinton was just the billing partner who signed for him, all of the billing should be in her name and his name should not appear. But if he is billing in his own name, then why was it necessary for her to bill significantly more than he did, if he was the one doing all the work?

There is an interesting pattern here, Mr. President, because in the month of May, Mr. Massey billed \$695, Mrs. Clinton, \$840. Thus Mrs. Clinton billed more than Mr. Massey when the account was brought in.

Then very dramatically the pattern changes. In June, she only billed \$60. I assume that is a half hour's worth of work. Mr. Massey, \$186. In July, she billed \$144, he billed 10 times that, \$1,400, and so on. Mr. Massey, in November billed \$552; Mrs. Clinton does not appear. In December, he billed over a thousand; she billed around \$4,200.

Then it changes very dramatically and Mr. Massey disappears, as Mrs. Clinton starts billing heavy-hitter numbers to the point where at the bottom of the sheet, when you add it all up, Mr. Massey billed around \$5,000. Mrs. Clinton has billed around \$7,700.

The other contemporary document which we have been able to obtain, which presumably Mrs. Clinton had available to her as she refreshed her memory, was the document that came before the committee this week where Susan Thomases took notes on a conversation during the campaign with Web Hubbell. These notes are very revealing against the background I have just outlined.

This is what Susan Thomases testified Mr. Hubbell told her. She made it clear she did not know whether this was the truth or not; she was simply recording what she was told. To put it in context, Mr. President, her assignment on the campaign at the time this conversation took place was damage control over the Whitewater controversy.

Mr. DODD. Will my colleague yield on that point?

Mr. BENNETT. Surely.

Mr. DODD. I appreciate going into these matters. As I understand it, we are debating the issue of subpoenas. We are kind of revisiting what we went over in the committee. My colleague has a right to do it. I am not suggesting he does not. I would like to debate the issue of subpoenas—that is what draws us to the floor today—instead of

rehashing billing questions. At some point, are we going to get to the issue of subpoenas?

Mr. BENNETT. I say to my colleague, I will get to it as quickly as I can. If I had not had the exchanges I had, I would have been through with this a long time ago.

Mr. DODD. I thank my colleague.

Mr. BENNETT. Having started, I want to finish the point, and I think it important all Members of the Senate find out about this because it goes to the heart of why we are having this conversation at all.

Here are the notes that Ms. Thomases took of her telephone conversation with Web Hubbell: "Massey has relationship with Latham and Hillary Clinton had relationship with McDougal. Rick"—that is to say Massey—"will say he had relationship with Latham and had a lot to do with getting the client in."

These are the notes of the damage control person. "This is what we're going to say about how Madison Guaranty came to the Rose law firm: Rick will say he had relationship with Latham and had a lot to do with getting the client in. She did all the billing. Hillary Clinton had number of conferences with Latham, Massey, and McDougal on both transactions. She reviewed some documents. She had one telephone conversation in 4-85 beginning of the deal with Bev."

Bev is the appropriate Arkansas State regulator handling these matters.

"Neither deal went through. Broker dealer was opposed by staff but approved by Bev under certain conditions which they never met."

Now here is a crucial sentence for me: "But for Massey, it would not have been there. Rose firm prohibited from filing examiner's report." And at the bottom: "Hillary Clinton was billing partner and attended conferences. He"—I am assuming "he" is Massey—"he had a major role blank hours versus Hillary Clinton's blank hours."

We are trying to fill in the blank, and the only document we have with which to fill in the blank goes contrary to these notes. That is, Mrs. Clinton's hours are greater than Mr. Massey's hours rather than less. But the interesting thing for me is the statement flat out: "Rick will say he had relationship with Latham and had a lot to do with getting the client in."

Later on: "But for Massey, it would not have been there."

The December 18 New York Times has the following comment:

In her 1992 notes, Ms. Thomases records how top campaign officials discussed how to answer questions about Madison and the Rose firm.

Her notes show that Mr. Hubbell told her that an associate in the firm, Richard Massey, "will say he had a lot to do with getting client in." Mrs. Clinton has also said, in sworn testimony to regulators, that Mr.

Massey brought in Madison as a client. But Mr. Massey, now a partner in the Rose firm, has told Federal investigators that he does not know how the firm came to represent Madison.

Well, Mr. President, I think the Senator from Connecticut makes an appropriate point, and we should not rehash everything that happened in the hearings. I will now step down. But I go through all of this to demonstrate my conviction that pressure from the committee has been essential to the forthcoming of documents. Whether the pressure has been continued badgering by the majority staff or whether it has been formal subpoenas or threats of subpoenas, it has taken pressure every step of the way for us to get documents. And in every case, when we have come close to getting a resolution to an issue, we were told, "Well, that document does not exist," or "I do not remember." And we find the same circumstance here. After we discussed the conflicting evidence, Web Hubbell told me, "The only way you are going to find out what really happened, Senator, is to get the original billing sheets." We now find that the original billing sheets do not exist.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Alabama [Mr. SHELBY] is recognized.

Mr. DODD. Mr. President, point of order. This Senator was standing, and I have been here for some time to speak. Also, are we not going back and forth on either side of this matter?

The PRESIDING OFFICER. The Senator has made a point of order. It is my understanding that it is in the Chair's discretion to recognize the Senator from Alabama. I am advised that he has been here for 2 hours, which is a significantly longer period of time than the Senator from Connecticut.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, it is not surprising to me today that we are where we are today—forced to seek enforcement in the courts of a subpoena for documents from the White House.

It is no surprise to me, Mr. President, because the White House's refusal to release the notes sought under this resolution is part and parcel of this administration's consistent and continuous way of operating, its *modus operandi*, if you will, on how to cooperate with the special committee without really cooperating.

It goes something like this: "Do not give up any information or documents unless you absolutely have to, and if forced to give them up, release it to the press first with your spin on it before giving it to the committee."

Mr. President, throughout the committee's investigation, witnesses from the White House have come before the committee and, en masse, failed to

recollect, remember, or to recall important meetings, conversations, and phone calls.

We have so much testimony on the record, reciting the lines, "I cannot remember, I do not recall, I do not have a specific recollection," that you would begin to wonder whether amnesia is, in fact, contagious.

We had the dance of the seven veils from the White House witnesses, whom the committee was being forced to recall every time a new document or phone log previously unattainable mysteriously appeared in some way.

Interestingly, Mr. President, while White House officials were suffering under the debilitating loss of memory, or selective memory, career prosecutors and law enforcement personnel were able to remember phone calls, conversations, and meetings with great specificity.

Quite frankly, the testimony before the committee has come to be the tale of two stories. One story was told by the Clintons' political appointees and long-time business partners and friends, versus the story told by career professionals, civil servants, law enforcement personnel and, yes, investigators.

Mr. President, this wholesale memory loss, evasive answers, and claims of privilege against document production sounds strangely familiar, does it not?

Indeed, Mr. President, in the past couple of weeks I have noted what I believe is an increasing similarity between this White House and the Nixon White House. In my view, the committee's need to enforce the subpoena for the notes only reinforces the Nixonian comparison.

Last week, during the committee hearing on Whitewater, I compared some of the arguments that Mr. Clinton has made with the arguments that Mr. Nixon made in support of Executive privilege in 1973 and 1974. Now, some have suggested that this is purely a political exercise. But the fact is, Mr. President, that this is the first time that such a defense—that I am aware of—has been raised since the Nixon administration.

Furthermore, this same defense of privilege has been tried and tested in the courts, and it has failed. The comparison is, therefore, self-evident, Mr. President, and the exercise rather instructive, giving all of us an opportunity to examine the reasonableness of the White House's claim of attorney-client and possibly Executive privilege.

I would like to share some of the quotes with you. First, this is President Nixon's response to a question from a UPI reporter on March 15, 1973.

He said:

Mr. Dean is counsel to the White House. He is also one who was counsel to a number of people on the White House staff. He has, in effect, what I would call a double privilege, the lawyer-client privilege relationship, as well as the Presidential privilege.

Those were the words of President Nixon. Compare those with the following words, which were sent up to the committee by the White House on December 12, 1995:

The presence of White House lawyers at the meeting does not destroy the attorney-client privilege. On the contrary, because of the presence of White House lawyers, who themselves enjoy a privileged relationship with the President and who are his agents, was in furtherance of Mr. Kendall's and White House counsel's provision of effective legal advice to their mutual client, their presence reinforced, rather than contradicted, the meeting's privileged nature.

Think about that just a minute. Compare them in your own mind.

I will read President Nixon's address to the Nation announcing an answer to the House Judiciary Committee subpoena for additional Presidential tape recordings on April 29, 1974.

President Nixon said:

Unless a President can protect the privacy of the advice he gets, he cannot get the advice he needs. This principle is recognized in the constitutional doctrine of executive privilege, which has been defended and maintained by every President since Washington and which has been recognized by the courts, whenever tested, as inherent in the Presidency.

Let us compare Nixon's statement to the White House brief on behalf of President Clinton to the committee, December 12, 1995:

If notes of this type of meeting are accessible to a congressional investigating committee, then the White House counsel could never communicate, in confidence on behalf of the President, with the President's private counsel, even when the discussions in question are properly within the scope of the official duties of the governmental lawyers. Such a rule would deprive the White House counsel of the ability to advise the President and his White House staff most effectively regarding matters affecting the performance of their constitutional duties.

You be the judge. The words of Nixon and the words on behalf of President Clinton.

I will now share with you a statement President Nixon made to reporters' questions, the National Association of Broadcasters, on March 19, 1974:

Now, I realize that many think, and I understand that, that this is simply a way of hiding information that they should be entitled to, but that isn't the real reason. The reason goes far deeper than that. In order to make decisions that a President must make, he must have free, uninhibited conversation with his advisers and others.

The words of President Nixon. Compare those with the words of the White House brief on behalf of President Clinton, December 12, 1995:

The committee's action also implicates important governmental interests—namely, first, the ability of White House counsel to discuss in confidence with the President's private counsel matters of common interest that indisputably bear on both the proper performance of executive branch duties and the personal legal interests of the President, and second, the ability of White House counsel to provide effective legal advice to the

President about matters within the scope of their duties, including the proper response of executive branch officials to inquiries and investigations arising out of the President's private legal interests.

Again, "Private legal interests." Compare, again; you be the judge of the similarity.

Now, from the words of President Nixon in a letter responding to the House Judiciary Committee subpoenas requiring production of Presidential tape recordings and documents, June 10, 1974. What did he say?

From the start of these proceedings, I have tried to cooperate as far as I reasonably could in order to avert a constitutional confrontation. But I am determined to do nothing which, by the precedents it set, would render the executive branch, henceforth and forevermore, subservient to the legislative branch, and would thereby destroy the constitutional balance. This is the key issue in my insistence that the executive must remain the final arbiter of demands in its confidentiality, just as the legislative and judicial branches must remain the final arbiters of demand on their confidentiality.

The word of President Nixon.

Now, in the brief on behalf of President Clinton to the committee, December 12, 1995:

In a spirit of openness and with considerable expenditure of resources, the White House has produced thousands of pages of documents and made scores of White House officials available for testimony, foregoing assertion of applicable privileges. In view of this cooperation, the committee's attempt, after 18 months, to invade the relationship between the President and his private counsel smacks of an effort to force a claim of privilege by the President, who must assert that right to avoiding risking the loss, in all fora, of his confidential relationship with his lawyer.

Now, you compare it. You have seen the words and the comparison. I think they are relevant. This comparison, I believe, Mr. President, is self-evident and the exercise rather instructive.

I do not know whether the Clinton administration has anything to hide. But I do know this: The first administration to use these arguments certainly did have something to hide, and we know what happened there.

If the White House does not have anything to hide, and I hope they do not, if there is nothing of substance in these notes, nothing damaging in these notes as they claim, then they should comply with the subpoena and produce them to the committee without any reservations, without any conditions, because, Mr. President, if there is nothing damaging in these notes, it is incomprehensible to me why they would raise a defense clearly rejected over 20 years ago.

Mr. President, I also would ask unanimous consent that a letter from Mr. Hamilton, to the President, dated January 5, 1994 be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, December 14, 1995.

Michael Chertoff,
Special Counsel.

Richard Ben-Veniste,
Minority Special Counsel, U.S. Senate, Special Committee to Investigate Whitewater Development Corporation and Related Matters, Dirksen Building, Washington, DC.

GENTLEMEN: Pursuant to the agreement described in my letter to Mr. Chertoff of December 13, 1995, I am enclosing copies of the January 5, 1994, letter from James Hamilton to the President (S 012511-S 012516).

Please feel free to call me if you have any questions.

Sincerely yours,

JANE C. SHERBURNE,
Special Counsel to the President.

—
SWIDLER & BERLIN,
Washington, DC, January 5, 1994.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: At Renaissance you asked for my ideas on management of the Whitewater and trooper matters. This responds.

As a preface let me mention that, because of my representation of the Foster family, I've had numerous calls from the media about these issues and thus know the views that some of them hold. Let me also say that, so far, the White House generally has handled these matters well.

Here are my ideas, some of which are obvious and have been implemented, but perhaps bear repeating.

1. Despite the falsity of the allegations, these remain treacherous matters, *L.A. Times* reporters basically believe the troopers (although this confidence should now be shaken). *Washington Post* reporters consider the Lyons report a "joke" because of its incompleteness, and suspect a cover-up when it is cited in response to current inquiries. Reporters are intrigued by Vince's inexplicable death, and thus continue to search for Whitewater connections.

2. Investigations, like other significant matters, must be carefully managed. One person in the White House (Bruce, I assume) should be assigned responsibility for coordinating information gathering, responses to official inquiries and public statements about these matters. *This cannot be treated as an incidental assignment.*

3. The White House should say as little and produce as few documents as possible to the press. Statements and documents likely will be incomplete or inclusive, and could just fuel the fires.

4. The White House should ensure that what statements it does make are consistent and coordinated. Erroneous or conflicting statements could be disastrous; the Nixon White House brought huge trouble upon itself by issuing inaccurate, inconsistent statements about Watergate. *The Washington Times* in particular has been dissecting current White House communications.

5. Responses to official inquiries—both written and oral—must be carefully made. Even oral misstatements could result in investigations and sanctions. Moreover, the Department of Justice, FBI and Park Police all leak unconsciously (and already have as to these matters), and some officials obviously are inclined to attack the White House's handling of the inquiries.

6. The White House should not forget that attorney-client and executive privileges are legitimate doctrines in proper contexts.

While the on-going release of Whitewater documents to Justice seems appropriate, Bernie initially acted properly in protecting the contents of Vince's files.

7. If politically possible, Janet Reno should stick to her guns in not appointing an independent counsel for Whitewater. An independent counsel—who might pursue his or her self-aggrandizement rather than the truth—is a recipe for trouble.

8. The White House must let Justice do its investigation without interference. Any hint of attempts at interdiction or manipulation would raise the spectre of Watergate.

9. The White House also should avoid any future contacts with subjects of the investigation that might provoke cover-up allegations.

10. You should continue to demonstrate that you are engaged fully in the business of running the government and not distracted by these side shows. If the press senses concern, its efforts redouble.

11. Because you will continue to receive reporter questions about these matters, I respectfully suggest that you always be prepared personally with a response to the issues of the day. I expect that "no further comment" often will suffice.

I hope the above views are at least somewhat useful. Kristina and I hugely enjoyed the opportunity to visit and recreate with you and Hillary in Hilton Head. The football game was stupendous fun; the "scrum play" was the call of the day. I only wish the rest of America knew you as the Renaissance family does and had heard your moving remarks on Saturday night.

Best regards,

JAMES HAMILTON.

Mr. SHELBY. Mr. President, just to paraphrase some of it, not all of it, in this advice to the President by Mr. Hamilton, the attorney:

The White House should say as little and produce as few documents as possible to the press. Statements and documents likely will be incomplete or inconclusive, and could just fuel the fire.

Listen to this advice to the President:

The White House should ensure that what statements it does make are consistent and coordinated. Erroneous or conflicting statements could be disastrous; the Nixon White House brought huge trouble upon itself by issuing inaccurate, inconsistent statements about Watergate. The Washington Times in particular has dissecting current White House communications.

Then, item No. 6 on the advice to the President:

The White House should not forget that attorney-client and executive privileges are legitimate doctrines in proper contexts. While the ongoing release of Whitewater documents to Justice seems appropriate, Bernie initially acted properly in protecting the contents of Vince's files.

Item 11:

Because you will continue to receive reporter questions about these matters, I respectfully suggest that you always be prepared personally with a response to the issues of the day. I expect that "no further comment" often will suffice.

Now, Mr. President, item No. 2, back on the first page of the letter which I have introduced, to the President by Mr. Hamilton says:

Investigations, like other significant matters, must be carefully managed. One person

in the White House, (Bruce I assume) should be assigned responsibility for coordinating information gathering, responses to official inquiries and public statements about these matters. This cannot be treated as an incidental assignment.

However, Mr. President, rather than heeding the advice, this advice which has, in fact, led to the same mistakes that the Nixon White House made, I think the White House should be forthcoming on these subpoenas. If they have nothing to hide, and I hope they do not, why go through the exercise? Why go through this?

What are we interested in, Mr. President, as this committee? We are looking at the truth of what went on. Did they have information that they should not have had? Where did they get this information? I believe the President would serve himself well and the American people if he produced these documents with no conditions, without reservation.

Mr. DODD. Mr. President, let me begin by addressing some of the issues that have been raised by my colleague from Alabama.

Clearly, anytime there is a confrontation between the executive branch and the legislative branch, which oftentimes happens, people are going to make similar arguments. We should not be surprised if some statements sound similar.

But comparing Watergate and Whitewater is just ridiculous in the mind of this Senator—there is just no comparison whatsoever. When someone tries to make that sort of comparison they are just creating some sort of sideshow.

The comparison is spurious. First, no one ever sought to invade the attorney-client privilege of President Nixon. President Nixon raised the issue of executive privilege. The appropriate committees during that period respected the attorney-client privilege when it was raised. Now, Executive privilege was another matter, but attorney-client privilege, even in Watergate, was never breached.

Second, when the executive privilege claims of President Nixon were overcome, it was only through a grand jury subpoena issued by Special Prosecutor Cox. As I mentioned earlier, the independent counsel in our case has reached an agreement with the White House concerning the notes that are at issue in the subpoena. So the situation is completely different.

Also, during the Watergate matter, the Senate's attempt to get the material obtained by Special Prosecutor Cox was rebuffed by the courts.

Finally, the Special Prosecutor's efforts to get materials in the Watergate matter occurred in the context of overwhelming evidence of criminal conduct—obstruction, misuse of the CIA, FBI, and IRS, the payment of hush money, clemency for burglars. By contrast, in the Whitewater matter, after

months of hearings by the special committee, there is no evidence of impropriety much less illegality by the Clinton administration.

In fact, my colleagues may have seen buried away in the newspaper articles in the last couple of days, that Pillsbury Madison & Sutro, an independent law firm, just completed a report examining whether there should be any additional civil proceedings against the Clintons with regard to Madison Guaranty Savings & Loan and the Whitewater Development Corp. The report was commissioned by the RTC and it took 2 years and \$4 million for it to be completed. Mr. President, this report, which I am going to ask unanimous consent be printed in this RECORD—it was made a part of our committee record the other day—goes into great detail, and concludes that no further action should be taken against the Clintons. It exonerates the Clintons.

So, when we compare the obstruction of justice and the great criminality that a special prosecutor saw in Watergate and compare that with this particular case, it just goes to confirm what many people, unfortunately, are feeling here. This is becoming a political sideshow, and it should not.

Every Member has the right to raise whatever issues they want, but I do not think it does us any good as an institution, nor the committee, when we start drawing comparisons that have no relevancy whatsoever when it comes to the particular matter that we are being asked to address.

Mr. President, let me also address one of the comments that was made by my friend and colleague from Utah, Senator BENNETT. He said, in effect, that we need this kind of pressure to get evidence from the witnesses.

Again, I just remind my colleagues here, this year alone we have had 32 days of hearings and meetings on this matter. Last year we had extensive hearings on this matter. We have spent now a total, if you take congressional committees and you take the independent counsel's activities, over the last year or so, we have spent in excess of \$25 million. Let me repeat that, the taxpayers have paid over \$25 million on these investigations. To date, there has been no substantial evidence of any illegalities or unethical behavior. That has been the conclusion of witness after witness.

The White House has submitted to the committee over 15,000 pages of official records without a single court order being necessary, not one. The President's personal attorney has produced 28,000 pages of documents. Every witness that has appeared, last year and this year, has come at the urging of the White House. So when my colleague from Utah says without the pressure of having a subpoena filed, or

the Senate as a body taking an action—that is not borne out by the facts.

We can disagree with what witnesses say. We may have problems, as the chairman has had, with the testimony of a number of witnesses. I respect that. I am not suggesting that we have all agreed with all the testimony. But there is a significant difference between what has happened in this matter, and what has happened in the past. We are all familiar with previous administrations that fought congressional committees tooth and nail. That has not been the case here.

It is very important, I think, for our colleagues and the public at large to understand that significant difference. This White House has been extremely forthcoming, extremely forthcoming when it comes to documents and when it comes to witnesses appearing before our committee. So the notion that it would be impossible to get any kind of negotiated result on the issue now before us, based on what has happened previous to this, is not borne out by the facts.

To the contrary, we have been able to reach agreement on virtually every other issue that has come before us without having to go to the courts. So, for those of us who stand here today and urge this body and urge our colleagues here to try a little bit harder to resolve this issue without getting to the courts, that is based on the fact that we have not had to do that yet. We have completed an awful lot of work without any problems. The committee has taken over 150 depositions and over 70 witnesses have appeared before the committee. As the chairman pointed out the other day in committee, we are basically through with the first two phases, other than some witnesses that need to be brought back. But we are prepared now to move to the last phase.

So here we have gone through all of this without having to resort to the courts. We are down to a legitimate issue here. The White House is not being obstructionist, this is not Watergate. As our colleague from Maryland pointed out, there are significant legal scholars who believe that the executive branch assertion of attorney-client privilege here has merit. In fact, they go to some length and cite the case law and so forth that upholds their point. I know there are others who have a different point of view. I am not arguing there are others who have a different point of view.

To the chairman's credit and to his counsel's credit, there has been an effort here now to narrow this and get it done. As I said to my colleague from Utah a few minutes ago, the independent counsel now has agreed to conditions with the White House. He is satisfied with an agreement that will protect the White House from a waiver of

the attorney-client privilege. Our chairman in our committee would be satisfied with a similar agreement. The one missing link in all of this is our colleagues in the other body, to get them to agree to what the independent counsel has agreed to, what the chairman has agreed to, and what the White House has agreed to; that is, to turn over these documents with the understanding there has not been a general waiver of the attorney-client privilege.

Clearly, it is not unreasonable for the White House to pursue these agreements. As has been pointed out by legal experts, there have been a number of cases where, if you waive the privilege in one instance, it is seen as subject matter waiver. So there is a legitimate interest in trying to make sure that, in order to comply with committee's request to look at the notes from this meeting, that the President has not waived his attorney-client privilege. Understandably, the President wants to avoid a fishing expedition that goes off in a number of directions. All of my colleagues can appreciate that concern.

We have to remember that we are setting a precedent with our actions today. And that precedent could also affect Members of this body. Like the President, we are public officials who have both public and private roles. Some of my colleagues on one side of the issue today may change their minds when, in the future, someone argues that they have waived their attorney-client privilege in similar circumstances. We can all understand the President's argument, that he needed both his private attorneys and counsel for the Presidency in that meeting in order to properly address all of the issues that might arise. As has been noted, legal scholar after legal scholar after legal scholar has said that is an appropriate invocation of that privilege.

So it seems to me we ought to try to avoid going to court on this issue. That is why we make the strong case we do here. It is not because someone is trying to hide documents. If that were the case, then I suspect the executive branch might rely on the advice of legal experts and say let us just take it to court. But they have said they will turn over these documents, but do not ask us to waive, on the entire subject matter, the attorney-client privilege. We do not want to do that. And I do not blame them for not wanting to do that. I do not think anyone would, given the dangers associated with that particular approach.

So, I am still hopeful that, given the history of this White House, when you go back and look over the last 2 years, the dozens and dozens of witnesses, the thousands of pages of documents, an agreement can be worked out. I hope future administrations will look at how this administration has responded,

again, never requiring the committee to go to court, never requiring the committee to drag witnesses in, never requiring the committee to fight for documents. So, with all due respect to my colleague from Utah, because of that cooperation, there is an opportunity to resolve this issue short of a vote by the full Senate. And the fact that the independent counsel has reached an agreement, the fact that the committee could settle for a similar agreement, suggests that we ought to try to meet with our colleagues in the House and resolve this matter quickly and efficiently. Let's get the notes and move on so this committee can complete its work.

My hope would be in these coming hours here that will be the result. Some may say, well, if we can vote on it here, we will put more pressure on them. There will then be the vote of the U.S. Senate, issuing subpoenas where attorney-client privilege has been invoked. I think that is a wrong approach to take on this matter.

I point out, Mr. President, I have referred to the Pillsbury Madison & Sutro report on the RTC issues. Again, I urge my colleagues to obtain a copy of this report and to review this report and to examine the results.

The Wall Street Journal reported the results the other day.

Let me quote, if I can, the Wall Street Journal story on this report:

President Clinton and Hillary Rodham Clinton had little knowledge and no control over the Whitewater project in which they invested, and they weren't aware that any funds that went to Whitewater may have been taken from Madison. . . . Accordingly, there is no basis to sue them.

Mr. President, let me emphasize that: "There is no basis to sue the President or the First Lady." That is not Democrats and Republicans sitting there squabbling about this; that is an independent investigation, which took 2 years, without the glare of hearings and cameras, and on the central issue they say that no further civil proceedings should take place. That is a very important piece conclusion.

So, again, I hope in the next few hours that our colleagues would adhere to the advice of our colleague from Maryland and others, and take care of this matter without going to the courts. Let us avoid a dangerous precedent.

I know what is happening here. Some of my colleagues are thinking, "Well, you know, we have them on the ropes now. What are you trying to hide?"

Obviously, that is just politics. We all know that. You can cause some damage with just the photograph of witnesses huddling with lawyers. That is titillating. That is exciting stuff. "Now they are bleeding. Now we have them."

That is what we really have going on here now. We ought to try to avoid

that. Our role, fundamentally, is legislative. We conduct investigations, of course, but that is primarily to help develop legislation. And it seems to me that, where you have a White House that is cooperating, you ought to avoid a confrontation with the executive branch.

After all, it is not clear what the third branch of government, the judiciary, will do. In similar cases, the courts have thrown the matter right back to us and have said, "Look, you people sort this out your own way. We are not going to make the decision for you." So we may end up, after months of squabbling, in no better position than we are in today.

So I urge my colleagues, let us adopt a resolution, if you will, or language which would urge us all to stay at that table and resolve this over the next few days. I believe we can. As I say, we are down to one last entity here. We are down to our colleagues in the other body being satisfied that this is an acceptable agreement. The independent counsel agrees, we agree, and the White House agrees. This is not a time to provoke an unwarranted and unwise confrontation that would create problems for us in the years to come.

Mr. FAIRCLOTH addressed the Chair.

Mr. D'AMATO. Mr. President, I intend to yield to my friend and colleague who has been on the floor for quite a while. If I might, without prejudicing anybody, ask my colleague—

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. D'AMATO. Might I ask my colleague to give me a minute?

Mr. FAIRCLOTH. Sure.

Mr. D'AMATO. First of all, I want to thank the Senator from Connecticut for an observation that he has made. It is not easy when there are politically charged times and atmosphere. Admittedly, this is. We would be disingenuous at the least to say that it was not. So I admit that. Therefore, it takes even more courage for the Senator from Connecticut to recognize that the chairman—and, more importantly, that the committee—has really made every effort to avoid unnecessary confrontations, repeatedly, as it is related to documents that may have been in the possession of White House counsel, documents that may have been in the possession of Mr. Foster's counsel.

We have set up procedures whereby we could have review of notes, where counsel will agree, or where the ranking member and the chairman would agree, so that we would not put matters into the public domain that had no relationship to this committee. So we have made these extraordinary efforts, and indeed it was on the basis of the two suggestions that the White House did concede.

We indicated that we were quite content to get the notes. That still re-

mains our position. We are not looking to invade any legitimate claim or to speak to the President's counsel. At least we are not as it relates to what he did, et cetera, or what advice he may have given to the President. We are not asking that. That is an important acknowledgment. I want to thank my colleague.

Unfortunately, we can only speak for ourselves and we can do on the committee—Democrats and Republicans. Unfortunately, that is not the connotation that has come from those many associated with the White House or from the White House spokesperson. If you could read their statements, there is a failure to acknowledge the great and extraordinary lengths that over a period of time—not just with respect to this matter—we have engaged in, and certainly I would submit that we made every effort not to move it, but it has finally reached a point where I determined that it was necessary for us if we are going to resolve this and move to this point. So I make that observation.

Mr. DODD. If my colleague will yield, I appreciate that, and I realize that we will at times have disagreements.

I also made the observation—I ask my chairman and friend—that this administration has been extremely forthcoming with witnesses and documents the committee has wanted.

Would not my colleague agree that is the case?

Mr. D'AMATO. There I have to say we have a disagreement, and we just do. I am not suggesting that there have not been many areas as it relates to documents that have come forth.

Mr. DODD. But we have not had to go to court.

Mr. D'AMATO. That is right. I think the reason that is because we have made an extraordinary effort—"we" being the committee—on a bipartisan basis both before, when my friend and colleague and the Democrats were in the majority, and since we have carried that further.

So I say the committee has made the extraordinary effort in a bipartisan effort to interact and to do our job appropriately. But as it relates to the "forthcoming," some of this may not be fair, but I will make an observation as it relates to witnesses and production of documents. Without going through the whole thing, I believe that it has not been an exercise of the same faith and bipartisanship that we have operated with in the committee.

Mr. DODD. I appreciate my colleague's comments. I would just say, if you use other examples—

Mr. D'AMATO. There are always examples. Look, some people can do these things better in terms of an appearance, and I do not want to, ourselves, to degenerate into who did more and less and who withheld and who did not in terms of all of the administra-

tions that the Congress has dealt with. But I would say it is not the quantity of records that are produced but it is the quality. It is the fact that information that is important and goes to the essence of this investigation has to be produced in a timely manner without there being bits and pieces. Of course, some of that comes from witnesses themselves who may not be fair. And it would not be fair, for example, as it relates to Mrs. Thomases' testimony and also the production of records as a kind of a trickling. But the same could be said in other areas as it relates to the White House. But again we could disagree on that. And I respect my colleague's right to share a difference of opinion on it.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. I rise in strong support of Senate Resolution 199. Mr. President, Whitewater has come to mean many things to many people, but it is worth discussing how we arrived at this point. It is worth reviewing how Whitewater became a national story because it tells us something about the failure of the savings and loan industry and it also tells us a lot about the ethics of Bill and Hillary Clinton.

In February 1989, Madison Guaranty Savings & Loan failed. The failed cost to the American taxpayers was \$60 million. This may not seem like a lot of money in Washington, but beyond the beltway it is still considered a sizable amount. In fact, the entire savings and loan crisis cost the American taxpayers \$150 billion, which is truly a staggering amount. Is it any wonder that the Banking Committee has every right—in fact, a duty—to review the cause of the crisis? While Madison was a small institution, its failure ranks as one of the worst. It failed to the taxpayers; over 50 percent of its assets were lost. The taxpayers had to pick them up. Fifty percent of its assets were totally worthless.

Jim McDougal took over Madison from 1982 to 1986. In 4 short years, the so-called assets grew from \$6 to \$123 million. During McDougal's tenure at Madison, loans to insiders increased from \$500,000 to \$17 million—insider loans from \$500,000 to \$17 million. Madison, frankly, was typical of many savings and loans in Arkansas. During his tenure as Governor of Arkansas, 80 percent of Arkansas State chartered thrifts failed, costing U.S. taxpayers \$3 billion. That is \$3 billion in tax money because the savings and loan system in Arkansas was run as a cozy operation without any worthwhile regulatory oversight. The Whitewater debacle was among one of the those risky real estate ventures that caused Madison to fail. We know from the hearings held by the House Banking Committee that at least \$80,000 in insured deposits was

taken from Madison Guaranty and siphoned off to Whitewater—\$80,000 of it was lost on Whitewater.

Furthermore, the claim that the Clintons lost money is just absolutely false. They never had their money at risk. It was a sweetheart deal for the new Governor and much like the commodities trade in which Hillary earned \$100,000 because she read the Wall Street Journal. Madison was a high flier. It has been called a personal piggy bank for the politically elite in Arkansas. I called it a calabash of intrigue.

I do not often agree with the editorial pages of the New York Times, but they somewhat paraphrased me and they said it was "a stew of evasion and memory lapses." I think they are absolutely correct.

Mr. President, the central issue in Whitewater has been whether Madison received favorable treatment from the Arkansas savings and loan regulators because of Jim McDougal's close ties to Bill Clinton. Essential to the question is this: Did the losses to the taxpayers increase because Jim McDougal hired the Rose law firm to press his case with the State regulators which Bill Clinton had appointed?

The answers are becoming more clear. In just the last few days, on Monday, evidence was revealed that Mrs. Clinton was a lead attorney on matters relating to Madison at the Rose law firm. Further, and most significant, Mrs. Clinton may have made false statements—a Federal crime—to the RTC about who was responsible for bringing Madison's business to the Rose law firm. Mrs. Clinton contended in writing to the RTC that Richard Massey, then a first-year associate at the firm, was responsible for bringing Madison's business to the Rose law firm.

This is incredible, to say the least. It is unbelievable to think that a first-year associate would be responsible for bringing Madison as a client to the Rose law firm given the Clintons' close ties to Jim McDougal who ran Madison.

The unbelievable nature of this contrived story may be borne out in the notes of one of Mrs. Clinton's best friends, Susan Thomases. Miss Thomases was the point person for press stories regarding Whitewater in the 1992 campaign. She was in charge of attempting to distance Hillary Clinton from the failure of Madison. But her own notes read that "Mr. Massey will say he had a lot to do with getting the client in." Her own notes show that the Clintons intended Mr. Massey to fabricate a story about who got Madison as a client for the Rose firm. This is a direct contradiction to what Mrs. Clinton had told Federal investigators. Mr. Massey has told the FDIC that he had no idea how the Rose law firm was hired by Madison.

Mr. President, this is significant for two reasons. First, it demonstrates the Clintons were involved in obtaining lenient treatment from the regulators for Jim McDougal and his savings and loan that was deep in financial trouble. Why? Because at the same time their friend Mr. McDougal was covering the Clintons' loan payments for Whitewater. McDougal was covering the Clintons' loan payments for Whitewater.

Can you imagine two Yale-educated attorneys that have no idea how their indebtedness was being paid? They knew full well. In exchange, the Governor's wife was going to exert her influence with the State regulators to help her friend and business partner, Mr. McDougal. It was quid pro quo, pure and simple, and there is not any other way to describe it.

Second, Mr. President, it is becoming more apparent that Hillary Clinton may have lied to Federal investigators. Her story that it was Mr. Massey who obtained Madison as a client is belied by the notes of her best friend.

Mr. President, in my opinion, the Whitewater hearings and the entire episode have been so full of so many half-truths, misleading statements and selective memories that it is only a matter of time before someone is guilty or charged with perjury. I think we have reached that point for some already.

It is clear that the Clintons tried to distance themselves from Madison and Whitewater. Had the American public been given the real picture in the wake of the savings and loan crisis, I think they would have reacted very differently to the insider quid pro quo way of doing business in Arkansas, particularly since the American taxpayers paid for the lax regulations.

Mr. President, Whitewater extends even farther than Madison Guaranty. It involves a small business investment corporation called Capital Management Services. This company was run by a man named David Hale. It, too, served as a personal bank for the well-to-do in Arkansas.

Its purpose was to make loans to the disadvantaged—the disadvantaged. But that turned out to be the ruling class in Arkansas. Regrettably, the American taxpayers paid over \$3 million for the failure of Capital Management.

Mr. President, it is fact that Capital Management made a \$300,000 loan to Whitewater. Now, you remember, it was supposed to be making loans to the disadvantaged. But Whitewater got \$300,000. We have strong evidence that Bill Clinton asked that this loan be made. I think time will tell that David Hale is telling the truth when he said that Bill Clinton pressured him to make the loan to help benefit Whitewater. Here again the American taxpayers have paid to subsidize Bill Clinton's failed real estate venture.

That is essentially what these hearings are about: The loss of taxpayers' money in Madison, Whitewater, and Capital Management. Mr. President, these instances may have remained Arkansas history and been laid to rest but for three defining events. First, the tragic death of Vince Foster, close friend and deputy counsel to the President; second, criminal referrals made to the RTC regarding Madison and Whitewater; and, finally, the closing of Capital Management, David Hale's small business company.

Mr. President, Vince Foster's death on July 20, 1993, and the handling of his papers on the night of his death have raised the most questions with the committee. We know for a fact the First Lady spoke with Maggie Williams before Maggie Williams went to the White House and Vince Foster's office. We know they spoke later that evening when Maggie Williams returned to her home from Vince Foster's office and called the First Lady. We also know that, at nearly 1 a.m., Maggie Williams and Susan Thomases spoke. We have the sworn testimony of uniformed Secret Service officer Henry O'Neil, who saw Maggie Williams remove documents from Vince Foster's office on the night of his death.

Officer O'Neil is an 18-year career man with the Secret Service. All of this is fact. Within the last few weeks we have gathered more information that I think gives credence to the notion that files were indeed removed on the night of Mr. Foster's death.

First, two files relating to the Madison Guaranty were sent back to the Rose law firm by David Kendall. Yet, files were never part of the box that Maggie Williams said she took from Foster's office 2 days after his death.

These documents were reviewed and cataloged by Bob Barnett, the Clintons' other lawyer. The two Madison files never appeared in any list compiled by Mr. Barnett. In other words, they had been removed from the boxes before they were given to Mr. Barnett.

I think the files were removed by Maggie Williams and given directly to Hillary Clinton. We have further evidence that Maggie Williams visited the First Lady on the Sunday following Mr. Foster's death. Previously, Maggie Williams has said she did not see the First Lady until later.

We have Secret Service logs that show Maggie Williams spent time on the second floor residence of the White House on Sunday immediately after Mrs. Clinton returned from the Foster funeral. I believe that at this time Maggie Williams personally delivered to Mrs. Clinton whatever material she removed from Mr. Foster's office that night.

What evidence do we have to suggest that Madison may have been a problem or a concern for the White House or Vince Foster on July 20, 1993? This was

the same day that a search warrant was authorized for the office of David Hale in Little Rock. That warrant sought information about David Hale's \$300,000 loan to Whitewater via Madison Marketing and Susan McDougal.

Again, our Whitewater hearings have uncovered that the White House was aware of the Hale investigation from the very beginning.

We have testimony from a career Small Business Administration official. The SBA briefed Mack McLarty in May 1993 about the SBA investigation of David Hale. I have no doubt that within the legal circles of Arkansas, the impending search of David Hale's office was a well-known fact within the community. If so, this information surely would have reached Vince Foster.

We know Mr. Foster thought Whitewater was a "can of worms," his own words, even before he became deputy White House counsel. We also know that the failure of Madison and the first criminal referrals were known to the White House.

In March 1993, Roger Altman, the Deputy Secretary of the Treasury, was informed of this referral naming the Clintons. Do we know that he relayed this information to the White House? We know that about the same time Altman received his briefings, two articles were faxed to Bernie Nussbaum's office—one sent so hurriedly that its cover sheet was handwritten by Josh Steiner.

The next day the same fax was sent again, this time by Mr. Altman's secretary. It is clear he wanted the White House to know more about Whitewater.

All of these matters were known to the White House. Madison, criminal referrals, David Hale, all were on the White House's mind. Maybe not the public's at the time, but certainly the White House was tracking events closely. Whether this was a defining moment for Mr. Foster, we do not know. But the circumstantial evidence that has been brought out in these hearings is very strong.

Mr. President, now we begin to focus on the significance of the November 5 meeting that is the subject of this subpoena. The RTC issued more criminal referrals on October 8. However, the White House had prior knowledge of these referrals. This is laid out carefully in the report on this resolution.

Jean Hanson, Treasury's general counsel, imparted nonpublic information to Bernie Nussbaum. Nussbaum then directed this information to Bruce Lindsey. He told the President. The existence of these criminal referrals became null after an October 31, 1993, article in the Washington Post. Six days later the White House gathered their legal team in the private office of David Kendall.

There, I believe, the White House imparted the information they had re-

ceived in a Government capacity and used it to aid them in the private legal problems of Bill and Hillary Clinton. In other words, I believe they took information that they received because of their governmental capacity and used it for their personal and private legal problems. Further, this private meeting may have led to an effort to gather more nonpublic information about the Clintons' problem.

Just days later Neil Eggleston, one of the White House attorneys present in the meeting, sought inside information from the SBA about David Hale. Finally, some of what may have been discussed at this meeting, I suspect, could be perceived as an obstruction of justice if the White House did anything that smacks of interfering with the RTC or the SBA investigation.

Mr. President, this is what is so important about the November 5 meeting. It is really the missing link for the White House hearings. We know from our hearings in 1994 that the White House received privileged information about the RTC's investigation of Madison. We do not know what the White House did with the information. The November 5 meeting may finally reveal what they did.

It is inexcusable that taxpayers paid for these attorneys to essentially function as a private legal team for the Clintons. It is inexcusable that they would engage in this activity on Government-paid time. And it is inexcusable that they have the audacity to claim privilege as if they were private attorneys.

Mr. President, in short, the real importance of this meeting is whether the heads-up the White House received from Treasury and others turned out to be a leg-up for the Clinton legal defense team. That would be wrong, unethical, and possibly illegal. This Congress needs to find out which.

Finally, Mr. President, let me turn to another subject I have raised often in committee. Time and time again the subject of the First Lady's involvement in all of these issues has surfaced over and over for—soon it will be 3 years.

She handled Madison work at the Rose law firm. She was active in Whitewater. She spoke with Maggie Williams twice on the night of Mr. Foster's death, before and after Ms. Williams went to the White House. She spoke with Susan Thomases who, in turn, spoke with Bernie Nussbaum about calling off the official search of Foster's office. Her chief of staff, Maggie Williams, was briefed about the statute of limitations issue, which may have affected her personally and the Rose law firm.

Over and over, the subject keeps coming back to Hillary Clinton. I have called for her to appear before the committee. My friend and colleague from New York has been patient, very patient—sometimes I feel too patient—in

getting the answers. I do not think we can wait any longer, and I do not think we should wait any longer. We have to have the First Lady as a witness and under oath so we can get the real answers to our questions. This is the key to finding out what happened, and I do not know any reason why she should not be willing to come and clarify the problems we have run into. Without her testimony, no investigation will be complete.

Mr. President, let me conclude by saying that Whitewater is a very serious concern. We have a witness in Arkansas, David Hale, that has made a serious allegation against the President: That he pressured David Hale to make a phony \$300,000 loan to Whitewater.

The President has denied this, but with Mr. Hale's cooperation, the independent counsel's investigation has now resulted in nine guilty pleas and five more indictments, including Jim McDougal, Bill Clinton's business partner, and the current Governor of Arkansas, Jim Guy Tucker, friend of the President and friend to David Hale.

Mr. President, the tide of Whitewater is rising. The scandal is getting closer to the President and the First Lady. It is getting closer to the White House by the day and spelling trouble for this President. What we can do here today may be the beginning of the end of the Clinton White House. These notes may begin to unravel the scandal and the truth finally may at last be told.

I yield the floor.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from California.

Mrs. BOXER. Madam President, I am very pleased I was on the floor to hear my colleague from North Carolina because he has a theory about Whitewater, and he has every right to hold any theory he chooses. I respect his right to his opinion, but I am here to tell my colleagues that not only are his views not backed up by the facts, but they are contradicted by the facts. I want to take just one example.

He says the Clintons were actively involved in Whitewater. He said the Clintons were actively involved. Jay Stephens of Pillsbury Madison & Sutro just got paid by the RTC \$3.6 million, and what does their report say? It was referred to by Senator DODD. I am quoting:

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 such claims, nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.

It goes on:

It is recommended that no further resources be expended on the Whitewater part of this investigation.

So here you have a Senator who comes to the floor and says that the Clintons were involved when a Republican, a former U.S. attorney—and you

can remember there were some people in the Clinton White House who were very concerned that perhaps he would not be objective—finds that, in fact, they have no involvement.

So to come on this floor and stick to a theory that has been disproven I do not think does this Senate any good, especially since we are trying to work with the facts.

Madam President, \$3.6 million was expended to find out that the Clintons did not have anything to do with it, and we have a Senator say, "It's getting worse. The tide is rising. We have to have Mrs. Clinton come before the committee," and all the rest.

I suppose there is nothing that I can say to my friend that will dissuade him from his theory and, therefore, I am not going to try to do that, except to continue to rebut what he says with the facts.

He has talked about obstruction of justice. He has talked about perjury, and I urge him to be very careful with the kind of things he says on the Senate floor, because I have to say it is very hurtful to reputations of people to throw those kinds of charges around here.

I speak today as a member of the committee who voted all along to continue this Whitewater investigation. Some of my colleagues in the last vote did not vote to continue it. They felt it was a waste of money. I felt it was important to continue it under the leadership of my chairman and my ranking member.

Why did I think it was important, and why do I think it is still important to continue this until it is done? Because I feel when allegations are thrown around here, either on this floor or in the press, it is very dangerous to allow those things to go unchallenged. So what we have is a committee that can look at these allegations, can bring the witnesses forward and can ascertain the facts. If we do not do it, then there are always going to be people out there who suspect wrongdoing, reputations will be ruined, and we will never get to the facts. So I support the work of this committee and continuing to do it in a bipartisan way.

That leads me to where we are today with the subpoena. I know, because I am very familiar with my chairman and my ranking member, that when those two get together and agree on something, they can move mountains. I find it hard to believe that if, in fact, the Republicans on the committee have agreed wholeheartedly to the conditions of the White House, which it appears to be so, that they cannot take it a step further, get together with the ranking member and counsel and sit down in a room with the other parties and reach an agreement.

Why do I say that? I say that because I believe to get into this confrontation

in the courts is, at a minimum, going to delay matters. It is also going to cost more dollars, and I want to talk about that for a minute.

We are in a Government shutdown. We are in a government shutdown because it is so important to Republicans, particularly in the House at this point, that negotiations go just the way they want before they will allow the Government to continue operating. Frankly, I think it is embarrassing for the greatest Nation on Earth to have a partial shutdown of the Government because certain people act like children and will not do what we have to do, which is get a clean continuing resolution, keep the Government operational and take the argument over the long-term balancing of the budget into a room and figure it out. I voted for two balanced budgets in 7 years. Others have voted for other forms of balancing the budget. We can do it. Everyone is so concerned about spending money, but not the Republicans when it comes to this investigation.

It is incredible to me. Madam President, \$1,350,000 has been spent thus far by the Senate committee; \$10,000 a week on little TV sets they have all across that room—\$10,000 a week. But they are worried about balancing the budget. So you take documents and instead of handing them out, you put them on a screen. You cannot really see it anyway. It is a waste of money, but money does not matter when it comes to Whitewater. But I suppose it was too hard for our committees to hold hearings on the drastic cuts in Medicare, where we did not hold any on this side and there was one held in the House. But when it comes to Whitewater, we can meet and meet and meet. And we can enforce the subpoenas and waste more taxpayer dollars and not get the documentation we want. I want to see those documents. It seems to me that if we support the alternative that will be offered by our ranking member today, Senator SARBANES of Maryland, we can get everything we want. We can avoid a costly subpoena battle. We can avoid, frankly, losing in the courts, which would harm the U.S. Senate out into the future, and we can get the information if we sit down together with our colleagues in the House. I served over there for 10 years. I think JIM LEACH and PAUL SARBANES, AL D'AMATO, and the other principals can sit down and figure this out. But, oh, no, we are bringing this to a confrontation. Most of my Republican friends have not even talked about that. They just talked about their view of Whitewater.

Money is no object when it comes to this, friends. So when you wonder why they are shutting down the Government and they tell you, "Oh, my goodness, it is the only way we can get a balanced budget," ask them why we

are going to spend all this money on Whitewater. I do not think you will get a very good answer.

Waco—hearings and hearings and hearings. Ruby Ridge—hearings and hearings and hearings. Whitewater—more hearings. Medicare cuts—no hearings. One begins to think, are we only here to deal with politics, or are we here to deal with substance? So we face an unnecessary legal confrontation, it seems to me. I think that the ranking member, Senator SARBANES, is going to offer us a very wise way out, a way that would result in getting the papers that we need and keeping this away from the courts, which is always costly and time consuming.

When you look at what has been spent so far on Whitewater, it is staggering—\$1.350 million in the Senate. I told you about the RTC investigation, which was \$3.6 million. We just referred to the Stephens report, which just was a recommendation not to file a civil lawsuit against Bill Clinton. Then you have the independent counsel, which has cost \$22 million to date, and 100 FBI agents, not only looking at this President and his family and all of his dealings now, but all the way back to campaigns for Governor, and everything else. Well, I will tell you, when this is over, this President and his family will have had more scrutiny than a chest x-ray. Every detail—\$27 million total—without including what the House has spent. We do not know what they have spent because it is hidden in their Banking Committee.

We have had 32 hearings, or public meetings, of our Senate committee. So how anybody can say, we better rush and do this subpoena and get to court because we have not had enough meetings, enough information—I think, frankly, the people are losing faith in this Whitewater investigation, and I would not blame them. We do not listen to the impact of cutting Medicare and Medicaid and education and the environment and shutting down the Government. We do not do that. But there is hearing after hearing, millions of dollars after millions of dollars spent to do what? So that the Senator from North Carolina can get his wish and the First Lady is going to come before the Senate committee. After the Clintons have been exonerated in a \$3 million study by Jay Stephens, our Republican former U.S. attorney.

Madam President, I was not on the floor when the Senator from Alabama spoke, Senator SHELBY, but I understand that he took quotes from Richard Nixon and Bill Clinton, and the whole implication is that—it is not hard to get to the bottom line—this is terrible, and this is going to result in the President resigning. That is the implication. Well, I have to say, we have seen more smoking guns in this investigation than I ever saw in a cowboy movie.

Smoking gun No. 1: Jean Lewis' testimony—this was their star. She was billed as their star, and she came before us to show how the administration has muzzled her investigation. As it turns out, her appearance only showed, in my view, how biased her investigation was. She even planned to profit from it by going into the T-shirt business. It was embarrassing to think of a professional woman, who was their star, who took phone calls about her T-shirt business in her office. This was their star. By the way, she said her tape recorder went on by itself, miraculously, and she taped, without her knowing, a woman from the RTC, and then she gave that tape over to the committee to show this other smoking gun which turned out to be not very much.

We also learned in that questioning period that this woman had a bias against the President. Oh, that caused a big brouhaha. She had written about the President in a negative fashion, in an obscene fashion, right before she made the referrals, which named the Clintons as possible witnesses. That is the number-one smoking gun, the No. 1 star of their show.

The second smoking gun: The letter from the President's lawyer—

Oh, I must say, sadly, Miss Lewis got ill in front of the committee. I hope she is better now, I really do. But I was not finished with my questioning. I do not know if I will ever have a chance to continue it because I had a lot more questions. But she became ill, clearly, and had to leave.

The second smoking gun: The letter from the President's lawyer, David Kendall, to the Rose firm attaching three Madison Guaranty files. Our committee chairman, in a public hearing, called the letter a "smoking gun," in his words, alleging that the attached files were likely taken from the White House office of Vince Foster. Mr. Kendall testified that he had not gotten the files at all from Vince Foster's office.

The third smoking gun: The Small Business Administration's mishandling of the David Hale matter. That has been referred to by my friend from North Carolina.

Another smoking gun was the allegation that the SBA delayed the investigation of David Hale's misuse of SBA money. Well, my goodness, what did the testimony show? Not only did the SBA move forward aggressively, under Erskine-Boles, with the investigation, but Hale was indicted in record time—in record time—leading some members of the committee to say that is a model for all administrations to follow because the administrator knew that David Hale, who knew the President and the First Lady, was from Arkansas, and he said, go after them, and they did.

Smoking gun No. 4: The secret telephone number called by the First Lady

the night of the Foster suicide. This hung out there in the press. Who did she call? A secret number. Nobody knows. The telephone company did not know. No one knew. The investigative team could not find out. Well, it was a big smoking gun. It was a phone number that was used when the White House switchboard was overloaded. It was a White House switchboard number. And the testimony from Bill Burton, who spoke to the First Lady, was exactly this: The First Lady called him at the specific time that the committee was after, and said, "Please make sure that Vince Foster's mother is told this news in the most caring way, with her minister present, so that she does not learn of it through news reports." That was smoking gun No. 4. Maybe having a compassionate First Lady is a bad thing. I happen to think it is a good thing.

Smoking gun No. 5, the Jay Stephens report. There we were again. What is going to happen with this civil investigation? Are we going to see that the Clintons spent a lot of time with Whitewater?

Madam President, \$3.6 million smoking gun. Well, it just came out. They said Whitewater had cost Madison Guaranty a minimal amount of \$60,000 to \$150,000. At most, there was a \$60 million loss to the institution. The Clintons, as far as they could tell, did not know much about Whitewater, and there was no case. Do not proceed.

Now we come to smoking gun No. 6, and nearing the end of my comments today, the notes of White House counsel William Kennedy. The notes were taken when the President's lawyers met together when they were handing over the information to the private attorney. The undercurrent that has been out there is the President has something to hide, except for one thing. They are ready to hand over the papers. They are ready to hand over the papers. First, they had five conditions. They are down to one condition. Down to one condition. We have agreed with that condition in a bipartisan fashion. We think the independent counsel has, although we have not confirmed it. That is our belief. Which leaves the House.

Now I know those people over in the House, and I like them. I think we ought to talk to them face to face and get them to understand that by taking the position they are taking, we are not going to get the papers.

Why do we want to have a court fight that would set a bad precedent? It does not make sense. All individuals have an attorney-client privilege. It does not matter whether you are the poorest of the poor, the richest of the rich, the most powerful or the least powerful. That is what is so great about our country. We do not go on political witch hunts and deny people their rights.

In this U.S. Senate in the Ethics Committee on the PACKWOOD case, Republicans and Democrats together said that the attorney-client privilege for Bob Packwood must take precedence. So I have got to be a little surprised when that occurs in the Ethics Committee, and we are bipartisan, and suddenly here we are splitting into Democrats and Republicans: That is bad for this institution. It is bad for this investigation. It is bad for the precedence of the United States. Frankly, I think it is bad for individual Senators.

Who knows some day when one of us might say, I do not want people to see the private notes of my attorney on a divorce. I do not want someone to see the private notes of my attorney in a child custody case, or an ethics proceeding, or any kind of matter where we may be involved.

We should stand together on the principle as we did in the Packwood case, and we know emotions were running high in that case, but we did not invade that attorney-client privilege, as our ranking member, Senator SARBANES, has pointed out far more eloquently than I because I am not a lawyer. I am just trying to bring some common sense to the discussion and to move along the process of the committee's work and getting the notes that we want to get.

I think we should send the resolution back to the committee with instructions to consider all reasonable ways of obtaining the notes. I think that we can do it. I have seen my chairman and my ranking member team up and be very persuasive, and I think if they teamed up on this and they sat down with their counterparts in the House, we could resolve this in a moment's time. That is the faith I have in their ability to work together.

The bottom line is, do you want to get the notes or do you want to play politics? That is the way I see it. I hope we decide we want to get the notes, we want to do it in a way that keeps this committee working in a bipartisan fashion because, frankly, if we do not stick together on this, on the procedures, I think the American people are going to think this is all politics and all the hard work that we do to put light on this subject will simply not be respected.

Thank you. I yield the floor.

Mr. HATCH. Madam President.

Mr. FAIRCLOTH. Will the Senator yield?

Mr. HATCH. Without losing my right to the floor, and I ask unanimous consent in that regard.

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

Mr. FAIRCLOTH. Very briefly, I reply to the honorable Senator from California. I do not intend to get into a point-by-point debate.

Mrs. Clinton has admitted while Jim McDougal was on trial in 1990, she took

over Whitewater affairs. She even sought power of attorney in 1988. In fact, the Clintons have all of the Whitewater documents. They were so active that they had to turn back boxes of documents to Jim McDougal so he could do the return.

Finally, the reason Pillsbury Madison might have said there was no wrongdoing, they simply do not have the information that has been available to this committee and will be available to the committee.

To answer one three-line quote, and I am quoting Mrs. Clinton as to her involvement in Whitewater, her words:

Because my husband was a fourth owner of Whitewater Development Company while he was actually occupied as Governor of Arkansas, it fell to me to take certain steps to attempt to assure that Whitewater Development Corporation affairs were properly conducted and that they complied with the law.

If that does not involve her, I do not know what does. I thank the Senator from California.

Mrs. BOXER. If the Senator would yield for 30 seconds.

Mr. HATCH. Under the same unanimous-consent request.

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

Mrs. BOXER. I say to my friend from North Carolina, and I respect his right to hold any view he wishes, what he said is, essentially, that he does not agree with the conclusion of this report.

I just want to reiterate, Madam President, that \$3 million was spent on it. It was headed by a very well-respected Republican former U.S. attorney, James Jay Stephens. Clearly, it says, "The evidence does not suggest the Clintons had managerial control of the enterprise or even received annual reports or financial summaries. Instead, the main contact seems to consist of signing loans and renewals."

To suggest some 3-point-some million dollars they spent here did not give them the information they need is, really, it seems to me, an indirect hit at Mr. Stephens and Pillsbury Madison & Sutro. I take great pride in that law firm because that is in San Francisco. I think the facts do not bear out the intentions.

Mr. BYRD. Madam President, the distinguished Senator from Utah was on the floor before I was here. It is not a great matter of importance that I speak immediately, but I do have some other things that are going to demand my attention later. I wonder if the distinguished Senator from Utah could tell me how long he might be speaking?

Mr. HATCH. I do not believe I will be very long, and I am happy to yield to my distinguished colleague, but I ask unanimous consent that he be permitted to speak immediately following my remarks, which should not be too long.

Mr. BYRD. That would be very fine.

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

Mr. BYRD. I thank the distinguished Senator for his characteristic courtesy. Could he tell me about when he might end?

Mr. HATCH. I do not think I will be much more than 15 minutes. Pretty close to 3 o'clock, maybe a little less than that.

Mr. BYRD. I hope the Senator will not hurry.

Mr. HATCH. I appreciate my colleague. I am happy to yield to him.

Mr. SARBANES. If the Senator would yield, given the agreement, maybe we could even put in a quorum call if it catches the Senator from West Virginia unaware at the conclusion of the time. I am sure that is agreeable to the chairman.

Mr. D'AMATO. Why do we not say—we have been trying to work this back and forth, and certainly the Senator from West Virginia would be recognized, and if he needs an opportunity to come to the floor, and I make an observation I would yield immediately. Why do we not just keep it at that, and he will be recognized thereafter or as soon as he comes to the floor.

Mr. BYRD. I thank the Senator from New York and I thank the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I appreciate the action of my friend from West Virginia because I know how busy he is, as all of us are, and my friends who are managing this bill. I think I would always yield to him, if I could. But he has been gracious enough to ask me to go forward.

It has been implied in this debate that I have been listening to that the Whitewater investigation has been a waste, that it has been too costly and too expensive. I have to say, I did not hear the same arguments during the Iran-contra problem. But let me say, I would note that the Whitewater investigation has resulted in five indictments, including the indictment of a sitting Governor, and nine guilty pleas so far.

We have also seen the No. 3 person at the Justice Department go to Federal prison. I personally feel badly about that because I liked him very much. I still like him very much and I am sorry he has had that difficulty. But I have to say, it shows that the Whitewater investigation has not been in vain, that it has been extremely important.

Frankly, the investigation is not complete. I wonder how much all of that work is worth to the country. It seems to me the American people would want to investigate wrongdoing. I think the record shows that the independent counsel is moving ahead in an appropriate manner. And I believe the distinguished committee on Whitewater is moving ahead very well, too. I

commend the two leaders, Senators D'AMATO and SARBANES, for the good way that they worked together and the tremendous amount of work they have done on this—plus their counsel. Their respective counsel have been as good as any I have ever seen.

Having said that, Madam President, I rise in support of the resolution to authorize enforcement of the subpoena to obtain notes from a White House meeting concerning Whitewater. I do not take this step lightly, however. As chairman of the Judiciary Committee, I see it as my duty to defend the prerogatives of the executive branch and the separation of powers. Indeed, I recognize that the executive branch has a right to confidential communications regarding its core functions. After giving this issue careful thought and consideration, however, I have decided that enforcing the subpoena is the proper course of action to take. This issue transcends claims of partisanship and goes to the very constitutional authority of Congress to investigate wrongdoing at the highest levels of Government.

The Senate has a constitutional obligation to conduct oversight hearings. It is a duty we must not surrender. The President has refused to comply with a legitimate request to obtain information relating to Whitewater. After President Clinton's initial refusal to provide the meeting notes, the Special Whitewater Committee took the wholly appropriate step of subpoenaing the notes. It is unfortunate that the President has chosen to resist the congressional subpoena. Not only has President Clinton defied a Congress that is in good faith attempting to investigate a matter of great public concern, he has chosen to do so by hiding behind a questionable claim of attorney-client privilege.

I would like to review the claim of privilege the President is asserting and explain to the American people why it is simply not credible.

First, the President not only claims that the November 5 Whitewater meeting is cloaked in attorney-client privilege, but that the privilege applies against Congress. No Congress in history, however, has recognized the existence of a common-law privilege that trumps the constitutionally authorized investigatory powers of Congress. While Congress has chosen, as a matter of discretion, to permit clear, legitimate claims of privilege, it has never allowed its constitutional authority to investigate wrongdoing in the executive branch to be undermined by universal recognition of the attorney-client privilege. As Senator SARBANES has noted, we have chosen, in our discretion, to recognize the privilege with respect to some of the witnesses who have testified before the Committee.

The attorney-client privilege exists as only a narrow exception to broad

rules of disclosure. And the privilege exists only as a statutory creation, or by operation of State common law. No statute or Senate or House rule applies the attorney-client privilege to Congress. In fact, both the Senate and the House have explicitly refused to formally include the privilege in their rules. As the Clerk of the House stated in a memorandum opinion in 1985: "attorney-client privilege cannot be claimed as a matter of right before a congressional committee." The attorney-client privilege is a rule of evidence that generally applies only in court; it does not apply to Congress which, under article I, section 5 of the Constitution, has the sole authority to "determine the Rules of its Proceedings."

The historical practice of congressional committees has borne this out. As Joseph diGenova, a special counsel and former U.S. attorney, has pointed out in an article in today's *Wall Street Journal*, as early as in the 19th century investigation of the Credit Mobilier scandal, Congress clearly refused to recognize attorney-client privilege. Indeed, in 1934, Senator Hugo Black, later one of the Supreme Court's great liberal justices, as chairman of a committee refused to recognize the privilege. As recently as 1986, a House subcommittee, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, took pains to note that it need not recognize the privilege asserted by individuals involved in setting up a web of dummy corporations for the Marcos family.

This body cannot simply take the President's claim of privilege against Congress at face value. To do so would be to surrender an important constitutional obligation. We can not compromise the ability of the Congress to conduct investigatory hearings. I ask my colleagues on the other side of the aisle to place partisan politics aside and to support the institutional integrity of this body.

Second, the President has stated that he is merely asserting the type of attorney-client privilege that any American would claim with respect to his or her own attorney. I do not think that any of us would disagree that Mr. Clinton, as a private citizen dealing with personal legal troubles, has a claim of attorney-client privilege. That goes without saying. Certainly with regard to Mr. Kendall, his personal attorney.

The problem, however, is that we do not have an ordinary citizen here, nor are we in a court of law. An ordinary citizen does not supervise the law enforcement resources of the Federal Government; an ordinary citizen does not appoint or fire U.S. attorneys; an ordinary citizen does not direct the FBI; an ordinary citizen does not control IRS or the RTC. An ordinary citizen is not in the position to interfere with the legitimate law enforcement investigation of his own activities.

Indeed, President Richard Nixon did not assert attorney-client privilege. What would have happened if President Nixon had attempted to use the privilege to prevent White House counsel John Dean from testifying? That is essentially what is happening now. Even during the so-called Iran-Contra affair, Department of Justice lawyers concluded that the privilege could only be claimed by lawyers preparing for litigation, not preparing for congressional inquiries. Although the committee recognized attorney-client privilege for Oliver North and certain others, it did so only as a matter of discretion, which the committee has a right to do.

Thus, if we are going to recognize any attorney-client privilege of the President, we do so at our discretion. Now, in general I would be willing to recognize the privilege when it validly exists. Here, however, it clearly does not, and so Congress must issue the resolution to enforce the subpoena.

Courts recognize the privilege only for communications between a client and his attorney for the purpose of providing legal advice. It makes perfect sense that a person would be able to discuss legal matters with his or her lawyer that should not be revealed in court or to the opposing side. That is a well-established principle we can all agree with.

I, as well as legal experts such as former U.S. Attorney General William Barr, former U.S. Attorney Joseph diGenova, and Prof. Ronald Rotunda fail to see how Mr. Clinton can assert privilege over the November 1993 meeting. It is hard for me to understand how advice about a private legal matter could be given at a meeting where neither the President nor the First Lady were present.

An additional problem is that in addition to Mr. Kennedy and Mr. Kendall, other lawyers were at the meeting who represented the President in his official capacity. These White House lawyers had a duty to represent the American people as well as the Office of the President. It would be a violation of the basic ethical rules for Government lawyers to work on private legal matters for the President. A memo from the President's personal lawyers at Williams & Connolly concedes that each group of lawyers—the Government lawyers and the private lawyers—had a different client: the Government lawyers represented the Office of the President and the U.S. Government, the private lawyers represented the President in his personal capacity. Since they are representing different entities, they cannot share the same attorney-client privilege.

The administration responds to this straightforward legal point by drawing an analogy to the common-interest privilege that is given to coconspirators who are permitted to share advice and information in preparing a joint

defense. This analogy collapses upon close examination. The supposed common interest is that both clients represented at the November 5 meeting—the Clintons in their private capacity and the Office of the President—faced adversarial legal proceedings. But in this setting, the only possible adversary for the Clintons is the U.S. Government, and one group of lawyers at the November 5 meeting—those representing the Office of the President, represent the U.S. Government, and were on the payroll of the U.S. Government.

Therefore, the U.S. Government and those lawyers who represented it could not possibly have a common interest with the Clintons in thwarting or defending against adversarial legal proceedings brought or potentially to be brought by the U.S. Government against the Clintons in their private capacities. In fact, the lawyers from the White House Counsel's Office represented the only possible adversaries of the President, and therefore there could not have been a common interest between the two groups of lawyers.

In fact, there is no claim that Whitewater involves the Office of the President; the issues should not involve the Presidency at all. At the time that the Whitewater affair occurred, Mr. Clinton was not even President. It is hard to say that the Office of the Presidency was facing any adversary, with whom it would need to coordinate a common defense.

The White House, in a memorandum provided to the special committee, claims that this was a meeting in which the President's former private attorney, Mr. Kennedy, was handing off information to his newly retained counsel, Mr. Kendall. The White House's lawyers claim that they were serving necessary and important public interests at the meeting, and that they were at the meeting to "impart information that had been provided to them in the course of official duties." What information was imparted? Surely the transmission of Government information to private attorneys is not protected by the attorney-client privilege.

I am deeply troubled by the fact that White House lawyers were present at this meeting. After all, these lawyers do not represent the President in his personal capacity. I am concerned about the possibility that Government lawyers, who have an obligation to the American people, as well as to the President, may have passed information to the Clinton's personal lawyers that the White House Counsel's Office may have gained through their official capacities. Is it the proper role of Government officials to act as messengers for Mr. Clinton in his private capacity to the President's private lawyers?

These lawyers were discussing Whitewater matters that were being investigated by the Department of Justice and the RTC—legal matters that

would place Mr. Clinton in an adverse position to the U.S. Government. Essentially, Mr. Clinton is claiming attorney-client privilege over a meeting in which Government lawyers may have been involved in a strategy session to frustrate investigations conducted by other parts of the executive branch. I hope that nothing occurred during the meeting that would in any way sully the Office of the President. But to find out whether anything illegal occurred, the President must disclose the notes.

It is also likely that even if a privilege may have existed, it was waived. After all, Bruce Lindsey, who did not serve in the White House Counsel's Office at this time, but rather served in the White House Personnel Office, was at the meeting. He was not legal counsel to the President in either a personal or a professional capacity. To say that he represented the Office of the President as legal counsel at this meeting is dubious at best. Information discussed in his presence thus would constitute a waiver of the privilege. Were this legal fiction to survive judicial review, virtually any discussions or conspiracies involving lawyers could be claimed as privileges.

In order to avoid the brewing constitutional confrontation that will arise when this issue goes to court, I call upon the President to release the notes of the November 5 meeting now. It is in the best interests of the President, of the Congress, and, indeed, of the American people, for all the information concerning Whitewater to come out into the open. As Justice Louis Brandeis put so succinctly: "Sunlight is the best of disinfectants." By being forthcoming with the American people, President Clinton can begin to put Whitewater behind this administration. While we must, in my opinion, vote today to enforce the subpoena, I would hope that we will not ultimately have to resolve this dispute in court. I would hope that the President would do as he has long promised: fully comply with the investigation into the Whitewater affair.

Having said all of that, again I note that this has not been a waste of time—the work these two leaders on the committee have done, the work the special counsel has done which has resulted in five indictments, nine guilty pleas, and the imprisonment of one of our top Justice Department officials.

I think those facts alone justify the work that the distinguished chairman of this committee has been trying to do.

So I want to commend him for the work he is doing, and I want to commend all members of committee for the attention that they have given to this work. And I hope that some of the comments that I have made will help on this matter.

I yield the floor.

Mr. D'AMATO. Madam President, let me, before Senator BYRD comes to the floor, first of all thank the Senator from Utah who also in his capacity as chairman of the Judiciary Committee has a keen insight, has been here and understands this area that sometimes might be somewhat difficult for people to grasp. But I think in the summation he went right to the heart of this matter. It is a matter of the President of the United States keeping faith with his commitment to the people, a matter of the President of the United States, President Clinton, keeping faith not only with the people but indeed with the Congress and the Senate. It is a matter of the President of the United States keeping faith with the commitment that he made on March 8. On March 8, 1994, the President held a press conference in connection with the appointment of Lloyd Cutler as interim White House counsel. During that press conference the President was asked about the possibility of asserting Executive privilege, and he gave a response. He said:

It is hard for me to imagine a circumstance in which that would be the appropriate thing for me to do.

Madam President, once again, the President has an opportunity to keep his commitment. It is not good enough to say one thing and to do another. It is not good enough to promise us cooperation and then hide behind technicalities. It is not good enough to say that I will produce everything that I can to be cooperative and getting to the bottom of this matter, and then assert privilege—and then put conditions on it and do it in a manner in which we are forced to come to this floor.

So I would hope that irrespective of the votes that we take, irrespective of our positions, that the President would come forward—and come forward now and make those notes available. People have a right to know the Congress has a right to know, and we have worked in the cooperative effort to avoid this. It is only because of the necessity to see to it that we get this information in a timely way, that we have taken this extraordinary action.

So I agree with Senator HATCH. The duty and the obligation is not upon this Senate. We should not have to be compelling this. It should be President of the United States who steps forward and who keeps his commitment; a commitment that right now he is failing to observe, a promise that has been made, a promise that has been made but a promise that has not been kept.

Mr. SARBANES. Will the chairman yield?

Mr. D'AMATO. I certainly will. I note that we are awaiting Senator BYRD because he is the next scheduled person, but certainly I will yield. Have we made inquiry? Has the Senator been advised?

Mr. SARBANES. We have sent a message to him and he is on his way, is what I am told.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I ask unanimous consent to have printed in the RECORD at this point, in light of the comments we just heard, a letter to Chairman D'AMATO from Jane Sherburne, special counsel to the President.

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

THE WHITE HOUSE,

Washington, December 20, 1995.

HON. ALFONSE M. D'AMATO,
Chairman, U.S. Senate, Special Committee to Investigate Whitewater Development Corporation and Related Matters, Washington, DC.

DEAR CHAIRMAN D'AMATO: As I informed you yesterday we would, Counsel for the President have undertaken to secure non-waiver agreements from the various entities with an investigative interest in Whitewater-Madison matters. I requested an opportunity to meet with your staff to determine how we might work together to facilitate this process. Mr. Chertoff declined to meet.

Nonetheless, we have succeeded in reaching an understanding with the Independent Counsel that he will not argue that turning over the Kennedy notes waives the attorney-client privilege claimed by the President. With this agreement in hand, the only thing standing in the way of giving these notes to your Committee, is the unwillingness of Republican House Chairmen similarly to agree. As I am sure you are aware, two of the Committee Chairmen who have asserted jurisdiction over Whitewater matters in the House have rejected our request that the House also enter a non-waiver agreement with respect to disclosure of these notes and related testimony.

We have said all along that we are prepared to make the notes public; that all we need is an assurance that other investigative bodies will not use this as an excuse to deny the President the right to lawyer confidentiality that all Americans enjoy. The response of the House Committee Chairmen suggests our concern has been well-founded.

If your primary objective in pursuing this exercise is to obtain the notes, we need to work together to achieve that result. You earlier stated that you were willing to urge the Independent Counsel to go along with a non-waiver agreement. We ask that you do the same with your Republican colleagues in the House. Be assured: as soon as we secure an agreement from the House, we will give the notes to the Committee.

Mr. Chertoff has informed me that the Committee will not acknowledge that a reasonable claim of privilege has been asserted with respect to confidential communications between the President's personal lawyer and White House officials acting as lawyers for the President. In view of the overwhelming support expressed by legal scholars and experts for the White House position on this subject, we are prepared simply to agree to disagree with the Committee on this point.

Accordingly, the only remaining obstacle to resolution of this matter is the House.

Sincerely yours,

JANE C. SHERBURNE,
Special Counsel to the President.

Mr. SARBANES. I thank the Chair.

She indicates in the letter that the President is prepared to turn over these notes as soon as they can achieve a formal waiver agreement with the House. They have such an agreement with our committee. We have indicated that is acceptable to us. And they apparently reached such an understanding with the independent counsel. In fact, this letter says:

We have succeeded in reaching an understanding with the independent counsel that he will not argue that turning over the Kennedy notes waives the attorney-client privilege claimed by the President. With this agreement in hand, the only thing standing in the way of giving these notes to your committee is the unwillingness of Republican House chairmen similarly to agree.

I understand they are going to be meeting with the House chairmen this afternoon, and hopefully out of that an understanding can be reached because the White House has indicated they are prepared to turn these notes over if they can get these agreements. They have an understanding with our committee; they have an understanding with the independent counsel, and the other relevant body where they need an understanding is with the House committees. And I gather that matter is being worked on, and hopefully it will be worked on in a successful way.

So I just wanted to enter this letter into the RECORD and make those comments in light of the observations that were just made.

I notice that Senator BYRD is in the Chamber.

I would like to say to the chairman, I take it Senator GRAMS would seek recognition next, is that correct, after Senator BYRD?

Mr. D'AMATO. Correct. Yes.

Mr. SARBANES. Could we then recognize Senator LEAHY after Senator GRAMS?

Mr. D'AMATO. Certainly.

Mr. SARBANES. I ask unanimous consent that following Senator BYRD, Senator GRAMS be recognized and following Senator GRAMS, Senator LEAHY be recognized.

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

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. If I might intrude for 30 seconds upon my friend and colleague from West Virginia, I think it is important to note I mentioned that on March 8 the President had a press conference made in connection with the appointment of Lloyd Cutler and specifically as it related to the question of bringing up privilege said it was hard for him to imagine any circumstance which would be appropriate.

That this took place almost 4 months to the day after, 4 months and 3 days after this meeting, it is inconceivable that the President was not aware of this meeting where his personal attor-

neys were in attendance. So this is not a question—it seems to me this would not be an extraordinary circumstance. This was the circumstance and the fact he was aware of when he indicated that he would not raise the issue of privilege.

I just thought it was important to note that for the RECORD. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from West Virginia is recognized under the previous order.

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

Mr. President, has the Pastore rule run its course?

The PRESIDING OFFICER. The Pastore rule has run its course.

Mr. BYRD. I thank the Chair. Then I shall speak out of order, that being my privilege, in view of the fact that there is no controlled time at the moment.

Mr. President, I speak today with apologies to the two managers of the pending resolution.

Mr. President, I should also state to Senators that I expect to speak for no less than 45 minutes.

CIVILITY IN THE SENATE

Mr. BYRD. Mr. President, I speak from prepared remarks because I wanted to be most careful in how I chose my words and so that I might speak as the Apostle Paul in his epistle to the Colossians admonished us to do:

Let your speech be always with grace, seasoned with salt, that ye may know how ye ought to answer every man.

Mr. President, I rise today to express my deep concern at the growing incivility in this Chamber. It reached a peak of excess on last Friday during floor debate with respect to the budget negotiations and the Continuing Resolution. One Republican Senator said that he agreed with the Minority Leader that we do have legitimate differences. "But you do not have the guts to put those legitimate differences on the table," that Senator said. He went on to state, "and then you have the gall to come to us and tell us that we ought to put another proposal on the table." Now, Mr. President, I can only presume that the Senator was directing his remarks to the Minority Leader, although he was probably including all members on this side of the aisle. He also said that the President of the United States "has, once again, proven that his commitment to principle is non-existent. He gave his word; he broke his word. It is a habit he does not seem able to break."

Mr. President, I do not know what the matter of "guts" has to do with the Continuing Resolution or budget negotiations. Simply put, those words are fighting words when used off the Senate floor. One might expect to hear

them in an alehouse or beer tavern, where the response would likely be the breaking of a bottle over the ear of the one uttering the provocation, or in a pool hall, where the results might be the cracking of a cue stick on the skull of the provocator. Do we have to resort to such language in this forum? In the past century, such words would be responded to by an invitation to a duel.

And who is to judge another person's commitment to principle as being non-existent?

I am not in a position to judge that with respect to any other man or woman in this Chamber or on this Earth.

Mr. President, the Senator who made these statements is one whom I have known to be amiable and reasonable. I like him. And I was shocked to hear such strident words used by him, with such a strident tone. I hope that we will all exercise a greater restraint upon our passions and avoid making extreme statements that can only serve to further polarize the relationships between the two parties in this Chamber and between the executive and legislative branches. By all means, we should dampen our impulses to engage in personal invective.

Another Senator, who is very new around here, made the statement—and I quote from last Friday's RECORD: "This President just does not know how to tell the truth anymore," and then accused the President of stating to "the American public—bald-faced untruths." The Senator went on to say that, "we are tired of stomaching untruths over here. We are downright getting angry over here"—the Senator was speaking from the other side of the aisle. Then with reference to the President again, the Senator said, "This guy is not going to tell the truth," and then proceeded to accuse the President "and many Senators"—"and many Senators"—of making statements that tax cuts have been targeted for the wealthy, "when they know that is a lie." Now, the Senator said, "I am using strong terms like 'lie.'" Then the Senator made reference to a lack of statesmanship: "When are we going to get statesmen again in this country? When are we going to get these statesmen here in Washington again?" And then answering his own question, he said, "they are here," presumably, one would suppose, referring to himself as one such statesman.

Mr. President, such statements are harsh and severe, to say the least. And when made by a Senator who has not yet held the office of Senator a full year, they are really quite astonishing. In my 37 years in this Senate, I do not recall such insolence, and it is very sad that debate and discourse on the Senate floor have sunk to such a low level. The Senator said, "We are downright getting angry over here." Now, what is that supposed to mean? Does it mean

that we on this side should sit in fear and in trembling because someone is getting downright angry? Mr. President, those whom God wishes to destroy, he first makes mad. Solomon tells us: "He that is slow to anger is better than the mighty; and he that ruleth his spirit than he that taketh a city."

Moreover, Mr. President, for a Senator to make reference on the Senate floor to any President, Democrat or Republican, as "this guy" is to show an utter disrespect for the office of the presidency itself, and is also to show an uncaring regard for the disrespect that the Senator brings upon himself as a result. "This guy is not going to tell the truth," the Senator said, and then he proceeded to state that the President "and many Senators" have made statements concerning tax cuts—and that would include almost all Senators on this side, because almost all of us have so stated—that "they know that is a lie,"—and I am quoting—that "they know that is a lie"—admitting, the Senator said, that the word "lie" is a strong term. I have never heard that word used in the Senate before in addressing other Senators. I have never heard other Senators called liars. I have never heard a Senator say that other Senators lie.

Mr. President, the use of such maledicent language on the Senate floor is quite out of place, and to accuse other Senators of being liars is to skate on very, very thin ice, indeed.

In his first of three epistles, John admonishes us: "He that saith, I know him, and keepeth not his commandments, is a liar, and the truth is not in him." Mr. President, it seems to me that by that standard, all of us are certainly—or certainly most of us fall into the classification of liar, and before accusing other Senators of telling a lie, one should "cast first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye."

Mr. President, can't we rein in our tongues and lower our voices and speak to each other and about each other in a more civil fashion? I can disagree with another Senator. I have done so many times in this Chamber. I can state that he is mistaken in his facts; I can state that he is in error. I can do all these things without assaulting his character by calling him a liar, by saying that he lies. Have civility and common courtesy and reasonableness taken leave of this Chamber? Surely the individual vocabularies of Members of this body have not deteriorated to the point that we can only express ourselves in such crude and coarse and offensive language. The proverb tells us that "A fool uttereth all his mind; but a wise man keepeth it in till afterwards." Can we no longer engage in reasoned, even intense, partisan exchanges in the Senate without imput-

ing evil motives to other Senators, without castigating the personal integrity of our colleagues? Such utterly reckless statements can only poison the waters of the well of mutual respect and comity which must prevail in this body if our two political parties are to work together in the best interests of the people whom we serve. The work of the two Leaders, the work of Mr. DOLE, the work of Mr. DASCHLE, is thus made more difficult. There is enough controversy in the natural course of things in this bitter year, without making statements that stir even greater controversy and divisiveness.

"If a House be divided against itself, that House cannot stand," we are told in Mark's Gospel. Surely the people who see and hear the Senate at its worst must become discouraged and throw up their hands in disgust at hearing such sour inflammatory rhetoric, which exhales itself fuliginously. What can our young people think—they listen to C-SPAN; they watch C-SPAN. What can our young people think when they hear grown men in the premiere upper body among the world's legislatures casting such rash aspersions upon the President of the United States and upon other Senators? Political partisanship is to be expected in a legislative body—we all engage in it—but bitter personal attacks go beyond the pale of respectable propriety. And let us all be scrupulously mindful of the role that vitriolic public statements can play in the stirring of the dark cauldron of violent passions which are far too evident in our land today. Oklahoma City is but 8 months behind us. Washington, in his farewell address, warned against party and factional strife. In remarks such as those that were made last Friday, we are seeing bitter partisanship and factionalism at their worst. I hope that the leaders of our two parties will attempt to impress upon our colleagues the need to tone down the rhetoric and to avoid engaging in vicious diatribes that impugn and question the motives and principles and the personal integrity of other Senators and of the President of the United States.

It is one thing to criticize the policies of the President and his administration. I have offered my own strong criticism of President Clinton and past Presidents of both parties in respect to some of their policies. I simply do not agree with some of them. But it is quite another matter to engage in personal attacks that hold the President up to obloquy and opprobrium and scorn. Senators ought to be bigger than that. Anyone who thinks of himself as a gentleman ought to be above such contumely. The bandying about of such words as liar, or lie, can only come from a contumelious lip, and for one, who has been honored by the electorate to serve in the high office of United

States Senator, to engage in such rude language arising from haughtiness and contempt, is to lower himself in the eyes of his peers, and of the American people generally, to the status of a street brawler.

Mr. President, in 1863, Willard Saulsbury of Delaware, in lengthy remarks, referred to President Abraham Lincoln as a "weak and imbecile man" and accused other Senators of "blackguardism." Saulsbury was ruled out of order by the Vice President who sat in the Chair and ordered to take his seat. Another Senator offered a resolution the following day for his expulsion, but Saulsbury appeared the next day and apologized to the Senate for his remarks, which were quite out of order, and that was the end of the matter. Senators should take note of this and try to restrain their indulgence for outlandish and extreme accusations and charges in public debate on this floor.

The kind of mindless gabble and rhetorical putridities as were voiced on this floor last Friday can only create bewilderment and doubt among the American people as to our ability to work with each other in this Chamber. And that is what they expect us to do. Certainly these are not the attributes and marks of a statesman. Statesmen do not call each other liars or engage in such execrations as fly from pillar to post in this Chamber. I have seen statesmen during my time in the Senate, and they have stood on both sides of the aisle. They have stood tall, sun-crowned, and above the fog in public duty and in private thinking—above the fog of personal insinuations and malicious calumny.

The Bob Tafts, the Everett Dirksens—I have seen him stand at that desk—the Everett Dirksens, the Norris Cottons, the George Aikens, the Howard Bakers, the Jack Javitses, the Hugh Scotts, or the John Heinzes of yesteryear did not throw the word "lie" in the teeth of their colleagues. Nor do such honorable colleagues who serve today as THAD COCHRAN, MARK HATFIELD, TED STEVENS, JOHN CHAFEE, ARLEN SPECTER, NANCY KASSEBAUM, BILL COHEN, ORRIN HATCH, JOHN WARNER, DIRK KEMPTHORNE, ALAN SIMPSON—oh, there is one I will miss when he leaves this Chamber—and many other Senators on that side of the aisle. BOB BENNETT of Utah recognized the rhetorical cesspool for what it was last Friday and he kept himself above it. He took note of it. I have never heard our majority leader, I have never heard our minority leader, I have never heard any majority leader or minority leader accuse other Senators of lying. I am confident that our leaders and most Senators find such gutter talk to be unacceptable in this forum.

Mr. President, in 1986, I helped to open the Senate floor to the televising of Senate debate. On the whole, I think

it has worked rather well. I believed then and I still believe that TV coverage of Senate debate can and should educate and inspire the American people. But in my 37 years in the United States Senate, this has been a different year. William Manchester in his book "The Glory and the Dream" speaks of the year 1932 as the "cruellest year." I was a boy growing up in the Depression in 1932. I remember it as the cruellest year. But, Mr. President, in some ways, I think this year has been even more cruel. I have seen the Senate deteriorate this year. The decorum in the Senate has deteriorated, and political partisanship has run rife. And when the American people see and hear such intellectual pemmican as was spewed forth on this floor last Friday, no wonder there is such a growing disrespect for Congress throughout the country. The American people have every right to think that we are just a miserable lot of bickering juveniles, and I have come to be sorry that television is here, when we make such a spectacle of ourselves. When we accuse our colleagues of lying—I have never done that. I have never heard it done in this Senate before. Clay and John Randolph fought a duel over less than that. Aaron Burr shot and killed Alexander Hamilton for less than that. When we accuse our colleagues of lying and deliver ourselves of reckless imprecations and vengeful maledictions against the President of the United States, and against other Senators, it is no wonder—no wonder—that good men and women who have served honorably and long in this body are saying they have had enough! They may not go out here publicly and say that, but they have had enough.

Mr. President, it is with profound sadness that I have taken the Floor today to express my alarm and concern at the poison that has settled in upon this chamber. There have been giants in this Senate, and I have seen some of them. Little did I know when I came here that I would live to see pygmies stride like colossuses while marveling, like Aesop's fly, sitting on the axle of a chariot, "My, what a dust I do raise!"

Mr. President, party has a tendency to warp intelligence. I was chosen a Senator by a majority of the people of West Virginia seven times, but not for a majority only. I was chosen by a party, but not for a party. I try to represent all of the people of the state—Democrats and Republicans—who sent me here. I recognize no claim upon my action in the name and for the sake of party only. The oath I have taken 13 times, and in my 50 years of public service, is to support and defend the Constitution of my country's government, not the fiat of any political organization. This is not to say that political party is not important. It is. But party is not all important. Many times I have said that, and I have said that

there are several things that are more important than political party. Sometimes as I sit and listen to Senate debate, I get the impression that to some of us, political party is above everything else. I sometimes get the impression that, more important than what serves the best interests of our country is what serves the political fortunes of a political party in the next elections. This Senate was not created for that purpose. This is not a forum that was created for the purpose of advancing one's political career or one's political party. In the day that the Senate was created, no such thing as political party in the United States was even a consideration. None of our forebears who created our republican form of government was for a party, but all were for the state. Political parties were formed afterward and have grown in strength since, and today the troubles that afflict our country, in many ways, chiefly may be said to arise from the dangerous excess of party feeling in our national councils. What does reason avail, when party spirit presides?

The welfare of the country is more dear than the mere victory of party. As George William Curtis once said, some may scorn this practical patriotism as impracticable folly. But such was the folly of the Spartan Leonidas, holding back, with his 300, the Persian horde, and teaching Greece the self reliance that saved her. Such was the folly of the Swiss Arnold von Winkelried, gathering into his own breast the points of Austrian spears, making his dead body the bridge of victory for his countrymen. Such was the folly of Nathan Hale, who, on September 22, 1776, gladly risked the seeming disgrace of his name, and grieved that he had but one life to give for his country. Such was the folly of Davy Crockett and 182 other defenders of the Alamo who were slain after holding out 13 days against a Mexican army in 1836, thus permitting Sam Houston time enough to perfect plans for the defense of Texas. Such are the beacon lights of a pure patriotism that burn forever in men's memories and shine forth brightly through the illuminated ages. What has happened to all of that?

Mr. President, when our forefathers were blackened by the smoke and grime at Shiloh and at Fredericksburg, they did not ask or care whether those who stood shoulder to shoulder beside them were Democrats or Republicans; they asked only that they might prove as true as was the steel in the rifles that they grasped in their hands. The cannonballs that mowed brave men down like stalks of corn were not labeled Republican cannonballs or Democrat cannonballs. When those intrepid soldiers fought with unflinching loyalty to General Thomas J. Jackson—who was born in what is now Harrison County, West Virginia—who stood like a wall of stone in the midst of shot and

shell at the first battle of Bull Run, they did not ask each other whether that brave officer, who later fell the victim of a rifle ball, was a Democrat or Republican. They did not pause to question the politics of that cool gunner standing by his smoking cannon in the midst of death, whether the poor wounded, mangled, gasping comrades, crushed and torn, and dying in agony all about them—had voted for Lincoln or Douglas, for Breckinridge or Bell. No. They were full of other thoughts. Men were prized for what they were worth to the common country of us all, not for the party to which they belonged. The bones that molder today beneath the sod in Flanders Field and in Arlington Cemetery do not sleep in graves that are Republican or Democrat. These are Americans who gave their lives in the service of their country, not in the service of a political party. We who serve together in this Senate, must know this in our hearts.

I understand, and we understand, that partisanship plays a part in our work here. There is nothing inherently wrong with that. There is nothing inherently wrong with partisanship. But I hope that we will all take a look at ourselves on both sides of this aisle and understand also that we must work together in harmony and with mutual respect for one another. This very charter of government under which we live was created in a spirit of compromise and mutual concession. And it is only in that spirit that a continuance of this charter of government can be prolonged and sustained. When the Committee on Style and Revision of the Federal Convention of 1787 had prepared a digest of their plan, they reported a letter to accompany the plan to Congress, from which I take these words: "And thus the Constitution which we now present is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."

Mr. President, Majorian, the Emperor of the West, in 457 A.D. said he was a prince "who still gloried in the name of Senator."

Mr. President, as one who has gloried in the name of Senator, I shudder to think of the day when, because of the shamelessness and reckless intemperance of a few, I might instead become one who is embarrassed by it.

Let us stop this seemingly irresistible urge to destroy all that we have always held sacred. Let us cease this childish need to resort to emotional strip-tease on the Senate Floor.

Let us remember that we are lucky enough to reside in the greatest country on earth and to have the further fortune to have been selected by the American people to actively participate as their representatives in this miraculous experiment in freedom which has set the world afire with hope.

Mr. President, there are rules of the Senate and we simply cannot ignore those rules. We must defend them and cherish them. I will read to the Senate what Vice President Adlai E. Stevenson said with regard to the Senate's rules on March 3, 1897, because I believe his observation is as fitting today as it was at the end of the 19th century:

It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative hall, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: "They know not what they do." In this Chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact, the time-honored parliamentary methods and amenities which unflinchingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

Mr. President, we must honor these rules. The distinguished Presiding Officer today, SLADE GORTON of Washington, respects and honors these rules. We simply have to stop this business of castigating the integrity of other Senators. We all have to abide by these rules.

Mr. President, may a temperate spirit return to this chamber and may it again reign in our public debates and political discourses, that the great eagle in our national seal may continue to look toward the sun with piercing eyes that survey, with majestic grace, all who come within the scope and shadow of its mighty wings. I yield the floor.

The PRESIDING OFFICER. The Democratic leader is informed under the previous order the next Senator to be recognized was the Senator from Minnesota [Mr. GRAMS].

Mr. DASCHLE. Mr. President, I ask unanimous consent to speak out of order for 2 minutes.

Mr. LOTT. Mr. President, I also ask to be allowed to speak out of order for 5 minutes. I do think that this has been a very important discourse, but I do think it is important that a response be heard from both sides of the aisle.

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

Mr. DASCHLE. I want to thank, first, the Senator from Minnesota for accommodating my unanimous-consent request.

I begin by saying I believe the Senate owes a debt of gratitude to the distinguished Senator from West Virginia for the appropriate lecture that he has given each and every one of us. That

speech ought to be reprinted and sent to every civics class in the country. It ought to be reprinted and sent to every legal function that is held for the next several weeks, and perhaps most importantly it ought to be reprinted and sent to every U.S. Senator and Congressman sitting today. It ought to be reread. It ought to be studied. It ought to be respected. Never has his wisdom, clarity of his reasoning or his eloquence been more evident. It needed to be said.

The distinguished Senator from West Virginia mentioned many giants, past and present, of the U.S. Senate. I add to that list the name ROBERT C. BYRD, a Senator motivated by a profound respect for this institution, a Senator driven by a profound belief in what is right, what is good, and what is so critical in this remarkable institution.

Today, he is right. We have lost civility. The need for bipartisan spirit, as we debate the critical issues of the day, could never be more profound and more important. Excessive partisanship is as destructive to this institution as violence is to ourselves.

So I express the gratitude of many who have had the good fortune this afternoon to have heard his remarkable words. I simply urge each of our colleagues to reread his remarks, to think of them carefully, and to listen to them and take the advice. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I, too, came to the floor and listened to the entire presentation by the distinguished Senator from West Virginia. I knew it would be illuminating. No Senator, I am sure, knows as much about the history, the record, the decorum in this institution than the Senator from West Virginia. And he very often comes and reminds us of history and how it should relate to what we are doing today. I always find it extremely interesting. And he laces his remarks with quotations from history, from great statesmen, from the Bible. They are all woven together beautifully and we are all indebted for his presentations.

And I agree that it is timely and that we should all take stock of what he had to say, his admonitions, on both sides of the aisle.

I have been in this city, now, for 27 years—4 years as a staff member to the chairman of the Rules Committee in the House of Representatives, a Democrat; 16 years in the House of Representatives, including 8 years as the minority whip, and 7 years in the Senate. I remember how civility collapsed in the House of Representatives during the latter part of those years; the second half of the 1980's, 1985, 1986, 1987. I remember the night I decided to run for this body. It became so uncivil that the Members were literally shouting at

each other. A vote was held open for over 30 minutes so that one Member from Texas could be brought back to the Chamber and, in effect, forced to switch his vote. I was ashamed of our conduct. I was ashamed of my own conduct that night. And I said there has to be a better place than this. I hoped I would find it here.

I remember one time in the House of Representatives, when the Speaker of the House of Representatives came from the chair down into the well, and impugned the integrity of a Member of the House of Representatives. And I rose to my feet and demanded that the Speaker's words be taken down, and the acting Speaker had to rule that the Speaker of the institution was out of order, at which point I asked unanimous consent that the RECORD be expunged of his remarks and we be allowed to proceed. He was out of order. I know about excessive partisanship, excessive rhetoric, and the breakdown of civility. I have seen it as a staff member, as a House Member.

And now we come to this body. It is a body that we should all have reverence for, and that is what the Senator from West Virginia seeks. It is a body that has always prided itself in respect for each other and for the rights of the individual Senator. I still chafe, sometimes, under the idea that one Senator can tie up this entire institution to the disadvantage of all the rest of us, or one Senator can keep us all waiting while he or she comes to vote and we all stand around, shuffling our feet. But that is this system. It is unique. It is special. While I, as an old House Member, grumble about it, I do not want a Rules Committee over here. I want the Senate to be the Senate. I understand its uniqueness.

So we do not want decorum to slip, and it has been slipping on both sides. But let me suggest that maybe you should think about it on both sides of the aisle. Because I have been seeing it slipping on the other side. The partisanship has been getting heated.

Party is not the most important thing here—not for me, not for most of us. I was a Democrat. I showed that party was not the important thing to me, that my philosophy was more important, because I ran as a Republican after having been raised, I guess, as a Democrat. I am here because I care for the country and because of the things that I think are important for the country.

I submit, one of the reasons why this year has been so tough is because this year we are dealing with big issues, fundamental changes—fundamental changes. I care about them, not because of my party or this President or that President. I care about them because of my daughter and my son. I want to make sure that they have the opportunities that I have had for the rest of their lives. So they do matter.

These are tense intense times. There are differences that really matter. But we do not have to be disrespectful to each other to disagree. I have a great respect for the distinguished minority leader. I have known him for years, worked with him, talked to him. And the Senator from California, [Mrs. FEINSTEIN] we talk together, we work together. I believe in sharing information. One of the things that bothers me around here sometimes is you cannot get information from either side.

But I think we need to remember that these are important issues and I think maybe part of what is happening here is a little chafing that, after all, after 8 years we have a majority over here. We had it briefly in the 1980's, but there has been a switch back. The minority is just unhappy with not having the votes for their issues.

But when we do get right up in each other's faces on these issues and start using words like "tawdry" and "sleazy," when you are talking about an action of the leader, that is not the way we ought to proceed.

So, whether it is partisanship, or strong political feelings, or words that are too strong, we should all just cool it a little bit. I think, perhaps, as a result of the speech of the Senator from West Virginia and others who feel that we do need to find a way to bring this under control, that we will find a way to do so. I hope we will work in that vein and I certainly will support that effort with my own efforts.

Mr. BYRD. Will the Senator yield?

Mr. LOTT. I do.

Mr. BYRD. The Senator calls to the attention of the Senate the words "tawdry" and "sleazy" that I once used on the floor. Of course he had a purpose in doing that.

May I say, I never called any Senator a liar. I was not talking about the personality of the majority leader in that instance. I was talking about an agreement that had been broken.

I am very careful, I try to be careful, and sometimes I speak in haste. And subsequent to that remark on this very floor one evening, I referred to my having spoken in haste, and to my having used some words, which I wish I had chosen differently. So nobody needs to remind this Senator as to what this Senator has said. I am ready to defend anything I say.

Never once have I said that any Senator lied, or that any Senator was a liar. And I do not intend ever to do that. That is what we are talking about here today.

Mr. LOTT. I agree and we should not be calling each other liars, or other people, or anybody here on the floor. But we all ought to be careful not to skate too close to the edge in the words we use, and try to find a way to make our case positively. I think we can all do that, and I hope that we will strive to do that, on both sides of the aisle, in the future.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is entitled to be recognized.

Mr. D'AMATO. Mr. President, if I might, I believe under the previous order there is a unanimous consent for Senator GRAMS, to be followed by Senator LEAHY.

The PRESIDING OFFICER. The Senator is correct.

Mr. D'AMATO. I ask unanimous consent to expand that, so Senator MACK might be recognized after Senator LEAHY.

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

The Senator from Minnesota.

Mr. GRAMS. Mr. President, as a member of the special committee to investigate Whitewater, I rise today to urge my colleagues to support Senate Resolution 199.

For months, our committee has been trying to get to the bottom of the controversial affair known as Whitewater—the unsavory Arkansas land development deal whose principal investors included the President and the First Lady and which contributed in large part to the \$60 million failure of Madison Guaranty Savings & Loan.

This committee was initially convened to investigate the failure of Madison, which was bailed out at the expense of the taxpayers, and the role that the Clintons' investments in Whitewater may have played in Madison's demise.

But as time has passed and the committee has dug deeper into this matter, new issues regarding the Clinton administration have arisen—issues related to arrogance, abuse of power, lack of accountability to the people, and obstruction of justice.

There is no clearer example of these unseemly traits than the issue facing the Senate today: the President's assertion of the attorney-client privilege to withhold notes taken by a taxpayer-paid public servant at a meeting to discuss Bill Clinton's personal legal problems.

On November 5, 1993, a meeting was held in Washington by seven men—three private attorneys and four White House officials: White House counsel Bernard Nussbaum, associate White House counsels William Kennedy and Neil Eggleston, and White House Personnel Director Bruce Lindsey.

From the information we have been able to collect, the meeting concerned: first, criminal referrals related to Madison Guaranty which named Bill and Hillary Clinton as potential witnesses; and second, the criminal lending practices of Capital Management Services—a federally licensed company which allegedly diverted funds to Whitewater.

When questioned by the special committee, both Mr. Lindsey and Mr. Kennedy refused to discuss the substance

of that November 1993 meeting. In addition, Mr. Kennedy refused to provide us with his notes from the meeting, despite evidence showing that these notes may be significantly related to our investigation.

Mr. Kennedy, at the instruction of counsel for both the President and the First Lady, went so far as to ignore a subpoena from our committee for these notes. Instead, he and the President asserted that the attorney-client privilege protects them from disclosing these notes.

For reasons given by many of my colleagues today, this claim on a legal basis is at best questionable. But in the midst of this important debate over the legal ramifications of the President's abuse of this privilege, I hope that the ethical issues that have surrounded this event will not be ignored.

At the time of this meeting, Mr. Kennedy served as associate White House counsel. Like Mr. Nussbaum, Mr. Eggleston, and Mr. Lindsey, he was paid not by President Clinton, but by the taxpayers. His office was furnished by taxpayers' dollars. His business expenses were covered by taxpayers' dollars.

Given these facts, it is obvious to me that Mr. Kennedy's true clients, the people to whom he owed his legal services, were you and me: the taxpayers. This relationship, however, has still not been honestly recognized by President Clinton.

By asserting privilege over these notes, President Clinton essentially said that Mr. Kennedy worked for him, in spite of the fact that Bill Clinton did not pay Mr. Kennedy's salary. By using this legal tool, Bill Clinton in essence turned his own personal legal bills over to the taxpayers. And that, Mr. President, is dead wrong.

I suppose we should not be too surprised by President Clinton's actions. After all, Mr. Kennedy is just one of many current and former employees of the executive branch involved in this apparent coverup of Whitewater.

During our hearings, we have heard from a number of Federal employees—political appointees and civil servants alike—about their roles in keeping this whole matter quiet and away from the eye of public scrutiny.

It's clear to me and anyone else who has paid attention to our hearings that Bill Clinton has used every tool in his grasp to stonewall this investigation. This use of privilege to shield Mr. Kennedy's notes from the public was the most blatant abuse of power we have seen, but it has not been the only one.

Do not misunderstand me—I believe every citizen, including the President of the United States of America, is entitled to the protections of the attorney-client privilege. But no one, not even the President, has the right to abuse this privilege, especially when doing so means furthering one's personal gain over the public good.

And even with the White House inching toward some sort of agreement, the damage has already been done. The attorney-client privilege has already been asserted to protect not Just Bill Clinton, but also President Clinton.

Today, the Oliver Stone film "Nixon" is opening in theaters across America. I suggest that Bill Clinton arrange a private screening in the White House theater, as it should be most instructive for the future.

What the people hated most about the Watergate scandal was not the amateur break-in at the Democratic National Committee. What they could not tolerate and what led to the resignation of President Nixon was the cover-up, the stonewalling, the fact that the President placed himself above the law.

But Mr. President, even Richard Nixon did not hide behind the attorney-client privilege. Bill Clinton did.

Eighteen-months ago this was something that President Clinton said that he would never do, as we can see from a quote from President Clinton's remarks to a town meeting in Charlotte, NC on April 5, 1994. The President said:

I've looked for no procedural ways to get around this. I say, you tell me you want to know, I'll give you the information. I have done everything I could to be open and aboveboard.

Some have asked why it is so important that the special committee receive access to Mr. Kennedy's notes. I can only answer by asking President Clinton why it was so important to him that these notes not be seen. Why did he go to such lengths as to use privilege as a shield to hide these notes from the public?

Obviously, if there is nothing to hide, there is no reason to keep these notes a secret or to conditionally withhold them. If there is nothing incriminating in these pages, why not disclose them openly and honestly?

The fact of the matter is we will not know until we see them. And if there is something there, these notes may help us piece together the puzzle known as Whitewater.

Because unlike the witnesses from the administration who have been expertly coached to experience suspiciously selective memory during their testimony, these notes cannot hide anything. They cannot duck questions by saying, "My memory fails me" or "I can't recollect at this time."

And maybe that is what scares Bill Clinton the most.

Mr. President, it may surprise you, but I hope that these notes do not incriminate anyone. Like most Americans, I want to think the best of our President.

But we have a responsibility to get to the bottom of this whole affair, because, like everyone who has worked for the Clinton administration, we too are paid by the taxpayers. And we owe

it to them to uncover the truth, no matter how dark or unsavory it might be.

That, Mr. President, is what this resolution before the Senate is all about—it is what this entire Whitewater investigation is about: Our obligation to tell the truth, the whole truth and nothing but the truth. I urge the President to unconditionally release these notes.

If he does not, I hope my colleagues will join me in a spirit of honesty and openness in supporting this resolution. We owe the American people that much.

Thank you, Mr. President. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Vermont.

THE STATEMENT OF SENATOR BYRD

Mr. LEAHY. Mr. President, I am going to speak about the issue before us on Whitewater, but because of the extraordinary statement by the distinguished senior Senator from West Virginia, I wish to make a few additional comments.

I have been privileged to serve in this body for 21 years with Senator ROBERT C. BYRD. I have been privileged to serve with a number of giants—I consider him one, certainly—but giants on both sides of the aisle, both Republicans and Democrats. I think of the leadership of Senator BYRD, who has served both as majority and minority leader, and how much I appreciate and respect his leadership. I think also of our other Democratic leaders like Mike Mansfield, George Mitchell, and TOM DASCHLE and the great Republican leaders, BOB DOLE and Howard Baker, who have served with such distinction in this body.

I think, as I have been on this floor, of the remarkable opportunity I have been given to serve here. One set of my grandparents came to Vermont and came to these shores not speaking a word of English. My other great-grandparents left a distant country to come to Vermont to seek a better way of life. Both my grandfathers were stonecutters in Vermont. My paternal grandfather died when my father was just a youngster. He died in the stone sheds of Vermont leaving a widow and two children—my grandmother, my father, and his sister.

My father, as a teenager, had to help support the family and never completed the schooling that his son was later able to pursue. He became a self-taught historian, certainly one of the best I ever knew. And he revered and respected the U.S. Senate.

So many times my father would tell me, as I sat here on the floor of the Senate, that this body should be the conscience of our Nation. In my first two terms, when my father was still

alive, he was able to come and listen to Senators debate. I remember him repeating almost verbatim statements made by Senators—again, both Republicans and Democrats. He spoke with a sense of admiration of the courage that those men, and now women, show in this body in speaking to the conscience of our Nation. He talked about how this is where leaders of our Nation reside.

Only 15 people in the present Senate have served in this body longer than I. No Democrat has served longer than Senator BYRD. I believe Senator BYRD has done a great service for this body today. I hope that each of us will read and reread what he said, because, in my 21 years here, I have seen the Senate degenerate. And I do not use that word casually. I have seen some of the finest Members leave, and in leaving say this body is not what it used to be.

People truly respect the Senate. My good friend from Arkansas, Senator PRYOR, who is on the floor today, one whose absence I will feel greatly in the next Congress, and Senator ALAN SIMPSON of Wyoming, another good friend, Senator KASSEBAUM, Senator HATFIELD, Senator BROWN, Senator BRADLEY, Senator NUNN, Senator PELL, Senator SIMON, Senator HEFLIN, and others with whom I have talked—these are people of great experience and great quality—every one of them will tell you the same thing: This Senate has changed.

Mr. President, we owe it to ourselves to listen to what Senator BYRD said, and we owe it to the Senate to listen. More than owing anything to Senator BYRD or me or any other Member, we owe it to the Senate because long after all of us leave, I pray to God this body will still be here. And I pray to God this body will be here as the conscience of the Nation.

If you go back and read the writings of Jefferson, if you go back and read the writings of the founders of this country, you know that this body is a place where ideas should be debated, where the direction of our Nation and the conscience of our Nation should be shaped.

Mr. President, I fear that we are not doing this. I fear that this country will suffer if we do not listen. All of us have a responsibility to listen, Republicans and Democrats alike. Presidents will come and Presidents will go. We will have great Presidents, and we will have Presidents who are not so great. They will come and go. Members of the Senate will come and go, and we will have great Members of the Senate and some not so great. But all of us take the same oath to uphold the Constitution of this great country, and we also come here privileged to help lead this country, but we ought to be humbled by the responsibility that gives us.

I have taken an oath to uphold this country's Constitution four times in

this body, and five times as a prosecutor before that. I hold that oath as a very sacred trust. Each one of us ought to ask ourselves if we engage in debate or actions or votes that denigrate that Constitution or denigrate the country or denigrate the most important functions of our Government, do we really deserve to be here? Partisan positions are one thing. Positions that hurt the country are yet another.

So let us listen to what was said here. Let us listen to what was said and let us, each one of us, when we go home tonight or this weekend, ask ourselves what we have done to keep the Senate the institution it should be for the good of our country—not for our individual political fortunes but for the good of the country.

Let us ask ourselves what we have done this year to do that. I do not think that Senator BYRD has to ask himself that question. We know his answer. It is one with which I agree. But all of us should ask ourselves that question.

Mr. President, in later days I will speak more on the subject.

DIRECTING THE SENATE LEGAL COUNSEL TO BRING A CIVIL ACTION

The Senate continued with the consideration of the resolution.

Mr. LEAHY. I would like, Mr. President, to speak about Senate Resolution 199. We have been asked this session to consider a number of matters with which I did not agree. I think, frankly, this one, Senate Resolution 199, may take a special holiday season award. I am not here to talk about the arguments over the attorney-client privilege issues or the precedent we are being asked to establish, or the failure fully to explore settlement of this matter in light of the President's willingness to produce the notes to the Whitewater special counsel and to the Senate so long as a general waiver of privilege does not result. I will not linger on being asked to enforce a subpoena that was not properly served.

Let me direct my colleagues' attention to one aspect of this matter that has not yet been explored: We are being asked to authorize Senate legal counsel to commence an action that cannot be brought.

Senate resolution 199 expressly proposes that we, the Senate, direct our Senate legal counsel to bring a civil action to enforce a subpoena of the Special Committee To Investigate Whitewater Development Corporation and Related Matters for notes taken by an associate counsel to the President. The statute under which we are being asked to authorize the proposed civil contempt proceeding expressly precludes just the kind of legal action we are being asked to authorize, one that would create a confrontation with the executive branch.

The second sentence of section 1365 of title 28, United States Code, provides:

This section shall not apply to an action to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened refusal to comply with, any subpoena or order issued to an officer or employee of the Federal Government acting within his official capacity.

This, of course, was put in the statute to avoid putting the courts in a position of having to resolve a conflict between the other two independent branches of government.

So long as it would not violate anyone's attorney-client privilege, I would be extremely interested in knowing what Senate legal counsel has advised the special committee with regard to subpoenas to the White House and for White House legal counsel notes and with regard to their enforceability by way of civil action. I think before the Senate is asked to authorize it, we ought to know whether the civil contempt proceeding we are being asked to authorize is even legal. Does the special committee have a legal opinion from our Senate legal counsel on the viability of the action proposed? If so, I would like to have it put in the RECORD.

This dispute arises, as the special committee's report explains, from a demand for documents to the White House in response to which the White House identified Mr. Kennedy's notes as privileged.

The special committee goes to great lengths in its report to argue Mr. Kennedy was not acting as a personal attorney to the President and the First Lady, but then dismisses the conclusion that follows. If Mr. Kennedy attended the meeting in his role as associate counsel to the President, then it would appear that no legal action can be brought under section 1365. The special committee cannot have it both ways.

So I think we should consider that which we are being asked to authorize. I know millions of dollars have been spent on this investigation. I know we will probably spend millions more. But at least when we vote we ought to know whether we are voting to do something that can be done.

We have no need to authorize legal action, least of all one that cannot be brought under the terms of the very statute under which authorization is being sought.

I appreciate the distinguished chairman arranging this time for me.

Mr. D'AMATO. Mr. President, in order to attempt to move the flow, I would ask unanimous consent that following Senator MACK, Senator SIMON be recognized, and following Senator SIMON, Senator THOMPSON be recognized.

Mr. SARBANES. And then Senator GLENN.

Mr. D'AMATO. And then followed by Senator GLENN.

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

Mr. MACK addressed the Chair. The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I thank the Chair.

CIVILITY IN SENATE DEBATE

Mr. MACK. Mr. President, I had initially come to participate in the debate on Whitewater, but there was a speech of some 45 minutes or so by Senator BYRD a little bit earlier that made reference to some comments I made in the Chamber of the Senate last Friday. The Senator referred to my use of the word "guts" and drew from that that I was implying that a number of Senators maybe did not have the guts to present an alternative proposal.

It would be easy for me to come here with a sense of defensiveness and anger, but I do not. I come to the floor to speak—I am not quite sure how long, and I am not quite sure what about, other than it was clearly not my intention to impugn the integrity or the intentions of my colleagues in the U.S. Senate.

I really have been, I think, driven to come to the floor this afternoon, as I said, not out of anger but, frankly, out of love. I have strived in my life to try to make civility one of my No. 1 concerns. And when I heard civility being talked about, and I heard it being talked about with reference to words that I had said last Friday, it made me take notice, it made me think about that impassioned speech that I gave last Friday.

Let me say that I feel very strongly about what I had to say about what was going on with respect to the budget and the failure to get a balanced budget and the importance of getting a balanced budget and what that means for this country, for America, for future generations, for children, for my grandchildren. I felt that very deeply.

But since I apparently—maybe I should take out the word "apparently" so there would be no question—since I have been charged with breaking rule IXX, I apologize to my colleagues in the U.S. Senate. I am driven to do this even though I know there are those who would say, "Oh, you should never apologize, never engage in a defense of your actions because, you know, that brings too much attention to what you've done." But I come to the floor of the U.S. Senate to once again say to my friend and colleague, and somebody whom I respect tremendously, Senator DASCHLE, who in essence is kindness, that in no way did I attempt or did I mean to challenge the minority leader.

I have no ill-feelings toward Senator BYRD. He is right to remind us of the rules of the U.S. Senate. But I hope that we would all take notice of that, Democrat and Republican alike.

For me to stand here on the floor of the U.S. Senate and imply or allow

others to conclude that I am the only one that might have pushed the envelope with respect to words used would, in fact, be a tragic mistake. So I hope that we would all listen to what Senator BYRD had to say.

If my coming forward today to react to Senator BYRD's comments will help reduce the rhetoric and allow us to return to a time of greater civility, then my coming to the floor will have been worth it.

I do not know how many times I thought of how we could begin the process of bridging the differences between us, of truly understanding how the other side truly believes the policies, the ideas, and the principles they put forward instead of always questioning the motive. And so I welcome those on the other side of the aisle who want to be engaged in discussions about how we bridge that divide, how we could begin the process of really truly finding out how it is that we can satisfy your concerns and at the same time satisfy ours, instead of there always having to be one winner.

If I did not mention it, again I will mention M. Scott Peck's book "The World Waiting To Be Born" and some of the other books that he has written, "People of the Lie: The Hope for Healing Human Evil," his discussion about evil in America. His initial book, at least the one that most of us are familiar with is "The Road Less Traveled." We do need more civility and more grace in our lives in America today.

So, Mr. President, I could not allow this situation to develop without again responding from my heart and from my soul to say that if my words the other day, in fact, have heightened or have increased the lack of civility, I apologize to my colleagues. But I ask you as I do this that you be honest with yourselves, ask yourself about your actions and about your rhetoric. Ask yourselves the question, How, in fact, can we find a way to work together?

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. D'AMATO). The Senator from Illinois.

SINCERITY IN THE U.S. SENATE

Mr. SIMON. Mr. President, first, if I may comment on the remarks of our colleague from Florida. It was a gracious and generous statement on his part. I think all of us—PAUL SIMON has been guilty, like most of us have been guilty from time to time, of getting—you know, we get a little wrought up more than we should from time to time.

Part of the answer to the question raised by Senator MACK is, if we assume that our colleagues are just as sincere about their position as we are, it makes for a different kind of an atmosphere.

If my colleagues have real good memories, you may remember I was a

Presidential candidate at one time. I remember a reporter for one of the major newspapers telling me that he had been talking to Senator HELMS and Senator THURMOND, with whom I frequently disagree, and both of them spoke very highly of me. He wanted to know how that could be, and I mentioned, whenever I get into a debate I try to remind myself that the other person is just as sincere as I am.

I think that helps. But that is not the sole answer. The question that Senator MACK poses is, How can we work together more? It is not a question easily answered. But I think it is very important for the future of the Senate and the future of our country, and I thank him for posing the question.

DIRECTING THE SENATE LEGAL COUNSEL TO BRING A CIVIL ACTION

The Senate continued with the consideration of the resolution.

Mr. SIMON. Mr. President, I rise on the subject that the Presiding Officer knows more about than I do, because he has had to sit through all these Whitewater hearings. I have been designated by the Judiciary Committee as a Democrat to sit on that hearing along with Senator HATCH being designated by the Republicans from the Judiciary Committee.

What do we do? I think whenever—it really is kind of related to what we have just been talking about—whenever we can work things out without confrontation, I think we are better off in this body, and the Nation is better off.

I really believe the White House has gone about as far as they can go without just giving up completely on this constitutional right that people have in terms of the lawyer-client relationship.

I am also concerned about the amount of time that we are taking on this question. I cast one of three votes against creating the committee. Senator GLENN, who is on the floor, cast one and Senator BINGAMAN, who is on the floor, cast one. My feeling was, we were going to get preoccupied and spend a lot of time on something that really did not merit that amount of time.

We have spent infinitely more time: 32 days of hearings, as the Presiding Officer knows better than I, on this; 152 individuals have been deposed; the White House has produced more than 15,000 pages of documents; and Williams & Connolly, the President's personal attorney, has produced more than 28,000 pages of documents. We have spent a huge amount of time.

We have spent much more time on Whitewater in hearings than we spent on health care in hearings last year on an issue infinitely more important to the people of this country; much more

time on Whitewater than on hearings on drugs, for example. We may have had 2 or 3 days of hearings on drugs this year. I do not know. It certainly is not more than that. We have had 1 day of hearings so far this year on Medicare.

I think when we spend huge amounts of time on this, we distort what happens in our country. I read the excellent autobiography of the Presiding Officer, Senator D'AMATO, and unlike a lot of autobiographies that are obviously written by someone else, it is pure vintage AL D'AMATO. But I know AL D'AMATO, our distinguished colleague, represents a State with a lot of poverty. We have spent infinitely more time on this issue than we have spent on the issue of poverty in our country. Mr. President, 24 percent of our children live in poverty. No other Western industrialized nation has anything close to that.

I hope we use the telephone a little more frequently, get together a little more and see if we cannot work this thing out without confrontation. I think everyone benefits.

Let me add one final thing. I am 67 years old now. I have been around long enough to know that when we get into these things, we really do not know the ultimate consequences. It is like throwing a boomerang: It may hit here, it may hit there, it may hit somewhere else.

I hope this resolution is turned down and the alternative of Senator SARBANES is approved. But I am a political realist. I know that is not likely to happen, because of the partisan kind of confrontation that has occurred and is occurring in this body much too much. But I hope we try, once this gets over, to pull our rhetoric down, and I think all of us benefit when that happens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I want to thank the Senator from Illinois for his eloquent and heartfelt remarks. He has the admiration of us all. He is going to be missed in this institution.

Mr. President, I would like to speak for a few minutes with regard to the issue at hand having to do with the subpoena and the President's claim of privilege to resist that subpoena.

I have been called upon over the past several weeks and months on many occasions, by members of the media, and others, to comment on the Whitewater investigation, to give my opinion. Others have, too, I am sure. In my case, I was minority counsel to the Watergate committee many years ago. People want to draw those comparisons.

I refuse to make those comparisons. I do not think it is appropriate to make those comparisons. In fact, I have said as little as possible about the whole matter. I left town as a much younger

man, having spent a year and a half investigating Watergate, and I had been on another committee assignment or two as counsel to the U.S. Senate. Some time ago, I kind of became tired of investigating and, frankly, would like to spend more of my time in trying to build things up than in trying to appear to be trying to tear things down.

I think there is something important going on here that has to be commented upon with regard to the issue at hand. It looks like perhaps something might be worked out with regard to this particular subpoena, with regard to the particular notes that are being sought by this subpoena, and I hope that is the case. But there is something more important that is happening here that is going to have ramifications, I am afraid, for the next several months in this body and in this country, and that is, we should not get so caught up in the fine print and lose sight of the fact that, once again, we have a President who is claiming privilege to shield information from a committee of the U.S. Senate and ultimately from the American people, and it is a very, very weak claim at best. But even if it were a strong claim, Mr. President, it concerns me greatly that the President, under these circumstances, with the history that we have in this country of congressional investigations and the obvious need that the Congress has and congressional committees have for information to get to the bottom of any perceived wrongdoing, that the President would choose to stand behind a privilege to keep this information from coming out.

It cannot stand. It cannot be successful. I have watched the predicament that is unfolding in the Senate with increasing concern, thinking any day that it might be resolved, but by resisting this subpoena and trying to keep this information from the public, I believe the President is making a tragic mistake. His action will only serve to raise questions as to what is being hidden. It will keep this investigation alive much longer than it otherwise would. It will fuel the cynicism of a public that is already all too distrustful of its public institutions. And for what purpose?

The White House says that the President is taking this position in order to defend a principle, and that principle is the President's right to private conversations with his attorney. But nobody is disputing that right. What is being disputed is the President's right to privileged conversations with lawyers who are Government officials paid by the taxpayers when the matters involved are personal in nature and do not have to do with the Presidency.

This assertion of the attorney-client privilege by ordinary citizens in the face of congressional subpoenas have

been consistently struck down by this Nation's courts. The privilege is designed, basically, for litigation between private parties. In case after case, the courts have concluded that allowing it to be used against Congress would be an impediment to Congress' obligation and duty to get to the truth and carry out its investigative and oversight responsibilities.

If the President is claiming special status because he is President, then his assertion is really one of executive privilege and not attorney-client privilege. While I can still remember Sam Ervin's repeated admonitions that no man is above the law and that we are entitled to every man's evidence, I still concede that executive privilege can be a valid claim, under some circumstances. However, the President must assert it.

As I understand it to this point, he has chosen not to assert executive privilege. Of course, there may be political consequences associated with the claim of executive privilege, but the President cannot have it both ways. He cannot assert attorney-client privilege as a defense to a congressional subpoena which, if asserted by a private citizen, would stand little chance of prevailing, and then try to place the shroud of the Presidency around it without claiming Executive privilege.

As best I can tell, Mr. President, no President in history has ever claimed attorney-client privilege to defeat a congressional subpoena.

Richard Nixon did not claim attorney-client privilege. He allowed White House counsel, John Dean, to testify. Ronald Reagan did not claim attorney-client privilege during Iran-Contra. Notes and documents of his White House counsel were produced, along with those of the lawyer for the National Security Council, the lawyer for the Foreign Intelligence Advisory Board, and the lawyer for the Intelligence Oversight Board. In both of these investigations, those documents were produced without the claim of any sort of privilege.

President Nixon finally claimed Executive privilege with regard to the White House tapes and, of course, ultimately saw his claim of privilege defeated in the Supreme Court in the case of *U.S. versus Nixon*. So if the President is going to assert greater privilege protection than any of his predecessors, perhaps he is doing it solely for the purpose of protecting a legal principle. But the President must understand that the people are going to assume that there may be other reasons, in light of this country's history.

So let us examine the strength of the President's legal position. In the first place, an invocation of the attorney-client privilege is not binding on Congress. It is well established that in exercising its constitutional investiga-

tory powers, Congress possesses discretionary control over witnesses' claims of privilege. It is also undisputed that Congress can exercise its discretion completely without regard to the approach that courts might take with respect to that same claim.

In the 19th century, House committees refused to accede the claims of attorney-client privilege that developed from actions taken during the impeachment trial of Andrew Johnson and in the investigation of the Credit Mobilier scandal. House committees in the 1980's also rejected claims of attorney-client privilege. For example, in 1986, the House voted 352 to 34 to deny the privilege claims of Ferdinand Marcos' attorneys.

The Senate, too, has rejected invocations of attorney-client privilege on numerous occasions. In 1989, the Subcommittee on Nuclear Regulation rejected the privilege claim with respect to its investigation of restrictive agreements between nuclear employers and employees who might impact safety.

The subcommittee's formal opinion rejecting the claim of privilege asserted:

We start with the jurisdictional proposition that this Subcommittee possesses the authority to determine the validity of any attorney-client privilege that is asserted before the subcommittee. A committee's or subcommittee's authority to review or compel testimony derives from the constitutional authority of the Congress to conduct investigations and take testimony as necessary to carry out its legislative powers. As an independent branch of government with such constitutional authority, the Congress must necessarily have the independent authority to determine the validity of non-constitutional evidentiary privileges that are asserted before the Congress.

Importantly, as the Congressional Research Service found, "No court has ever questioned the assertion of that prerogative * * *." Indeed, a 1990 Federal court decision, *In the Matter of Provident Life & Accident Co.*, found that whatever a court might hold concerning application of a claim of attorney-client privilege in a court proceeding, "is not of constitutional dimensions, [and] is certainly not binding on the Congress of the United States." Instead, committees, upon assertion of the privilege, have made a determination based on a "weighing [of] the legislative need against any possible injury."

This longstanding history, Mr. President, of discretionary congressional acceptance of the attorney-client privilege reflects the basic differences between judicial and legislative spheres. The attorney-client privilege is not constitutionally based. It is a judge-made doctrine based on policy considerations designed to foster a fair and effective adversary legal system. It theoretically promotes the interest of an individual facing an adversary civil or criminal action.

But the U.S. Senate is not a court. We do not have the authority to make final determinations of legal rights, or to adjudicate individuals' liberty or property. In fact, it is probably unconstitutional under the separation of powers doctrine for us to be bound by judicially created common law rules of procedure. Under Article I, section 5 of the Constitution, each House determines its own rules. And the rule of this body in connection with attorney-client privilege claims is longstanding and consistent: We balance the legislative need for the information against any possible injury. And, of course, a committee of this body has made that determination.

Does President Clinton want to rely on a technical, legal defense when the issue is whether his own White House has engaged in wrongdoing? The legislative need is obvious: to determine the truth of allegations of potential wrongdoing at the White House. Enforcing the subpoena furthers that interest. The integrity of the investigatory process is at stake here. The President's only potential interests are the free flow of information that is protected by Executive privilege, and the desire to shield what is potentially damaging information. To me, the balance is very clear: The subpoena must be complied with.

Even if we were to abandon our historic discretionary consideration of attorney-client privilege in favor of adopting judicial rules for its application, we would still reject the objections to the subpoena. Courts would not find the attorney-client privilege to apply on these facts.

Courts do not view the attorney-client privilege as a fundamental judicial procedural requirement that is vital for fairness. The most prominent expert on the law of privileges and evidence, Dean Wigmore, wrote of the attorney-client privilege the following: "[i]ts benefits are all indirect and speculative, its obstruction is plain and concrete * * *. It is worth preserving for the sake of a general policy, but it is nonetheless an obstacle to the investigation of truth. It ought to be strictly confined within the narrowest possible limits consistent with the logic of its principle." The second, sixth, and seventh circuits have all adhered to that approach. Although the submissions by the White House counsel's office and the Clintons' private attorneys read the privilege very broadly, the courts construed it very narrowly.

Courts universally require the party asserting the existence of the attorney-client privilege to bear the burden of establishing its existence. Blanket assertions of the privilege are rejected. The proponent must demonstrate conclusively that each element of the privilege is satisfied. This means that specific facts establishing an attorney-client privilege must be revealed. Con-

clusory assertions are not sufficient. And the proponent must also prove that the privilege has not been expressly, or by implication, waived.

In this respect, it must be noted that courts have rejected the linchpin of the President's argument supporting the existence of an attorney-client privilege here. He claims that if the information requested by the subpoena were produced to the special committee, the privilege would be waived as to other conversations in other proceedings. But the U.S. Court of Appeals for the District of Columbia Circuit specifically has held to the contrary. In its 1979 decision *Murphy versus Department of the Army*, the court ruled that disclosure of allegedly privileged material to a congressional committee would not waive the privilege in any future litigation. As CRS notes, "There appears to be no case holding otherwise, and several which have followed *Murphy*."

The President simply has not proven that the elements exist which are necessary to satisfy the attorney-client privilege. For courts to accept the privilege, the attorney must be acting as an attorney for the client and the communication at issue must be made for the purpose of securing legal services. That is not true here for two major reasons.

First, attendees at the critical November 5 meeting, including individuals who were not acting as attorneys for President Clinton. Bruce Lindsey is a lawyer, but he did not act as the President's lawyer in this meeting. Nowhere in either the White House or Clinton personal lawyer submissions is any claim made that Mr. Lindsey passed communications from either the President or Mrs. Clinton to any other lawyer. Nowhere in his testimony before the special committee did Mr. Lindsey establish that he was present at this meeting as a lawyer for President Clinton or that he discussed confidential communications between himself and the Clintons.

Several of those present were Government lawyers, including Mr. Kennedy, to whom the subpoena was directed, Mr. Nussbaum and Mr. Lindsey. And a Government lawyer cannot establish a personal representational relationship with the President about a private matter. In prior administrations, when the President had private legal issues, a private attorney was hired because the Government attorney could not raise the attorney-client privilege in the context of a Government investigation. That is the situation we have here. This was particularly true where the facts that were the subject of a Government investigation relate to the President's personal, not official, acts. Here, of course, the acts are not only personal, but predate President Clinton's assumption of the Office of the Presidency.

So the discussion, by the President's own admission, concerned logistics, dividing responsibilities among different groups of lawyers, not providing legal advice. Such communications simply fall outside the scope of the attorney-client privilege. In fact, they are no different than any other communications among Presidential advisers. Their character is not changed by the fact that some of the participants have law degrees. Hence, to the extent that official Government business was discussed at this meeting, the only theory preventing its disclosure would be, again, executive privilege, which the President refused to invoke.

Moreover, the communications at this meeting were made in the presence of persons who were not lawyers for President Clinton. Because the attorney-client privilege inhibits discovering truth, the courts are quick to find that the privilege has been waived. Where attorneys voluntarily disclose confidential client communications with a third party, the privilege is destroyed. The communication is no longer confidential and a justification for the privilege disappears. Confidentiality was lost for these communications because attorneys for the President shared information with others who did not represent the President. Lawyers cannot serve two masters. Those who represent the Government as a client do not represent the President as a client.

For this reason, the President's claim of a joint defense privilege is not applicable. President Clinton raises this argument because he claims that the conversation of November 5 involved two clients: The President in his official capacity, and the President in his personal capacity. But these are not two different clients facing a common adversary. The President in his official capacity is represented by Government lawyers. A Government lawyer's client is the Government, and that client's interest may be to enforce the laws against the President as an individual. That is a different interest than that represented by the President's personal lawyers. Thus, these lawyers were potential adversaries, not lawyers sharing information for multiple clients against a common adversary.

Additionally, courts have adopted the crime-fraud exception to the attorney-client privilege. Courts will not apply the privilege to communications that may facilitate the commission of improper acts. The notes that are the subject of the subpoena concern a meeting at which discussions may have been held about certain information that may have been improperly passed to private lawyers for purposes of preparing a defense.

The work product privilege has also been raised, Mr. President, but it does not apply to this conversation, either.

The attorney work product privilege is not constitutionally based and applies to Congress only on a discretionary basis. Further, it is qualified. It is not absolute. The sufficient showing of need will brush aside the work product privilege. The Clinton briefs quote broad generalities about the privilege, but as the Supreme Court held in *Hickman v. Taylor*, "We do not mean to say that all [] materials obtained are prepared * * * with an eye toward litigation are necessarily free from discovery in all cases." The materials at issue were not prepared in anticipation of litigation on behalf of President Clinton. Mr. Kennedy was a Government lawyer. His notes could not have been taken in anticipation of preparing litigation strategy for President and Mrs. Clinton. His client was the Government, not the Clintons, therefore, work product privilege is simply inoperative.

Even if this doctrine applied, it is readily overcome when production of material is important to the discovery of needed information. Some courts have even refused to call the doctrine a privilege. In short, Mr. President, President Clinton simply has not met the burden of showing that either of these privileges apply to the notes that are the subject of this subpoena. His legal position is unprecedented and extremely tenuous. Clearly, Congress does not have to honor such a position.

I suggest to my colleagues on the other side of the aisle that we do not want to establish a precedent that says that future Presidents can use White House counsel with regard to personal matters or even matters that occurred before the President was elected and be shielded from congressional inquiry.

With regard to the references to partisanship that we have read and heard so much about, now that the battle lines have seemingly been drawn on this matter, we are told it will pretty much be a partisan vote. I find it somewhat ironic that over the past several years that many of those who wanted to investigate seemingly everything that came down the pike, now have gotten to be sensitive about congressional overreaching and partisanship.

Unfortunately, it always just seems to depend on whose ox is being gored. You look back over the congressional investigations and you will see that invariably there is some partisanship involved in it because the majority party investigates the President of the other party and the minority party cries "politics" and talks about how much money we are wasting and how much money we are spending. I remember those conversations back when some of these other investigations over the years were started. The pattern seems to be the same.

So now we can all assume our natural and customary positions as Republicans and Democrats, or we can actu-

ally look to the merits of the case. I suggest that we do that. I think the American people would appreciate it. It would not be unprecedented.

The vote in the Senate to form the Watergate Committee, for example, was a unanimous vote at a time when still most people thought that it was, in fact, a third-rate burglary. When it came time to subpoena President Nixon's White House tapes, the vote on the Watergate Committee was unanimous, including that of the distinguished Senator from Hawaii, Senator INOUE. When it came time to sue the President to enforce that subpoena, I signed the pleadings as counsel to the committee. All this was not because the proceedings were totally free of partisanship. It was because we believed the privilege was not being properly asserted by the President. I respectfully suggest that the same is true here.

I still have hope that the President will reconsider his position—not over the question of a handful of notes—over the general proposition of whether at this particular time in our history we want to see another President claim a privilege to keep information from the American people.

We are not writing on a blank slate here, Mr. President. Our country has a history with regard to such matters and it has had an effect on us as a people. This day in time when a President who withholds information from the public has a higher duty and a higher burden than ever before. The people want the facts. They want the truth. The President, any President, should have a very good reason for denying it. The President in this case simply does not have one. I yield the floor.

The PRESIDING OFFICER. Under the unanimous consent agreement the Senator from Ohio is to be recognized.

The Chair, in my capacity as a Senator from the State of New York, asks unanimous consent that, thereafter, Senator MURKOWSKI from Alaska be recognized.

Without objection, it is so ordered.

CONCERN FOR CONGRESS

Mr. GLENN. Mr. President, I rise to speak very briefly about the remarks that Senator BYRD made on the floor. Mr. President, the subject that Senator BYRD brought up today is something that has been bothering me in an increasing way all during this year. Perhaps it is because some of the tensions are particularly high with regard to the directions that the Government, the Congress, is trying to take us this year. These concerns have bothered me as much as they have Senator BYRD and not just in the examples he mentioned earlier today but some others, also.

I think it is time to reflect briefly on that and I will not take the Senate's time for very long, but I want to make

a few remarks in support of his earlier statement.

Our Government is formed with the respect of the view of all parties. We look back and our Constitution did not establish a benevolent monarchy where one person makes the decisions for all of our country and moves us ahead or behind on the decisions of one person. We have split powers in Government. We have a legislative, executive and a judicial branch of Government. We have seen our system of constitutional Government evolve into 435 House Members and 100 Members of the U.S. Senate. Mr. President, 535 people were sent here not to be of one mind or one kind of person or one view, but sent here expecting to bring our varied views from all over the country and work out the best solution to what the future of this country may be.

Try as they may, no one person or one small group has all the wisdom so that they can confidently say we are right and you are wrong. That is not the way we are set up. And when it comes down to where we stoop to just name calling, which has happened on the floor, it tells more to me about the speaker than it does about the object the speaker happens to be belittling at the moment.

I think we maybe should remember something that too often is forgotten on the floor. That is, you cannot build yourself up by tearing someone else down. When someone uses belittling or semi-insulting language to the President of the United States, does that demean the President? No, it does not. It demeans the speaker. And it brands the speaker as someone who is, perhaps, covering up an inability to deal with the matters at hand by attacking the other side in a belittling way. The resort to invective and character assassination is not constructive legislative discourse, as the voters expected. We have seen examples here on the floor in the last few months of signs being put up, "Where is Bill? Where is Bill? Hey, where is Bill?" Arms waving, "Where is Bill?" Playing to the cameras and referring to the President as "that guy," repeatedly.

We had, one evening here, over by the exit door over there on the east side of the floor, a number of House Members who had come over here and were on the floor that day. Senator BYRD was making a short statement, and they were milling around and actually laughing at Senator BYRD, laughing out loud at Senator BYRD on the Senate floor, sneering at him. When we called attention to them there, they kept right up, one person in particular.

What has happened? I do not think we would have seen that some years ago. It is insulting, No. 1; insulting, not just to the President or not insulting just to Senator BYRD; it is insulting to the Senate of the United States of America. To me that is a new low. Is it

any wonder, when we see our own Members behaving like that, any wonder why people have their doubts about the Congress of the United States?

"Politics," a great word, it stems from an old Greek word meaning "business of all the people." I cannot think of anything in a democracy, anything in this United States of America, that deserves more respect and deserves more effort, nothing is more important than that business of all the people.

We bemoan the lack of respect for Congress, while we need the greatest faith between the people of this country and their elected officials. We need the greatest faith, underline that, faith between each other here, if we are to accomplish what we are all about. We want to know that everyone here is working for the best long-term interests of the United States of America and not just trying to save their own egos at the moment by making belittling remarks about others here or about the President.

If we had a scale here and faith was on one end, doubt would be over here on the other. How do we move that scale toward faith? How do we restore faith? Not by casting insulting remarks at other officials. You have faith, you have confidence in our institutions, in our legislative, executive and judicial branches—we must have faith in Congress. We must do the things that will engender faith and confidence in Congress. We must do the things that will engender faith and confidence in the Presidency, whether Democrat or Republican, the office of the Presidency of the United States, the chief executive officer of our Nation. We must have faith and confidence in the Senate. We must have faith and confidence in Senators. We must have faith and confidence in each other if we are to accomplish our job.

As Senator BYRD said, to use deprecating language toward each other or toward the President moves toward doubt; it moves toward doubt and dissonance, and not toward that kind of faith that we need if we are to do our job. That just makes our problems even more intractable.

We are all proud of our mothers, of course. I am proud of my mother. She has long since departed this world, but she used to have a lot of little homilies and a lot of little sayings. I still remember some of them today.

When we, as kids, were being too critical of someone I remember my mother saying this one, "There is so much bad in the best of us, and so much good in the worst of us, it ill-behooves any of us to speak badly about the rest of us."

Maybe here on the Senate floor, when we get a little carried away sometimes back and forth, it gets very personal—as it has gotten too personal recently. Maybe we need to remember that. Here, where the business of all the peo-

ple, the melding of ideas is supposed to take place, where the business of all the people is taking place on this floor, our conduct has to contribute to that, not detract from it.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). Under the previous order, the Senator from Alaska is recognized.

DIRECTING THE SENATE LEGAL COUNSEL TO BRING A CIVIL ACTION

The Senate continued with the consideration of the resolution.

Mr. MURKOWSKI. Mr. President, this is a difficult issue for all Members of this body relative to the business at hand and the necessity of proceeding with the subpoena. I suggest that probably not since the days of the Watergate constitutional confrontation has this body considered an action that is as serious as the one that we are considering here today.

It is the feeling of this Senator from Alaska that this day did not have to come, but it is here. The subpoena was not something that was inevitable. But we are here today for one reason and only one reason, and that is because we have a situation where our President refuses to cooperate with this Senate investigation and turn over the notes that could be very crucial to the public's understanding of the Whitewater scandal.

The President and the administration seem to be hiding behind the shield of attorney-client privilege. At the same time, one can see through the raising of the specter of executive privilege. You cannot have it both ways. It is one or the other.

The White House claims that it will turn over these notes on one hand, and then lays down conditions, conditions that are so totally unreasonable that what the President is really saying is that he will not turn over the notes in the sense of full disclosure.

It is interesting, because from the day these hearings began, in July of 1994, my colleague from New York, Senator D'AMATO, and I made several appeals on this floor concerning various issues, the statute of limitations and others, relative to questions that had been raised to which were not forthcoming responsible answers. So, back in July of 1994, the White House, at that time, professed the President's desire to cooperate, cooperate with the formation of the special committee of which I am a member. The President said that he, too, was interested in getting the facts—all the facts out on Whitewater.

At nearly every turn of the committee's deliberations the White House has tried to make these deliberations more difficult, more prolonged, refuses to

answer more questions, and seems to have a shorter memory. What this committee is charged with doing, under the able leadership of Senator D'AMATO, is to hold the President to his promise to cooperate with this committee. One has to ask if the administration has an ulterior motive, or other reason, for not cooperating? At all times it seems what the President professes is not necessarily what the President ultimately means. I do not have to go into the issue of balancing the budget with OMB's figures or CBO figures—that's an argument for another time. But I think the American public is now aware that what the President professes is not necessarily what the President means.

We see this pattern repeated again and again and again. That is part of the problem here today, Mr. President. The American public has seen this pattern over and over, and the concern now is that the President's tactics have almost conditioned the public for a norm. The public has come to expect this from the administration as a consequence because of this repeated inconsistency, and has become used to it. That is very dangerous. At times it seems that, because of the President's track record, the public's expectations and standards for the President are lower.

I think we agree that we have an obligation to hold the President accountable. The President must be held to his promises. Today, we must hold the President accountable by preventing him and his administration from withholding information from the American public, information that the public is entitled to know. We have to put an end to the stalling and to the delay tactics that have become so familiar to the Special Whitewater Committee. Even the media is beginning to pick up on it. You can hardly find a newspaper article today where the term "stonewalling" and "the President" do not appear in tandem.

These delay tactics that this committee has endured, which I know many of my colleagues have elaborated at great length on today, can only lead to one conclusion: The administration has led a deliberate and systematic effort to cover up. And cover up what? What is there to hide? Why is the administration fighting us and being so reluctant to turn this information over?

I want to bottom line the seriousness of the vote that we are going to be taking at some point in time. Chairman D'AMATO outlined what our investigation is all about. The investigation of Madison Guaranty and Whitewater have led to felony convictions and resignations. Think about that. That is pretty serious, Mr. President. The investigation so far has led to felony convictions and resignations, and there are those that just pooh-pooh this matter and simply say, well, we have not

really learned anything. We have some convictions. We have some resignations.

The McDougals, the owners of Madison Guaranty, were involved in numerous improper loans and land deals which led to the loss of tens of millions of taxpayer dollars. Witnesses testified before the committee that the Whitewater Corp., which is half owned by the Clintons and half owned by the McDougals, had improperly "kited" funds.

That is serious, Mr. President. That is very serious. I spent 25 years in the banking business as the chief executive officer of a statewide organization. I know what cease and desist orders mean relative to mandates by the controller of currency, the Federal Deposit Insurance Corporation.

What was going on in Madison Guaranty was clearly illegal. There is a story that has yet to be told relative to the obligations of the various agencies that examined that financial institution. I am convinced that those examiners were doing a conscientious job relative to the reporting of the true condition of that organization, and they were reporting up to their level. And for reasons that have yet to be made clear to the committee and made public, no action was taken by the administrators associated with the insurance of the depositors with Madison Guaranty.

So, clearly, there were pressures brought to bear on the top regulators by political influences that surrounded Madison Guaranty not to take action relative to the illegal activities that were associated with Madison Guaranty, whether it be the kiting of the checks or the manner in which clearly Madison Guaranty, under the McDougals, was being operated almost for the benefit of a few selected individuals who were receiving favorable loans at favorable interest rates. The loans were rewritten to bring the due dates current. The interest was simply added to the principal to bring those loans current.

These are all flagrant violations that suggest, if you will, not just inappropriate or improper handling, but an illegal activity of a very, very serious nature subject to formal charges by the banking authorities and the regulators. But we did not see that, Mr. President. That did not occur as the true condition of Madison Guaranty become known to the regulators.

I think that there is a story yet to be told. I hope that we find those that are willing to come forth and explain to the committee why appropriate action was not taken when indeed Madison Guaranty was running amuck, running almost as a personal extension of the McDougals and some of their friends.

We have been attempting to get information in the committee. The committee has been hindered from obtain-

ing information because of numerous delays, stonewalling tactics. One of the things that is very, very hard for this Senator to accept is the convenient loss of memory.

Susan Thomases, the First Lady's friend and adviser, responded, "I do not remember" over 70 times to even the most basic questions asked by this committee. These were not everyday events; these were significant events from very, very bright people who were associated with a responsibility to perform. And to suggest that they cannot remember, over 70 times in testimony, significant events is pretty hard to accept by the committee.

Maggie Williams, the First Lady's chief of staff, a very, very bright, articulate person, told the committee over 140 times that she did not recall. Once in a while, OK. I cannot recall every specific event that happened last year, but in regard to important matters, I can tell you what happened last year. And I can tell that certain events stand out in one's memory, Mr. President. For example, I have been deposed by attorneys relative to business activities of the organizations that I have run, and those proceedings, those types of proceedings, do stand out in your memory. It may be very convenient to say I do not recall, but to do it 140 times to the committee in response to some very, very basic questions about some dramatic events, events that some of the witnesses themselves documented, is simply pretty hard to accept.

During the week of the committee's investigation we learned now of the possibility of more cover up in the White House, and we have discovered that files are missing.

Mrs. Clinton's law firm represented Madison Guaranty against the State and Federal investigations that were occurring. Mrs. Clinton professed that she did "very minimal work" on the Madison Guaranty case. On Monday, the committee learned that the First Lady's statement may need to be questioned.

The personal notes of the close friend and adviser to the First Lady, Susan Thomases, were disclosed in the committee and revealed the following:

One, that Mrs. Clinton actually had numerous conferences, which have been documented, with the Madison Guaranty officials.

Two, that Mrs. Clinton made several efforts to keep the failing thrift afloat. Obviously, that was her job as counsel representing the Rose law firm. There is nothing wrong with that. But the fact is, we are not able to get the documentation to just how far those efforts went.

And last, that Mrs. Clinton was solely responsible for all the law firm's bills for the Madison case. The accuracy of that should be able to be ascertained relatively easily by docu-

mentation, but we do not have the documentation.

Earlier this month, Webster Hubbell, former Assistant Attorney General and former Rose law firm partner, who is now serving 21 months in Federal prison, also testified that Mrs. Clinton did little work on the Madison Guaranty case. However, the committee was able to produce billing records showing that Mrs. Clinton billed the Madison account for more than \$6,000.

Again, I would remind my colleagues that the suggestion that this matter is not really very important, that nothing has been proven, Webster Hubbell would contend otherwise. He is serving 21 months in Federal prison relative to his role. And again, he was former Attorney General and former Rose law firm partner.

What is all this concern about? Why should the committee or the Senate or especially the American people be concerned about Madison Guaranty and Whitewater? Because, Mr. President, when Madison Guaranty ultimately failed, the American taxpayer picked up the cost, which was somewhere between \$47 million and \$60 million. The scam that went on at Madison was underwritten by the U.S. taxpayers.

We know that Mrs. Clinton had involvement to some extent through the Rose law firm in some of the activities of Madison. And I am not suggesting that those were inappropriate. Why can we not find out? Why do they not tell us? What are they hiding? As I said earlier, Mrs. Clinton billed over \$6,000 to the Madison Guaranty account. According to the Rose law firm's accounting records, Mrs. Clinton did perhaps more work on Madison than anyone at her firm except one junior associate. Now everything that the committee learned may be just the tip of the iceberg because the Rose law firm claims that its billing files that recorded Madison activity from 1983 to 1986 are missing.

Let me repeat that, Mr. President. The Rose law firm now claims that its billing files that recorded Madison activity from 1983 to 1986 are missing. Well, it sounds more like "I don't remember" 70 times or "I don't recall" 140 times. And here is a sophisticated law firm with a long, long tenure, a respected law firm. There are a number of lawyers in this body, and I think they are all familiar with the meticulous process of billing. We always joke about the lawyer: Start talking to the lawyer and the clock starts. If you have ever received a billing from a lawyer, you have some idea how meticulous they are. They do not forget very much. They are trained to do that. The young attorneys bill out so much an hour, and they are expected to bill out so much a day. I have a daughter who occasionally reminds me of that as a young lawyer. But nevertheless to suggest that these are now missing from 1983 to 1986 is incredible.

I am reminded here of a reference that was made in the New York Post today. And this may or may not be pertinent, but it is certainly suggestive. It says, "A Rose law firm clerk said he was told to shred documents in February of 1994 shortly after a Whitewater special prosecutor was appointed."

As a consequence, Mr. President, the files contain information of just how involved perhaps the First Lady might be in the Madison Guaranty issue. The files could provide the committee with details of who contacted whom and what was discussed about Madison. It is rather curious to me that we do not have information from the RTC, Resolution Trust Corporation, which took over from the organization when it eventually failed. Upon such a takeover, there is inevitably a series of events that must occur. Madison was taken over by an organization, and then that organization failed and the RTC must have ultimately taken control over all the Madison records.

Now, those records should contain billing statements that were sent from the Rose law firm to Madison Guaranty. They might not be as specific as the Rose law firm's own records that would document specific topics and the details of the legal representation, however, the RTC records might be able to shed some light on the amount that the firm billed, the amount of time spent on the case, and may reference certain specific subject matters. I suggest that this might be an avenue that the committee investigates. It would seem to me it would be appropriate to make a determination whether or not the RTC has those records from Madison Guaranty and, if not, then attempt to determine what happened to the records. I think this could shed some light on determining how much the Rose law firm was reimbursed for its representation of Madison Guaranty.

Now, Susan Thomases' own notes appear to contradict the sworn testimony of Mrs. Clinton in an affidavit of 1994 in which she said that she had little or no involvement in Madison.

Let us find out. Come on up with the evidence. Come up with the records. Yet, when we attempt to get the evidence, the Rose law firm says their records are missing from 1983 to 1986. Were those shredded? The Rose law firm, I think, owes the committee an explanation. Thomases' notes show that Mrs. Clinton had numerous conversations with Mr. McDougal, the Madison Guaranty's President, about a preferred stock plan and brokerage deals that the thrift was proposing to State regulators to keep Madison in business.

The only way to find out the extent that Mrs. Clinton was involved is to review the law firm's records. But as I have said before, these files seem to

have mysteriously vanished. Apparently the files were removed—perhaps by Webster Hubbell. We believe that the files may have been stored in his garage for a period of time. No one seems to have any accurate knowledge of where the files are now. So to suggest that there is nothing here that bears examination, that there is nothing here that should not be brought before the public, I think, is an injustice to the committee members and those who have worked so hard to bring the facts forward.

I am personally, as a member of the committee, tired of the withholding tactics. I am tired of the stonewalling, tired of the excuses, "I don't recall," "I can't remember." I think we are at a crucial point now, a point in which this body can and should make the White House accountable. The committee's request for William Kennedy's notes is not unreasonable, Mr. President. The meeting that occurred between the President's private attorneys and the Government attorneys goes to the very heart of our investigation, an investigation to determine whether the White House misused official information. So I regret that the events have come to this extent today, to the vote that we are going to be taking at some time. However, it is the White House that forces the hand of this body to act. And I would again encourage the President to reconsider and come forthwith the information that has been asked by the committee and keep his promise to fully disclose information. I believe that the American public has a right to know. And it is certainly responsible for this committee to make such a request and initiate such action if that material is not forthcoming.

Mr. President, I ask for only one other item to be included in the RECORD, and that is a recap of the fees from Madison Guaranty Savings & Loan. And it is January, 1985. It identifies specific billings. It does not have a total on it for services rendered, but that can be ascertained by anyone looking at it.

I ask unanimous consent that that be printed in the RECORD.

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

RECAP OF FEES FROM MADISON GUARANTY SAVING & LOAN—FINAL RECAP

1983: None		
1984: None		
1985: January—None		
Feb./Mar./April/1985: None		
May 1985:		
Balege	Madison Guaranty	\$82.50
Massey	do	695.50
S. Grimes	do	260.00
Clinton	do	840.00
June 1985:		
Clinton	Madison Guaranty	60.00
Massey	Madison Guaranty/stock offering	186.00
Massey	do	819.00
July 1985:		
D. Thomas	Madison Guaranty/Stock	90.00

RECAP OF FEES FROM MADISON GUARANTY SAVING & LOAN—FINAL RECAP—Continued

July 1985:		
Giroir	do	55.00
Massey	do	1,391.00
Law Clerks	do	210.00
Clinton	do	144.00
Aug/Sept/Oct. 1985: None		
Nov. 1985:		
Thrash	Madison Guaranty/IDC	550.00
Thrash	do	283.50
Thrash	do	355.50
Speed	do	32.50
Massey	do	552.50
Dec. 1985:		
Gary Garrett	Madison Guaranty/Stock Offering	85.00
Giroir	do	100.00
Giroir	do	225.00
Massey	do	555.00
Massey	do	437.00
Massey	do	234.00
Clinton	do	88.00
Clinton	Madison Guaranty	232.50
Donovan	Madison Guaranty/Stock Offering	90.00
1986: January 1986:		
Donovan	Madison Guaranty/Stock Offering	468.75
Dave Thomas	do	262.50
Massey	do	952.50
Massey	Madison Guaranty/Limited Partnership	165.00
S. Grimes	Madison Guaranty/Stock Offering	60.00
Clinton	Madison Guaranty/Stock Offering and IDC	2,731.25
Clinton	Madison Guaranty/Limited Partnership	62.50
Clinton	Madison Guaranty/Stock Offering	802.50
March 1986:		
Donovan	Madison Guaranty/IDC Stock offering	825.00
B. Arnold	Madison Guaranty/Stock Offering	80.00
April 1986:		
B. Arnold	Madison Guaranty/Stock Offering	236.00
Donovan	do	318.75
Clinton	do	12.50
Clinton	do	262.50
May 1986:		
Clinton	Madison Guaranty	82.88
Clinton	Madison Guaranty/Babcock	1,050.00
Clinton	Madison Guaranty/IDC	70.00
Clinton	Madison Guaranty/General	197.12
Massey	do	112.50
B. Arnold	Madison Guaranty/IDC	48.00
July 1986:		
Clinton	Madison Guaranty/General	56.00
Clinton	Madison Guaranty/Babcock	308.00
October 1986: Clinton	Madison Guaranty/Babcock Loan	84.00
1987: September 1987: Clinton	Madison Guaranty/General	500.00

Mr. MURKOWSKI. I thank the Chair and I yield the floor.

Mr. BOND addressed the Chair. The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair. I also commend our distinguished chairman of the Banking Committee, of the special Whitewater committee, for the good work that he has done.

Mr. President, we are here today because the Senate special Whitewater committee has finally reached the point where we have to say enough is enough. In our efforts over the past year to take testimony, gather documents, collect phone records, review handwritten notes, we found that, rather than cooperation and responsiveness, we have been met with a pattern of delay, obstruction and obfuscation.

After spending months trying to get access to various documents and phone records the old-fashioned way—we requested them—we discovered that a wide variety of records were being withheld. So we were forced to threaten to issue subpoenas.

This started a trickle of information. Usually the information arrived either late the evening before or the morning of the hearing.

But then we realized we were not receiving the documents to which the committee was entitled, so the chairman moved to actually issue subpoenas for anything and everything. In fact, after subpoenas were issued, surprise, surprise, documents and phone records began coming in, records that previously could not be found or could not be accessed.

On top of the resistance to releasing documents and the long delays in releasing phone records, we have also had some amazing instances of not only lapse of memory, but in one instance a witness, April Breslaw, said she was not able to identify her own voice on tape. To anybody who has not done so, if you want to witness a truly amazing discussion, you should read the transcript where Chairman D'AMATO asked Ms. Breslaw if she was the one that was actually on the tape. Ms. Breslaw said that the quality of the tape was not great, she was not sure that she was the one on the tape, and she did not know what to think.

Mr. President, we have seen some truly remarkable things. Months ago we had a witness who claimed that he lied to his diary, another witness who cannot remember his own notes.

But the strategy, I think, of obfuscation and obstruction has been taken to an art form in the testimony of Susan Thomases, the First Lady's close friend and associate. Over and over we heard Mrs. Thomases tell the committee that she "did not recall," had "no specific recollection," she had "no personal knowledge" of various events and phone calls surrounding the search of Vince Foster's office, the removal of documents from his office, the transfer of documents to a closet in the White House residence, and the discovery of the so-called suicide note.

Yet, after much digging and digging and a dribble and drabble, and a bit here and a bit there, phone records, we found that in fact she was omnipresent on the telephone lines of the White House during the critical times in question and she was calling the people who were directly involved. But obviously a minor matter like that a potential major investigation of the suicide of a White House aide, she could not remember what actually went on.

I believe today's Washington Post noted—or yesterday's Washington Post noted—that "Thomases failed to recall virtually all the events Republicans question her about, and for the first

time since this round of hearings began in August, Democrats dropped their defense of an administration witness. . ."

Mr. President, that is what we have been facing throughout this investigation—fact by fact, record by record, note by note, and document by document, we have been dragging the truth out of the administration and its associates, little by little.

If anybody had any question as to whether there may be something to hide, if you simply look at the pattern of delay, and refusal and dragging of feet, it should become obvious that there is a concerted effort by the White House not to give all the information they have. Everyone should understand this has been the underlying current of Whitewater since the beginning.

The initial stories of this administration at nearly every step of the way have proven to be incomplete, inaccurate, or just plain untrue. It is only after pressure from Congress and the media that the truth, slowly, slowly, slowly trickles out. And we do not have it all yet.

We come to the infamous Kennedy notes. This time they cannot claim that they do not remember or cannot recall. They cannot say the records cannot be found by the phone company. They cannot claim they are not sure if it is their voice on the tape. They cannot claim they cannot find the files or the billing records are missing.

So what is left? They now claim that the notes made by a White House counsel, an official of the Government, of a meeting to discuss the Whitewater, Madison financial and legal activities, where there is significant allegations of wrongdoing which involve violations of Governmental laws and which involve the exposure of the Federal insurance trust funds, taxpayer trust funds, to private claims, they say meetings between a Government official, a White House counsel and a private attorney should not be released because they would violate the attorney-client privilege.

The President has said he is standing on principle to defend his rights as a private citizen to have meetings with his lawyers. Well, there is no question the President has a right to have a private meeting with his private counsel. But if you read the Op-Ed article in today's Wall Street Journal by Joseph diGenova, he goes through instance after instance of congressional investigation where the various privileges were held by the other party when they were in power and in charge of the investigation not to be applicable to congressional investigations.

Let us take a moment to talk about the principle which the President is defending. We have to remember that during 1993, the investigative wheels were in motion in three different Federal agencies, all pointing a finger at some activities that involved the top

political elite, the political infrastructure of Arkansas.

The RTC, the agency investigating the S&L failures, was looking into the activities of Madison Guaranty, specifically in the misappropriation of a \$260,000 loan by now-Arkansas Governor Jim Guy Tucker, the embezzlement and conspiracy by bank owner Jim McDougal, and a loan illegally diverted to the Clinton 1984 reelection campaign. The Small Business Administration was working putting together a criminal case against David Hale and Capital Management Services.

In this case we find Mr. Hale accusing the President of pressuring him to make an illegal loan to Jim McDougal, which eventually leads to Mr. Hale's conviction and the indictment of the current Governor of Arkansas. The Little Rock U.S. attorneys' office was in possession of an earlier criminal referral on Madison Guaranty in which massive check kiting was alleged.

Mr. President, while all the investigative work was going on, political appointees of the President at the Department of the Treasury were briefed in late September 1993 about the contents of the RTC's criminal referrals I just briefly described.

Unfortunately, instead of holding this information close, handling it as responsible governmental officials should handle the very sensitive, non-public information relating to a potential criminal investigation and/or action to be pursued by the Federal Government, the political appointees, Jean Hanson and Roger Altman, made the decision to tell the White House about the investigations. Then on September 29, 1993, Jean Hanson briefed then-White House counsel Bernie Nussbaum.

One of the key facts which we discovered during our earlier hearings was that while Mrs. Hanson clearly had the details of the referrals and discussed them with the White House, she had been told by the RTC, specifically Mr. Roelle, that while the Clintons were not targets of the investigation, " * * * the language of that referral could lead to the conclusion that if additional work were done [that is, further investigative work] the President and Mrs. Clinton might possibly be more than just witnesses."

That, Mr. President, is from the deposition of Jean Hanson, given to the inspector general of the RTC.

And, of course, in October 1993, the possibility of further investigative work being done by the U.S. Attorney for the FBI was not a closed question. As we now know, the U.S. attorney in Little Rock, Paula Casey, is a Clinton appointee and while she declined to do any further investigative work on the first referral, had just received the second and had not at that time recused herself.

Which brings us to the November 5, 1993 meeting between the Clintons' attorneys. Again, as we now know—and

it has taken us a long time to get all of these details, even to find out about the November 5 meeting—when several Federal agencies were investigating the activities of Jim McDougal, Jim Guy Tucker and David Hale, the investigators have indicated that if more investigation was done, it is possible that the Clintons would become more than just witnesses.

Mr. President, we ought to add here, also from what we have now learned, it is or should be an open question as to whether there is any complicity of the lawyers who were representing the participants in the shady transactions which resulted in losses to Federal insurance funds. As a general proposition, an attorney friend of mine who has worked on a number of these cases says that where there is wrongdoing of a consistent pattern by a federally insured institution, usually the law firm knows about it or may possibly be involved in it. There is a real question as to what involvement a law firm representing an illegal scam-ridden operation has in the criminal activity.

In this instance, obviously, Jim McDougal used Madison Guaranty, the savings and loan, as his piggy bank and did many things with it. At the time he was doing that, the Rose law firm was representing Madison Guaranty, and the partner in charge was Mrs. Clinton.

My colleague from Alaska has raised the question about what happened to the files. Mr. President, that is a very important matter to consider, because I have worked in law firms, and you cannot walk in and take the files out of a law firm. You cannot go in and clean out the files. How did the original files from the Rose law firm wind up in the hands of political allies of the Clintons here in Washington? It would seem to me that when the RTC took over Madison Guaranty, they became the client and had the right to the files at the law firm representing the taken-over institution. Did they give their approval to removing those files? That is a question that bears further investigation.

But let us go back to the specific instance of November 5. According to David Kendall's memo which he sent to the committee, he said that we can assume, just for the purposes of this discussion, that every bit of information possessed by the participants was discussed at the meeting. He said, "Go ahead and assume it, as you make this decision." He did not say it conclusively. We don't have the notes. But that means for the purposes of this question of whether we ought to compel the production of the notes, we can assume that not only was the Clintons' private lawyer told about the details of the case by Mr. Nussbaum and Mr. Eggleston, he could also have been told that "if further investigative work" were done his client's status could possibly shift from witness to something else, to something more serious.

This is a question that has bothered me throughout the investigation of what went on at Whitewater.

Mr. President, I had a not-too-pleasant discussion with Mr. Nussbaum the first time he came before the committee because I did not feel he was representing the people of the United States as White House counsel should. I asked him if he had taken the time to advise and instruct the other people in the White House who had come in possession of this vital nonpublic information that could be used, if it were to get into the hands of those who were potential targets of the investigation, to prepare their defense, perhaps even to change or get rid of evidence to prepare themselves to prevent prosecution or active pursuit by the Government of its rights.

Mr. Nussbaum told me that it was totally, totally unrealistic. He said: These people—I don't have to tell them that you shouldn't misuse inside information or nonpublic information you're getting—these people knew their responsibilities, knew their roles. I didn't have to go around telling these people not to do that and, indeed, Senator, with all respect—I realize you feel strongly about this, too—with all respect, Senator, there is not a single shred of evidence that anybody misused this information in any way. Not a single shred of evidence that documents were destroyed, people tipped off.

Mr. President, obviously, when he said there is not a shred of evidence, I pointed out to him that was precisely what we were concerned about. We were concerned about the reports of the former nonlawyer, nonlegal intern, runner or clerk in the Rose law firm who talked about shredding documents. That is why we are concerned about the broader picture.

But let me return to the President's statement that he was withholding the notes of the meeting on principle. Is he saying he believes it is his right for Government attorneys, who by virtue of their position, come into possession of confidential information, in this case information about an investigation into the Clintons' business partner in Whitewater development, an investigation about Mrs. Clinton's client, the law firm, the Rose law firm, about his Arkansas political allies and about his own 1984 campaign, to have this information transferred to his own attorney when it may directly involve himself, his wife, their legal liabilities and the legal liabilities of their political allies?

Is he saying, as a President he has the right to know of these investigations into his associates and political allies, as well as his own campaign. Is he saying he has the right to know that if further work was done, he might become more than just a witness?

Does the President seriously want to defend the principles that he should

not only receive tipoffs, but he should also have the right to get the information to his private attorneys in order to prepare his and his wife's defense if needed?

What other individual in America could get this special treatment? Who else would dare claim that meetings in which tipoffs of confidential information about an investigation into a business partner, political ally, to his own campaign, to his wife's law practice should be protected from investigation? I hope that he was not serious if this is the principle he wishes to defend.

I think there are principles the President should be standing up for. No. 1, breach of the public trust is as serious an offense as committing a crime. No. 2, in exchange for the powers and responsibilities given the Government, the people expect fairness, evenhanded justice, impartiality, and they hold the basic belief that those in power can be trusted to be good stewards of their power. No. 3, They do not expect those in power to give themselves special treatment, tipoffs or the ability to hide documents.

Congress must also believe that those in high positions of responsibility are telling us the truth. When we ask questions or make inquiries, we trust the administration will tell the truth, will be honest, and when we get an answer, it is a full and complete one.

Unfortunately, throughout this Whitewater investigation, beginning with questions we asked in the Banking Committee in February of 1994, it appears that a guiding principle for some has been that the ends justify the means. The ends, as outlined in the memo from my good friend James Hamilton to the President, was you should not provide anything; make sure you do not give them too much information; keep your head down; do not let anything out.

I am afraid that this tone is apparently set from the top; that somehow that the public's best interest is served if the private interests of the President and First Lady are served, whether that be their political interest, the interest of the Presidency or even their commercial activities prior to the time they became the President and First Lady.

As I have said many times before, this ethical blurry, coupled with a set of standards that seem to imply if you are not indicted, you are fit to serve, has caused several administration officials to resign and continues to hound this administration still today.

To my colleagues in the Senate, I urge that we move forward with the subpoena. We need to get the full details of what was given to the private attorneys by the Government attorneys and what I think may have been a gross violation of public trust, if not more.

I commend the chairman for his dogged pursuit, his evenhanded manner in affording all sides an opportunity to be heard, and I urge my colleagues to support the committee on this request.

I yield the floor.

Mr. BAUCUS. Mr. President, earlier this year, I joined an almost unanimous Senate in voting to support a broad resolution creating a special committee to investigate the Whitewater matter. I believe this investigation must be both vigorous and fair.

First and foremost, it is our responsibility to find the facts and the truth. That is what people want. But, as we look for the truth, we must do everything possible to be fair and to respect the rights of everyone involved.

So I believe there are two fundamental questions that must be answered in deciding whether to seek this subpoena:

First, is the subject matter of this subpoena necessary to find the truth in the Whitewater matter?

And, second, is this subpoena being sought with respect for the fundamental rights of those involved? Or is it being sought in order to carry on a political fishing expedition?

The material sought by the special committee are the notes of Mr. William Kennedy from a meeting of the President's personal and official lawyers at a private law office on November 5, 1993. It is important to note that Mr. Kennedy, although an Associate White House Counsel at the time this meeting took place, had represented President Clinton before he was elected to the White House.

The special committee has determined that Mr. Kennedy's notes of this meeting are a necessary part of their investigation; they are necessary to help get at the truth. I respect that. I believe Mr. Kennedy's notes should be made available to the special committee and to Mr. Kenneth Starr, the Independent Counsel investigating Whitewater. And I am pleased that the President has consented to the release of these notes.

That should be the end of the story. This issue should be resolved. Mr. Kennedy's notes should be released without anybody having to go to court. That seems to be enough to satisfy the Independent Counsel, Mr. Starr, a Republican. That is enough to satisfy the distinguished chairman of the committee, Senator D'AMATO, also a Republican. But it does not seem to be enough to satisfy Speaker GINGRICH and the Republicans in the House of Representatives.

They appear to want more than Mr. Kennedy's notes. They also appear to want the President to surrender one of his fundamental rights, the right of attorney-client privilege. Whether a Republican or a Democrat occupies the White House, that President should

enjoy the same rights as any other American. And that includes the right to communicate in confidence with his attorney, doctor, or minister.

This is not, as some have said today, a question of hiding the facts. Instead, it is a question of protecting a fundamental right—the fundamental right to talk candidly with your lawyer, your doctor, or your minister without having your words used against you. I do not care if we are talking about the President of the United States or the most average of Americans, that is one of the things—one of the values, one of the liberties—that make this country special.

To me, it is that simple. If the President is willing to authorize the release of Mr. Kennedy's notes—as he is—there is no reason to go to court. There is no reason to challenge the President's right to maintain the confidentiality of his communication with his legal counsel.

For these reasons, I will oppose the resolution before us today.

Mr. President, it is with great pride that I note an act of kindness and selflessness by Ashley Silvernell from Forsyth, MT.

Ashley was walking down the street a few days ago when she spotted a \$100 bill in front of Eagle Hardware store. Now, \$100 means a lot to anybody, but to someone in middle school it's a pot of gold. Without hesitation, however, Ashley turned the \$100 in to the store manager, Ken Allison. Ashley asked for no reward.

It turns out that just a few days earlier, a family from Wyoming was shopping in the store that day and accidentally dropped the money. They didn't have credit cards. The family later called Mr. Allison from Wyoming, but never dreamed that the money would be found. When Ashley turned the \$100 bill in, as you can imagine the family was thrilled.

Ashley's act should recall for this U.S. Senate what the holidays are all about. As we are knotted here in gridlock, 5 days before Christmas, we must remember that honesty and good judgment are qualities to strive for everyday of our lives. Ashley's good will is an inspiration to us all and must not go unnoticed.

And on behalf of myself and the thousands of Montanans who certainly will be inspired by her story, I would like to thank Ashley Silvernell for making a difference.

Thank you. And I yield the floor.

Mr. ABRAHAM. Mr. President, I rise in support of Senate Resolution 199. I would like to focus on this from a slightly different perspective from those that have been suggested so far. In particular, I would like this body to consider the following question: Has President Clinton, in withholding material Congress is seeking for an obviously legitimate purpose, acted con-

sistently with the standard of conduct set by every President who has served since President Nixon?

Regrettably, Mr. President, I conclude that he has not. Accordingly, I believe it is incumbent on the Senate to adopt the pending resolution.

President Nixon's assertion of executive privilege precipitated a constitutional crisis that ultimately played a major role in forcing his resignation. Since that time, Presidents have been extremely cautious in using privilege as a basis for withholding materials from legitimate Congressional inquiries. They have been especially cautious when this withholding of information might suggest to a reasonable person that privilege might be being asserted to cloak Presidential or other high level wrongdoing.

The reason for this caution is clear: relations between the branches and the people's confidence in their Government suffer greatly when the President gives the appearance of withholding information in order to protect himself or others close to him from public scrutiny of potential wrongdoing.

This practice was codified in a directive from President Reagan issued on November 4, 1982. Addressed to all general counsels, the directive describes how President Reagan wanted the assertion of executive privilege handled.

Mr. President, I ask unanimous consent that the text of the memorandum be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ABRAHAM. Mr. President, let me quote from the memorandum:

The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch.

While this Administration, like its predecessors, has an obligation to protect the confidentiality of some communications, executive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary.

Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches.***

To this end President Reagan set up prudential limitations regarding the assertion of privilege even where a claim might be legitimate:

Congressional requests for information shall be complied with as promptly and as fully as possible, unless it is determined that compliance raises a substantial question of executive privilege.

A substantial question of executive privilege exists if disclosure of the information requested might significantly impair the national security (including the conduct of foreign relations), the deliberative processes of the Executive Branch or other aspects of the

performance of the Executive Branch's constitutional duties.

Every effort shall be made to comply with the Congressional request in a manner consistent with the legitimate needs of the Executive Branch.

The Department Head, the Attorney General and the Counsel to the President may, in the exercise of their discretion in the circumstances, determine that executive privilege shall not be invoked and release the requested information.

Similarly, those advising Presidents since President Nixon have universally recommended great caution before assertions of privilege are made. One particular aspect of this advice is well worth quoting:

An additional limitation on the assertion of executive privilege is that privilege should not be invoked to conceal evidence of wrongdoing or criminality on the part of executive officers.

The documents must therefore be reviewed for any evidence of misconduct which would render the assertion of privilege inappropriate.

It should always be remembered that even the most carefully administered department or agency may have made a mistake or failed to discover a wrongdoing committed inside or outside the Government. Study, Congressional Inquiries Concerning the Decisionmaking Process and Documents of the Executive Branch: 1953-1960.

The greatest danger attending any assertion of Executive Privilege has always arisen from the difficulty, perhaps impossibility, of establishing with absolute certainty that no mistake or wrongdoing will subsequently come to light which lends credence to congressional assertions that the privilege has been improperly invoked.

This passage comes from a 1984 opinion written by Robert B. Shanks, Deputy Assistant Attorney General for the Office of Legal Counsel.

Mr. Shanks was responding to the Deputy Attorney General's request for an opinion regarding Congressional subpoenas of Department of Justice Investigate Files. His opinion can be found at 8 Op. OLC 252. It well summarizes, I think, the dangers that any assertion of privilege may present even where the assertion is undertaken for legitimate reasons, but where its bona fide is bound to be suspect.

Now I recognize, Mr. President, that the principal label President Clinton is placing on this privilege claim is attorney-client—although he has not disavowed a claim of executive privilege.

But even apart from the fact that it is unclear whether the President has a separate attorney-client privilege in communications with government lawyers apart from his executive privilege, it does not seem to me that the label should matter. In either case the need to protect the President's authority to assert privilege where he really needs to, and to prevent gratuitous undermining of the public's faith in its government present the same overwhelming arguments for caution.

Now it is clear to me that no matter what the basis of the President's assertion of privilege here, it does not meet

the standards that previous Presidents have followed in these matters.

The meeting at issue was apparently about a matter so far from the core interests of the Presidency that it required the involvement of private lawyers to defend the President's interests. It has nothing to do with national security. And it is impossible to believe that furnishing these notes will in any way impair the President in the performance of his constitutional functions.

Moreover, given that the President's associates have managed to force the appointment of an independent counsel by withholding and removing files relevant to the Department of Justice's investigation into Vincent Foster's death, it seems to me that the President should take his obligation of candor even more seriously than is ordinarily the case.

Thus, even if President Clinton has a valid claim of privilege—a point on which I am profoundly skeptical—I believe he ought not assert it here.

He has given no reasons weighty enough to justify its assertion.

And indeed, what he has said about this matter shows a surprising lack of perspective regarding the circumstances in which such assertions should be made.

President Clinton is quoted in the press as saying that he "doesn't think he should be the first President in history" not to protect communications arguably protected by the attorney-client privilege. I don't know if this statement was accurately reported, but if it was, frankly it is as peculiar as some of the other claims that the President has been making in the last few weeks.

Without going back very far in history at all, we can all come up with examples where Presidents have waived possible attorney-client privilege claims in the face of congressional requests for information.

Indeed, if Congress is really and legitimately interested in something, such waivers are the norm, not the exception.

Let us look at the select committee's 1987 investigation of the Iran-Contra matter. The hearings, reports, and depositions are replete with references to notes, interviews, and testimony from government lawyers obviously covering potentially privileged materials. These include notes of then White House Counsel Peter Wallison, testimony from Attorney General Meese and Assistant Attorney General for the Office of Legal Counsel Charles Cooper, and National Security Council counsel Paul Thompson.

Similarly, when Congress became concerned about issues arising out of the United States relations with Iraq, President Bush provided numerous materials to various committees investigating these matters. And these materials could have been the subject of

claims of attorney-client privilege at least as strong as the one President Clinton is making here.

Indeed, President Bush even provided notes and other materials relating to meetings among lawyers including the White House counsel and the counsel to the National Security Council regarding how to respond to congressional document requests. President Bush also interposed no bar to these lawyers' testifying before Congress and responding to questions.

Indeed, Mr. President, as recently as 2 days ago President Clinton's own White House counsel voluntarily provided to members of the Judiciary Committee an opinion of the Assistant Attorney General for the Office of Legal Counsel regarding his interpretation of an antinepotism statute as not limiting the President's appointment power.

This opinion undoubtedly would be subject to as strong an attorney-client privilege claim as one can imagine the President making. But the White House counsel provided it, knowing that it would waive any privilege claim, because he believed it was in the interest of the President for the Judiciary Committee to have it.

I ask unanimous consent that the letter transmitting this opinion be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, December 18, 1995.

HON. ORRIN HATCH,

HON. JOE BIDEN,

U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN HATCH AND SENATOR BIDEN: At my request, Walter Dellinger has reexamined the question of the application of the anti-nepotism statute, 28 U.S.C. §458 to the President's nomination of William Fletcher to the Ninth Circuit Court of Appeals. I am forwarding to you Mr. Dellinger's memorandum which concludes that the section does not apply to the presidential appointment of federal judges.

His analysis of the text and its history confirms that the position of judge on a federal court is not an office or duty "in any court" within the meaning of section 458; that it was not considered to be so by the Congresses that enacted either the original or the current version of the section; and that it has never been treated as such by any subsequent President or Senate. The evident purpose of this statute was to prevent judges (and, as revised in 1911, person working for judges) from appointing their relatives to such positions as clerks, bailiffs, and the like. On the other hand, the novel view that section 458 applies to the nomination by the President of Article III judges would commit one to the conclusion that a number of distinguished judges had served their country illegally, including Augustus and Learned Hand.

Mr. Dellinger has also concluded that the statute does not apply to presidential appointment of judges because of the well-established "clear statement" rule that statutes will not be read to intrude on the President's responsibilities in matters assigned to

him by the Constitution, including the appointments power, unless they expressly state that Congress intends to limit the President's authority. The Supreme Court has applied this principle often, even to statutes the text of which would otherwise clearly appear to cover the President.

Any assumption that section 458 limits the President's authority to appoint Article III judges—and that such a limitation would not raise any serious constitutional question—would establish a precedent that would profoundly alter the constitutional separation of powers in ways that sweep well beyond the statute at issue here. Any assumption that general statutory language should be read to limit the authority of the President of the United States to carry out his constitutional responsibilities would overturn important executive branch legal determinations by a succession of Assistant Attorneys General including William H. Rehnquist, Theodore B. Olsen, Charles J. Cooper and William Barr and by Deputy Attorney General Lawrence Silberman, in addition to clearly applicable Supreme Court decisions.

In light of its text, its statutory history, and the constitutional principle embodied in the clear statement rule, it is beyond doubt that any court would find section 458 to be inapplicable to the presidential appointment of federal judges. I hope that the Senate will not base its important decision regarding the nomination of Mr. Fletcher on the view that section 458 applies to it.

Many thanks for your consideration.

Sincerely,

JACK QUINN,
Counsel to the President.

Mr. ABRAHAM. In short, there is nothing extraordinary or unprecedented in the Select Committee's interest in these notes and the committee's desire to get them is far from extraordinary or unprecedented in the history of Congressional-Presidential relations.

Rather, what is extraordinary and inconsistent with the way Presidents since President Nixon have handled such questions is President Clinton's assertion of privilege.

This is particularly striking given the circumstances surrounding these materials; circumstances suggesting to many reasonable observers, including the editorialists quoted on the floor today, that there is an issue of potential high level wrongdoing at issue here.

Mr. President, I would like to make one final point. Some have said that if we vote to enforce the subpoena, all efforts to reach a negotiated settlement of this matter will cease.

Mr. President, that would greatly surprise me. The courts have stated time and time again that both branches have an obligation to accommodate each other's interests in these matters. Thus, if either branch were to cease all efforts at accommodation, it would do great damage to its legal case. Moreover, it is in both branches' interest, and indeed it is both branches' constitutional duty, to try to resolve this matter without going to court.

Therefore I do not think any Member of this body should view a vote to en-

force this resolution as a vote to end our efforts at resolving this matter without going to court.

Rather, even if we adopt this resolution and Senate Legal Counsel begins work on legal papers, I am sure the committee will at the same time continue its efforts to obtain these notes with the President's consent. And it is my hope that, resolution or no resolution, the President will provide them promptly.

That is his duty, as it is our duty to defend the committee's ability to investigate potential wrongdoing.

I yield the floor.

EXHIBIT 1

THE WHITE HOUSE

Washington, November 4, 1982.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Procedures Governing Responses to Congressional Requests for Information

The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch. While this Administration, like its predecessors, has an obligation to protect the confidentiality of some communications, executive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary. Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches. To ensure that every reasonable accommodation is made to the needs of Congress, executive privilege shall not be invoked without specific Presidential authorization.

The Supreme Court has held that the Executive Branch may occasionally find it necessary and proper to preserve the confidentiality of national security secrets, deliberative communications that form a part of the decision-making process, or other information important to the discharge of the Executive Branch's constitutional responsibilities. Legitimate and appropriate claims of privilege should not thoughtlessly be waived. However, to ensure that this Administration acts responsibly and consistently in the exercise of its duties, with due regard for the responsibilities and prerogatives of Congress, the following procedures shall be followed whenever Congressional requests for information raise concerns regarding the confidentiality of the information sought:

1. Congressional requests for information shall be complied with as promptly and as fully as possible, unless it is determined that compliance raises a substantial question of executive privilege. A "substantial question of executive privilege" exists if disclosure of the information requested might significantly impair the national security (including the conduct of foreign relations), the deliberative processes of the Executive Branch or other aspects of the performance of the Executive Branch's constitutional duties.

2. If the head of an executive department or agency ("Department Head") believes, after consultation with department counsel, that compliance with a Congressional request for information raises a substantial question of executive privilege, he shall

promptly notify and consult with the Attorney General through the Assistant Attorney General for the Office of Legal Counsel, and shall also promptly notify and consult with the Counsel to the President. If the information requested of a department or agency derives in whole or in part from information received from another department or agency, the latter entity shall also be consulted as to whether disclosure of the information raises a substantial question of executive privilege.

3. Every effort shall be made to comply with the Congressional request in a manner consistent with the legitimate needs of the Executive Branch. The Department Head, the Attorney General and the Counsel to the President may, in the exercise of their discretion in the circumstances, determine that executive privilege shall not be invoked and release the requested information.

4. If the Department Head, the Attorney General or the Counsel to the President believes, after consultation, that the circumstances justify invocation of executive privilege, the issue shall be presented to the President by the Counsel to the President, who will advise the Department Head and the Attorney General of the President's decision.

5. Pending a final Presidential decision on the matter, the Department Head shall request the Congressional body to hold its request for the information in abeyance. The Department Head shall expressly indicate that the purpose of this request is to protect the privilege pending a Presidential decision, and that the request itself does not constitute a claim of privilege.

6. If the President decides to invoke executive privilege, the Department Head shall advise the requesting Congressional body that the claim of executive privilege is being made with the specific approval of the President.

Any questions concerning these procedures or related matters should be addressed to the Attorney General, through the Assistant Attorney General for the Office of Legal Counsel, and to the Counsel to the President.

RONALD REAGAN.

Mr. BYRD. Mr. President, on a day when some 260,000 federal employees remain idle because the Congress has not completed work on the annual appropriations bills—its most fundamental constitutional task—this body has before it a measure dealing with Whitewater that is unwise, and, quite frankly, wholly unnecessary. Instead of acting on the remaining appropriations bills, instead of completing our most basic task, we are being asked to divert our attention and adopt a resolution which is, I believe, nothing more than a vehicle to promote the political fortunes of some.

The special committee, which the Senate created to investigate the Whitewater matter, has held more than a month of hearings. They have heard testimony from more than 150 witnesses. The White House, in conjunction with these hearings, has produced more than 15,000 pages of material, while the law firm of Williams and Connolly, which represents the President and Mrs. Clinton, have produced an additional 28,000 pages. And through it all, the American taxpayer has been billed more than \$27 million dollars.

Yet, despite this, the American people are being led to believe that, unless the Senate adopts this resolution, which would require the Senate Legal Counsel to go into federal court in an attempt to enforce a Senate subpoena, some facet of the investigation will go uncovered. Mr. President, nothing could be further from the truth.

The fact is that the White House has already stated its willingness to supply the material the Senate has asked for. The President has said he will make available the documents in question; notes taken by a former White House attorney during a November 1993 meeting. He has, as I think these actions show, acted in a reasonable, good faith manner. But at the same time the President has been willing to produce the subpoenaed material, he has also asked that he not lose the fundamental privilege of attorney-client confidentiality.

Mr. President, every American has the right to talk to a lawyer fully and frankly without fear that the government will compel the disclosure of these personal communications. The President of the United States, be he Democrat or be he Republican, is no different. He is, like every other American citizen, entitled to the benefits of the attorney-client privilege.

In view of the President's offer of cooperation, the Committee's attempt, to invade the relationship between the President and his private counsel smacks of an effort to force a claim of privilege by the President, who must assert that right to avoid risking the loss, in all forums, of his confidential relationship with his lawyer. This effort, at this time, and in light of the President's willingness to comply with the Senate's subpoena, simply smacks of political partisanship.

Why else, if not simply to score political points, would the majority reject the President's offer? Why not accept the material, which the majority says it needs, and get on with the investigation? Why go to court, an action that will only prolong the investigation, if there is no intent to simply win headlines and seek political advantage?

Mr. President, I hope my colleagues who may be inclined to support this resolution will reconsider their position. I hope they will reexamine the road down which we may be traveling, and vote against the subpoena resolution.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. D'AMATO. Mr. President, if I might seek recognition, first, for the purposes of propounding a unanimous-consent agreement.

Mr. SPECTER. I will consent with the understanding that I do not lose my right to the floor after the unanimous-consent agreement is propounded.

Mr. SARBANES. We imagine it will include the Senator within it.

UNANIMOUS-CONSENT AGREEMENT

Mr. D'AMATO. Absolutely. First of all, I thank the ranking member, Senator SARBANES, as well as Senator PRYOR, for giving Senator SPECTER an opportunity to proceed. He is going to use about 10 minutes. Thereafter, I ask unanimous consent that Senator PRYOR be recognized following Senator SPECTER.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I support the pending resolution, but I express at the outset my concern about some of the legal arguments which have been raised that the attorney-client privilege does not apply to Congress, to congressional investigations. It is not necessary for me to reach that issue in my own conclusion or judgment here, that the attorney-client privilege does not apply, but I do express that concern.

There has been an argument raised that the attorney-client privilege is different from the privilege against self-incrimination because the privilege against self-incrimination has a constitutional base. In my view, however, there is a constitutional nexus to the attorney-client privilege which arises from the constitutional right to counsel. Since the citations of authority limiting the attorney-client privilege in the context of congressional investigations—since those cases were handed down, there has been a considerable expansion in constitutional law on the right to counsel—Gideon versus Wainwright, in 1963, asserting that anybody was entitled to counsel if they were haled into court on a felony charge, whereas, the practice in the prior period had been that the right to counsel did not apply, and the expansion of warnings and waivers under Miranda versus Arizona. So I think the breadth of the conclusion that the attorney-client privilege is not constitutional is certainly entitled to some skepticism at the present time.

It is my view, however, that the attorney-client privilege does not apply here to preclude enforcement of this subpoena because the attorney-client privilege simply, on the facts, does not apply. Upjohn versus United States contains the basic proposition that the attorney-client privilege is the oldest of the privileges for confidential communications known to the law, with the citation to Wigmore. The Supreme Court in the Upjohn case says that the purpose of the attorney-client privilege is to encourage full and frank communications between attorneys and their clients and thereby promote the broader public interest in the observance of law and the administration of justice. The privilege recognizes that sound

legal advice and advocacy serve public ends, but such advice or advocacy depends upon lawyers being fully informed by their clients.

In the Westinghouse versus Republic of the Philippines case, the Third Circuit articulated this view: "Full and frank communication is not an end in itself, but merely a means to achieve the ultimate purpose of privilege, promoting broader public interest in the observance of law and the administration of justice."

The Third Circuit, in the Westinghouse case, goes on to point out, "because the attorney-client privilege obstructs the truth-finding process, it is narrowly construed."

The essential ingredients for the attorney-client privilege were set forth in United States versus United Shoe Machinery Corp., a landmark decision by Judge Wyzanski, pointing out that one of the essentials for the privilege is that the communication has to have a connection with the functioning of the lawyer in the lawyer-client relationship. Professor Wigmore articulates the same basic requirement.

As I take a look at the facts present here and a number of the individuals present, there was not the attorney-client relationship. There were present at the meeting in issue David Kendall, a partner at the Washington, DC, law firm of Williams & Connolly, recently retained as private counsel to the President and Mrs. Clinton. That status would certainly invoke the attorney-client privilege. Steven Engstrom, a partner of the Little Rock law firm that had provided private personal counseling in the past. That certainly would support the attorney-client privilege. James Lyons, a lawyer in private practice in Colorado, who had provided advice to the President when he was Governor, and to Mrs. Clinton at the same time. But then, also present, were Bruce Lindsey, then director of White House personnel, who had testified that he had not provided advice to the President regarding Whitewater matters. Once parties are present who were not in an attorney relationship, the attorney-client privilege does not continue to exist in that context, where they are privy to the information. There was Mr. Kennedy, himself, associate counsel to the President—William Kennedy, who said he was "not at the meeting representing anyone." Then you had the presence of then counsel to the President, Mr. Bernard Nussbaum, and also associate counsel to the President, Mr. Neal Eggleston, who were present, not really functioning in a capacity as counsel to the President or Mrs. Clinton.

So, as a legal matter, when those individuals are present, the information which is transmitted is not protected by the attorney-client privilege. And then you have, further, the disclosure which was made by White House

spokesman, Mark Fabiani, to the news media characterizing what happened at the November 5 meeting, and discussing the subject matter of the meeting, which would constitute as a legal matter, in my judgment, a waiver of the privilege.

So that recognizing the importance of the attorney-client privilege, I would be reluctant to see this matter decided on the basis that Congress has such broad investigating powers that the attorney-client privilege would not be respected. As I say, we do not have to reach that issue. On the facts here, people were present who were not attorneys for the President or Mrs. Clinton. Therefore, what is said there is not protected by the attorney-client privilege. The later disclosure by the White House spokesman, I think, would also constitute a waiver. For these reasons, and on somewhat narrower grounds, it is my view that the resolution ought to be adopted and the subpoena ought to be enforced.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized.

ACCOLADES TO SENATOR BYRD

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

Mr. President, first, I want to add my accolades, if I might, for just a moment, to the very distinguished senior Senator from West Virginia, ROBERT BYRD, who earlier this afternoon, I think probably gave one of the more classic speeches that has been given on this floor for many a year.

I hope the result of that will be that this Senate makes a video tape of this particular speech available—and certainly the CONGRESSIONAL RECORD—and that it would be widely disbursed, and that, hopefully, each incoming Senate class in years to come in this great institution would have the privilege, during the orientation period, of listening to the wise and truthful and very strong words of Senator ROBERT C. BYRD—about the institution that he loves and that we love and respect. I applaud him for his statement. I think it was timely. I think it was on the point. I think all of us owe him a deep debt of gratitude for that statement which was given from Senator BYRD's heart.

DIRECTING THE SENATE LEGAL COUNSEL TO BRING A CIVIL ACTION

The Senate continued consideration of the resolution.

The PRESIDING OFFICER (Mr. Faircloth). The Senator from Arkansas.

Mr. PRYOR. Mr. President, here we are, almost the night before Christmas, in the U.S. Senate, the House of Rep-

resentatives, and we find ourselves still in session. We do not find ourselves, tonight, ironically, talking about what to do about the budget impasse. We do not find ourselves on the floor of the U.S. Senate this evening talking among each other and colleagues as we should about how to reopen the Government.

No, Mr. President, we find ourselves this evening talking about a more arcane and mundane situation, something called Whitewater. Whitewater has become the fixation of one of our political parties. There is no secret about that.

Today, the Republicans control the Congress. They set the agenda for what committees meet, when they meet, what issues come before those committees, what issues are brought before the floor of the U.S. Senate. I think it very timely, Mr. President, for us to examine the priorities of this session of Congress.

I think it very interesting to note that tonight, a few hours before Christmas, when we had hoped to be back in our home States or wherever we might have been, when all of the employees of the Federal Government who are furloughed would prefer to be working and serving the public, as they do so well, we find ourselves once again engaged in what I call the Whitewater fixation.

Here are the priorities that are established not by this Senator, not by this side of the aisle, but by our colleagues who might be well meaning on the other side of the aisle. I think it bears listening to for a few moments, Mr. President, to see that in this year we have had some 34 hearings relating to Whitewater. That would be the red bar going up the chart. Thirty-four hearings in 34 days of the U.S. Senate that have been designated for Whitewater—the Whitewater fixation.

How many days have been set aside for Medicaid funding? Mr. President, six hearings, Mr. President—six compared to 34 for the Whitewater fixation.

How many hearings have we held in the U.S. Senate in the calendar year 1995, in this session of Congress, that relate to education funding, Mr. President? Four hearings—four hearings compared to 34 hearings of Whitewater.

And how many hearings, Mr. President, have we had on the Medicare plan, as proposed by the majority party? How many days of hearings have we heard about Medicare? One day, one hearing. There it is, the small green bar on the bottom of the chart.

That tells the story, Mr. President, I think of priorities for 1995 and this session of Congress, where the priorities lie with the leadership of this Congress and what we really are faced with in determining what to do about this very critical vote this evening on what I call the Whitewater fixation.

Mr. President, that is not the end of the story about the so-called

Whitewater fixation and the Whitewater priority, because I think that sometimes we fail to recognize, as we go through 1 week, 1 month, one Congress at a time, continually appropriating money to chase the Whitewater fixation and to further study the Whitewater matter. I think from time to time it might be good to recapitulate how much it is actually costing the American taxpayers to engage the U.S. Senate, the resources of the special counsel, the resources of our Senate committees, in dealing with the Whitewater concern.

For example, the first special counsel that was named to look into the Whitewater matter, who, I might add, was a Republican and in very, very good standing, Mr. Fiske, Mr. Fiske, as special counsel, spent \$5.9 million—\$5.9 million, Mr. President, in his investigation of the Whitewater matter. Mr. Fiske, evidently, did not find enough. He did not find a smoking gun. He did not nail any scapals to the wall, so Mr. Fiske was relieved of his responsibility. He was relieved. He was fired.

Then came on to the scene Mr. Kenneth Starr, who has spent, from August 5, 1994 to March 31 of 1995, \$8.7 million in the investigation of this illusory situation known as Whitewater. Mr. Starr could not finish his work, Mr. President. He had to come before the Congress and he had to have more money as a special counsel. So he comes back to the Congress this April. From April to November of 1995, independent counsel Kenneth Starr spent another \$8 million.

So we are adding up the figures. No, we could not quite spend enough money to satisfy Mr. Starr. In two appropriations, we could not spend enough to satisfy Mr. Fiske. He got no indictments of any consequence. He did not nail any scapals to the wall.

So what happens next? We hire, by the RTC, the Pillsbury law firm, basically a firm with very strong Republican connections. I might add, a very splendid law firm, according to all reports. The U.S. taxpayer writes a check for \$3.6 million to the Pillsbury law firm in California, to come forward with a report that basically says this: The Clintons are clean, the RTC should not pursue any criminal action whatever against the Clintons, nor this administration.

Mr. President, that is still not enough: \$3.6 million, \$5.9 million, \$8.7 million, \$8 million. So now we have to go back and see what our own committee spent: in 1994, \$400,000; in 1995, \$950,000—a total, Mr. President, of \$27.6 million that we have spent that we can account in this illusory situation, this illusory item known as Whitewater.

This is the Whitewater fixation. This is the Whitewater fixation, Mr. President, that I think really is the Whitewater witch hunt. It is the witch hunt of the 1990's. It has become a waste of the taxpayers' dollars.

What we are doing today is simply, in my opinion, showing where the priorities of this session of Congress are: with 34 hearings dedicated to Whitewater, 6 hearings dedicated to Medicaid, four hearings dedicated to education, and 1 hearing dedicated to Medicare. That is the priorities of this particular Congress thus far, in 1995.

We have had brilliant arguments this afternoon and, I think, some brilliant arguments in the Banking Committee, perhaps, on each side of the aisle, relative to the question of the privilege created between attorney and client. I am not going to argue this. I am not a constitutional lawyer. I am not one who specialized in this particular area of the law. But I would just say this. I think it is very, very necessary for the American public at this time to have the knowledge that this administration in no way is trying to keep the U.S. Senate, the Banking Committee charged with this particular concern, keeping the notes of November 5, taken by Bill Kennedy, away from this committee.

The White House has repeatedly said: We want you to have these notes. We think you should have these notes. We will give you these notes, taken by Mr. Kennedy and/or Mr. Lindsey. I forget which. But, what we want to make sure is that we are not waiving the very important, crucial matter of the attorney-client privilege.

If we can, basically, in a political arena, invade or take away this privilege in any form, shape or fashion, if we erode that particular privilege, if we come before the U.S. Senate and say that privilege does not exist, then what is the next step? Are we going to come to the U.S. Senate and say we do not think we need to have a doctor-patient privilege? We want to do something about eroding that? So we start pecking away at that.

I do not think that should be the business of the Senate at this particular time, to start eroding and emasculating the particular right that we revere in the common law and have for so many years, and that is the right of privilege created between lawyer and client.

The White House wants to know how far this action extends. Should they make these notes available, they are seeking clarification. That is basically what this is about and I am very, very concerned that some people are making a very, very overrated political issue about the Whitewater matter.

The Senate has spent a total of \$1.35 million in 1994 and 1995 on the Whitewater matter. I would like to ask this question. What is the charge? What is the accusation against the White House? What is the accusation against any of the people who have been brought before the committee in the last 12 months, before the Senate committee? What are they being charged with?

I would like to also know if anyone is taking cognizance of the fact that, even though some may be enjoying this event and may be making a little political hay out of it from time to time, I wonder if anyone has taken cognizance of how much the legal fees and the expenses of these witnesses are, some of whom certainly cannot afford the very, very high cost of counsel.

The \$27 million that the taxpayers have spent on the Whitewater investigation is almost three times what it would have been to have closed down Madison Savings & Loan institution in Little Rock, AR. The White House has provided, I think, according to the information that we have, over 15,000 pages of documents to the Senate committee. The President's personal attorney has produced more than 28,000 documents for the Senate committee. The Senate committee has deposed some 152 individuals. The Senate committee has heard testimony from 78 people during the hearing, in the hearing examination process.

All of this activity has been done with the total cooperation of the White House. And still there is no smoking gun. The so-called smoking gun that some say would be found in the notes taken by Mr. KENNEDY and/or Mr. Lindsey, those particular notes, in my opinion, even though I have not been privy to seeing them, probably, in all likelihood, contain no more of a smoking gun than has been found in the past several months during this investigation and during the tenure of two special counsels, Mr. Fiske and now Mr. Starr.

I think we are going to have to face, Mr. President—I do not know when this comes up, perhaps in February—we are going to be faced with a decision. OK, we spent some \$27 million on this, and I am not sure that includes the cost of all of the army of FBI, of the RTC, of the FDIC, all of the Federal employees, all of the Federal negotiators, all of the resources of the Federal Government, all the copying, the printing, the committee reports and all this—I am not certain that this cost even covers that particular amount. But we are going to be faced in the Senate, in February, I believe, if I am correct, with another question. Are we going to appropriate another \$5, \$6, \$8 million for the committee to continue down this same path of dragging these people before the committee, of interrogating them, of asking them to pay for their own lawyers' fees and basically bringing them in and putting them in the lockbox, so to speak, as they wait their turn to testify before the committee? Is this the best that we can do in all of these months and all of these years of investigating this thing called Whitewater? During this period of the Whitewater witch-hunt? During this period of Whitewater fixation?

I think we are better than that. I think this Senate is better than that.

Mr. D'AMATO. Mr. President, could I ask just for a moment, so we might be able to hotline a resolution of this matter and I will yield the floor right back to my colleague?

Mr. PRYOR. I will be glad to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. D'AMATO. Mr. President, I ask unanimous consent, after having consulted with my friend and colleague, Senator SARBANES, that the time between now and 7:15 be equally divided, excluding the Senator's time. After the Senator concludes his remarks, the time after the Senator concludes his remarks be equally divided in the usual form for debate on Senator SARBANES' substitute amendment; that no other amendments or motions to recommit be in order, that it be in order for the amendment to amend both the preamble and resolving clause, and that at 7:15 the Senate vote on the Sarbanes amendment and upon the disposition of the amendment the Senate vote on passage of Senate Resolution 199, as amended, if amended, and that the preceding all occur without any intervening action or debate.

AMENDMENTS—NOS. 3101, 3102, AND 3103—EN BLOC

Mr. D'AMATO. Mr. President, also, I will send three amendments to the desk which have been cleared by the other side, my friend in the minority. I ask they be considered en bloc, agreed to en bloc, and I will move to reconsider.

Mr. SARBANES. Are these the amendments directed toward a possible deficiency in the issuing of the subpoenas?

Mr. D'AMATO. That is correct. They are the technical amendments that deal with the issuance of the subpoena.

The PRESIDING OFFICER. Is there objection to the request as regards the amendments? If not, it is so ordered.

The amendments—Nos. 3101, 3102 and 3103—were considered and agreed to en bloc, as follows:

AMENDMENT NO. 3101

(Purpose: To amend the resolution to reflect the serving of the second subpoena)

The first section of the resolution is amended by striking "subpoena and order" and inserting "subpoenas and orders".

AMENDMENT NO. 3102

(Purpose: To amend the resolution to reflect the serving of the second subpoena)

After the sixth Whereas clause in the preamble insert the following:

"Whereas on December 15, 1995, the Special Committee authorized the issuance of a second subpoena duces tecum to William H. Kennedy, III, directing him to produce the identical documents to the Special Committee by 12:00 p.m. on December 18, 1995;

"Whereas on December 18, 1995, counsel for Mr. Kennedy notified the Special Committee that, based upon the instructions of the White House Counsel's Office and personal counsel for President and Mrs. Clinton, Mr. Kennedy would not comply with the second subpoena;

"Whereas, on December 18, 1995, the chairman of the Special Committee announced

that he was overruling the legal objections to the second subpoena for the same reasons as for the first subpoena, and ordered and directed that Mr. Kennedy comply with the second subpoena by 3:00 p.m. on December 18, 1995;

"Whereas Mr. Kennedy has refused to comply with the Special Committee's second subpoena as ordered and directed by the chairman";

AMENDMENT NO. 3103

(Purpose: To amend the resolution to reflect the serving of the second subpoena)

Amend the title so as to read: "Resolution directing the Senate Legal Counsel to bring a civil action to enforce subpoenas and orders of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy, III."

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there any objection to the request for a vote on the Sarbanes amendment at 7:15 and a vote on the resolution after the 7:15 vote?

Mr. SARBANES. The consent request was broader than that. I do not think there is any objection to the unanimous-consent request which was read by the chairman.

The PRESIDING OFFICER. Is their objection to the request of the Senator from New York?

If not, it is so ordered.

Mr. D'AMATO. I thank my friend and colleague for extending us this time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair.

Mr. President, I am going to conclude once again by saying that personally I think holding 34 hearings on Whitewater this year is enough. I think spending \$27.6 million is enough. I think that expending these amounts of resources that we have expended, for the FBI and all of the other investigation teams, whatever, looking into Whitewater that have been utilized by the Federal Government I think frankly is more than enough.

I hope—and I urge my colleagues on each side of the aisle—if there is something wrong that someone has done, let us name the cause, let us bring them to justice, and let us do what is necessary. But, Mr. President, to keep this issue out, to keep it dangling as it is today, to keep it as an issue that I fear is becoming politicized to a very great extent, and to not recognize the simple unfairness that we have created in not bringing charges when we might or might not have charges to bring but to just to keep that issue out there over and over and over and day after day, month after month, millions after millions of dollars, I think is unfair. I think this institution is better than that.

I hope that we will reach down and find in our souls somewhere a way to finally conclude the Whitewater witch hunt and our fixation on the Whitewater matter.

Mr. President, I thank the Chair. I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the time from now until 7:15 is equally divided.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the three amendments just adopted en bloc be in order at this time.

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

Who yields time?

Mr. SARBANES. Have the three amendments been agreed to?

The PRESIDING OFFICER. Yes.

AMENDMENT NO. 3104

(Purpose: To direct the Special Committee to exhaust all available avenues of negotiation, cooperation, or other joint activity in order to obtain the notes of former White House Associate Counsel William H. Kennedy, III.)

Mr. SARBANES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Mr. SARBANES) proposes an amendment numbered 3104.

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

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

The amendment is as follows:

Strike all after the resolving clause and insert the following: "That the Special Committee should, in response to the offer of the White House, exhaust all available avenues of negotiation, cooperation, or other joint activity in order to obtain the notes of former White House Associate Counsel William H. Kennedy, III, taken at the meeting of November 5, 1993. The Special Committee shall make every possible effort to work cooperatively with the White House and other parties to secure the commitment of the Independent Counsel and the House of Representatives not to argue in any forum that the production of the Kennedy notes to the Special Committee constitutes a waiver of attorney-client privilege."

The preamble is amended to read as follows:

"Whereas the White House has offered to provide the Special Committee to Investigate Whitewater Development Corporation and Related Matters ('the Special Committee') the notes taken by former Associate White House Counsel William H. Kennedy, III, while attending a November 5, 1993 meeting at the law offices of Williams and Connolly, provided there is not a waiver of the attorney-client privilege;

"Whereas the White House has made a well-founded assertion, supported by respected legal authorities, that the November 5, 1993 meeting is protected by the attorney-client privilege;

"Whereas the attorney-client privilege is a fundamental tenet of our legal system which the Congress has historically respected;

"Whereas whenever the Congress and the President fail to resolve a dispute between them and instead submit their disagreement to the courts for resolution, an enormous power is vested in the judicial branch to write rules that will govern the relationship between the elected branches;

"Whereas an adverse precedent could be established for the Congress that would make it more difficult for all congressional committees to conduct important oversight and other investigatory functions;

"Whereas when a dispute occurs between the Congress and the President, it is the obligation of each to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch;

"Whereas the White House has made such an effort through forthcoming offers to the Special Committee to resolve this dispute; and

"Whereas the Special Committee will obtain the requested notes much more promptly through a negotiated resolution of this dispute than a court suit;"

Mr. SARBANES. Mr. President, I note that the preamble is also amended. But under the unanimous consent request, it is in order to amend both the preamble and the resolve clause. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. And no other amendments or motions to recommit are in order.

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. The vote will occur at 7:15 and the time between now and then to be equally divided.

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. How much time is then available to each side?

The PRESIDING OFFICER. Approximately 27 minutes to each side.

Mr. SARBANES. I thank the Chair.

Mr. President, I yield myself 8 minutes and ask that the Chair notify me upon the expiration of the 8 minutes.

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

Mr. SARBANES. I thank the Chair.

Mr. President, this amendment, very simply put, takes the position that rather than going to court at this point, the special committee should exhaust all available avenues of negotiation and cooperation, or other joint activity, in order to obtain the notes and to work cooperatively with the White House and other parties to secure the commitment of the independent counsel and the House of Representatives not to argue that the furnishing of the notes, the production of the notes, constitutes the waiver of attorney-client privilege.

We have been lead to understand that the independent counsel is amenable to such an arrangement in his discussions with the White House, although that has not been confirmed with us. But that is my understanding. This committee has agreed to this proposition.

As the chairman indicated, two of the conditions the White House put forward when it offered the notes is that

we will make the notes available, but we want to guard against the total waiver of the attorney-client privileges. One of those conditions was that the committee would not take the position in any forum that the production of the notes constituted a general waiver of the attorney-client privilege. In effect, that was recognized by the committee as a reasonable proposition and agreed to.

The question now is, if the House committees would agree to the same proposition, the notes are forthcoming, if you eliminate then the risk of the waiver of the attorney-client privilege? I have heard discussion on the floor today—I did not challenge it on every occasion—that there is no reasonable claim here to a lawyer-client privilege. That is not what the experts tell us. Professor Hazard, who is one of the leading men in the country on this, has been rather clear in thinking there is an attorney-client privilege.

In addition, once you waive it, you then have the risk of waiving your confidential relationship with your lawyer with respect to all meetings—not just with respect to this meeting. In any event, I think it serves our purposes to try to work this matter out.

As I understand it, the discussions took place in the House today with the chairmen of the relevant House committees, and it seems to me that those discussions ought to continue and that we ought to get a posture hopefully on the part of the House committees comparable to the position this committee has taken and comparable to what the independent counsel has taken.

It behooves us to try to avoid a confrontation, and it serves the Senate's purposes not to go to court if the matter can be resolved in a way that has been suggested. What is before us is a process whereby we can obtain the notes and yet not have any trespass or intrusion into the attorney-client privilege.

This is a very important issue. One of my colleagues said earlier there is no case about the Congress dealing with the attorney-client privilege. The Congress has not trespassed the attorney-client privilege. One of my colleagues cited a quote of the President who said he would provide any information available. That was a year and a half ago, I guess. My reaction to that is obviously when he said it, he never envisioned that we would face the prospect of an unreasonable intrusion into the attorney-client privilege. I never thought that would happen, and when confronted with it here, the question is, how can we work through it? We can get these notes, not waive the attorney-client privilege, and proceed with our inquiry. Of course, that would make the notes available immediately. That is the path that I think the Senate should follow.

So I think it would serve the Senate well to make a further effort at work-

ing with the White House and the other parties to get the kind of understanding from all of the relevant investigatory bodies—and we are now talking about the House committees—in view of the decision of the independent counsel; that furnishing of the notes is not a general waiver of the privilege. We recognize that is reasonable. The independent counsel apparently recognizes that it is reasonable. If we can just close the loop with respect to the House committees, this matter can be settled. The notes will be furnished.

There is a letter from the White House counsel saying, "We have succeeded in reaching an understanding with the independent counsel that he will not argue that turning over the Kennedy notes waive the attorney-client privilege claim by the President."

With this agreement in hand, the only thing standing in the way of giving these notes to your committee is the unwillingness of Republican House chairmen similarly to agree.

I understand they entered into discussion this afternoon with the House chairmen in respect to this very issue. Of course, the House chairmen, as I see it, have nothing to lose by the agreement. The notes become available. The agreement does not preclude them from any action that is currently available to them. It would not eliminate any course of conduct that they wished to follow that is currently available to them.

The White House has indicated that as soon as they secured such an agreement from the House, they would provide the notes to the committee. So it seems to me that we ought not to provoke a constitutional confrontation. We ought not go to the courts in order to resolve this issue. I suggest to my colleagues, although many have asserted that there is a weak attorney-client privilege, I think just the contrary. In any event, the court may well decide that there is a strong attorney-client privilege which, of course, would have an impact on the investigatory authority of the Congress. It would be a prudent course of action to resolve the matter without going to the courts. There is every indication that that may well be possible.

That is the situation in which we now find ourselves. This committee has recognized it as reasonable. The independent counsel has recognized it as reasonable. And if we can get the House committees to follow the same path, the notes can be furnished, there is no trespass on attorney-client, the committee can continue its work and continue to do it now. If we go to court, we have a long time ahead of us.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. D'AMATO. Mr. President, first, let me say that I am forced to oppose the amendment for a number of rea-

sons. I certainly do not question the sincerity of my colleague, Senator SARBANES, in an attempt to bring about a successful mediation, successful in that it would result in the notes being turned over. I absolutely had no doubt from the beginning he has pursued this and worked to achieve this end. I am forced to oppose this, though, because there are a number of problems that I could see taking place.

No. 1. I believe that this amendment could result, if passed—if adopted, this approach could result in prolonging what has really been a very long, now unnecessary, delay. This issue of these records and other records really goes back to August 25 and reaches a high point, begins to reach a high point in November, starting November 2 and culminates in December when we actually issue subpoenas.

One actually has to understand that we did, in fairness again to the committee, issue these subpoenas on a bipartisan basis. We attempted to avoid it, attempted to mediate this before we finally came to the conclusion that we had to issue the subpoenas. And it was only then, when the White House raised the issue of privilege, the attorney-client privilege, that we kind of parted ways.

When I say we parted ways, there was a recognition by the majority that this privilege, on our part we felt, did not apply, and there was a concern on the part of the minority that the White House was within its realm. But, notwithstanding the differences of opinion, I must say that my colleagues on the Democratic side urged an attempt to work this out. The fact is, though, we have been working toward this, I think, for several weeks very intensively. When I say "we," I am talking about counsel—majority counsel, minority counsel—working to attempt to resolve this. We had offered basically to say we will not intrude into Mr. Kendall, we will not ask or seek a waiver. We say that this sets no precedent, so therefore you will not be bound in other areas. We will agree to those things. And that is basically now the position that the White House counsel finally came around to. But understand, it only came around to that after we indicated we would go forward and push this issue on the subpoenas. Very, very grudgingly did they come to this position, and they came to this position very late in the game. Notwithstanding that, we indicated that we would accept.

Now, the problem we have is when we get into this language and we say that this committee will exhaust all available avenues of negotiation, cooperation, or other joint activity with the White House, the committee would have to attend more meetings, have endless negotiations—it could possibly take us, we do not know how long—ignores what we have done, good faith

work and negotiation starting in August and culminating finally when we have said basically enough is enough. If we cannot resolve the matter—reasonable people disagree; you contend it is privileged material; we do not believe that to be the case—we are going forward. And that is how we come here. If we were to adopt the amendment that is now being considered, we would put off the time when the committee could enforce the subpoena for Lord knows how long.

I believe that my colleague really wants good faith negotiations and wants those notes. I do not know when the House may or may not agree to this. We have been told that the independent counsel has agreed. I have no doubt that, if that is the representation that has come from the White House, that is the case. But this amendment could literally require the committee to negotiate on behalf of the House, and this would be unprecedented and would require the committee to delay even more.

Now, let me go to the merits of this. This amendment, if we read lines 1 through 19, says, "Where the White House has made a well-founded assertion, supported by respected legal authorities, that the November 5, 1993, meeting is protected by the attorney-client privilege."

Let me say, No. 1, no President has ever raised the attorney-client privilege. He just has not done it. It is unprecedented. No. 2, we would have to be conceding that this is well-founded. And notwithstanding that there may be a legal scholar or some who would give testimony to this who might believe this to be the case, I have to tell you that I do not believe that this is a well-founded assertion, as Senator THOMPSON, I believe, so scholarly and so powerfully argued; that the attorney-client privilege certainly did not apply to this meeting even given the limited circumstances that we understand as to how this meeting came about, even conceding—and I think if we were to go further, we would find out there would be ample testimony and proof that there is no way that that privilege should attach to this meeting.

Notwithstanding, we offered to say there would be no deem, no waiver, of any attorney-client privilege. We did that. That was not the White House that came forth. They rejected that. It was only when we said we were going to issue a subpoena that they then said, well, here we are coming forth. Again, I think we have to discern the legitimate attempts at compromising, which absolutely comes from my colleagues on the Democratic side on the Banking Committee but was not supported by the actions and activities of the White House. That we have to distinguish.

I am very much concerned that we would be prevented from pursuing

other avenues of investigation in regard to White House contacts with the President's personal lawyers and we would not be able to see if there were other Whitewater joint defense meetings, and that is a very critical point.

Now, Mr. President, let me go to something that I do not take lightly, but I have mentioned it and I will mention it again. There are political overtones. Make no mistake about it, there absolutely are.

But you see, Mr. President, when the President of the United States says, as he has on a number of occasions, on March 8, in a press conference in connection with the appointment of Mr. Cutler, during that press conference the President was asked about the possibility of asserting privilege, and he gave the following response. He said, "It is hard for me to imagine a circumstance in which that would be an appropriate thing for me to do."

I believe Senator THOMPSON answered quite compellingly, and argued that, what does he do, he goes and raises a privilege that has never been raised because he did not want to be in an embarrassing position when he said "executive privilege," when he spoke quite clearly on this on a number of occasions.

By the way, March 8, 1994, is a very important date. Let me tell you why. Because that was 4 months after this meeting. He knew about that meeting. Understand what he said. "It is hard for me to imagine circumstances in which that would be an appropriate thing for me to do." This was not an event that transpired after March 8. This took place 4 months before.

This is not the first time that the President made that assertion. Indeed, on April 5, 1994, I believe in North Carolina, again in response to a question, the President said, "I look for no procedural ways to get around this. And I tell you, you want to know, I'll give you the information. I have done nothing, and I will be open and above board. I have claimed no executive privilege." Indeed, he did not claim that, and obviously the interpretation is, "nor will he."

Remember, this was 5 months to the day after this meeting. So this is not a circumstance that occurs after something that will be extraordinary, not anticipated.

So, Mr. President, I have to say that we have gone that extra step. We have gone that extra mile. We have gone to the point that we may have even—and I believe we have, because if you look at the points that we have conceded in that letter, which I do not have here, a letter where the five points initially were submitted to us, that we have indicated that we are not going to say this is a waiver of privilege, although we do not believe there is a privilege, nor will we raise and look to examine Mr. Kendall.

I believe if you look at all the constitutional authorities where privilege has been waived by the actions of the parties, that is, by those who are non-lawyers or those who are nonparticipants or outside of the scope of the legal arguments, you waive that privilege. Where people who attended that meeting speak about that meeting, a waiver of that privilege is, notwithstanding that we agreed on points 2 and 3, that we suggested that the committee would limit its testimony and inquiry about this meeting to the White House officials who attended it, that we would not seek to examine Mr. Kendall.

I believe that constitutionally we have a right to actually examine Mr. Kendall, absolutely. If that meeting was not privileged, we have a right to examine him. But we said, "Look, we want the notes. We don't want to create a situation where you have this argument." That is why we came up with this offer. Understand, this is not the White House's offer. It was our offer. Now, they have accepted, and they attempted to put additional conditions.

Indeed, if my House colleagues go along with this, fine. We will go forward. But I would only suggest if the effort was made, and the effort has been made and has been made by both the minority and the majority on this committee for months now, and as it relates to these specific notes for 3 weeks, hard bargaining, working at it, giving suggestions, that that which we put forth in good faith could have been and should have been accepted. That is unfortunately the kind of situation that we have encountered as we attempt to gather the facts and the information.

So I put it to you that I would hope that we would get these notes, that we would get them without the necessity of having to go to court. I hope that the White House will make them available. If our brethren in the House agree, then that resolves it, then so be it. But I do not believe, in good conscience, I could recommend to my colleagues that we delay the implementation mechanism with the caveat that the door will be open.

It is open, even after we pass this, if we do pass this resolution, to go forward and seek enforcement of it. I made the commitment that I would move to withdraw that enforcement action upon the proffer of the notes of Mr. KENNEDY. I yield the floor.

Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. Mr. President, how much time do we have on each side?

The PRESIDING OFFICER. The Senator's side has about 12 minutes, and there is 17½ for the other side.

Mr. BUMPERS. Mr. President, how much time does this side have remaining? Parliamentary inquiry, how much time is left on our side?

The PRESIDING OFFICER. There is approximately 17½ minutes.

Mr. SARBANES. I yield 3 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Thank you, Mr. President.

Mr. President, just as a country lawyer who tried a few criminal cases over a period of 20 years—I never had a case involving attorney-client privilege, so I do not profess to be an expert on it—I would say based on listening to some of the scholars on some of the talk shows and what I have read, and I have a couple bright youngsters on my staff that I have discussed it with, I would say it is probably a 50-50 proposition if it went to court. But I am not here really to debate that.

The thing that is mildly perplexing to me is, I was watching the news this afternoon, CNBC and CNN, and they kept saying the Senate Whitewater committee is seeking a subpoena to force the President to hand over the notes of young William Kennedy taken at this infamous meeting and in the President's attorney's office.

As I understand it, that is not really the issue here. The issue here is whether or not we will agree to allow the President to hand over the notes, which he has agreed to do and to the chairman and the members of his party's side of the committee agreed to. The committee agreed to it. I thought it was a fine resolution of the matter. But I also think that the President was entirely within his rights to say, "I will be happy to hand these notes over to you, but I do not want to waive the attorney-client privilege forever from now on on any other meeting."

Is that a fair statement? Let me ask the Senator from Maryland, is that a fair statement?

Mr. SARBANES. What the President said is, "I need the same assurance that the committee was going to give, because they saw it as being reasonable from other investigatory bodies, like the independent counsel and the House committees." The independent counsel has agreed to do it. If you could get it from the House committees, then the President could turn over the notes, he would not waive the attorney-client privilege, you would not have intruded into the privilege, and yet the notes would have been made available to the Senate committee.

It is a perfectly reasonable position.

Mr. BUMPERS. It, to me, is like the best of all worlds, I say to the Senator. I would have hoped that instead of getting into this all-day debate in the Senate, that the chairman and ranking member of the Senate committee, their counterparts in the House, the independent counsel—I do not know that there is any great sense of urgency about these notes—and the three of them, that group sit down and agree to this.

One additional minute.

Mr. SARBANES. I yield one additional minute.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. SARBANES. I yield an additional minute.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. So all I am saying, Mr. President, is it seems it is not a constitutional crisis. This does not reach the level of some of those infamous battles of the Watergate hearings or even Iran-contra. But it just seems to me that in the interest of comity, in the interest of taking advantage of an offer by the President to say here they are, take them, but you know, let us let the House and the independent counsel both say, as well as the Senate, that we are not waiving, that the White House is not waiving.

The President is personally not waiving the attorney-client privilege. I daresay there is not a Member of the U.S. Senate that would have made a more generous offer under the same conditions than the President of the United States has made in this case.

So I yield back such time as I have to the Senator from Maryland.

Mr. SARBANES. Mr. President, I yield myself 1 minute.

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

Mr. SARBANES. I say to the Senator from Arkansas that it has been suggested to us by the courts, which have said, "Each branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular facts situation."

In other words, if we can work out an accommodation, that is what we ought to do, not provoke a confrontation. And, Attorney General William French Smith noted, "The accommodation required is not simply an exchange of concessions, or a test of political strength, it is an obligation of each branch to make a principled effort to acknowledge and, if possible, to meet the legitimate needs of the other branch."

As I say, I think, in this instance, if we work at it, we can get the notes and not trespass on the attorney-client privilege. That ought to be the objective.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. I yield to the minority leader whatever time he may use.

Mr. DASCHLE. Mr. President, I thank the ranking member of the committee. I appreciate having the opportunity to express myself on this important matter. Today, Mr. President, is December 20. The holiday season is

upon us, and the Senate is in session. A casual observer of the events of the past few weeks—the Government shut-downs, the rancorous budget negotiations—might expect to find the Senate debating such critical issues as how we provide for our children's future and our parents' retirement, or how we protect our precious natural resources while still balancing the Federal budget. One might expect.

Sadly, we are not debating such important subjects. No, we are here on the Senate floor debating an issue in which the American people have said repeatedly they have very little interest—Whitewater—or, more specifically, the Senate inquiry into Whitewater.

How did we end up here? How did the Senate come to find itself considering a resolution that pushes this body toward an inevitable and, in my view, wholly unnecessary confrontation with the White House?

The answer, Mr. President, is that the Senate finds itself here by design.

The majority in the Senate, faced with the prospect that the exhaustive investigation into the Whitewater matter will produce little in the way of substantive results, has crafted a legal and constitutional confrontation. This confrontation, the majority hopes, will finally accomplish what all the Whitewater Committee hearings, depositions, and subpoenas have failed to accomplish: political damage to the President. That is why the Senate is on the floor, on December 20, debating a Whitewater resolution.

Mr. President, other Members on both sides of the aisle have laid out the legal arguments surrounding this resolution. And make no mistake about it, there are some difficult legal questions at issue here. We all recognize and accept there are good-faith differences of opinion on those issues.

But let us be honest. If this debate were solely about the legal merits of the White House's assertion of the attorney-client privilege, and general waivers of that privilege, then I doubt we would even be having this debate at all.

That, Mr. President, is precisely what is so troubling about this whole matter. It is not a dispute about conflicting interpretations of law. It is not a dispute about the arcania of the attorney-client privilege, or attorney-work product privileges, or any legal privileges at all. This is about an old-fashioned, hardball political confrontation, pure and simple.

I am not an attorney, but let me briefly state my perspective. The attorney-client privilege is a basic, fundamental tenet of our legal system. The privilege reflects the long-held belief of the courts that confidential communications between attorneys and their clients should remain confidential. Every American has the right

to talk frankly to his or her lawyer. Indeed, the courts, in creating this privilege, believed that the protection of the privilege would lead to a surer rendering of justice in our legal system. The President of the United States, like every other American, is entitled to the protection of the law.

So this resolution represents a dangerous encroachment on a basic protection in our legal system. It is also unnecessary.

The proponents of this resolution conveniently omit a very crucial fact, and that fact is that the White House has repeatedly offered to provide the notes in question—the notes taken by associate White House counsel William Kennedy, the notes that are the target of the special committee's subpoena.

Let me repeat that. The White House is willing to provide—it has been said many, many times—the documents that the committee seeks. There is no question about that. All the White House asks is that the special committee assist in efforts to secure the agreement of the independent counsel and the House that the White House has not waived its attorney-client privilege.

In fact, Mr. President, the White House apparently has already secured the concurrence of the independent counsel that no waiver will occur when the notes are provided to the Senate committee. So the only remaining issue is the position of the House of Representatives.

So let us, very briefly, review the facts. The attorney-client privilege is a fundamental tenet of our legal system.

President Clinton has legitimately asserted the privilege in this case.

The White House has offered to provide the notes to the committee, provided the attorney-client privilege is respected.

The Special Committee will receive the notes from the White House immediately if it will only agree to this limited, reasonable condition.

Those are the facts. That is all there is to it. It is not complicated.

The proponents of this resolution seem determined to seek conflict, when conciliation is within easy reach. Before we vote on this resolution, I think everyone should ask ourselves why that is. Why, when there is a solution at hand, should we pursue a deliberate strategy of conflict?

Every Member of the Senate knows that a President's private legal interests may, from time to time, legitimately affect the official operations of the office of the Presidency. In fact, I can imagine no group that might be more sensitive to how private and public interests can sometimes converge than the Members of the U.S. Senate.

Let there be no misimpression: The precedent set in this case may involve the President of the United States, but it will affect Members of the U.S. Sen-

ate. We will be bound—directly—by what we decide tonight.

The pending resolution is an unnecessary, headline-seeking ploy, designed for one reason and one reason only: to damage the President politically. I hope that my colleagues on the other side of the aisle will reconsider the course they have chosen.

I encourage my Republican colleagues to resist the temptation to score political points.

We have serious work to do. Let us stop wasting our time on a cynical political exercise and get on with that work. I hope that all Senators will vote for the SARBANES amendment.

I yield the floor.

Mr. D'AMATO. Mr. President, I yield 6 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Thank you, Mr. President. First, I want to compliment the distinguished Senator from New York, Senator D'AMATO, chairman of this committee, because I do believe that this has been a very delicate set of hearings. They have lasted a long time. They have involved an awful lot of discovery work, trying to get to the truth. I truly believe he has conducted this committee in a very, very proper and propitious manner.

We are here tonight in one of the rare episodes and events in this committee on Whitewater's history, where we have not been able to agree. On most matters of importance, under the leadership of Senator D'AMATO, with the excellent cooperation of the distinguished Senator from Maryland, Senator SARBANES, most serious confrontational matters have been resolved amicably and, if not directly in the manner sought by the majority party, at least to the satisfaction of the majority and the chairman and with the cooperation of the minority. But somehow or another we find ourselves tonight in a position that is different than any of the others.

I want to say as a practicing attorney I never had an opportunity to involve myself in the privilege that attorneys have with reference to their work product for their clients. I understand that it is a serious, serious thing but I also understand that this attorney-client privilege, to keep confidential conversations between lawyers and their clients, does not really exist just because the client says so or because an attorney claims it is so. It has to meet certain tests.

Let me talk a little bit about the tests and why I think the President should have given this subject matter over to the committee in August of this year. For those who say we can resolve it here tonight, and that the President wants to cooperate, let me tell you that this committee started

trying to get this information in August of this year and we are almost at Christmas. In fact, I believe it started August 25. On Christmas day—it will be the months of September, October, November, December, that is 4 months. So it has not been with genuine accommodation that the President's lawyers have seen fit to help with this truth-requiring set of facts.

Let me say that 20-some years ago Chief Justice Burger noted that when privileges are called upon "it is not lightly created nor expansively construed for they"—that is the privileges—"are in the derogation of the search of truth."

In other words, if you are looking for truth, you have to construe this kind of privilege narrowly because it is in derogation of finding the truth. It keeps the truth hidden, because there is a real reason for hiding it. So it is to be construed narrowly.

Let me move on and tell you what I found from my reading from the staff work that lawyers have put into this. Let me read you my definition of the attorney-client privilege, and I believe this is rather well settled. When I read through these factors—think of the facts in this case. My good friend, Senator BUMPERS, says this is a 50-50 case. I believe this is a 90-10 case, maybe a 95-5 case.

First of all, these are the elements: First, where legal advice of any kind is sought from a professional legal advisor; second, acting as such; third, the communications relating to that purpose; fourth, made in confidence by the client; fifth, are at the client's insistence; sixth, permanently protected from disclosure by himself or the legal advisor; and seventh, unless waived.

Now, Mr. President, and fellow Senators, while I have not been an integral part of the Whitewater hearings, I am on the committee. At least I am of late, and I believe it is my responsibility before I vote tonight, to at least discuss briefly how those qualifications and qualities are not met in this case.

First of all, the meeting was held to discuss President Clinton's private financial legal matters—but not all of the attorneys present at the meeting were private Clinton attorneys. Instead, three of the lawyers from the White House Counsel's office, and Bruce Lindsey, who was White House policy advisor responsible for dealing with media inquiries into Whitewater, were present at the meeting with Clinton's private lawyer. Therefore, because they were public employees with no responsibility for the management of the President's pre-Whitewater affairs, their presence precludes the claim of personal attorney-client privilege by the President. Their mere presence waives it. It is no longer a privileged subject matter.

One of the stated purposes of that meeting was to discuss pending inquiries into Whitewater.

Mr. D'AMATO. How much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes and 40 seconds.

Mr. D'AMATO. I yield 3 minutes and 40 seconds to the Senator from New Mexico.

Mr. DOMENICI. Let me proceed as quickly as I can because I want to give Senator D'AMATO as much time as he can to wrap this up.

The President's claim of attorney-client privilege, as I see it, rests on very shaky legal ground, and there are other reasons that it does not fit these qualities that I have just described, and I will have those printed in the RECORD.

I believe this committee has a responsibility to the people of the United States. It is not wonderful or marvelous or something we all think is good, that we have to have these hearings. But we have some responsibilities. When facts of the type that are before us here present themselves, we have a responsibility and the Senate confirmed that responsibility by the adoption of a resolution. It said "Go find out the truth," as I understand it. The chairman has been seeking the truth with reference to these various incidents and episodes. This one is a sad one because it centers around the office of a man who committed suicide, who had worked there, and I am not bringing up the suicide to rehash it. It is difficult. What happened there is not easy for us to go after, but it does mean that we should search for the truth.

Clearly, the President owes us some explanations here, of those who work for him. He owes us some explanations, some facts. It is high time we get these facts, because essentially, they were made in a setting that was not part of the attorney-client relationship as the common law in the United States defines it, and should be made available to the committee.

I have more observations. Mr. President, today we will hear a lot about the attorney-client privilege. As an attorney, I understand the need to keep confidential certain conversations between lawyers and their clients. I also understand the need for a President to consult with his private attorneys on matters which occurred in his private life prior to his coming to the White House.

However, in this case I believe that the President has gone too far, and in fact has purposefully sought to impede the special committee's search for the truth by hiding behind a tenuous claim that the attorney-client privilege protects the notes of a meeting between the President's private lawyers and his political advisors in the White House counsel's office.

Over 20 years ago, the Supreme Court examined another President's claim of privilege with respect to documents sought by congressional investigators.

In rejecting President Nixon's claim of executive privilege, Chief Justice Burger noted that privileges, which prohibit the discovery of relevant evidence, "are not lightly created nor expansively construed, for they are in derogation of the search for truth."

By raising what is, at best, a tenuous claim of attorney-client privilege, it is clear that the President seeks at every opportunity to frustrate the Whitewater Committee's search for the truth. I hope that with this vote, my colleagues will agree that we should get on with the investigation and put an end to the White House's needless stall tactics. This investigation must begin before it can end, and this vote finally will put an end to the delay and allow the dispute over the attorney-client privilege to be decided in a court of law.

Everyone recognizes that the President has a legitimate right to assert the attorney-client privilege under the proper circumstances. However, the facts of this case clearly indicate that the President is not entitled to assert the privilege.

The elements of the attorney-client privilege are well-settled: Where legal advice of any kind is sought from a professional legal advisor acting as such; the communications relating to that purpose made in confidence by the client; are at the client's insistence permanently protected from disclosure by himself or the legal advisor unless the protection is waived.

The notes of the November 1993 meeting at the office of President Clinton's private attorneys are not protected by the privilege for at least three reasons:

First, the meeting was held to discuss President Clinton's private financial and legal matters, but not all of the attorneys present at the meeting were private Clinton attorneys. Instead, three lawyers from the White House Counsel's office and Bruce Lindsey, who was White House Policy Advisor responsible for dealing with media inquiries into Whitewater, were present at the meeting with Clinton's private lawyers.

Because they were public employees with no responsibility for the management of the President's pre-White House affairs, their presence precludes any claim of the personal attorney-client privilege by the President.

Second, one of the stated purposes of the November meeting was to discuss the pending press inquiries into Whitewater. At the time of the meeting, the media began to question the White House about allegations of improper handling of SBA loan funds by the President and Jim McDougal and about the pending RTC criminal referral on Madison Guaranty. Clinton's private attorneys convened with White House advisors to discuss how to respond to these media inquiries.

In order to gain the protection of the attorney-client privilege, confidential

communications must relate to legal advice. The privilege governs performance of duties by the attorney as legal counselor, and if chooses to undertake other duties on behalf of his client that cannot be characterized as legal, then the communications related to those additional duties are not protected. In this case, his attorneys met to discuss media and political strategy. These activities clearly are not legal in nature, and thus the notes should not be protected.

Third, President Clinton waived the attorney-client privilege by allowing Bruce Lindsey, who was neither his private attorney nor a member of the White House Counsel's office, to attend the meeting. At the time of the meeting, Bruce Lindsey was White House Policy Advisor and a spokesman for the Administration. He advised the President on media and public relations matters, and was specifically tasked to handle Whitewater press inquiries.

The law implies a waiver of the attorney-client privilege whenever the holder of the privilege voluntarily allows to be disclosed any significant part of a confidential communication to one with whom the holder does not have a privileged relationship. Since Bruce Lindsey was neither a White House attorney nor a private attorney, he enjoyed no attorney-client privilege with the President. The fact that the President allowed him to attend the meeting waives the attorney-client privilege with respect to matters discussed at the meeting.

The President's claim of attorney-client privilege rests on very shaky legal ground. With that in mind, I think that if my colleagues examine the White House's behavior concerning these notes, coupled with that of Mr. Kennedy and his private attorney, they should conclude that the only reason that the White House has raised this issue is because the President seeks to delay for as long as possible the legitimate fact-finding responsibility of the committee. Up until this point, the committee's work largely has been bipartisan, but the White House's stonewalling has caused our work to become highly politicized. This is unfortunate.

The special committee has sought Mr. Kennedy's notes through reasonable means for quite some time, and only recently has the President chosen to assert the attorney-client privilege to frustrate our efforts to obtain them. I understand that the counsel for the special committee asked the White House for these notes several months ago, and that the request went unanswered until only recently, when the White House refused to make them available.

Because we were unable to obtain the notes from the White House, the committee then was forced to call Mr. Kennedy to testify about the meeting.

While before the committee, he asserted that he would refuse to produce the documents because his client, the President, had asserted certain privileges, including the attorney-client privilege.

Upon Mr. Kennedy's assertion of privilege, the chairman of the committee, Senator D'AMATO, agreed to allow the parties to submit legal briefs on the issue. After rejecting the arguments of counsel on attorney-client privilege and the work product doctrine, the committee voted to compel Mr. Kennedy to produce the documents. It then served a subpoena on Mr. Kennedy's attorney, who had accompanied him to his appearance before the Committee when the issue of the attorney-client privilege arose.

Upon being served, Mr. Kennedy's attorney informed the committee that he "was not authorized" to receive the subpoena. This despite the fact that he sat with Mr. Kennedy during his testimony and previously had received correspondence from the committee on Mr. Kennedy's behalf. Because of this additional unnecessary delay, the committee was forced to reconvene and re-issue the subpoena to Mr. Kennedy personally.

One they realized that the committee did not intend to abandon its request for Mr. Kennedy's notes, the White House tried another delay tactic: they sent up an "offer" to the committee to release the notes, subject to certain conditions. In fact, the White House offered five conditions before they would turn over the notes. Two of these conditions were agreed to previously by the Republican counsel for the special committee.

The other three were essentially non-offers. The conditions were so vague and imprudent that the White House must have known that we would not agree to them. One condition required the committee to obtain from the independent counsel and other congressional investigatory bodies an agreement to abide by the terms of the White House's offer to the special committee. Imagine that: the White House asked the Senate Whitewater Committee to interfere with the independent counsel's investigation of this matter. Is this not precisely what the White House said we should not do when the independent counsel originally undertook his investigation? Clearly all of this was done just for the purpose of delay.

Throughout this entire matter, however, the White House has claimed to the press that the notes contain nothing to implicate the White House in any wrongdoing and that the special committee is engaged in a wild goose chase. Other White House aides have claimed to the media that they have nothing to hide and that Chairman D'AMATO and the Special Committee are undertaking a political fishing expedition.

They claim to have nothing to hide, yet they fight the committee at every turn. This policy of stonewalling while claiming that the investigation is politically motivated sounds an awful lot like the tactics employed by the President 20 years ago in response to another congressional investigation. In fact, here is what Charles Colson, one of President Nixon's advisors said about the way the Clinton White House is handling this investigation: "I can't believe my eyes and ear. These people are repeating our mistakes."

Not only are former advisors to President Nixon amazed by the way the White House has handled this investigation—the New York Times editorial page yesterday also questioned the President's tactics. In its editorial, the Times noted that the White House's invocation of the attorney-client and executive privilege was "a distortion of the doctrine's history to raise it to block a legitimate congressional inquiry into the Clinton's Arkansas financial dealings and the official conduct of senior administration aides." The Times goes on to acknowledge that absent a "decent resolution, the Senate has no choice but to go to court to enforce the Committee's subpoena."

Mr. President, I too, think that we have no choice at this point but to go to court. It is unfortunate that President Clinton and his advisors have chosen to delay and ridicule the committee's efforts in the press. The time has come to get on with the business of the Whitewater Committee, and to do so again in a less political manner. Allowing a court to decide this issue is the only way to achieve those goals.

Mr. SARBANES. I yield 3 minutes to the Senator from Nevada.

The PRESIDING OFFICER. (Mrs. HUTCHISON). The Senator from Nevada.

Mr. BRYAN. I thank the distinguished Senator from Maryland.

Madam President and colleagues, I intend to offer a more lengthy statement, but I was tied up on other matters. I want to offer a dimension on the attorney-client privilege that I think is helpful for our colleagues to be aware.

The question of attorney-client privilege has arisen on a number of occasions recently and I just share an experience of how it was handled in a bipartisan, and I think a most responsible fashion.

My colleagues are much aware in the recently concluded Packwood matter there was the issue of a diary. Aside from that, during the course of our investigation, a number of times arose in which a question of attorney-client privilege was asserted. First let me say, on a bipartisan basis with every member of the Ethics Committee in concurrence, we agreed with respect to those assertions of privilege, that we ought to subject those to an independent outside nonpartisan review.

In that context, by coincidence, in light of the role that this was later to play, I engaged the services of Ken Starr, and he independently reviewed and the committee accepted his recommendations in each and every case. Not only were there questions of conversation but there were also questions of documents.

In a similar vein to the concern that the President of the United States has legitimately voiced today, Senator Packwood's counsel was understandably concerned that if any particular document was released, that that may be deemed a waiver with respect to other documents that were covered under the attorney-client privilege.

Let me say in that context, once again, the committee agreed in bipartisan fashion not to assert that the privilege has been waived with respect to any subsequent conversation or any subsequent document which might come to the attention of the Ethics Committee that would be arguably a predicate for arguing that a prior submission of a document constituted a waiver.

That is the bipartisan way of doing it. The President faces a Hobson's choice. In one instance he has come forward and indicated he wants to make the contents of those notes available—no ifs, ands or buts. The problem that he faces in doing so without getting the signoff by others who would have jurisdictional basis to proceed, is that the waiver doctrine might be asserted against him.

I think what my colleague, Senator SARBANES, has done by way of the amendment that he has offered here today provides a responsible way for us to achieve what we ought to be interested in: That is, the contents of the document. Yet we respect and recognize the attorney-client relationship.

Madam President, as a member of the Banking Committee I oppose this resolution, and I am very disappointed that the Republican members of the committee are taking this step. I believe it is premature and counterproductive and totally partisan.

The heart of this issue revolves around notes taken by Associate White House Counsel William Kennedy at a meeting held on November 5, 1993. Notes that have already been offered to the Banking Committee.

This meeting raises several legitimate and serious attorney-client privilege issues that must be resolved before the Senate charges ahead into these uncharted waters. We may be setting precedents here today that have far reaching implications.

For those truly interested in knowing the content of Mr. Kennedy's notes, and in a timely manner, this resolution will only retard any efforts to secure those notes which have already been offered to the committee. Only through good faith negotiations will we be able

to accomplish the goal of securing the notes and protecting legitimate privilege issues at the same time.

The Supreme Court has stated that the Attorney-client privilege "is the oldest of the privileges for confidential communications known to the common law."

The purposes of the privilege are to encourage full and frank communication between attorneys and their clients and to protect not only the giving of professional advice to those who can act on it but also the giving of information to the lawyer to enable him to give sound and informed advice.

The privilege applies with equal force among a client's attorneys, whether or not the client is present during the conversation. It is well-settled that the attorney-client privilege extends to written material reflecting the substance of an attorney-client communication.

Every person at the November 5, 1993 meeting was an attorney who represented the Clintons in either their personal or their official capacities. As an attorney myself and a former attorney general, I strongly believe this meeting was fully covered by the attorney-client privilege.

I dare say any citizen of this country who was told he could not have a confidential communication with his attorney would be outraged.

This is a crucial point: This all could be avoided if the Senate would take the same position that Special Prosecutor Kenneth Starr took just yesterday when he agreed that the release of the document did not constitute a waiver of the President's privileges.

How foolish the Senate looks today—wasting our time and resources—when this could be so easily resolved.

Any independent observer must be drawn to the conclusion that the reason we are forcing this issue is an attempt to embarrass the President. Why else would we not take the same approach that the independent prosecutor has taken?

If the President were to turn over these documents without an agreement on the privileges, what would be the consequences?

Clearly what we have here is an attempt by the majority to put the President in a catch-22 situation. If he releases the document without first securing an agreement, he could be waiving his attorney-client privileges with his attorney David Kendall on all Whitewater related matters. If he exercises his legitimate privileges, he is accused of a coverup.

The courts will prove the President is taking the legally appropriate step in exercising his attorney-client privilege on this meeting. But we all know he will suffer from a public perception that he is hiding something. That is why the majority is forcing this issue today.

It is clear how this issue should be handled if scoring political points were not the main goal here.

The Senate's most recent experience with the attorney-client privilege claim arose during the Ethics Committee proceedings against Senator Bob Packwood.

Apart from the diary dispute, the Ethics Committee had an assertion by Senator Packwood that certain other documents were covered by the attorney-client or work-product privileges. To resolve that claim, as Chairman of the Ethics Committee, I asked Kenneth Starr to make recommendations to the committee and both parties agreed in advance to accept his recommendations.

With respect to the diaries, the committee agreed "to protect Senator Packwood's privacy concerns by allowing him to mask information dealing with attorney-client and physician-patient privileged matters, and information dealing with personal, private, and family matters.

Kenneth Starr reviewed Senator Packwood's assertions of attorney-client privilege. The committee abided by all of Mr. Starr's determinations and did not call upon the court to adjudicate any of the attorney-client privilege claims.

In addition, the Ethics Committee on other occasions agreed with Senator Packwood's attorney upfront that to provide documents did not waive the attorney-client privilege. Let me read from one of the documents we released. This is a conversation between Mr. Muse, one of the Senator's attorneys, and Victor Baird, chief counsel for the Ethics Committee.

Mr. MUSE. Victor, what I don't want to do is get on a slippery slope with regard to waiver of any of the issues you and I have talked about, and with reference to your letter of January 31 on the other hand, there is a date that can be fixed based on the memorandum which attaches diary entries, and I'm prepared to give you that, and identify and show it to Mr. Sacks as a representative of Arnold and Porter, provided it is understood there is no waiver. It would simply reorient them to something they already know that they received, if that's acceptable to you.

Mr. BAIRD. Right. And we understand that by your sharing the memo with them, and their being able to provide us with the dating information that we want if you will, that it is not going to waive the privilege so that we are entitled to look at the memo or anything like that.

Mr. MUSE. All right.

This is clearly a better precedent for us to follow if we want to act in a bipartisan, professional manner. If all we are doing is scoring political points, we should proceed on the path we are heading toward today.

The administration has asked the committee to agree that turning over the notes does not waive attorney-client privilege. The independent prosecutor has already agreed and can now

proceed with his investigation, getting the material we are seeking without a lengthy and costly court fight.

Why cannot this committee and this Senate accept Judge Starr's judgment and follow the same course. That is what the Ethics Committee did and in a bipartisan unanimous manner.

Which brings up another question. If there is a respected former judge who has been given an almost unlimited budget and staff of highly trained attorneys and investigators, doing a thorough investigation of this issue, what is the purpose of this Senate Whitewater investigation?

The Senate will spend millions on this. We do not have the capability or resources as does Judge Starr. It is taking countless hours of Senate time when we have a government shutdown, and important legislation like welfare reform, that is more properly our focus.

The administration has asked the Banking Committee to agree that to give us the Kennedy notes does not waive the attorney-client privilege. The independent prosecutor has already agreed and can now proceed with his investigation.

The Senate should do the same. Put this resolution aside today. And let the Senate operate in a more professional, noncombative, and bipartisan approach. This debate is an extraordinary waste of time.

Mr. D'AMATO. Madam President, I inquire how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes and 19 seconds.

Mr. D'AMATO. I have 3 minutes and 19 seconds?

Madam President, why are we here? December 20, getting close, maybe a day or two, during this holiday time? Great events, budget pressures, Government technically shut down in some areas? It has been suggested—politics, injure the President.

Madam President, if one were to examine the facts, the facts will put that contention to rest. It is unfair. That is unfair.

On August 25, 4 months ago, we requested this information. Let me tell you when we got what I considered to be the first really bona fide reply to our offer to say, "You do not waive the lawyer-client relationship." That was us. We did that, the committee. We did not have to. We said, "You do not have to waive it." We did not get a reply—and then here is the reply, and it was a conditioned acceptance with all kinds of conditions: No. 1, that we had to concede that the meeting was privileged. We do not. The White House could not even accept our proposal, the one that they are now attempting to get the House to accept, until 6 days ago.

So why are we here now? Because, without us pushing forward, we would not have even had a conditional acceptance of our proposal. We would not

have even had it. Six days ago was the first time. When did they finally accept our proposal that they are now trying to push through? Two days ago. So, when someone says, "Why are you here December 20," it is because the White House has stonewalled us—stonewalled. The American people have a right to know. President Clinton made promises. He said, "I will not raise privilege, I will not hide behind that." And he has broken those promises.

The Senate has a right to know and we have a right to be dealt with in good faith. I do not lay this over to my colleagues on the other side. They have attempted to work together to get this information. But it is the White House.

Madam President, those notes simply are not privileged. The people who took those notes were Government employees. Mr. Lindsey was not working in the White House counsel's office. Yet, notwithstanding that, we are still willing to say, fine, we will not say that any privilege that you might have would be waived. Give us the notes.

I make an offer here, and I repeat it again. Mr. President, give us the notes. We will continue—even after we vote, I am willing to drop this matter, regardless of what the House does. We do not have to go and test this out. But keep your commitment to the people of this country. Keep your commitment. We should not be here. You, Mr. President, have created this problem that necessitates us going forth.

Mr. SARBANES. Is there time remaining?

The PRESIDING OFFICER. The Senator from Maryland has 1 minute, 45 seconds.

Mr. SARBANES. Madam President, the White House has tried very hard, I think, to provide information to the committee. This particular issue arose in November. The White House made several offers. The first was turned down. Then the White House said, look, we will give you the notes. We will provide these notes, but we want to be protected against the assertion that there has been a general waiver of the lawyer-client relationship—an eminently reasonable position.

This committee recognized it as being reasonable because we agreed that the providing of the notes would not constitute a general waiver. The independent counsel has agreed to that.

All that is left are the House committees, and I, for the life of me, cannot understand why they would not agree to it as well. So there is no need to press this matter to a constitutional confrontation between the Congress and the Executive. A procedure has been worked out. The committee, this committee, has recognized it. The independent counsel has recognized it. The House committees now need to recognize it, and then the notes can be produced.

The White House has said as much in a letter to Chairman D'AMATO today, that they would produce the notes immediately, once that was achieved.

It is my own view that we should be working to achieve it. I am frank to say I think we should be part of a constructive effort to bring that solution about, and that is what this amendment would commit us to do.

I urge its support.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 3041, offered by the Senator from Maryland.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 45, nays 51, as follows:

[Rollcall Vote No. 609 Leg.]

YEAS—45

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Johnston	Pryor
Byrd	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Leahy	Wellstone

NAYS—51

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner

NOT VOTING—3

Gramm	Inouye	Roth
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So, the amendment (No. 3041) was rejected.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution, S. Res. 199, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 610 Leg.]

YEAS—51

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner

NAYS—45

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Johnston	Pryor
Byrd	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Leahy	Wellstone

NOT VOTING—3

Gramm	Inouye	Roth
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So the resolution (S. 199), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

[The resolution was not available for printing. It will appear in a future issue of the RECORD.]

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMS. Madam President, I request that I be able to speak as in morning business—

Mr. DOLE. If the Senator will withhold, let me indicate that there will be no more votes this evening. We do hope we can get an agreement on House Joint Resolution 132.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 132

Mr. DOLE. Madam President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may turn to the consideration of calendar No. 293, House Joint Resolution 132, regarding use of CBO assumptions and that it be considered under the following limitation:

One hour of time for debate, to be equally divided in the usual form, with one amendment in order relative to the original continuing resolution budget agreement language; that following the conclusion or yielding back of time, the Senate proceed to adopt the amendment and proceed to third reading and final passage of House Joint Resolution 132, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LIVESTOCK CONCENTRATION REPORT ACT

Mr. DOLE. Madam President, I now ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 261, S. 1340; further, that the Hatch amendment No. 3105, which is at the desk be considered agreed to, the committee amendment be agreed to, the bill be deemed read the third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD.

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

So the amendment (No. 3105) was agreed to, as follows:

Sec. 4 Duties of Commission: delete lines 9 and 10 (page 9) and add: (2) to request the Attorney General to report on the application of the antitrust laws and operation of other Federal laws applicable, with respect to concentration and vertical integration in the procurement and pricing of slaughter cattle and of slaughter hogs by meat packers;

Sec. 4(b) Solicitation of Information. line 7 page 10 insert: "industry employees".

So the committee amendment was agreed to.

So the bill (S. 1340), as amended, was deemed read the third time, and passed, as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Livestock Concentration Report Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **ANTITRUST LAWS.**—The term "antitrust laws" has the meaning provided in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that the term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent the section applies to unfair methods of competition.

(2) **COMMISSION.**—The term "Commission" means the Commission on Concentration in the Livestock Industry established under section 3.

(3) **STUDY OF CONCENTRATION IN THE RED MEAT PACKING INDUSTRY.**—The term "study of concentration in the red meat packing industry" means the study of concentration in the red meat packing industry proposed by the Department of Agriculture in the Federal Register on January 9, 1992 (57 Fed. Reg. 875), and for which funds were appropriated by Public Law 102-142 (105 Stat. 878).

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) **IN GENERAL.**—A Commission on Concentration in the Livestock Industry shall be established that shall be composed of—

(1) the Secretary of Agriculture, who shall be the chairperson of the Commission; and
(2) 2 members who represent each of the following categories:

- (A) Cattle producers.
- (B) Hog producers.
- (C) Lamb producers.
- (D) Meat packers.
- (E) Experts in antitrust laws.
- (F) Economists.
- (G) Corporate chief financial officers.
- (H) Corporate procurement experts.

(b) **APPOINTMENT.**—The members of the Commission appointed under subsection (a)(2) shall be appointed as follows:

- (1) The President shall appoint 4 members.
- (2) The Majority Leader of the Senate shall appoint 4 members.
- (3) The Minority Leader of the Senate shall appoint 2 members.
- (4) The Speaker of the House of Representatives shall appoint 4 members.
- (5) The Minority Leader of the House of Representatives shall appoint 2 members.

SEC. 4. DUTIES OF COMMISSION.

(a) **IN GENERAL.**—The Commission shall—

- (1) determine whether the study of concentration in the red meat packing industry adequately—

(A) examined and identified procurement markets for slaughter cattle in the continental United States;

(B) analyzed the effects that slaughter cattle procurement practices, and concentration in the procurement of slaughter cattle, have on the purchasing and pricing of slaughter cattle by beef packers;

(C) examined the use of captive cattle supply arrangements by beef packers and the effects of the arrangements on slaughter cattle markets;

(D) examined the economics of vertical integration and of coordination arrangements in the hog slaughtering and processing industry;

(E) examined the pricing and procurement by hog slaughtering plants operating in the Eastern corn belt;

(F) reviewed the pertinent research literature on issues relating to the structure

and operation of the meat packing industry; and

(G) represents, with respect to the matters described in subparagraphs (A) through (F), the current situation in the livestock industry compared to the situation of the industry reflected in the data on which the study is based;

(2) to request the Attorney General to report on the application of the antitrust laws and operation of other Federal laws applicable, with respect to concentration and vertical integration in the procurement and pricing of slaughter cattle and of slaughter hogs by meat packers;

(3) review laws and regulations relating to the operation of the meat packing industry regarding the concentration, vertical integration, and vertical coordination in the industry;

(4) review the farm-to-retail price spread for livestock during the period beginning on January 1, 1993, and ending on the date the report is submitted under section 5(a);

(5) review the adequacy of price data obtained by the Department of Agriculture under section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622);

(6) make recommendations regarding the adequacy of price discovery in the livestock industry for animals held for market; and

(7) review the lamb industry study completed by the Department of Justice during 1993.

(b) **SOLICITATION OF INFORMATION.**—For purposes of complying with paragraphs (2), (3), and (4) of subsection (a), the Commission shall solicit information from all parts of the livestock industry, including livestock producers, livestock marketers, industry employees, meat packers, meat processors, and retailers.

SEC. 5. REPORT AND TERMINATION.

(a) **REPORT.**—Not later than 90 days after the study of concentration in the red meat packing industry is submitted to Congress, the Commission shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report summarizing the results of the duties carried out under section 4.

(b) **TERMINATION.**—Not later than 30 days after submission of the report, the Commission shall terminate.

The title was amended so as to read: "A bill to establish a Commission on Concentration in the Livestock Industry, and for other purposes."

Mr. PRESSLER. Madam President, I am pleased that an agreement has been reached to enable S. 1340 to pass the Senate. I have worked closely with Majority Leader DOLE and Minority Leader DASCHLE on this issue that is vitally important to livestock producers in South Dakota and the Nation.

This issue has been a troubling one for producers in South Dakota for more than a year now. Frankly, I still say that the U.S. Department of Agriculture can take immediate action today and not have to wait for this legislation to become law.

Yesterday, I called Secretary Glickman to discuss this with him. He told me he was watching Senate action on this issue and would appoint a Commission.

Madam President, now is the time to act. Twice before I have urged the Secretary to take this action. I ask unanimous consent that two letters on this

subject be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PRESSLER. This past August, I chaired a field hearing of the Senate Commerce, Science, and Transportation Committee in my home state of South Dakota. It was the first time that a Commerce Committee hearing had been held in South Dakota and the turnout was tremendous.

Hundreds of people attended the hearing and witness after witness clearly demonstrated the importance of this issue and the need for action is needed because extremely low prices for fed cattle and calves deeply hurt South Dakota ranchers. Further, the impact of this will be felt beyond our ranches. It affects our rural communities, as well as larger towns and cities. With ranchers having fewer dollars to spend, small businesses in our small towns could be put in jeopardy.

What is of great concern to producers is the fact that while cattle prices are nearing, or at record lows, retail prices have not shown any significant drop.

This represents a combination punch to South Dakota ranchers—as producers, they are getting fewer dollars for their livestock; yet, as consumers, ranchers—armed with fewer dollars—are forced to pay more to put their own product on the dinner table.

To say this is a concern of my fellow South Dakotans is a gross understatement. Thousands of South Dakotans have written, called, or visited with me on this. They rightly are concerned about the impact of the current situation on their ability to run their farms and businesses and provide for their families.

I would like to commend the South Dakota Secretary of Agriculture, Dean Anderson, for being a national leader on this issue. Dean was responsible for bringing this matter before the National Association of State Departments of Agriculture who have called for an investigation that we are asking for in this bill. I am proud of Secretary Anderson's leadership on this matter.

In summary, I am pleased the Senate is taking action in support of South Dakota ranchers. However, this action could get delayed in the other body. Therefore, I ask once again that Secretary Glickman immediately appoint a Commission on this subject. Either way, I will not rest until this Government finally addresses this disturbing problem facing our livestock producers.

EXHIBIT No. 1

U.S. SENATE,

Washington, DC, October 17, 1995.

Hon. DAN GLICKMAN,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: I am writing you to ask you to appoint a commission to make recommendations on action needed to assure

competitive markets in the livestock industry.

As you well know Mr. Secretary, for some time now there has been great concern among livestock producers about packer concentration in the marketing of livestock. In 1992, Congress appropriated \$500,000 for the U.S. Department of Agriculture to issue a report on this very subject. That report is due shortly. However, that report only contains data through 1993. Since 1993, retail price spreads and the prices that producers have received for their livestock do not even compare with the 1992 or 1993 numbers.

The Congress continues to be concerned on this subject. In August, the Senate Commerce, Science and Transportation Committee held a field hearing in Huron, South Dakota, on this matter. The high attendance and strong concern by South Dakota ranchers was overwhelming and universal. Previously, I requested that you appoint an independent counsel to recommend an action plan to remedy problems livestock producers are experiencing due to captive supplies by livestock packers. Legislation is expected to be introduced shortly to establish a Presidential Commission on this matter.

Mr. Secretary, you have the authority to establish a commission immediately and begin to find solutions to this problem. You do not need to wait for legislation. An independent review would ensure a completely unbiased report for an appropriate action plan.

I urge your prompt attention to this request and look forward to working with you to resolve this problem.

Sincerely,

LARRY PRESSLER,
United States Senator.

U.S. SENATE,

Washington, DC, September 22, 1995.

Hon. DAN GLICKMAN,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: I ask that you appoint an independent counsel to recommend an action plan to remedy problems livestock producers are experiencing due to captive supplies by livestock packers. I also ask that the counsel's report be made simultaneously with USDA's report on captive supplies that is expected in December.

As you know, I recently held a U.S. Senate Commerce, Science and Transportation Committee field hearing on captive supplies, controlled markets and impacts on consumers and producers. There was a large turnout for this hearing. Collectively, the witnesses clearly articulated the need for federal action on this issue. With livestock prices near record lows, consumers are not seeing the price of meat go down at the grocery store as the market should dictate. Something must be done soon.

Several things were learned at the hearing. The hearing record will show widespread concern that something needs to be done to ensure fair and competitive pricing in the livestock industry. One troubling fact was discovered at the hearing. It was learned that the data in the captive supply report USDA is expected to release in December only covers the years 1992 and 1993. As you know, the current cattle prices are near record lows, while in 1992 cattle prices were near record highs.

I believe an independent counsel could review existing data, including the report you expect to release this December. As you know, federal officials have been studying this issue since 1992, while concentration in

the packing industry has grown during this time. An independent counsel would be able to review studies and documents of USDA, Justice and the Federal Trade Commission and quickly review current market conditions. An independent review would ensure a completely unbiased report on an appropriate action plan. We do not need to wait for months after USDA issues its report to determine the best course of action. An independent counsel could take care of that and help resolve this issue. Now is the time to act. We don't need any more reports.

Mr. Secretary, many cattlemen in South Dakota may not make it this year unless the pricing problem is corrected. The current retail price spread cannot be explained or justified with ranchers receiving such low prices for their cattle. I share the cattlemen's concerns over possible market manipulation.

I urge your prompt attention to this request, and look forward to working with you to resolve this problem.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

Mr. BURNS. Thank you, Madam President. I rise today in support of S. 1340, a bill to provide for a commission to study the concentration of packers in the United States. I am very pleased to be a cosponsor of this legislation. It is my hope that the Senate will pass this bill without prolonged debate, so that the livestock producers of this country will have a few answers to the questions they have about the packers.

This bill will provide the hard-working men and women who work on the land raising livestock to have an insight into what is occurring in the market today. The producers in this country have, recently, seen extremely low prices for their livestock. This is related to several different trends in the market. Among these trends is the low number of packing houses left in the country. This concentration of packing houses places a burden on the producer to sell his or her livestock to a select location close to their operation. In my State of Montana, this is a very real burden, since we no longer have a packing house in our State.

Another of the concerns that the producers have center around the number of live cattle that the packers own at this time. The terms of contracts let on these cattle are not widely known and those that are known are extremely confusing to all involved. These contracts have placed many of the smaller producers in the peril. The small operation in the country that may run less than a hundred head of cattle feel the pinch the packers have put on them through the major operations in the Midwest.

The most easily measured and common aspect of the concentration of packing houses, relates to the consumer cost of meat. Recently I was in a local grocery store, and noticed the cost of a pound of hamburger and was astounded. My astonishment came from the fact that I had just returned from Montana, where I had witnessed

the price being paid for live cattle at the sale ring. The difference in the price per pound for live cattle compared to the price we must pay for the final product is way beyond the lines of reason. And \$20 cows do not draw the price of \$5-a-pound steak. Where is the responsibility to the producers of the livestock in this country?

Madam President, it is my hope that this measure will pass today and that the President will quickly sign and nominate the members of the study commission. The time has come that we need to find out the discrepancies in the pricing system for our meat, today. Thank you and I yield the floor.

Mr. DOLE. I thank my colleague from Minnesota. There will be no more votes this evening.

Mr. GRAMS. Madam President, I request that I be allowed to speak as in morning business.

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

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1441 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RONALD REAGAN BUILDING AND INTERNATIONAL TRADE CENTER

Mr. DOLE. Madam President, this has been cleared on each side. I ask unanimous consent that the Committee on Environment and Public Works be immediately discharged from further consideration of H.R. 2481, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2481) to designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the Ronald Reagan Building and International Trade Center.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. I ask unanimous consent that the bill be deemed read a third time, passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 2481) was deemed read the third time and passed.

Mrs. BOXER. I would like to have about 20 minutes in morning business.

Mr. DOLE. Could we do wrap-up first?

Mrs. BOXER. Absolutely.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. SANTORUM. Madam President, I ask unanimous consent that there be a period for the transaction of routine morning business.

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

MISSILE SALES TO TURKEY

Mr. PRESSLER. Madam President, on Monday, December 18, my good friend from New York, Senator D'AMATO and I, sent a letter to Secretary of State Warren Christopher, urging the Clinton administration to reconsider its decision to sell 120 Army tactical missile systems [ATACMs] to the government of Turkey.

I was troubled to learn last night that the Clinton administration intends to proceed with the sale. This transfer is ill-advised, to say the least. I strongly urge the administration to reconsider its decision or at the very least, place clear, indisputable restrictions on deployment and use of these weapons.

This transfer does not make sense. Generally, it is disturbing because the Turkish government has used U.S. and NATO military equipment repeatedly in the past to advance policy and military objectives that are clearly not in our best interests.

As all of us are well aware, the Turkish government in 1974 used NATO military equipment when it invaded the island of Cyprus. More than two decades later, Cyprus remains divided, with one side subjected to an occupation force of 35,000 Turkish troops. I have held a great interest in resolving the Cyprus dispute. This is a matter of strong, bipartisan interest. The Clinton administration has stated that it intends to make a serious effort to reunite Cyprus. Frankly, I cannot see how the proposed missile sale helps our nation achieve this goal. I believe the opposite is true, and that is very unfortunate.

I also am concerned about American made military equipment being used to prolong the conflict between Armenia and Azerbaijan. It has been documented that Turkey has transferred U.S. and NATO military hardware to the Azeris, who have made use of this equipment against civilian populations in the besieged Nagorno-Karabagh region. It is my understanding that it is contrary to U.S. policy for a buyer of U.S.-made military equipment to

transfer such equipment to a third party. What assurances do we have from Turkey that it intends to abide by this policy?

Finally, I am concerned that this missile sale could serve to prolong continued violence between the Turkish Army and the Kurds. For more than a decade the Turkish government has waged a brutal war against the Kurdish people. Human Rights Watch [HRW] estimated that the conflict has resulted in the death of 19,000 Kurds, including 2,000 civilians, and the destruction of 2,000 villages. More than 2 million Kurds have been forced from their homes.

HRW also reported that in 29 incidents from 1992 and 1995, the Turkish Army used U.S.-supplied fighter-bombers and helicopters to attack civilian villages and other targets. Further, U.S. and NATO-supplied small arms and armored personnel carriers have been used in a counter-insurgency campaign against thousands of Kurdish villages.

Clearly, these instances stretching over a period of more than two decades are contrary to our nation's interests as well as our own moral sensibility. In the face of this evidence, the President now wishes to supply the Turkish Army with 120 ATACMs. What exactly are ATACMs? Basically, the U.S. Army handbook describes the ATACM as a conventional surface-to-surface ballistic missile launched from a M270 launcher. Each missile has a warhead that carries a combined payload of 950 small cluster bomblets, which can spray shrapnel over a large area.

The practical use of an ATACM does not leave much to the imagination. This kind of missile can be used to disable numerous human and material targets at once and very quickly. Kurdish villages and organized teams of Kurdish dissidents easily could be targets for ballistic missile attack. This would be a terrible tragedy.

The administration has argued that these missiles are a necessary deterrent against two potential aggressors along Turkey's borders—Iran and Iraq. I believe these missiles are far from necessary. Consider the following: Turkey is an ally of the United States. It is a member of NATO. The Turkish military's Incrylik air base is a launching point for our enforcement of the no-fly zone over Northern Iraq. And Turkey will participate in the enforcement of the Dayton peace accord in Bosnia. I would think that the strategic importance of Turkey to the United States and Europe is enough to deter any foolish military action by either Iran or Iraq. If our nation can mobilize the world to expel Iraq from the tiny nation of Kuwait, imagine our response if Iraq or Iran even made a hostile gesture toward Turkey. Clearly, the Administration's "deterrent" argument to justify the missile sale is hollow at best.

Indeed, I can find no credible political, economic or strategic cause that is furthered by the sale of the ATACMS to Turkey.

Madam President, just last month, Congress took a strong stand against Turkish aggression in the region by voting to cap US economic support funds for Turkey. This is an important step. My friend from New York, Senator D'AMATO, and I are sponsors of legislation that would take even tougher action. It is my hope that we in Congress can all agree that there must be an added price for US economic and military assistance to our allies, particularly our NATO allies, and that price is morally responsible use of U.S. assistance. I do not see how the Administration's missile sale fits even that basic standard.

We have seen a number of different initiatives designed to bring peace to troubled regions, such as Bosnia-Herzegovina, Northern Ireland, Cyprus, and the Middle East. However, the Administration needs to demonstrate our nation's strong interest in bringing the violence in Kurdistan and Nagorno-Karabagh to an end. The sale of 120 ATACMS moves our nation in the wrong direction and could further fuel the war and destruction in both regions.

Though the Administration has announced it intends to pursue the sale, I make one last plea to urge it to reconsider its decision. If the Administration intends to complete the sale, I would urge at the very least that it impose a few basic conditions. In short, if these missiles are for national self-defense, the sale should be conditioned solely for that purpose. More to the point, the missiles should not be placed so as to pose a threat to the people of Greece and Cyprus. Further, the Turkish Government should promise that none of the missiles be transferred to Azerbaijan. And finally, the missiles should not be used to prolong the violence in Kurdistan. The Clinton Administration at the very least should insist on these conditions at the very least. The Clinton Administration also should make clear that failure to abide by these conditions could undermine future economic and military assistance.

Again I believe this sale to be bad policy. It is a mistake. However, if the Administration intends to pursue this sale, it should at the very least make clear that this nation insists on this equipment being strictly limited to self-defense. If we are going to be forced to swallow this very bitter pill, the Administration should try to make it less bitter.

I ask unanimous consent that the text of the letter to Secretary Christopher be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, December 18, 1995.

Hon. WARREN M. CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: We are writing to express our strong opposition to the Clinton Administration's proposed sale of 120 army tactical surface-to-surface missiles (ATACMS) to Turkey.

As you well know, for more than a decade the Turkish government has waged a brutal war against the Kurdish people. According to recent data from Human Rights Watch (HRW), the conflict has resulted in 19,000 military and civilian dead, 2,000 villages destroyed and more than 2 million being forced from their homes.

What concerns us deeply is the use of American-made military equipment to commit these atrocities and to prolong the war against the Kurdish people. Specifically, it has been reported that in 29 incidents from 1992 and 1995, the Turkish Army has used U.S.-supplied fighter-bombers and helicopters to attack and fire against civilian villages and targets. Further, U.S. and NATO-supplied small arms and armored personnel carriers have been used in a counter-insurgency campaign against thousands of Kurdish villages.

The Kurds are not the only ones to have been subjected to attack with U.S. or NATO equipment from Turkey. Indeed, the record of the last twenty years is disturbing. Most notably, the Turkish military used NATO military hardware when it invaded and occupied the now-divided island of Cyprus. Further, Turkey has transferred US and NATO weapons to Azerbaijan, where they have been used against civilian Armenians residing in Nagorno-Karabagh.

In the face of this history, the President now wishes to supply the Turkish Army with 120 ATACMS, each of which is capable of carrying a warhead payload of 950 small cluster bombs. With these weapons, the Turkish Army has the capability to launch a horrendous ballistic missile attack on the Kurdish people. The results would be equally disturbing if any of these missiles ended up in the hands of the Azeris, or were deployed within range of either Cyprus or Greece.

Mr. Secretary, the Clinton Administration has taken a great interest in achieving peace in troubled regions, such as Bosnia-Herzegovina, Northern Ireland, Cyprus, and the Middle East. However, the Administration needs to demonstrate our nation's strong interest in bringing the violence in Kurdistan and Nagorno-Karabagh to an end. By arming Turkey with 120 ATACMS, we would send the opposite message and further fuel destruction in both regions.

The time has come for the United States to take a stand for peace throughout the entire Middle East. For that reason, we urge the Clinton Administration to reconsider its proposed sale of tactical surface-to-surface missiles to Turkey.

Thank you for your attention to this important issue.

Sincerely,

LARRY PRESSLER,
ALFONSE M. D'AMATO.

THE BAD DEBT BOXSCORE

Mr. HELMS. Madam President, almost 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

In that report—February 27, 1992—the Federal debt stood at \$3,825,891,293,066.80, as of close of business the previous day. The point is, the Federal debt has increased by \$1,163,199,095,296.10 since February 26, 1992.

As of the close of business Tuesday, December 19, the Federal debt stood at exactly \$4,989,090,388,362.90. On a per capita basis, every man, woman, and child in America owes \$18,938.67 as his or her share of the Federal debt.

THE RETIREMENT OF COL. FRANK K. HURD, JR.

Mr. THURMOND. Madam President, I rise today to recognize the retirement of Col. Frank K. Hurd, Jr., from the U.S. Army. Colonel Hurd has served his country for over 26 years. He was an outstanding soldier and a dedicated Chief of the Army Liaison Office to the U.S. Senate, a position he has held for the past 3 years.

Colonel Hurd was commissioned as a second lieutenant of Armor through the Army Reserve Officer Training Corps upon graduation from Mercer University in his home State of Georgia. During his distinguished career, he served in a number of leadership assignments that took him to Korea; Bad Kissingen, Germany, where he commanded cavalry troops; Athens, Georgia, where he was an assistant professor of military science; and to Bamberg, Germany, where he commanded the 2d Squadron, 2d Armored Cavalry Regiment.

Colonel Hurd has succeeded admirably in his role of representing the Army's interests on Capitol Hill and acting as a liaison between the Department of the Army and the Senate. He has always been prompt, responsive, and sensitive to the needs of members and staff for up-to-date, complete, and accurate information.

As Chairman of the Senate Armed Services Committee, I am pleased to offer him my congratulations on a distinguished career, and I wish him and his family good health and happiness in the years ahead.

THE YORKTOWN AND MONROE COUNTY HIGH SCHOOLS CULTURAL EXCHANGE PROGRAM: UNDERSTANDING AND APPRECIATING CULTURAL DIVERSITY BY BRIDGING THE MILES

Mr. HEFLIN. Madam President, over 3 years ago, in September 1992, teacher Susan Ross of Yorktown High School in Yorktown Heights, NY, contacted my office to inform me of a wonderful new project which she had recently developed for her ninth grade students. She had just organized a cultural exchange program between her students and the students of Monroe County High School in Monroeville, AL. As

part of the program, she wanted to get my recollections of what it was like growing up in Alabama and in the South.

Yorktown Heights is located about a half-hour's drive from New York City in a rural area surrounded by farming towns. Monroeville is the hometown of writer Harper Lee and was the model for the fictional town of Macomb in her Pulitzer Prize winning novel "To Kill a Mockingbird." The courthouse in Monroeville actually served as part of the set for the Academy Award-winning film version.

This classic novel, which Ms. Ross has taught her classes off and on for 26 years, proved to be the catalyst for her program. One year, while reviewing the books that she would use in her class for the upcoming school term, she realized, in her words: "I was teaching a book about a culture I knew nothing about, and I was possibly doing a disservice to it. To understand the issue from the character's point of view, you need to go to the source, so I did."

Going to the source meant first approaching her counterparts in Monroeville. First, she contacted Monroe County High School Principal Pat Patterson, who put her in touch with Paralee Broughton, a 9th and 10th grade teacher at the high school. Ms. Broughton told Susan that since "To Kill a Mockingbird" would serve as the central link between the two schools, she should get in touch with Mrs. Sarah Dyess, whose eighth-grade students were reading the book.

With the help of Ms. Broughton, Mrs. Dyess, and other teachers, educators, and administrators in Monroeville, Ms. Ross established a truly unique and stimulating cultural exchange program which she hoped would teach respect for each other's cultural differences and individuality and give students an understanding of basic universal human rights that are vital to democratic society. The project came to be known as Understanding and Appreciating Cultural Diversity, and was to help create cultural awareness and understanding through letters, tapes, pictures, and interviews. As part of the program, Ms. Ross' students would create all these materials and exchange them with students from the other school. The program is special because it was the first time that a project of this nature and scope had been done between any schools from the North and South.

Ms. Ross had high hopes for her program, the key to which was overcoming stereotypes. It was not to be simply a pen-pal correspondence exercise. Instead, each class was to communicate with the other class as a group, each serving as a microcosm of its community. To get the exchange underway, the students at Yorktown compiled a written and visual profile of their community, including its history

and information gathered through interviews with local officials. They provided an analysis of the town's transportation, entertainment, and shopping facilities.

The Alabama students, under the guidance of their teacher Mrs. Dyess, compiled a videotape of their community which they sent to their friends in New York. Monroeville sent Yorktown an autographed copy of "To Kill a Mockingbird," while Yorktown in turn sent Monroeville books set in the Hudson Valley, including Washington Irving's "The Legend of Sleepy Hollow."

Their teacher watched as the students' misconceptions began to crumble. She saw lackadaisical youngsters grow interested in reading when they began believing that the South was a real and multidimensional place. They learned that there are many different Souths, just as there are Norths, and both groups learned that it is dangerous to generalize about any region.

While learning of each others' differences, the exchange also made obvious the similarities between Yorktown Heights and Monroeville. Both are a mix of suburban and small town. Both have many working farms in the community. The two schools are about the same size, 900 or so students. In both places, the school is a vital link in the community and there are strong family values present.

The program has had its lighthearted movements along the way. Yorktown students were surprised to discover upon receiving a copy of Monroe County's yearbook that the students did not wear overalls. On the other side of the connection, one Yorktown student, Guy Gentile, was surprised to be asked by one of his Monroeville counterparts "If I walk out the street—in Yorktown—will I be shot?"

Soon, other schools learned of Ms. Ross' innovative program and expressed an interest in becoming involved. Her students eventually began an exchange with a school in Louisiana to gain a better understanding and awareness of the influence of French culture on the United States. On November 14 of this year, Ms. Ross called to let me know that two of her current students were visiting Monroeville as part of the Bridging the Miles program, as it is now called.

Overall, the program has served as a bridge for students who would otherwise depend on often inaccurate and shallow media stereotypes. Ms. Ross said that a typical Yorktown student's opinions of Southerners were formed by movies such as "My Cousin Vinny" and television shows like "The Beverly Hillbillies." The students were surprised to learn of the extent to which the racial climate in the South has changed since the 1930's, when "To Kill a Mockingbird" was set. They had not expected students who were so open

about race and who participated in school activities together regardless of race.

In Monroeville, the students realized we have a tendency to cluster everyone in one stereotypical unit and mark them as being nondescript people. The sharing of poetry and letters has given the students a whole new perspective on the relationship between North and South.

The program begun by Ms. Ross has gained a great amount of attention all over the country, having been spotlighted by The New York Times, Atlanta Journal-Constitution, and the CBS television network. So far, most of its funding has come directly from Ms. Ross; this is how strongly she believes in what she is doing. Hopefully, the program will continue to expand and promote further understanding among the many diverse areas of the United States.

Just as programs such as the one between Yorktown and Monroeville demonstrate that it is wrong to generalize and stereotype about regions of the country, the energy, drive, and example of Susan Ross prove that it is also harmful to generalize about the health of our public schools and the commitment of public school teachers. I congratulate her for her broad-mindedness and innovativeness in educating young people.

It is my hope that others interested in ways of improving American education will see the great benefits that can be realized through projects such as this. One thing that makes us unique as Americans is our diverse cultural heritages that bind us together even as we maintain our regionally distinct traditions and customs. We tend to think of exchange programs only in terms of those between citizens of different nations, and these are indeed important and valuable tools for learning about our world. But as Ms. Ross and students of Yorktown High School and their counterparts at Monroe County High School have demonstrated, we have so much to draw from different regions within the United States itself that it is not necessary to go out of our own country to experience a cultural exchange. I commend her and wish her every continued success for her programs.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the "Bruce R. Thompson United States Courthouse and Federal Building."

S. 369. An act to designate the Federal Courthouse in Decatur, Alabama, as the "Seybourn H. Lynne Federal Courthouse," and for other purposes.

S. 965. An act to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the "Albert V. Bryan United States Courthouse."

S. 1465. An act to extend au pair programs.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.J. Res. 132. Joint resolution affirming that budget negotiations shall be based on the most recent technical and economic assumptions of the Congressional Budget Office and shall achieve a balanced budget by fiscal year 2002 based on those assumptions.

The following measure was ordered placed on the calendar:

H.R. 394. An act to amend title 4 of the United States Code to limit State taxation of certain pension income.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 20, 1995 he had presented to the President of the United States, the following enrolled bills:

S. 369. An act to designate the Federal Courthouse in Decatur, Alabama, as the "Seybourn H. Lynne Federal Courthouse," and for other purposes.

S. 965. An act to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the "Albert V. Bryan United States Courthouse."

S. 1465. An act to extend au pair programs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1742. A communication from the Secretary of Labor, transmitting, pursuant to law, the report on the trade and employment effects of the Caribbean Basin Economic Re-

covery Act (CBERA); to the Committee on Finance.

EC-1743. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the Assistance Program for New Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC-1744. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation to extend the life of the U.S. Parole Commission to deal with a still-substantial workload of federal prisoners and parolees who committed their crimes prior to the effective date of the Sentencing Guidelines; to the Committee on the Judiciary.

EC-1745. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to establish an Equipment Capitalization Fund within the Bureau of Indian Affairs; to the Select Committee on Indian Affairs.

EC-1746. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the annual report ending fiscal year 1994; to the Committee on Labor and Human Resources.

EC-1747. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report relative to the Prescription Drug User Fee Act (PDUFA) during fiscal year 1995; to the Committee on Labor and Human Resources.

EC-1748. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, reports regarding the receipts and use of federal funds by candidates who accepted public financing for the 1992 Presidential Primary and General Elections; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1164. A bill to amend the Stevenson-Wylder Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes (Rept. No. 104-194).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1260. A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes (Rept. No. 104-195).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. ROBB, Mr. SARBANES, and Ms. MIKULSKI):

S. 1486. A bill to direct the Office of Personnel Management to establish placement programs for Federal employees affected by reduction in force actions, and for other pur-

poses; to the Committee on Governmental Affairs.

By Mr. MCCAIN (for Mr. GRAMM (for himself, Mr. INOUE, Mr. MCCAIN, Mrs. HUTCHISON, and Mr. INHOFE)):

S. 1487. A bill to establish a demonstration project to provide that the Department of Defense may receive medicare reimbursement for health care services provided to certain medicare-eligible covered military beneficiaries; to the Committee on Finance.

By Mr. SARBANES:

S. 1488. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. MURRAY:

S. 1489. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself, Mr. JEFFORDS, Mr. LEAHY, and Mrs. BOXER):

S. 1490. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve enforcement of such title and benefit security for participants by adding certain provisions with respect to the auditing of employee benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAMS (for himself, Mr. HEFLIN, Mr. PRYOR, Mr. MCCONNELL, Mr. CONRAD, Mr. COVERDELL, and Mr. SANTORUM):

S. 1491. A bill to reform antimicrobial pesticide registration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. ROBB, Mr. SARBANES, and Ms. MIKULSKI)

S. 1486. A bill to direct the Office of Personnel Management to establish placement programs for Federal employees affected by reduction in force actions, and for other purposes.

THE PUBLIC SERVANT PRIORITY PLACEMENT ACT OF 1995

Mr. LAUTENBERG. Mr. President, I rise today with Senators ROBB, SARBANES, and MIKULSKI to introduce the Public Servant Priority Placement Act, a bill to assist Federal workers who lose their jobs as a result of downsizing. This legislation would require Government agencies to give priority consideration to these employees when filling vacancies.

Mr. President, the Federal Government is in the process of significant downsizing, and that process is likely to intensify substantially in the coming years. Under current law, 272,000 civilian positions will be eliminated by fiscal year 1999. If an agreement is reached to balance the budget, that number probably will be much larger.

Mr. President, it is easy for some to ignore the plight of these workers by talking derisively of so-called faceless bureaucrats. But all of these workers are human beings with families, bills

to pay, and obligations to meet. For most, getting laid off is a painful and traumatic event. And for many, the financial implications are severe.

Most dislocated employees are hard-working, talented, skilled, and dedicated individuals who have contributed much to our Nation. They did not lose their jobs because they were lazy, or because they did poor work. They were simply innocent victims of forces larger than themselves.

Mr. President, in an effort to assist these employees, and to ensure that their talents are not lost entirely to the Government, agencies have developed their own placement programs for former employees. The most successful such program is the Department of Defense's Priority Placement Program, or PPP. Under the program, involuntarily separated workers are granted a preference when vacancies are filled. Since PPP's inception in 1965, over 100,000 DOD employees have been placed successfully elsewhere in the Department. Unfortunately, the program's placement rate has been reduced in recent years because fewer job opportunities have been available.

In coming years, few Federal agencies are likely to escape the budget axe. Some agencies probably will be eliminated altogether. It is critically important, therefore, that Congress work to ensure that all displaced workers get the support they need.

Mr. President, the Office of Personnel Management operates two government-wide placement programs that supplement the efforts of individual agencies. Yet OPM's programs are not sufficient, in part because agencies all too often do not grant any preference to workers displaced from other agencies. According to a 1992 report by the General Accounting Office, in fiscal year 1991, OPM's programs had 4,433 registrants and made 110 placements. Although OPM has made improvements to its programs since 1992, there clearly remains a need for a coordinated, mandatory, Governmentwide placement program.

The Public Servant Priority Placement Act would direct OPM to establish such a program for RIF'd employees. It also would require agencies to institute their own intra-agency placement programs for these workers. Unlike the current placement programs, except for DOD's, agencies would be required to offer positions to dislocated workers if they are qualified.

Under this legislation, if an agency has a vacancy it cannot fill internally, such as through a promotion, it would be required to offer that position to a qualified RIF'd employee of that agency who meets certain criteria relating to classification and pay, and who is located within the same commuting area. If no such employee exists, then that agency shall offer the vacancy to a comparably-situated, well-qualified

RIF'd employee from another Federal agency. Should no RIF'd employee meet these criteria, then the agency may hire a person who is outside of the Federal Government.

Mr. President, I introduced a very similar bill in the last Congress, and I am pleased that the concept has begun to attract support. A bipartisan bill was introduced a week and a half ago in the House, a component of which is almost identical to the bill we are introducing today. The Clinton administration also endorses the concept of a mandatory placement preference system.

Mr. President, I urge my colleagues to support the bill and ask unanimous consent that a copy of the legislation be included in the RECORD.

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

S. 1486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY REDUCTION IN FORCE ACTIONS.

(a) **SHORT TITLE.**—This Act may be cited as the "Public Servant Priority Placement Act of 1995".

(b) **IN GENERAL.**—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 3329b. Placement programs for Federal employees affected by reduction in force actions

"(a) For purposes of this section the term "agency" means an "Executive agency" as defined under section 105, except such term shall not include the General Accounting Office.

"(b) No later than 180 days after the date of the enactment of this section, the Director of the Office of Personnel Management shall establish a Government-wide program and each agency shall establish an agency program to facilitate employment placement for Federal employees who—

"(1) are scheduled to be separated from service under a reduction in force under—

"(A) regulations prescribed under section 3502; or

"(B) procedures established under section 3595; or

"(2) are separated from service under such a reduction in force.

"(c) Each agency placement program established under subsection (b) shall provide a system to require the offer of a vacant position in an agency to an employee of such agency affected by a reduction in force action, if—

"(1) the position cannot be filled within the agency;

"(2) the employee to whom the offer is made is qualified for the offered position;

"(3)(A) the classification of the offered position is equal to or no more than one grade below the classification of the employee's present or last held position; or

"(B)(i) the basic rate of pay of the offered position is equal to the basic rate of pay of the employee's present or last held position; or

"(ii) sections 5362 and 5363 apply to the basic rate of pay of the employee in the offered position; and

"(4) the geographic location of the offered position is within the commuting area of—

"(A) the residence of the employee; or

"(B) the location of the employee's present or last held position.

"(d) The Government-wide placement program established under subsection (b) shall—

"(1) coordinate with programs established by agencies for the placement of agency employees affected by a reduction in force action within such agency; and

"(2) provide a system to require the offer of a vacant position in an agency to an employee of another agency affected by a reduction in force action, if—

"(A) the vacant position cannot be filled through the placement program or otherwise be filled from within the agency in which the position is located;

"(B) the employee to whom the offer is made is well qualified for the offered position;

"(C)(i) the classification of the offered position is equal to the classification of the employee's present or last held position; or

"(ii) the basic rate of pay of the offered position is equal to the basic rate of pay of the employee's present or last held position; and

"(D) the geographic location of the offered position is within the commuting area of—

"(i) the residence of the employee; or

"(ii) the location of the employee's present or last held position.

"(e)(1) The agency placement program established under this section shall not affect any priority placement program of the Department of Defense that is in operation on the date of the enactment of this section.

"(2) The interagency placement program established under this section shall not affect the priority of placement of any employee under the agency placement program of such employee's employing agency."

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—(1) The section heading for the second section 3329 (relating to Governmentwide list of vacant positions) is amended to read as follows:

"§ 3329a. Government-wide list of vacant positions".

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to the second section 3329 (relating to Governmentwide list of vacant positions) and inserting in lieu thereof the following:

"3329a. Government-wide list of vacant positions.

"3329b. Placement programs for Federal employees affected by reduction in force actions."

By Mr. MCCAIN (for Mr. GRAMM (for himself, Mr. INOUE, Mr. MCCAIN, Mrs. HUTCHISON, and Mr. INHOFE)):

S. 1487. A bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries; to the Committee on Finance.

THE UNIFORMED SERVICES MEDICARE SUBVENTION DEMONSTRATION ACT OF 1995

• Mr. GRAMM. Mr. President, when we ask men and women to serve in our Nation's Armed Forces, we make them certain promises. One of the most important is the promise that, upon the retirement of those who serve 20 years

or more, a graceful nation will make health care available to them for the rest of their lives. Unfortunately, for many 65-and-over military retirees, promises are being broken.

When the military's Civilian Health and Medical Program of the U.S. [CHAMPUS] was established in 1966, just 1 year after Medicare, 65-and-over military retirees were excluded from CHAMPUS because it was felt they could receive care on a space-available basis from local military hospitals and they would not require health care services from the private medical community. For many years, there were few problems and plenty of available space, but as military bases and their hospitals have closed, more and more retirees are finding it increasingly difficult to receive the care they have been promised.

For many, being denied access to the local base hospital means they are completely reliant on Medicare. While Medicare is a valuable program that serves millions of Americans well, it was not designed as compensation for service to our country. Our military retirees, however, have all served our Nation for a minimum of 20 years, and many for 30 years or more. With all the sacrifices they have made during their careers, I believe military retirees clearly have earned the benefits that they were promised.

While many health care options have been discussed that would appropriately reward the contributions of our military retirees, at a minimum they ought to be able to use their Medicare reimbursement eligibility wherever they choose, including the military health system. Our military treatment facilities also ought to be able to accept Medicare reimbursement and serve as Medicare providers for people who are eligible for both Medicare and for care in the military treatment system.

For this reason, today I am joined by Senators INOUE, MCCAIN, HUTCHISON, and INHOFE in introducing a bill to establish a 2-year demonstration project that will allow Medicare to reimburse the Defense Department for health care services provided to Medicare-eligible beneficiaries who are also eligible to receive care in military treatment facilities. Called subvention. Medicare reimbursement to military treatment facilities has long been a priority of military retirees, and I believe passing this bill and getting this project under way should be a top priority for the Congress.

I am aware that some of my colleagues have also wrestled with this problem and have tried many different ways to establish a subvention program. As I introduce this bill, the Senate Armed Services Committee is working with the Pentagon and the Health Care Financing Administration [HCFA] to outline a demonstration

project. In the House of Representatives, Congressman JOEL HEFLEY has introduced a bill to begin a subvention effort. While my subvention project is different than these, I believe it complements their efforts.

This program will not increase the cost to the taxpayer because it will ensure that DOD cannot shift costs to HCFA, and that the total Medicare cost to HCFA will not increase. In fact, I believe subvention could actually save money. The Retired Officers Association, in their letter to me of December 15, 1995, reports that:

Using 1995 as a baseline, the eligible Medicare population will grow by 1.6 million beneficiaries by 2000. This will increase Medicare's cost by \$7.7 billion if new beneficiaries rely on Medicare as their sole source of care. But, with subvention and DOD's 7 percent discount to the Health Care Financing Administration (HCFA), the aggregate cost increase can be reduced by \$361 million over that same time frame. Because health care will be managed, further savings could be realized which could be passed on by DOD to Medicare through reduced discounts.

This legislation is strongly supported by many military and veterans organizations. I would ask unanimous consent to include in the RECORD 18 statements of support from the following groups: The Retired Officers Association, National Association for Uniformed Services, Air Force Association, National Military Families Association, Veterans of Foreign Wars of the United States, The American Legion, The Retired Enlisted Association, Reserve Officers Association of the United States, Military Service Coalition of Austin (Texas), Association of the United States Army, Air Force Sergeants Association, Non Commissioned Officers Association of the United States of America, United States Army Warrant Officers Association, Chief Warrant and Warrant Officers Association United States Coast Guard, Naval Reserve Association, Naval Enlisted Reserve Association, Association of Military Surgeons of the United States, and Jewish War Veterans of the United States of America.

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

ALEXANDRIA, VA,
December 15, 1995.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: The Retired Officers Association (TROA) with its 400,000 members (including 68,000 auxiliary members), strongly endorses your bill to authorize the Department of Defense (DoD) to test an innovative concept called Medicare subvention, which would allow Medicare to reimburse DoD for care provided to Medicare-eligible uniformed services beneficiaries through the Military Health Services System. Uniformed services retirees and their families are entitled to medical treatment in military treatment facilities (MTFs) on a "space available" basis. However, DoD can't afford to enroll authorized Medicare-eligible

retirees in its new Tricare program and will not make available "space available" care for older retirees unless Congress changes the law to allow reimbursement from Medicare.

Using 1995 as a baseline, the eligible Medicare population will grow by 1.6 million beneficiaries by 2000. This will increase Medicare's cost by \$7.7 billion if new beneficiaries rely on Medicare as their sole source of care. But, with subvention and DoD's 7 percent discount to the Health Care Financing Administration (HCFA), the aggregate cost increase can be reduced by \$361 million over that same time frame. Because health care will be managed, further savings could be realized which could be passed on by DoD to Medicare through reduced discounts. In addition to saving money for Medicare, taxpayers and beneficiaries, subvention will:

Promote military medical readiness,
Give older retirees the freedom to choose where they would like to get their health care services, i.e., either from civilian or military sources,
Prevent retirees from being "shoved out" of Tricare Prime (DoD's HMO-like program) when they turn age 65.

Enable those 65 and older to choose the military managed care approach for their comprehensive, cost-effective health care, and

Allow Congress and the government to keep the life-time health care promises made to those who served.

In closing, we applaud your efforts to introduce legislation that will test the viability of subvention and its potential cost savings to the government. The potential benefits of subvention are detailed in the enclosed fact sheet.

Sincerely,

MICHAEL A. NELSON,
President.

NATIONAL ASSOCIATION
FOR UNIFORMED SERVICES
Springfield, VA, December 14, 1995.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: I am writing to express strong support for your legislation directing the conduct of a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treatment facilities (MTFs) and in DoD managed care networks.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although eligible to use MTFs on a space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions have shoved hundreds of thousands of retirees out of military medicine.

Medicare eligible retirees served in WWII, Korea, Vietnam and the long Cold War. They were recruited and reenlisted by promises of lifetime medical care. Now when they need it most they are being disenfranchised. Further, DoD's TRICARE program excludes them despite the fact that these retirees earned military sponsored health care through years of arduous service and paid for Medicare through payroll deductions.

Your Medicare reimbursement legislation will allow these patriots and their families to use their Medicare benefits in military treatment facilities which will save scarce Medicare trust funds while providing the

necessary funds needed for their care. Your Medicare reimbursement bill is win-win legislation for everyone—Medicare, taxpayers, beneficiaries and military medicine.

I very much appreciate your leadership on this issue and you have our full support. We are confident that this demonstration will prove the need for a permanent reimbursement program.

Sincerely,

J.C. PENNINGTON,
Major General, USA (retired),
President.

AIR FORCE ASSOCIATION,
Arlington, VA, December 15, 1995.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: The members of the Air Force Association strongly support your legislative initiative to develop a demonstration project to authorize Medicare subvention. Medicare Subvention would provide military retirees with seamless health care coverage regardless of age.

Most military members believe they were promised, through tradition and practice, "health care for life," when deciding to choose a career in the military. In the past, Medicare eligible retirees have received health care in the military treatment facilities (MTFs) on a "space available" basis. However, cutbacks in health care funding and medical personnel, and base hospital closures resulting from base realignment and closure, is likely to force many Medicare eligible retirees out of the military medical system.

Military retirees are the only group of retired government employees who lose their health benefit upon reaching age 65. At age 65, retirees must enroll in Medicare or continue to take the risk of receiving health care on a space available basis in the MTFs or if eligible Veterans Administration facilities. Under current law, Medicare eligible retirees cannot enroll in TRICARE unless changes are made to the Social Security Act allowing Medicare subvention.

You have the Air Force Association's full support for the Medicare subvention demonstration program.

Sincerely,

R.E. SMITH,
President.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, December 14, 1995.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: Thank you for taking the initiative to introduce legislation that is so important to the Veterans of Foreign Wars of the United States (VFW). Specifically, we have repeatedly sought legislation that would allow the Secretary of Health and Human Services to reimburse the Military Health Service System for care provided to Medicare-eligible military retirees and their spouses in the Military Health Service System. This inter-departmental reimbursement proposal is referred to as "Medicare subvention". It would improve present government health care services to taxpayers in a more cost-effective and service-efficient manner than is presently the case.

Today, more than half the 2.1 million members of the Veterans of Foreign Wars of the United States (VFW) who are eligible to receive Medicare are military retirees who fought in World War II, Korea, and/or Viet-

nam. Hence, they now must receive medical treatment in the civilian community or private sector at a higher cost than could be provided in a military treatment facility. To further compound this problem most VFW military retirees prefer to continue to receive their medical care in military facilities whenever and wherever possible. To make this point, at our last national convention held in August 1995 our voting delegates unanimously passed VFW Resolution No. 643 titled "Health Care for Medicare Eligible Military Retirees." A copy is attached to this letter. Our position is to have Congress pass legislation that allows Medicare eligible retirees and their dependents to continue to receive the high quality of military medical service they are familiar with and are accustomed to receiving.

Thank you for your past and present efforts on behalf of all military retired veterans. They have earned military sponsored health care through past years of arduous service. Today, they are the only federal employees who lose their employer provided health care upon reaching age 65. Your proposed legislation will correct this inequity.

Sincerely,

PAUL A. SPERA,
Commander in Chief.

Attachment: as stated.

RESOLUTION NO. 643
HEALTH CARE FOR MEDICARE ELIGIBLE
MILITARY RETIREES

Whereas, military retirees find it difficult to be treated at military facilities once they become eligible for Medicare since the military is not allowed to take Medicare money and hospital Commanders are reluctant to provide care for which they receive no reimbursement; and

Whereas, there is presently a bill before the House of Representatives, H.R. 861, by Congressmen Randy (Duke) Cunningham and Duncan L. Hunter that would allow military retirees and veterans to use their Medicare benefits at military or VA hospitals; and

Whereas, this would reduce the government's cost of providing health care since the government hospitals can treat these patients less expensively than paying Medicare to civilian medical facilities; now, therefore, be it

Resolved, by the Veterans of Foreign Wars of the United States, that we urge Congress to support passage of legislation that would allow military retirees and veterans to use their Medicare entitlements in military or VA hospitals.

THE AMERICAN LEGION,

Washington, DC, December 19, 1995.

Sen. PHIL GRAMM,
Committee on Appropriations, U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: The American Legion commends you for introducing and fully supports the "Medicare Subvention Demonstration Project Act." This bill, which proposes a two-year demonstration program at selected sites, serves to implement an adopted American Legion mandate, namely Medicare subvention or reimbursement of Department of Defense (DOD) medical facilities by the Department of Health and Human Services (DHHS) for treatment of enrolled Medicare-eligible military retirees and their dependents.

Recognizably, this demonstration project legislation represents a significant first step in the direction of full-fledged Medicare subvention which has been long supported by The American Legion. The goal of this effort would improve access to needed health care services for this dual-eligible population

while assuring the demonstration does not increase the total federal cost of both programs. It is our aspiration that this legislation become law, and that it eventually be implemented at all military medical facilities throughout the country.

Most importantly, this bill would ease the tremendous frustration expressed by Medicare-eligible military retirees and their dependents that their government has reneged in its promises of free, lifetime, health care in exchange for decades of service to this nation in time of war and peace. Military retirees and their dependents are the only group of Federal retirees who essentially lose their health care coverage when they become 65 and are no longer eligible for CHAMPUS/TRICARE coverage. Aside from the Department of Defense itself providing health care for this group—which it states it can no longer afford—Medicare subvention appears to provide the only viable solution to resolve the health care crisis experienced by this growing group of deserving veterans who have served their country for so long. Enclosed is a copy of American Legion Resolution No. 107, "Department of Defense Health Care Reform for Military Beneficiaries," which supports the proposed legislation.

Military retirees have seen the promise of lifetime health care, and other promises, being broken which is not only a demoralizing factor, but one which can and will impact on recruiting and retaining a quality force if it is left unresolved. The American Legion salutes your initiative.

Sincerely,

G. MICHAEL SCHLEE,
Director National Security-Foreign Relations
Division.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, VA, December 19, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: On behalf of The Retired Enlisted Association (TREA), and its Auxiliary, I want to express our collective appreciation to you for introducing legislation that will require a demonstration project authorizing Medicare reimbursement to the Department of Defense when treating Medicare eligible military retirees seeking care from the Military Health Services System (MHSS) within the demonstration area.

Medicare eligible military retirees began their service during World War II or the Korean War and continued their service through the Cold War and the many conflicts during that era, including the Vietnam War.

Without your Medicare reimbursement legislation, too many of these dedicated American patriots would find themselves disenfranchised from the Military Health Care System despite decades of promises of health care for life from the military.

If TREA can be of assistance to you on this most important issue, please don't hesitate to contact us.

Sincerely,

JOHN M. ADAMS,
MCPO, USN (Ret.), Director for Government
Affairs.

MILITARY SERVICE
COALITION OF AUSTIN,
Austin, TX, December 15, 1995.

Sen. PHIL GRAMM,
Washington, DC.

DEAR SENATOR GRAMM: Our Military Service Coalition in Austin, Texas is extremely pleased with your authorship of such a balanced and unique approach to the Military

Medicare Subvention debate. It is our opinion that your proposed "Medicare Subvention Demonstration Project Act" provides for both fiscal soundness and an operationally feasible method to test the theory and concept of Military Medicare Subvention.

Clearly, this legislation is a pragmatic alternative to other proposals that were simply too progressive, too soon. We believe that although, theoretically attractive, they were simply too far reaching and were introduced without any clear method to gain a better understanding of any potential adverse impact on both providers and customers.

Again, you and your staff are to be commended on the introduction of such a well coordinated and reasoned approach to legislative change which we believe will begin to improve our existing military health care delivery systems. We appreciate the opportunity you gave us to work closely with your staff during the development of this fine effort.

May God continue to bless your efforts to make health care more accessible to our Nation's Veterans.

Respectfully,

BRUCE CONOVER, *President.*

ASSOCIATION OF THE
UNITED STATES ARMY,
Arlington, VA, December 14, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: Medicare Subvention, the reimbursement of the Department of Defense for the medical care it provides to Medicare-eligible beneficiaries, has long been a goal of the Association of the United States Army. Despite the bureaucratic resistance that often meets new ideas, Subvention continues to pass every test of fairness and logic to which it is subjected. In an age of constrained budgets and fiscal restraint, Medicare Subvention is an initiative that makes too much sense to ignore and actually holds the promise of saving money.

On behalf of the more than 100,000 members of the Association of the United States Army, thank you for your courage in confronting the bureaucratic resistance by introducing legislation to permit a demonstration of Medicare Subvention. While I believe a test is unnecessary to show that value of Subvention, the demonstration will remove any doubt that this is an initiative in which there are no losers. The Medicare-eligible military beneficiary wins. The military health care system wins. The Health Care Financing Administration wins and, in the final analysis, the American people win because a quality product will be delivered to a deserving segment of our population at a lower cost and in a more practical manner.

Medicare Subvention does not answer all the concerns we have with the military medical system, but it goes a long way to help one segment of the beneficiary population. It is an idea whose time has come. Thank you again for your willingness to sponsor a bill that will make Medicare Subvention a reality.

Sincerely,

JACK N. MERRITT,
General, USA Retired.

AIR FORCE
SERGEANTS ASSOCIATION,
Temple Hills, MD, December 15, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: On behalf of the 160,000 members of the Air Force Sergeants

Association, thank you for your introduction of Medicare subvention legislation before the United States Senate. Our shared concern for health care needs of our oldest military retirees will, hopefully, result in legislative action on your bill during this Congress, with the eventual goal of attaining subvention for all over-64 military retirees.

As you are aware, current law requires that over-65, Medicare-eligible military retirees be thrown out of formal participation in the Military Health Services System (MHSS) simply because they have attained that age and status. For many, this effectively ends their care possibilities within the MHSS, because "space-available" care in Military Treatment Facilities is increasingly difficult to obtain.

Most other federal employees keep their federal health insurance upon reaching age 65. Therefore, the current practice toward over-65 military retirees is discriminatory and must end. The full-scale enactment of Medicare subvention could result in the ability of many of our older military retirees to participate in DoD's new health care program, TRICARE. Your efforts to begin the process are needed and appreciated. As always, feel free to ask for AFSA's support of this or any other legislation of mutual concern.

Sincerely,

JAMES D. STATION,
Executive Director.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,

Alexandria, VA, December 15, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: The Non Commissioned Officers Association of the USA (NCOA) wishes to express strong support for your efforts to introduce legislation directing that a demonstration project be conducted to authorize Medicare reimbursement to the Department of Defense (DoD) for medical care provided in Military Treatment Facilities (MTFs) and in the department's managed care networks. It is very important that your bill include TRICARE and the Uniformed Services Treatment Facilities in the demonstration.

NCOA and its members are very concerned that the efforts of DoD to improve health care availability and accessibility through implementation of the TRICARE program for all military beneficiaries are being hampered simply because Medicare will not reimburse DoD for the medical treatment provided to the age-65 military retiree. NCOA cannot just stand by and watch a group of military retirees who earned a free lifetime medical care benefit be disenfranchised from that benefit.

In this regard, NCOA applauds your efforts and supports your legislation.

Sincerely,

MICHAEL F. OUELLETTE,
Sgt Maj, US Army, (Ret), Director of
Legislative Affairs.

NATIONAL MILITARY
FAMILY ASSOCIATION,
Alexandria, VA, December 14, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: The National Military Family Association supports your legislation providing for a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treat-

ment facilities (MTFs) and in DoD managed care networks. The bill includes TRICARE and the Uniformed Services Treatment Facilities in the demonstration.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although eligible to use MTFs on a space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions have shoved hundreds of thousands of retirees out of military medicine.

Medicare eligible retirees served in WWII, Korea, Vietnam and the long Cold War. They were recruited and reenlisted by promises of lifetime medical care. Now when they need it most they are being disenfranchised. DoD's TRICARE program excludes them despite the fact that these retirees earned military sponsored health care through years of arduous service and paid for Medicare through payroll deductions.

NMFA is aware that Medicare reimbursement to DoD will only benefit those living in areas where MTFs exist and/or TRICARE Prime is available and continues to support offering all non-active duty military beneficiaries the option of enrolling in the Federal Employees Health Benefit Plan. Nonetheless, Medicare reimbursement to DoD will benefit many who would otherwise lose access to the military system.

Sincerely,

SYLVIA E.J. KIDD,
President.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, December 18, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I write to you today on behalf of the more than 100,000 members of the Reserve Officers Association, an organization chartered by Congress to "support a military policy for the United States that will provide adequate national security. . . ." ROA strongly supports your legislation directing the conduct of a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treatment facilities (MTFs) and in DoD managed care networks. The bill includes TRICARE and the Uniformed Services Treatment Facilities in the demonstration.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although military retirees are entitled to use MTFs on a space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions will shove hundreds of thousands of them out of military medicine.

Medicare-eligible retirees served in WWII, Korea, Vietnam and the long Cold War. When they were recruited and reenlisted they were promised lifetime medical care. Now when they need it most they are being disenfranchised. Further, DoD TRICARE program excludes them despite the fact that these retirees earned military sponsored health care through years of arduous service and paid for Medicare through payroll deductions.

Your Medicare reimbursement legislation will allow these patriots and their families to use their Medicare benefits in military treatment facilities which will save scarce Medicare trust funds while providing the

necessary funds needed for their care. Your Medicare reimbursement bill is win-win legislation for everyone—Medicare, taxpayers, beneficiaries and military medicine.

You have our association's full support for this important legislation. I am sure that this demonstration will prove the need for a permanent reimbursement program.

Sincerely,

ROGER E. SANDLER,
Major General, AUS (Ret.),
Executive Director.

JEWISH WAR VETERANS OF THE
UNITED STATES OF AMERICA,
December 14, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I am writing to express strong support for your legislation directing the conduct of a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treatment facilities (MTFs) and in DoD managed care networks. The bill includes TRICARE and the Uniformed Services Treatment Facilities in the demonstration.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although eligible to use MTFs on a space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions have shoved hundreds of thousands of retirees out of military medicine.

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Your Medicare reimbursement legislation will allow these patriots and their families to use their Medicare benefits in military treatment facilities which will save scarce Medicare trust funds while providing the necessary funds needed for their care. Your Medicare reimbursement bill is win-win legislation for everyone—Medicare, taxpayers, beneficiaries and military medicine.

You have our full support for this legislation. I am sure that this demonstration will prove the need for a permanent reimbursement program.

Sincerely,

NEIL GOLDMAN,
National Commander.

U.S. ARMY
WARRANT OFFICERS ASSOCIATION,
December 15, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: On behalf of the United States Army Warrant Officers Association (USAWOA) I am writing to express strong support for your legislation directing the conduct of a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treatment facilities (MTFs) and in DoD managed care networks.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although eligible to use MTFs on a

space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions have excluded hundreds of thousands of retirees from military medicine.

Medicare eligible retirees served in WWII, Korea, Vietnam and the long Cold War. They were recruited and reenlisted by promises of lifetime medical care. Now when they need it most they are being disenfranchised. Further, DoD's TRICARE program excludes them despite the fact that these retirees earned military sponsored health care through years of arduous service and paid for Medicare through payroll deductions.

Your Medicare reimbursement legislation will allow these patriots and their families to use their Medicare benefits in military treatment facilities which will save scarce Medicare benefits in military treatment facilities while providing the necessary funds needed for their care.

Your leadership in initiating this important legislation is appreciated. We are confident that this demonstration will prove the need for a permanent reimbursement program.

Sincerely,

DON HESS,
CW4, USA,
Executive Vice President.

USCG, CHIEF WARRANT AND
WARRANT OFFICERS ASSOCIATION,
Washington, DC, December 15, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I am writing to express strong support for your legislation directing the conduct of a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treatment facilities (MTFs) and in DoD managed care networks. The bill includes, Tricare and the Uniformed Services Treatment Facilities in the demonstration.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although eligible to use MTFs on a space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions have shoved hundreds of thousands of retirees out of military medicine.

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Your Medicare reimbursement legislation will allow these patriots and their families to use their Medicare benefits in military treatment facilities which will save scarce Medicare trust funds while providing the necessary funds needed for their care. Your Medicare reimbursement bill is win-win legislation for everyone—Medicare, taxpayers, beneficiaries and military medicine.

You have our full support for this legislation. I am sure that this demonstration will prove the need for a permanent reimbursement program.

Sincerely,

ROBERT L. LEWIS,
Executive Director.

NAVAL ENLISTED RESERVE ASSOCIATION,
Falls Church, VA, December 14, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I am writing to express NERA's strong support for your legislation directing the conduct of a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treatment facilities and in DoD managed care networks. The bill includes TRICARE and the Uniformed Services Treatment Facilities in the demonstration.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although eligible to use MTFs on a space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions have shoved hundreds of thousands of retirees out of military medicine.

Medicare eligible retirees served in WWII, Korea, Vietnam and the long Cold War. They were recruited and reenlisted by promises of lifetime medical care. Now when they need it most, they are being disenfranchised. Further, DoD's TRICARE program excludes them despite the fact that these retirees earned military sponsored health care through years of arduous service and paid for Medicare through payroll deductions.

Your Medicare reimbursement legislation will allow these patriots and their families to use their Medicare benefits in military treatment facilities which will save scarce Medicare trust funds while providing the necessary funds needed for their care. Your Medicare reimbursement bill is win-win legislation for Medicare, taxpayer, beneficiaries and military medicine.

You have our full support for this legislation. I am sure that this demonstration will prove the need for a permanent reimbursement program.

Sincerely,

EDDIE OCA,
National President.

NAVAL RESERVE ASSOCIATION,
Alexandria, VA, 15 December 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I am writing to express strong support for legislation directing the conduct of a demonstration project to authorize Medicare reimbursement to the Department of Defense and its medical facilities for care provided in military treatment facilities (MTFs) and in DoD managed care networks. The bill include TRICARE and the Uniformed Services Treatment Facilities in the demonstration.

Military retirees and their families are the only federal employees who lose their employer provided health care upon reaching age 65. Although eligible to use MTFs on a space available basis, deep cutbacks in health care personnel and funding as well as hospital closures resulting from Base Realignment and Closure Commission actions have shoved hundreds of thousands of retirees out of military medicine.

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You have our full support for this legislation.

Sincerely,

JAMES E. FOREREST

ASSOCIATION OF MILITARY SURGEONS
OF THE UNITED STATES,
Bethesda, MD, December 15, 1995.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I am writing to express strong support for your legislation directing the conduct of a demonstration project to authorize Medicare reimbursement in the Department of Defense and its medical facilities for care provided in military treatment facilities (MTFs) and in DoD managed care networks. The bill includes TRICARE and the Uniformed Services Treatment Facilities in the demonstration.

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Sincerely,

MAX B. BRALLIAR,
LT General, USAF, MC Ret.
Executive Director.

●Mr. McCAIN. Mr. President, today I am cosponsoring with Senator PHIL GRAMM the Uniformed Services Medicare Subvention Demonstration Act, this bill would allow Medicare reimbursement to the Department of Defense for care provided by the military system to Medicare-eligible uniformed services beneficiaries.

In the case of those Medicare-eligible uniform services beneficiaries who enroll in the Department's managed health care plan, Tricare, this legislation would authorize a demonstration project that allows Medicare to pay DOD based on a reduced rate per en-

rollee of 93 percent from what Medicare pays eligible health maintenance organizations. In the case of DOD beneficiaries who do not enroll in Tricare, Medicare would pay military treatment facilities [MTFs] for services provided based on the methodology it would use in paying a discounted rate of 93 percent of what Medicare pays a similar civilian provider.

Under current law, DOD retirees may receive care free of charge at a MTF on a space available basis. There are currently about 1.2 million uniformed services beneficiaries age 65 and older. By 1997, this number is expected to grow to 1.4 million. It is estimated that 97 percent of these retirees are eligible for Medicare. An estimated 324,000 of these individuals currently use military health care facilities on a regular basis when space is available, at a cost of \$1.4 billion per year from DOD's annual appropriation. Due to budgetary considerations, DOD soon will no longer have the resources to treat Medicare-eligible beneficiaries unless it is able to obtain Medicare reimbursement.

For military retirees, the cost of care provided through civilian providers in the Medicare Program is significantly higher than if the care is provided at a military hospital. One study by DOD found that the cost of care at a military hospital is 10-24 percent less. Such savings are further supported by a GAO study of six hospitals in which estimated savings to the CHAMPUS Program ranged from \$18 to \$21 million. With Medicare reimbursement, DOD will be able to treat more Medicare-eligible beneficiaries at lower cost to the Government.

There would be substantial benefits to our military readiness associated with this legislation. Under this demonstration project, the readiness of the military health care system would be enhanced in two significant ways. First, military treatment facilities would be able to maintain their service capacity despite DOD budgetary restrictions due to the infusion of Medicare funds. Second, DOD physicians and other military health care personnel will be able to treat the broad range of Medicare problems presented by retired beneficiaries, thereby assisting them to maintain and expand their knowledge and skills.

Even more important, this legislation is important to overall military personnel readiness. Particularly in times of conflict, our Armed Forces depend heavily on the high quality of career mid-level and senior management. We must therefore continue to attract such personnel to serve full military careers, often comprising 30 years of service and sacrifice. Offering an attractive retirement benefits package, including military health care during retirement, and keeping our Government's promises concerning such bene-

fits, is essential to maintaining these key personnel.

I believe that this bill is at least budget neutral and will save the Government money. It will seek a reduced reimbursement from Medicare only for new beneficiaries who otherwise obtain care through Medicare within the civilian sector. DOD concludes that subvention will reduce Government costs. Allowing Medicare reimbursements for DOD health care has been a longstanding proposal. This bill would allow us to demonstrate the initiative on a limited basis to ensure that it provides the promised benefits to Medicare recipients who are retired uniform service beneficiaries, to Department of Defense's health care system and to the Medicare trust fund. I hope it is a demonstration we can implement to increase success for broader application.

Mr. President, this bill is important to the military, its retirees and the Nation. The military needs to maintain its readiness and its ability to provide the best care possible. Retirees who have served their careers in our uniformed services, and who have also paid into the Medicare trust fund like other Medicare beneficiaries, deserve the full range of choice that this legislation offers. They should be able to use their Medicare coverage wherever they are eligible to receive care, including a military treatment facility or the Tricare Program.

This legislation is supported in principle by the Department of Defense and fully by all the uniformed services organizations and the major veterans organizations, including the entire military coalition. Additionally, the Senate has already taken a positive position on Medicare subvention when it earlier this year passed a sense-of-the-Senate resolution in the Defense authorization bill. I am proud to be part of an effort with Senator PHIL GRAMM to continue to move forward on this important legislation for military service members and their families.

Again, this legislation should provide the catalyst to demonstrate that, in fact, those career uniformed service members continue to have options in terms of health care and allows them to continue to be able to choose their health care provider like most Americans. For the active service members and their families they will continue to enjoy the highest quality health care that is our duty to provide.●

By Mr. SARBANES:

S. 1488. A bill to convert certain accepted service positions in the U.S. Fire Administration to competitive service positions, and for other purposes; to the Committee on Governmental Affairs.

U.S. FIRE ADMINISTRATION LEGISLATION

● Mr. SARBANES. Mr. President, today I am introducing legislation to

convert eight remaining excepted service positions at the U.S. Fire Administration to competitive service status.

During its first few years of operation, the Federal Emergency Management Agency used an excepted service authority provided under the Fire Prevention and Control Act of 1974 in order to quickly staff the National Fire Academy with personnel who were uniquely qualified in fire education.

In the early 1980's, after the Academy's original vacancies had been filled and the Academy was up and running, it became FEMA's policy to fill openings at the NFA through a competitive civil service hiring system. Today, 91 of the NFA's 99 employees are under the general schedule with only eight employees who were hired in the 1970's and early eighties remaining in excepted service status. As a result, these remaining eight are subject to significant limitations within the USFA. Although they each average over 17 years of Federal service and were hired solely because of their strong backgrounds and unique qualifications in fire education, they are legally barred from competing for management positions within the Fire Administration. The remaining eight excepted service employees are not even allowed to serve on details to competitive service jobs—even within their own organization—without an official waiver from the Office of Personnel Management.

Mr. President, I am proposing to remedy this situation. The legislation which I am introducing will enable the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management to convert any employees appointed to the Fire Administration under the Federal Fire Protection and Control Act, to competitive service—without any break in service, diminution of service, reduction of cumulative years of service, or requirement to serve any additional probationary period with the Administration. Those converted under this legislation shall also remain in the Civil Service Retirement System and retain their seniority. This practice is consistent with other federally supported training academies. The Congressional Budget Office has indicated that there would be no cost for this conversion, and I urge my colleagues to join me in support of this legislation. ●

By Mrs. MURRAY:

S. 1489. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

COLUMBIA RIVER BASIN LEGISLATION

● Mrs. MURRAY. Mr. President, I am introducing legislation today to designate the 50-miles of the mid-Columbia River known as the Hanford

Reach—the last free-flowing stretch of the river—a wild and scenic river and to improve fish and wildlife habitat downstream of the reach.

Although I have been working for less than a year with the community and members of my Hanford Reach Advisory Panel to develop a broadly-supported means of protecting the river corridor, the effort to save the reach has been underway for 30 years.

The Hanford Reach is an issue whose time has come.

While most of the Columbia River Basin was being developed during the middle of this century, the Hanford Reach and other buffer areas within the Hanford Nuclear Reservation were kept pristine, ironically, by the same veil of secrecy and security that led to the notorious nuclear and chemical contamination of the central Hanford site. Today, these relatively undisturbed Hanford buffer areas are wild remnants of a great river and vast shrub-steppe ecosystem that have been tamed by dams, farms, and other economically important development.

As the last free-flowing stretch of the Columbia between the Canadian border and Bonneville Dam, the significance of the Hanford Reach has only recently become fully appreciated. Mile for mile, it contains some of the most productive and important fish spawning habitat in the lower 48 States. The cool, clear waters of the Columbia River that sweep through the reach have the volume and velocity to produce ideal conditions for spawning and migrating salmon. The reach produces 80 percent of the Columbia Basin's fall chinook salmon, as well as thriving runs of steelhead trout and sturgeon. It is the only truly healthy segment of the mainstem of the Columbia River.

At a time when the Pacific Northwest is struggling to restore declining salmon runs—and spending hundreds of millions annually on restoration and enhancement efforts—protecting the Hanford Reach is the most cost-effective step we can take. That is why the Northwest Power Planning Council, Trout Unlimited, conservation groups, tribes, and many other regional interests involved in the salmon controversy support designation of the reach under the National Wild and Scenic Rivers Act.

The reach is also rich in other natural and cultural resources. Bald eagles, wintering and migrating waterfowl, deer, elk, and a diversity of other wildlife depend on the reach. It is home to dozens of rare, threatened, and endangered plants and animals, some found only in the reach.

This part of the Columbia Basin is also of great cultural importance. Native American culture thrived on the shores and islands of the reach for millennia, and there are over 150 archaeological sites in the proposed designa-

tion, some dating back more than 10,000 years. The reach's naturally-spawning salmon and cultural sites remain a vital part of the culture and religion of Native American groups in the area.

The southern shore of the reach chronicles a different kind of history: the story of the Manhattan project and defense nuclear production during the cold war. Nowhere else in the world is there a higher concentration of nuclear facilities, some of which are on the National Register of Historic Places, than along this stretch of the Columbia River.

In stark contrast to the old defense reactors is the section of the reach dominated by the White Bluffs, whose towering but fragile cliffs offer dramatic scenery and opportunities for solitude. Irrigation water flowing through unstable Ringold formation sediments has caused part of the White Bluffs to slide into the River, smothering spawning beds, reducing water quality, and even deflecting the course of the river. This constitutes one of the great threats to the reach.

The reach offers residents and visitors recreation of many types—from hunting, fishing, and hiking to kayaking, waterskiing, and bird-watching—and adds greatly to the quality of life and economy of the area.

My legislation builds on a foundation begun in the 100th Congress by Senators Dan Evans and Brock Adams, and Congressman Sid Morrison, who enacted legislation which called for a moratorium on development within the river corridor and a detailed study of policy options. Our bill implements the preferred alternative of the Hanford Reach EIS, which recommended Congress designate the reach a recreational river under the National Wild and Scenic Rivers Act.

With the guidance of my Hanford Reach Advisory Panel, the legislation also contains some refinements and protections. For example, the bill explicitly allows current activities, such as agriculture, power generation and transmission, and water withdrawals along the river corridor to continue. It excludes private property, which comprises only about three percent of the study area. The legislation also guarantees that local government and other local interests have a formal role in the management of the river corridor, which will come under the jurisdiction of the U.S. Fish and Wildlife Service.

The legislation also includes provisions which complement the Wild and Scenic River designation. The Secretary of Interior and relevant Federal agencies are directed to work with local and State sponsors in developing a program of education and interpretation related to the Hanford Reach. The city of Richland and area tribes, among others, have been working with the Department of Energy on a museum and

regional visitor center proposal and are eager to make the natural and human history of the reach part of the project. Federal agencies should help coordinate with local sponsors on this initiative.

There is also great interest in the triticities, and among some government agencies, in improving the habitat value, access, and appearance of the Columbia River shoreline in the area, much of which is lined with high, steep levees that were put into place before the network of Columbia River dams controlled the flow of the River and reduced the need for such flood control structures. Migrating salmon and wildlife now face a sterile gauntlet, populated by predatory fish species, in this part of the River.

This bill directs the Army Corps of Engineers, which built, owns, and maintains the levees, to coordinate with local sponsors on demonstration projects to restore the rivershore. In the short-term, the bill directs the corps to undertake some small levee modification projects under their existing Section 1135 Project Restoration Program, assuming the local sponsors meet program requirements for planning and cost-sharing. The cities of Kennewick and Pasco, and the Port of Kennewick, have already indicated an interest and ability to pursue this course of action. In the long-term, the corps is directed to undertake a comprehensive study of the levees and determine if rivershore restoration in the area is feasible and an important Federal priority.

I am proud of the way this legislation was developed. It is the product of an open, consensus-building process that heard from virtually every interested group in the community and in the region. The bill was drafted with the assistance of a diverse panel of community leaders from local government, business, labor, and the conservation community.

I am deeply grateful to the members of my Hanford Reach Advisory Panel for their public spirited commitment of their valuable time, energy, and creativity. Sue Frost, manager of the Port of Kennewick; Chris Jensen, Pasco City Council; Joe King, Richland City Manager; Rick Leaumont with the Lower Columbia Basin Audubon Society; John Lindsay, president of TRIDEC; Kris Watkins with the Tri-Cities' Visitor and Convention Bureau; and Jim Watts with the Oil, Chemical and Atomic Workers did an outstanding job tackling the tough issues associated with this legislation and developing a consensus proposal.

I look forward to working with my colleagues in the Senate to enact this historic and balanced measure.●

By Mr. SIMON (for himself, Mr. JEFFORDS, Mr. LEAHY, and Mrs. BOXER):

S. 1490. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve enforcement of such title and benefit security for participants by adding certain provisions with respect to the auditing of employee benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

THE PENSION AUDIT IMPROVEMENT ACT OF 1995

Mr. SIMON. Mr. President, Senator JEFFORDS and I are introducing the Pension Audit Improvement Act of 1995 today in order to improve the quality of audits performed pursuant to the Employee Retirement Income Security Act of 1974 [ERISA]. The bill repeals the limited scope audit exemption, enhances ERISA auditor qualifications, and requires speedy reporting of serious ERISA violations discovered during plan audits.

Over the past few years, both the Inspector General of the Department of Labor and the GAO have issued reports documenting the need to strengthen the quality of pension audits. Recent investigations by Secretary Reich of 401(k) plans further demonstrate the need for Congress to Act promptly on this measure.

I want to commend Senator JEFFORDS for his interest and work in support of this bill. I also want to commend Secretary Reich for the Department's substantial work and effort in support of this bill. I am also pleased to report that this bill is supported by the American Institute of Certified Public Accountants, and I thank them for their efforts to move this bill forward. I ask unanimous consent to have a summary of the bill printed in the RECORD.

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

PENSION AUDIT IMPROVEMENT ACT OF 1995
CURRENT LAW

Title I of the Employee Retirement Income Security Act of 1974 (ERISA), requires that pension plan administrators obtain a financial audit of employee benefit pension plans. ERISA's audit requirement was designed to protect employee benefit plan assets and assist the Labor Department's enforcement activities by insuring the integrity of financial and compliance information disclosed on the annual report filed with the government.

Under current law, plan auditors are permitted to exclude plan assets invested in regulated institutions, such as banks or insurance companies, from the annual audit. This exclusion, referred to as a limited-scope audit, prohibits auditors from rendering an opinion on the plan's financial statements in accordance with professional auditing standards. Consequently, there is no assurance that plan assets are secure. About fifty percent of plan audit reports contain a limited scope audit disclaimer, resulting in approximately \$950 billion dollars in pension plan assets that are not subject to a full financial audit.

Federal law enforcement agencies including, the Office of the Inspector General of the Department of Labor, the General Accounting Office (GAO) and the Pension and

Welfare Benefits Administration of the Department of Labor have found that current ERISA audits do not consistently meet professional standards, therefore, hundreds of millions of dollars in pension funds are not being adequately audited.

MAJOR PROVISIONS OF THE PENSION AUDIT IMPROVEMENT ACT OF 1995

The Pension Audit Improvement Act is designed to improve the integrity of private audits of employee pension plan benefits to better protect retirees and active workers future retirement income. In order to insure that pension funds are adequately safeguarded, this bill repeals the limited scope audit exemption, enhances ERISA auditor qualifications, and requires speedy reporting of serious ERISA violations discovered during plan audits.

1. Repeal of limited scope audits

The bill repeals the limited-scope audit. Limited scope audits were originally designed to exempt institutions that were already examined by federal or state agencies from duplicative detailed audits. The Inspector General of the Department of Labor, has found, however, that a significant number of these financial institutions are not audited annually increasing risks to plan participants of inadequate retirement security. Eliminating the limited scope audit will not require that the plan's accountant duplicate the work of a bank or insurance company audit. It is expected that the ERISA plan auditors will rely on the reports of the financial institution, meeting certain certified public accounting standards, which speak to the reliability of that audit. This "single audit" approach would fulfill the purposes of the audit requirement without imposing the additional cost of independently reviewing the financial institution's records. At the same time, accountants will now be able to issue audit reports that provide employees the assurance that their retirement income is secure.

2. Reporting and enforcement requirements for pension plans

a. Prompt reporting of serious violations

ERISA's current reporting rules create a time lag between the detection of a reportable event and the filing of the annual report which increases the risk to plan participants and beneficiaries that full recoveries will not be made. This audit bill requires faster reporting duties on auditors who discover serious violations or whose services are terminated by the employer client. This provision should substantially enhance ERISA enforcement because the Department of Labor will receive notices of violations from plan auditors, up to eighteen months, before the Department currently receives this information.

The new reporting rules apply only to the most egregious violations like theft, embezzlement, bribery or kickbacks. The primary reporting obligation remains with the plan administrator. Auditors report serious violations directly to the Labor Department only if the administrator fails to notify within a specific time frame.

b. Auditor termination

The bill also requires a pension plan that terminates an accountant to promptly notify the Secretary of Labor. The plan's notice must specify the reasons for termination, and a copy of the notice must be sent to the accountant.

c. Penalty for failure to report

The bill provides a civil penalty of up to \$100,000 against any accountant or pension

plan that violates the reporting requirement. A violation could also result in criminal sanctions.

3. Enhanced qualifications for ERISA plan auditors

The Department of Labor reports that it "continues to detect substantial auditing work" by ERISA auditors. This bill creates a peer review and continuing professional education requirement for ERISA plan auditors. The bill also gives the Secretary of Labor regulatory authority to insure the quality of plan audits.

The bill requires that qualified public accountants participate in an external quality peer review relevant to employee benefit plans within a three year period prior to conducting an ERISA audit. This review must meet recognized auditing standards as determined by the Comptroller General of the United States. The bill also requires that qualified public accountants performing ERISA plan audits satisfy specific continuing education requirements.

4. Clarification of fiduciary penalties

The bill provides the Secretary of Labor the discretion to reduce the current civil penalties (the penalty is an amount equal to 20% of amount recovered pursuant to a settlement agreement for breach of fiduciary duty). The Secretary has determined that the automatic penalty disadvantages plan participants because it serves as a "disincentive" for parties to settle with the Department.

The bill also clarifies that ERISA's anti-alienation rule, which protects pensions from third party creditors, does not protect fiduciaries who breach ERISA and cause a loss to the plan. The bill clarifies that ERISA does not prohibit a plan from offsetting a fiduciary's, or criminal wrongdoer's pension benefits when such person causes a loss to the plan.

Mr. JEFFORDS. Mr. President, I rise today with my good friend and colleague, Senator SIMON, to introduce the Pension Audit Improvement Act of 1995. I'd also like to thank the Department of Labor and the American Institute of Certified Public Accountants who have worked very closely with us to produce this bill.

The primary purpose of this legislation is to repeal the limited scope audit exception currently in the Employee Retirement Income Security Act [ERISA]. Similar bills have been introduced by my colleagues Senators KASSEBAUM and HATCH in previous years. The current bill has the added feature of putting some teeth into private auditor enforcement efforts and responsibilities.

Limited scope audits are audits where independent accountants are not required to examine, test, or evaluate funds or assets held in trust by banks or other regulated financial institutions. This provision in ERISA has created a major loophole in the oversight of pension plans. While the assumption is that these institutions are adequately audited by federal agencies, these audits are generally done only once every two years. More significantly, when an independent auditor is restricted from examining significant information in an audit, she generally

disclaims any opinion about whether that plan's financial statements are correct.

Workers and retirees have the right to expect that somebody is making sure that their pensions are there when they retire. The sheer numbers of private pension plans over 900,000, make it virtually impossible for the government to possibly maintain a viable enforcement effort without the help of private plan auditors. Also, is it realistic to expect an accountant, who has continuing ties with an employer, to identify and report to the Department of Labor questionable transactions between the plan and plan sponsor?

The current enforcement system incorrectly assumes, to a large degree, that independent public accountants will detect serious violations in a timely manner. A 1987 report, by the Department of Labor's Office of Inspector General found that in 71% of their reviews, that the independent auditors had failed to discover existing ERISA violations. In a more recent 1989 report, the Inspector General found large numbers of audits didn't adequately examine or test plan assets and lacked timely reporting of ERISA violations.

Furthermore, these studies indicate a number of problems with the detection of potential ERISA violations, including: incomplete or inadequate information being reported, the ability of the government to examine only about one percent of these plans per year, and that private plan audits do not consistently meet generally accepted professional accounting standards.

The intent of the Pension Audit Improvement Act is to increase the overall integrity of private pension plan auditing enforcement practices. To enhance the integrity of audits this bill will subject qualified public accountants to external peer review. In addition, public accountants performing ERISA audits will be required to satisfy continuing education requirements emphasizing employee benefits ERISA rules.

In addition, this bill will place new, expedited reporting duties on auditors whose services are terminated by the plan administrator before the audit is completed and, for those auditors who discover evidence of serious violations such as theft, embezzlement, bribery or kickbacks. Auditors will be required to report these violations directly to the Department of Labor only if the administrator fails to notify the Department within a specified time frame. The primary reporting, of any violation, still remains with the plan sponsor.

I look forward to working with all interested parties in turning this bill into a first step toward strengthening our current pension enforcement system. Although, these changes to ERISA's reporting rules may seem minor they have the potential to cre-

ate lasting reform with respect to the enforcement of Title I of ERISA. Giving private sector auditors the tools and responsibility of early detection of violations will prevent workers from losing hard earned pension benefits.

We simply must do a better job of safeguarding the pension benefits of a growing number of workers and pensioners. The economic security of tens of millions of Americans depends on these benefits being adequately protected.

By Mr. GRAMS (for himself, Mr. HEFLIN, Mr. PRYOR, Mr. MCCONNELL, Mr. CONRAD, Mr. COVERDELL, and Mr. SANTORUM):

S. 1491. A bill to reform antimicrobial pesticide registration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ANTI-MICROBIAL LEGISLATION

Mr. GRAMS. Mr. President, I rise today to introduce bipartisan legislation reforming the burdensome regulatory process for pesticide approvals under the Federal Insecticide, Fungicide, and Rodenticide Act.

I am pleased to say that my legislation achieves that goal while preserving and improving upon our Nation's public health.

This legislation is a product of compromise between the affected industry and the Environmental Protection Agency.

The spirit of bipartisanship is best exemplified by the list of my colleagues joining me in this effort, including Senator HEFLIN, Senator PRYOR, Senator MCCONNELL, Senator CONRAD, Senator COVERDELL and Senator SANTORUM.

As members of the Agriculture Committee, their support for this common-sense legislation is essential and appreciated.

Mr. President, Congress has finally begun to recognize the severe burdens we place upon America's job creators when we impose regulatory legislation without respect to its cost or ultimate benefits.

So I am pleased that we have made significant progress this year in reforming and reducing some of that regulatory burden, and I believe this legislation takes us another step forward.

The pesticides covered by this legislation, called antimicrobial products, include common household disinfectant cleaners, bleaches, sanitizers, and disinfectants.

Antimicrobials play an important and beneficial role in controlling disease and in maintaining a high public-health standard in hospitals, nursing homes, clinics, schools, hotels, restaurants, and even in our own homes.

Because emergency workers rely on antimicrobial pesticides to disinfect contaminated water supplies, they are especially valuable during times of

natural disasters, such as flooding in the Midwest, hurricanes in Florida, and earthquakes in California.

Yet despite the critical role antimicrobials play in maintaining public health, and the efforts of our colleagues to develop a responsible solution, there have been significant and unintended delays on the EPA's part in approving these products for use.

Unfortunately, those delays in the registration process have stifled the ability of the industry to market new products—products which could have an even more significant impact on the public health.

I would like to share an example.

A new product which provides extraordinary effectiveness against a powerful form of bacteria was developed by an international supplier of cleaning and sanitizing products.

Not only was this new product found to be extremely effective, but it was also developed to break down rapidly once it had achieved its sanitizing work. In short, it effectively helped destroy bacteria while it reduced the likelihood of environmental damage.

While this revolutionary product had proven merits, the company could not get the product approved by the EPA for over 2 years because of the cumbersome approval process.

At the end of that 2-year period, the EPA granted its approval and agreed that this product was of great importance to public health and the environment. It's unfortunate that it has taken so long for the Government to recognize what its manufacturer had long known.

Such examples have become commonplace. Because of this inappropriate backlog of anti-microbial applications pending within the EPA that have little or no chance of being resolved within a reasonable period of time, the need for legislative reform is clear.

Our legislation will establish process for expediting the review of anti-microbial products.

It incorporates predictability into the system without compromising public health and safety. It encourages industry and Government to work together to actually improve products which can better guarantee our public health.

In a legislative climate that is too often partisan and uncompromising, this bill is an example of how Congress, the administration and its Federal agencies, industry, and consumers can pool their efforts to achieve a common end.

Again, I thank my colleagues who have cosponsored this bill, the antimicrobial industry, user groups, and the EPA for coming together to work out the details of this bill. I urge the rest of my colleagues to join us in supporting this commonsense reform.

ADDITIONAL COSPONSORS

S. 607

At the request of Mr. WARNER, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1183, a bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the act, and for other purposes.

S. 1379

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

SENATE CONCURRENT RESOLUTION 25

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Concurrent Resolution 25, a concurrent resolution concerning the protection and continued viability of the Eastern Orthodox Ecumenical Patriarchate.

AMENDMENTS SUBMITTED

WHITEWATER SUBPOENA RESOLUTION

D'AMATO AMENDMENTS NOS. 3101-3103

Mr. D'AMATO proposed three amendments to the resolution (S. Res. 199) directing the Senate Legal Counsel to bring a civil action to enforce a subpoena of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy, III; as follows:

AMENDMENT NO. 3101

The first section of the resolution is amended by striking "subpoena and order" and inserting "subpoenas and orders".

AMENDMENT NO. 3102

After the sixth Whereas clause in the preamble insert the following:

"Whereas on December 15, 1995, the Special Committee authorized the issuance of a second subpoena duces tecum to William H. Kennedy, III, directing him to produce the identical documents to the Special Committee by 12:00 p.m. on December 18, 1995;

"Whereas on December 18, 1995, counsel for Mr. Kennedy notified the Special Committee that, based upon the instructions of the White House Counsel's Office and personal counsel for President and Mrs. Clinton, Mr. Kennedy would not comply with the second subpoena;

"Whereas, on December 18, 1995, the chairman of the Special Committee announced that he was overruling the legal objections to the second subpoena for the same reasons as for the first subpoena, and ordered and directed that Mr. Kennedy comply with the second subpoena by 3:00 p.m. on December 18, 1995;

"Whereas Mr. Kennedy has refused to comply with the Special Committee's second subpoena as ordered and directed by the chairman;"

Amend the title so as to read: "Resolution directing the Senate Legal Counsel to bring a civil action to enforce subpoenas and orders of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy, III."

SARBANES AMENDMENT NO. 3104

Mr. SARBANES proposed an amendment to the resolution, Senate Resolution 199, supra; as follows:

Strike all after the resolving clause and insert the following: "That the Special Committee should, in response to the offer of the White House, exhaust all available avenues of negotiation, cooperation, or other joint activity in order to obtain the notes of former White House Associate Counsel William H. Kennedy, III, taken at the meeting of November 5, 1993. The Special Committee shall make every possible effort to work cooperatively with the White House and other parties to secure the commitment of the Independent Counsel and the House of Representatives not to argue in any forum that the production of the Kennedy notes to the Special Committee constitutes a waiver of attorney-client privilege."

The preamble is amended to read as follows:

"Whereas the White House has offered to provide the Special Committee to Investigate Whitewater Development Corporation and Related Matters ('the Special Committee') the notes taken by former Associate White House Counsel William H. Kennedy, III, while attending a November 5, 1993 meeting at the law offices of Williams and Connolly, provided there is not a waiver of the attorney-client privilege;

"Whereas the White House has made a well-founded assertion, supported by respected legal authorities, that the November 5, 1993 meeting is protected by the attorney-client privilege;

"Whereas the attorney-client privilege is a fundamental tenet of our legal system which the Congress has historically respected;

"Whereas whenever the Congress and the President fail to resolve a dispute between them and instead submit their disagreement to the courts for resolution, an enormous power is vested in the judicial branch to write rules that will govern the relationship between the elected branches;

"Whereas an adverse precedent could be established for the Congress that would make it more difficult for all congressional committees to conduct important oversight and other investigatory functions;

"Whereas when a dispute occurs between the Congress and the President, it is the obligation of each to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch;

"Whereas the White House has made such an effort through forthcoming offers to the Special Committee to resolve this dispute; and

"Whereas the Special Committee will obtain the requested notes much more promptly through a negotiated resolution of this dispute than a court suit:"

THE LIVESTOCK CONCENTRATION REPORT ACT OF 1995

HATCH AMENDMENT NO. 3105

Mr. DOLE (for Mr. HATCH) proposed an amendment to the bill (S. 1340) to require the President to appoint a Commission on Concentration in the Livestock Industry; as follows:

Sec. 4 Duties of Commission: delete lines 9 and 10 (page 9) and add:

(2) to request the Attorney General to report on the application of the antitrust laws and operation of other Federal laws applicable, with respect to concentration and vertical integration in the procurement and pricing of slaughter cattle and of slaughter hogs by meat packers;

Sec. 4(b) Solicitation of Information.

Line 7 page 10 insert: 'industry employees'.

THE IRAN FOREIGN OIL SANCTIONS ACT OF 1995

KENNEDY (AND D'AMATO) AMENDMENT NO. 3106

Mr. SANTORUM (for Mr. KENNEDY, for himself and Mr. D'AMATO) proposed an amendment to the bill (S. 1228) to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran; as follows:

At the end of the bill, add the following new section:

SEC. . APPLICATION OF THE ACT TO LIBYA.

The sanctions of this Act, including the terms and conditions for the imposition, duration, and termination of sanctions, shall apply to persons making investments for the development of petroleum resources in Libya in the same manner as those sanctions apply under this Act to persons making investments for such development in Iran.

REIMBURSEMENTS TO STATES FOR FEDERALLY FUNDED EM- PLOYEES DURING SHUT DOWN

DOMENICI (AND OTHERS) AMENDMENT NO. 3107

Mr. SANTORUM (for Mr. DOMENICI, Mr. LOTT, Mr. WARNER, Mr. STEVENS, Mr. COHEN, Mr. EXON, Mr. PRESSLER, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. THOMAS, Mr. COHEN, Mr. COCHRAN, Mr. KERREY, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill (S. 1429) to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.

Section 124 of the joint resolution entitled "A joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes", approved November 20, 1995 (Public Law 104-56) is amended by adding at the end thereof the following new subsection:

"(b)(1) If during the period beginning November 14, 1995, through November 19, 1995, a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

"(A) such furloughed employees shall be compensated at their standard rate of compensation for such period;

"(B) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

"(C) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

"(2) For purposes of this subsection, the term 'State' shall have the meaning as such term is defined under the applicable Federal program under paragraph (1)."

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Com-

mittee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, December 20, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S.594, Presidio, to review a map associated with the San Francisco Presidio. Specifically, the purposes are to determine which properties within the Presidio of San Francisco should be transferred to the administrative jurisdiction of the Presidio Trust and to outline what authorities are required to ensure that the trust can meet the objective of generating revenues sufficient to operate the Presidio without a Federal appropriation.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, December 20, 1995, at 10 a.m. in SD226.

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

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through December 18, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is under the budget resolution by \$131.3 billion in budget authority and by \$55.0 billion in outlays. Current level is \$43 million below the revenue floor in 1996 and \$0.7 billion below the revenue floor over the 5 years 1996-2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$190.7 billion, \$54.9 billion above the maximum deficit amount for 1996 of \$245.6 billion.

Since my last report, dated December 7, 1995, Congress cleared for the President's signature the Commerce, State, Justice, and the Judiciary Appropriations Act (H.R. 2076). These actions, and the expiration of continuing resolution authority on December 15, 1995, changed the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 19, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through December 18, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated December 7, 1995, Congress cleared for the President's signature the Commerce, State, Justice and the Judiciary Appropriations Act (H.R. 2076). These actions, and the expiration of continuing resolution authority on December 15, 1995, changed the current level of budget authority and outlays.

Sincerely,

JUNE E. O'NEILL, Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS DECEMBER 18, 1995

(In billions of dollars)

	Budget resolution (H. Con. Res. 67)	Current level ¹	Current level over/under resolution
ON-BUDGET			
Budget authority	1,285.5	1,154.2	-131.3
Outlays	1,288.1	1,233.1	-55.0
Revenues:			
1996	1,042.5	1,042.5	0
1996-2000	5,691.5	5,690.8	-0.7
Deficit	245.6	190.7	-54.9
Debt subject to limit	5,210.7	4,900.0	-310.7
OFF-BUDGET			
Social Security outlays:			
1996	299.4	299.4	0.0
1996-2000	1,626.5	1,626.5	0.0
Social Security revenues:			
1996	374.7	374.7	0.0
1996-2000	2,061.0	2,061.0	0.0

¹ Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.
² Less than \$50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS DECEMBER 18, 1996

(In millions of dollars)

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	(200,017)	(200,017)	
Total previously enacted	630,254	840,958	1,042,557
ENACTED THIS SESSION			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104-6)	(100)	(885)	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104-19)	22	(3,149)	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS DECEMBER 18, 1996—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Agriculture (P.L. 104-37)	62,602	45,620	
Defense (P.L. 104-51)	243,301	163,223	
Energy and Water (P.L. 104-46)	19,336	11,502	
Legislative Branch (P.L. 105-53)	2,125	1,977	
Military Construction (P.L. 104-32)	11,177	3,110	
Transportation (P.L. 104-50)	12,682	11,899	
Treasury, Postal Service (P.L. 104-52)	15,080	12,584	
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104-7)	(18)	(18)	(101)
Alaska Native Claims Settlement Act (P.L. 104-42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104-43)		(1)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104-48)			
Alaska Power Administration Sale Act (P.L. 104-58)	(20)	(20)	
Total enacted this session	366,191	245,845	(100)
PENDING SIGNATURE			
Commerce, Justice, State (H.R. 2076)	27,110	18,910	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted			
	130,678	127,394	
Total Current Level ²	1,154,233	1,233,108	1,042,457
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution	131,267	54,992	43
Over budget Resolution			

¹ Less than \$500,000.
² In accordance with the Budget Enforcement Act, the total does not include \$3,400 million in budget authority and \$1,590 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Notes—Detail may not add due to rounding. Numbers in parentheses are negative.

DONALD L. BREIHAN: A COMMITTED PUBLIC SERVANT

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the 38-year career of a dedicated public servant who makes the Internal Revenue Service look good. Donald L. Breihan, who is the district director of the Columbia District of the IRS and who runs the service's 11 offices across South Carolina, will retire January 5. To put it succinctly, he'll be missed.

For 16 years, Don's down-to-earth, hands-off style of managing nearly 400 IRS employees in South Carolina has transformed many local tax initiatives and programs into national models. On the job, he is known throughout the Nation for his fairness and professionalism. And in the community as an adjunct professor at the school of business at the University of South Carolina and as a past member of the board of directors of the Combined Federal Campaign, Don is known for his dedication and service.

Don has been head of the Columbia District since 1980. In his years there, he is credited with developing an award-winning Federal/State Tax Administration Sharing Program. As the IRS Southeast Region Federal/State Sharing Program executive, he coordinates Federal/State programs in the nine Southeastern States. Don also oversees the operation of Federal tax administration in South Carolina—a job in which he manages the collection of \$11 billion in Federal tax every year from 1.5 million filers of Federal income tax returns.

Don was born 60 years ago in St. Louis, MO. He joined the IRS after he got a bachelor's degree in accounting from St. Louis University. In 1973, he started training in the agency's executive development program and became assistant district director of its Richmond, VA, office later that year. After a stint in Baltimore, he moved in 1980 to Columbia to take over IRS operations for the State of South Carolina.

Mr. President, Don Breihan is not a native of our Palmetto State, but he quickly earned the respect to be treated like one. His hard work, commitment, and spirit of dedication make him a tried and true South Carolinian. His brand of public service won't be able to be replaced.

Mr. President, I appreciate the opportunity to recognize the years of energy and devotion that Donald L. Breihan has worked to make our State a better place. I am glad that he is making South Carolina his permanent home. And I wish him and his wife Nancy all the best during Don's retirement and many more happy years to come.

THE FIRST ANNIVERSARY OF THE MEXICAN PESO CRISIS

Mr. D'AMATO. Mr. President, today marks the 1-year anniversary of a sad chapter in Mexico's history and a sad chapter in American financial management by the Clinton administration. After the sudden devaluation of the Mexican peso on December 19, 1994, the Mexican economy continued to collapse. In response to the economic crisis, the Clinton administration circumvented Congress and unilaterally committed \$20 billion of United States taxpayer funds to bail out Mexico.

The public relations campaign conducted by the Clinton administration and the Mexican Government have attempted to portray the Mexican bailout as a success and that, given enough time and enough money—United States taxpayers' money—conditions in Mexico will eventually improve. Public relations campaigns and publicity stunts aside, the facts are that the Clinton administration's taxpayer funded bailout of Mexico is a colossal failure.

In early 1994, Mexico was hailed by the administration as a hallmark of success and was embraced as a partner

in the North American Free-Trade Agreement. The subsequent 2 years have revealed that this image was a costly mirage forced upon the American and Mexican citizens. Mexico has become a dependent of the United States, looking north for more money to bail out its failed economic and social policies. But the answer to Mexico's problems is, and always has been, in Mexico City, not Washington, DC.

I have been saying for almost 1 year that the Clinton administration's bailout was an ill-conceived disaster. It is not just my opinion, it is the cold hard facts—evidenced by the Mexican economic figures. The last few months have demonstrated that the Mexican financial sector can no longer disguise what is happening in Mexico. Mexico's economic crisis is now 1 year old and there is no indication of any meaningful improvement in Mexico's real economy: Record numbers of Mexicans are out of work, interest rates are soaring, the people are starving, and the country is reeling under increasing social and political unrest.

Mr. President, we must look at the objective facts, and the performance of the Mexican peso is an excellent starting point. On December 20, 1994, the peso was trading at 3.97. Yesterday the peso closed at 7.54 against the dollar—that is a 50-percent drop in 1 year.

Mr. President, no one wants to hold pesos because they are considered worthless. As reported by the New York Times on November 11, 1995, "In the land of the peso, the dollar is common coin." But the Mexican Government continues to spend United States taxpayer dollars in their frantic and futile attempt to support the peso. Money from our Exchange Stabilization Fund—the ESF—that was supposed to be used to support the dollar. The Clinton administration's use of the ESF was unprecedented, and legally tenuous. In August of this year, I sponsored the Senate passed an amendment to the ESF statute which will prevent this administration from using the ESF as the President's personal piggybank again.

The currency speculators will continue to reap huge profits from the fluctuating peso. On December 22, 1994, Mexico adopted a floating rate regime, which can only be successful if people have confidence in the Mexican Central Bank. The Central Bank's performance so far has failed to inspire such confidence. These problems are exacerbated by the continuing dismal condition of the Mexican banking system. I have been saying all year that the Mexican banking system is the weak link in any financial recovery. In May of this year, the Banking Committee held a hearing to review the condition of the banks and their apparent inaccurate reports. The end result in that the Mexican Government is bailing our Mexican banks. On December 15, 1995,

the Mexican Government announced that it was buying \$2 billion of bad loans from Banamex, Mexico's largest financial groups. Where is the Mexican Government getting this money? From the U.S. taxpayers?

In the year since the peso's collapse, Mexico has received over \$23 billion from the United States and the IMF and it has not solved anything.

American taxpayer dollars have been spent paying off private investors and not one dime of it is staying in Mexico or helping the Mexican people. Over 1 million jobs have been lost and annual inflation has exceeded 50 percent. It is clear the bailout is a failure, so I hope that this administration will not consider throwing more good money after bad.

Mr. President, I want to address a related matter concerning the IMF. On October 18, I sent a letter to the Managing Director of the IMF, Mr. Camdessus, requesting the public release of the so-called "Whittome Report". Two months later, the Congress and the American public still have not seen the Report. The Whittome Report is the result of an internal study by the IMF of its surveillance and response to the Mexican crisis. According to news articles, the Whittome Report concluded that the IMF distorted its own reporting on Mexico in response to political pressure from the Mexican Government. The Report apparently provides a comprehensive analysis of the IMF's monitoring and response to the Mexican Economic Crisis. The Congress and the American people need all the information we can get on this multi-billion dollar bailout.

The United States is the single largest financial contributor to the IMF, almost ¼ of their funds, and we deserve some answers. The IMF has sent \$11.4 billion to Mexico this year and they will disburse \$1.6 billion more every 3 months until August of next year. So when you add the indirect contributions the United States has made from the IMF to the \$12.5 billion the United States has given directly to Mexico, it is obvious that we all have a very large stake in this game. When we have questions—we deserve answers.

It is unconscionable that full disclosure has not been given the Congress—or the American taxpayer—about what happened in this Mexican bailout. The Treasury Department has classified the Whittome Report so the American people cannot read it and make their own judgment about how this crisis was handled. That's wrong.

In October I introduced a resolution calling for the IMF to release the Whittome Report and requesting that the Treasury Department declassify it so that the American public can judge it for themselves. If this report is not declassified and made available to the public and the Congress by the start of the next session, I will ask my col-

leagues to vote for this resolution and take further steps to obtain the information we deserve.

Mr. President, the Mexican peso crisis is now 1 year old. It is time to reassess the situation and learn all we can from the mistakes that were made. At a time when we are struggling to balance our own budget, and make necessary cuts in social programs, we must think long and hard about spending United States tax dollars to bail out Mexico's financial problems.●

RETIREMENT OF DAVID COLE

● Mr. BUMPERS. Mr. President, David Cole, the officer in charge of the Memphis office of the Immigration and Naturalization Service is soon to retire. Today I wish to pay tribute to this dedicated civil servant.

For 34 years David Cole has labored in the vineyards at INS, and, along the way, he earned a law degree from Memphis State University. All who have come in contact with Dave have been impressed with his knowledge, his dedication, and his integrity.

David Aaron Cole joined the agency as an immigration patrol inspector on August 15, 1961, at Laredo, TX, following his graduation from Mississippi State University in Starkville. Dave answered the call during the Berlin crisis and entered the military, assuming active duty status on December 23, 1961, where he served until August 27, 1962. He then returned to the U.S. Border Patrol in Laredo.

On January 6, 1966, Dave was promoted and transferred from the Border Patrol to Boston as a records and information specialist. In August 1967, he was promoted and transferred to records and information specialist in New York City and became chief of records in 1970.

On November 19, 1970, Dave was selected as officer in charge, Memphis, TN, where he has faithfully served since then.

Mr. President, Federal employees are often the brunt of jokes, cartoons, and talk shows. There are thousands like David Cole who faithfully do their job without recognition or fanfare.

I salute David Cole for his commitment to public service and for his dedication to the people he served. I wish him the very best as he retires from public service and begins a new career in the private sector.●

GENERALIZED SYSTEM OF PREFERENCES

● Mr. PRYOR. Mr. President, renewal of the Generalized System of Preferences ["GSP"] duty-free import program is currently up for consideration as part of the budget reconciliation package. The GSP program allows duty-free imports of certain products into the U.S. from well over 100 GSP eligible nations as a way to help less developed nations export into the U.S.

market. While I support this program, it is essential to remember that from its inception in the Trade Act of 1974, the GSP program has provided for the exemption of "articles which the President determines to be import-sensitive." This is a critical provision to many of our industries.

Mr. President, a clear example of an import sensitive article which should not be subject to GSP is ceramic tile. The U.S. ceramic tile market has been repeatedly recognized as extremely import-sensitive. During the past thirty-years, this U.S. industry has had to defend itself against a variety of unfair and illegal import practices carried out by some of our closest trade partners. Imports already dominate the U.S. ceramic tile market and have done so for the last decade. They currently provide nearly 60 percent of the largest and most important glazed tile sector according to the 1994 year-end government figures.

Moreover, a major guiding principle of the GSP program has been reciprocal market access. Currently, GSP eligible beneficiary countries supply almost one-fourth of the U.S. ceramic tile imports, and they are rapidly increasing their sales and market shares. U.S. ceramic tile manufacturers, however, are still denied access to many of these foreign markets.

Also, previous abuses of the GSP eligible status with regard to some ceramic tile product lines has been well documented. In 1979, the USTR rejected various petitions for duty-free treatment of ceramic tile from certain GSP beneficiary countries. With the acquiescence of the U.S. industry, however, the USTR at that time created a duty-free exception for the then minuscule category of irregular edged "specialty" mosaic tile. Immediately thereafter, foreign manufacturers from major GSP beneficiary countries either shifted their production to "specialty" mosaic tile or simply identified their existing products as "specialty" mosaic tile on customs invoices and stopped paying duties on these products. These actions flooded the U.S. market with superficially restyled or mislabeled duty-free ceramic tile.

Mr. President, in light of the increasing foreign dominance of the U.S. ceramic tile market, for whatever reason, the U.S. industry has been recognized by successive Congresses and Administrations as "import-sensitive" dating back to the Dillon and Kennedy Rounds of the General Agreement of Tariffs and Trade (GATT). Yet during this same period, the American ceramic tile industry has been forced to defend itself from over a dozen petitions filed by various designated GSP eligible countries seeking duty-free GSP treatment for their ceramic tile sent into this market.

The domestic ceramic tile industry has been fortunate, to date, in the fact

that both the USTR and the International Trade Commission thus far have recognized the "import-sensitivity" of the U.S. market and have denied these repeated GSP petitions that would result in further import penetration. If, however, just one petitioning nation ever succeeds in gaining GSP benefits for ceramic tile, then all GSP beneficiary countries also are entitled to GSP duty-free benefits for ceramic tile. If any of these petitions were granted, it would eliminate American tile jobs and could devastate this domestic industry.

Mr. President, I believe an import sensitive and already import-dominated product such as ceramic tile should not have to continually defend itself against repeated duty-free petitions but should be exempted from this program in some manner. While I understand USTR has serious reservations about granting exemptions without periodic review, I am hopeful we can find some common ground so that the ceramic tile industry does not have to defend itself each and every year.

While I support reauthorization of the GSP program, I trust and expect that import-sensitive products such as ceramic tile will not be subject to GSP.●

HOWARD H. BAKER, JR., UNITED STATES COURTHOUSE

Mr. SANTORUM. Madam President, I ask unanimous consent that the Committee on Environment and Public Works be immediately discharged from further consideration of H.R. 2547, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2547) to designate the United States courthouse located at 800 Market Street in Knoxville, Tennessee, as the "Howard H. Baker, Jr., United States Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMPSON. Madam President, I am pleased to support this bill which will designate the new United States Federal Courthouse in Knoxville, TN as the Howard H. Baker, Jr. United States Courthouse. I think it is fitting that this newly purchased courthouse be named for one of the most distinguished members ever to grace this body, a true gentleman who served his Nation for nearly 20 years as Senator from Tennessee, Senate Majority Leader, and, finally, White House Chief of Staff.

Senator Howard Baker begin his career as an attorney in Huntsville and nearby Knoxville, TN, after his gradua-

tion from the University of Tennessee School of Law. In 1966, he was elected to the United States Senate. Here, he established a lasting reputation as an outstanding lawmaker. Because of his broad appeal in our home state, the people of Tennessee chose to reelect him in 1972 and again in 1978.

In 1973, I had the opportunity to work under Senator Baker as he served as Vice Chairman of the Senate Watergate Committee. His leadership on this investigatory committee proved to be an asset as he helped this investigation during one of the most difficult time in our Nation's history.

From 1977 to 1981, Senator Baker served as Republican Leader of the Senate. In 1981, he became first Republican in more than 25 years to be elected Senate Majority Leader, a post he held until his retirement in January of 1985. During all of his Senate service, Senator Baker was known for his fair and impartial treatment of members from both sides of the aisle. He was also known in the Senate as someone who could bring both sides of an issue together, especially when political partisanship was intense.

In 1987, Senator Baker again answered his country's call, returning to public service as Chief of Staff to President Reagan. His tenure came at a difficult time for the Reagan Administration, during the Iran-Contra controversy. Senator Baker helped to steer the Administration through this trying situation, uncovering the relevant details of the controversy and helping to convey them to the public.

My friend, Howard Baker, who recently celebrated his 70th birthday, has retired from public service but continues to work on the behalf of many worthwhile causes. Over the years, he has received a number of awards and honors including The Presidential Medal of Freedom and the Jefferson Award for Greatest Public Service Performed by an Elected or Appointed Official. In addition, he has been presented a number of honorary degrees from several institutions of higher education, including: Bradley, Centre College, Dartmouth, Georgetown, Pepperdine, and Yale.

As Senator Baker has served his country and Tennessee admirably and well for nearly two decades, and it is my hope that the U.S. Senate will see fit to observe this service by naming the U.S. Courthouse in Knoxville in his honor.

Mr. FRIST. Madam President, I rise today in support of the bill offered by Senator THOMPSON and myself, which would designate the U.S. Courthouse located at 800 Market Street in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse."

In 1966, Senator Baker became the first Republican ever popularly elected to the U.S. Senate from Tennessee, and he won reelection by wide margins in

1972 and 1978. Senator Baker first won national recognition in 1973 as the Vice Chairman of the Senate Watergate Committee. He was the keynote speaker at the Republican National Convention in 1976, and a candidate for the Republican Presidential nomination in 1980.

He served in the Senate from 1967 until January 1985, and concluded his Senate career by serving two terms as Minority Leader (1977-1981) and two terms as Majority Leader (1981-1985).

I came to know Howard Baker when I was making my decision to run for the U.S. Senate. He listened carefully, gave me excellent counsel, and helped steer me and my wife Karyn in the right direction as we made our decision. Like so many of my colleagues here in the Senate, I continue to rely on his advice, and am proud to call him my friend.

Madam President, the Howard Baker Courthouse will stand as a wonderful tribute to a dedicated and distinguished senator, Howard Baker. I urge my colleagues to support this piece of legislation.

Mr. SANTORUM. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 2547) was deemed read a third time and passed.

ROMANO L. MAZZOLI FEDERAL BUILDING DESIGNATION ACT

Mr. SANTORUM. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 289, H.R. 965.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 965) to designate the Federal building located at 600 Martin Luther King, Jr., Place in Louisville, Kentucky, as the "Romano L. Mazzoli Federal Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 965) was deemed read a third time, and passed.

DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE DESIGNATION ACT

Mr. SANTORUM. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 290, H.R. 1253.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1253) to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 1253) was deemed read a third time, and passed.

IRAN OIL SANCTIONS ACT OF 1995

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 280, S. 1228.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1228) to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Oil Sanctions Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The efforts of the Government of Iran to acquire weapons of mass destruction and the means to deliver them and its support of international terrorism endanger the national security and foreign policy interests of the United States and those countries with which it shares common strategic and foreign policy objectives.

(2) The objective of preventing the proliferation of weapons of mass destruction and international terrorism through existing multilateral and bilateral initiatives requires additional efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs.

SEC. 3. DECLARATION OF POLICY.

The Congress declares that it is the policy of the United States to deny Iran the ability to

support international terrorism and to fund the development and acquisition of weapons of mass destruction and the means to deliver them by limiting the development of petroleum resources in Iran.

SEC. 4. IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—Except as provided in subsection (d), the President shall impose one or more of the sanctions described in section 5 on a person subject to this section (in this Act referred to as a "sanctioned person"), if the President determines that the person has, with actual knowledge, on or after the date of enactment of this Act, made an investment of more than \$40,000,000 (or any combination of investments of at least \$10,000,000 each, which in the aggregate exceeds \$40,000,000 in any 12-month period), that significantly and materially contributed to the development of petroleum resources in Iran.

(b) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsection (a) shall be imposed on any person the President determines—

(1) has carried out the activities described in subsection (a);

(2) is a successor entity to that person;

(3) is a person that is a parent or subsidiary of that person if that parent or subsidiary with actual knowledge engaged in the activities which were the basis of that determination; and

(4) is a person that is an affiliate of that person if that affiliate with actual knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(c) PUBLICATION IN FEDERAL REGISTER.—The President shall cause to be published in the Federal Register a current list of persons that are subject to sanctions under subsection (a). The President shall remove or add the names of persons to the list published under this subsection as may be necessary.

(d) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under subsection (a)—

(1) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction; or

(2) to medicines, medical supplies, or other humanitarian items.

SEC. 5. DESCRIPTION OF SANCTIONS.

The sanctions to be imposed on a person under section 4(a) are as follows:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to guarantee, insure, extend credit, or participate in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the exportation of goods and services, or their re-export, to any person designated by the President under section 4(a).

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making any loan or providing any credit to any sanctioned person in an amount exceeding \$10,000,000 in any 12-month period (or two or more loans of more than \$5,000,000 each

in such period) unless such person is engaged in activities to relieve human suffering within the meaning of section 203(b)(2) of the International Emergency Economic Powers Act.

(4) **PROHIBITIONS ON FINANCIAL INSTITUTIONS.**—The following prohibitions may be imposed against financial institutions sanctioned under section 4(a):

(A) **DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(B) **GOVERNMENT FUNDS.**—Such financial institution shall not serve as agent of the United States Government or serve as repository for United States Government funds.

SEC. 6. ADVISORY OPINIONS.

The Secretary of State may, upon the request of any person, issue an advisory opinion, to that person as to whether a proposed activity by that person would subject that person to sanctions under this Act. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

SEC. 7. DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.

(a) DELAY OF SANCTIONS.—

(1) **CONSULTATIONS.**—If the President makes a determination described in section 4(a) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this Act.

(2) **ACTIONS BY GOVERNMENT OF JURISDICTION.**—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this Act for up to 90 days. Following such consultations, the President shall immediately impose a sanction or sanctions unless the President determines and certifies to the Congress that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the foreign person in the activities that resulted in the determination by the President pursuant to section 4(a) concerning such person.

(3) **ADDITIONAL DELAY IN IMPOSITION OF SANCTIONS.**—The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that the government with primary jurisdiction over the foreign person is in the process of taking the actions described in paragraph (2).

(4) **REPORT TO CONGRESS.**—Not later than 90 days after making a determination under section 4(a), the President shall submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives a report which shall include information on the status of consultations with the appropriate foreign government under this subsection, and the basis for any determination under paragraph (3).

(b) **DURATION OF SANCTIONS.**—The requirement to impose sanctions pursuant to section 4(a) shall remain in effect until the President determines that the sanctioned person is no longer engaging in the activity that led to the imposition of sanctions.

(c) **PRESIDENTIAL WAIVER.**—(1) The President may waive the requirement in section 4(a) to impose a sanction or sanctions on a person in sec-

tion 4(b), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 15 days after the President determines and so reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives that it is important to the national interest of the United States to exercise such waiver authority.

(2) Any such report shall provide a specific and detailed rationale for such determination, including—

(A) a description of the conduct that resulted in the determination;

(B) in the case of a foreign person, an explanation of the efforts to secure the cooperation of the government with primary jurisdiction of the sanctioned person to terminate or, as appropriate, penalize the activities that resulted in the determination;

(C) an estimate as to the significance of the investment to Iran's ability to develop its petroleum resources; and

(D) a statement as to the response of the United States in the event that such person engages in other activities that would be subject to section 4(a).

SEC. 8. TERMINATION OF SANCTIONS.

The sanctions requirement of section 4 shall no longer have force or effect if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has ceased its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; or

(C) ballistic missiles and ballistic missile launch technology; and

(2) has been removed from the list of state sponsors of international terrorism under section 6(j) of the Export Administration Act of 1979.

SEC. 9. REPORT REQUIRED.

The President shall ensure the continued transmittal to Congress of reports describing—

(1) the nuclear and other military capabilities of Iran, as required by section 601(a) of the Nuclear Non-Proliferation Act of 1978 and section 1607 of the National Defense Authorization Act, Fiscal Year 1993; and

(2) the support provided by Iran for acts of international terrorism, as part of the Department of State's annual report on international terrorism.

SEC. 10. DEFINITIONS.

As used in this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(2) **FINANCIAL INSTITUTION.**—The term "financial institution" includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter;

(E) any other company that provides financial services; or

(F) any subsidiary of such financial institution.

(3) **INVESTMENT.**—The term "investment" means—

(A) the entry into a contract that includes responsibility for the development of petroleum re-

sources located in Iran, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract;

(B) the purchase of a share of ownership in that development; or

(C) the entry into a contract providing for participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

(4) **PERSON.**—The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(5) **PETROLEUM RESOURCES.**—The term "petroleum resources" includes petroleum and natural gas resources.

AMENDMENT NO. 3106

(Purpose: To deter investment in the development of Libya's petroleum resources)

Mr. SANTORUM. Madam President, I send an amendment to the desk in behalf of Senators KENNEDY and D'AMATO, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM), for Mr. KENNEDY, for himself and Mr. D'AMATO, proposes an amendment numbered 3106.

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

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . APPLICATION OF THE ACT TO LIBYA.

The sanctions of this Act, including the terms and conditions for the imposition, duration, and termination of sanctions, shall apply to persons making investments for the development of petroleum resources in Libya in the same manner as those sanctions apply under this Act to persons making investments for such development in Iran.

Mr. D'AMATO. Madam President, I rise in support of the Kennedy-D'Amato amendment to S. 1228, the Iran Oil Sanctions Act of 1995.

What can one say about Libya. It has now been over 4 years since the United States indicted two Libyan agents, Lamen Khalifa Fhimah and Abdel Bas-set Ali Megrahi, for responsibility in the bombing of Pan Am Flight 103 in December 1988. So far there has been no action, no surrender of these men. We must answer the cry for justice by the families of the 270 victims of this terrorist attack, 189 of them Americans, with 35 from New York State.

For us to add Libya to a bill placing sanctions on those countries which seek to develop Iran's petroleum resources is, I feel, a justified action. We must send the message that terrorism, sponsorship of terrorism, and those who subsidize terrorism will not be ignored.

Mu'ammar Qadhafi brazenly dismisses the indictment while at the same time pounding his chest, bragging to the world that he has again withstood American aggression. His offer to try the two agents in a Libyan court is a mockery of justice and an insult to the families of the victims.

Just yesterday, a Scottish businessman was charged in a Boston court with violating the U.S. embargo on Libya by attempting to export over 250,000 dollars' worth of computers and related equipment. This is only further proof that Qadhafi is still up to his old games and is trying to flaunt our sanctions against him.

I want to discuss, very briefly, the amount of oil that the Organization for Economic Cooperation and Development [OECD] countries buy from Libya. According to the Energy Department, OECD countries bought over \$7 billion in oil from Libya in 1994. The worst offenders were Italy, with over \$3 billion and Germany with over \$1 billion.

As far as how this legislation would affect Libya, one need only look at the contracts signed by European firms in the last few years. Just in August, a Spanish company, Repsol, awarded a Cypriot company a \$155 million contract to build a crude oil pipeline in Libya. Furthermore, European companies such as Agip—Italy, Total—France, Petrofina—Belgium, OMV—Austria, and Veba—Germany, have all signed contracts for upstream activities in Libya and would be affected by this bill.

While the focus of the underlying bill has been Iran and an attempt to stop the subsidizing of Iranian terrorism, I cannot see why we should not seek to prevent the subsidizing of Libyan terrorism at the same time? More importantly, who is to say that the attack on Pan Am 103 was not directed by Iran and conducted by the Libyans. If this were the case, then we will get two terrorist states with one bill.

There can be no rest until the individuals who ordered, directed, and paid for the commission of the terrible crime of the bombing of Pan Am Flight 103 are brought to justice, no matter where they may be located. The investigation of the bombing must continue to be vigorously and intensively pursued. Libya, with a long and documented history of obscene violations of human rights and international law, must pay the price for its part in this slaughter and its past support for other international terrorist acts.

It is for this reason, that I enthusiastically agree with the Senator from Massachusetts and am glad to have worked with him on this issue.

Mr. KENNEDY. Madam President, I offer an amendment to apply the sanctions in this legislation to Libya.

I support the pending bill which is intended to provide a stronger deterrent

to the development of nuclear weapons by Iran by applying economic sanctions to those in other countries who substantially assist Iran in oil production.

My amendment extends the same sanctions to those who help Libya in oil production. Its purpose is to use stronger economic sanctions to encourage the Government of Libya to turn over the two suspects indicted for the terrorist bombing of Pan Am Flight 103.

On December 21, 1988, 7 years ago tomorrow, in one of the worst terrorist atrocities in recent years, Pan Am Flight 103 was blown up over Lockerbie, Scotland, killing 270 citizens of 21 nations, including 189 Americans.

In November 1991, two Libyan nationals were indicted for carrying out that bombing. Despite U.N. economic sanctions which have been in force since 1992, the Government of Libya has refused to turn over the suspects, and the two suspects remain in Libya under the protection of Colonel Qadhafi.

Many of us on both sides of the aisle have called for stronger international sanctions against Libya, including an international oil embargo, and our proposals have had the strong support of both Senator D'AMATO and Senator HELMS.

Because of Libya's earlier well-known support for terrorism, the United States imposed our own oil embargo against Libya during the Reagan administration in 1986, 2 years before the Pan Am bombing. Our efforts since the Pan Am bombing to persuade other nations to join the oil embargo have not succeeded, primarily because several European countries purchase oil from Libya and refuse to support such a measure.

Additional sanctions on Libya are essential if we are to have any chance of bringing the terrorists to trial. This bill offers an effective opportunity to enact such sanctions.

According to experts familiar with oil production investment in Libya, this action may very well affect the investment plans of numerous foreign oil companies.

As in the case of Iran, this amendment will not prevent any foreign companies from doing business in Libya. But they will not be able to do so with the benefit of U.S. assistance.

This Christmas season is a very difficult time for the families of the victims of Pan Am flight 103. We cannot bring back their loved ones. What we can do is take every available step to see that the terrorists charged with committing this atrocity are finally at long last brought to justice. This is one such step, and I urge the Senate to support it.

Mr. SARBANES. Madam President, I rise in support of S. 1228, the Iran Oil Sanctions Act of 1995. This bill would

put sanctions on foreign companies that invest in Iran and thereby help that country develop its oil and gas resources. The increased revenue from such enhanced oil production augments Iran's ability to fund its development of nuclear weapons and its support for international terrorism.

Since the Iranian Revolution in 1979, American administrations with bipartisan congressional support have used economic sanctions to hinder Iran's support for international terrorism and to make it harder for that country to get materials and revenues to strengthen its nuclear and conventional weapons programs.

Earlier this year, just prior to the Banking Committee's March 16 hearing on our country's economic relations with Iran, the committee learned that then existing restrictions on such relations did not prohibit the Conoco Co. from signing a contract with Iran to develop a huge offshore oil field in the Persian Gulf. The Clinton administration immediately announced that while Conoco's actions were not illegal, they were inconsistent with our policy of bringing pressure on Iran, both politically and economically to change its unacceptable behavior. The President then on March 15 issued an Executive order prohibiting U.S. persons from entering into contracts for the financing or the overall supervision and management of the petroleum resources of Iran.

On May 8, President Clinton issued another Executive order that imposed significant new economic sanctions on Iran, including a prohibition on trading in goods or services of Iranian origin, a ban on exports to Iran, and a ban on new investment or bank loans to Iran. The new prohibitions applied to U.S. persons, wherever they may be, including the foreign branches of U.S. entities.

The Clinton administration also urged other countries to support United States efforts to pressure Iran economically and persuaded our G7 allies to avoid any collaboration with Iran that might help that country develop a nuclear weapons capability. A number of foreign corporations, however, are supporting Iran's efforts to increase its oil and gas production. S. 1228 seeks to persuade such companies from assisting Iran as the latter uses its oil and gas revenues to fund behavior harmful to the international community.

At the Banking Committee's October 11 hearing on S. 1228, Under Secretary of State Tarnoff told the committee that a straight line links Iran's oil income and its ability to sponsor terrorism, build weapons of mass destruction, and acquire sophisticated armaments. He also told us that the administration was making great efforts to persuade other nations to cooperate with our embargo of Iran. He expressed concerns, however, that we not enact

legislation that would make it more difficult to get that cooperation. Chairman D'AMATO assured Under Secretary Tarnoff that he wanted to work with the administration in crafting legislation that would persuade foreign companies to cooperate with our embargo of Iran.

Prior to the December 12 committee markup of S. 1228, Chairman D'AMATO, Senator BOXER, myself, and other members of the committee worked with the administration to develop a bill the administration could endorse. Agreement was reached and on December 12, the committee adopted a substitute version of S. 1228 that President Clinton supports.

It does not target trade but rather new investment contracts that enhance Iran's ability to produce oil and gas. The bill also provides the President the necessary flexibility to determine the best mix of sanctions in a particular case, and to waive the imposition, or continued imposition, of sanctions when he determines it is important to the national interest to do so. In using these authorities, the President is directed to consider factors such as the significance of an investment, the prospects of cooperation with other governments, U.S. international commitments, and the effect of sanctions on U.S. economic interests and regional policies. Finally, S. 1228 authorizes the Secretary of State to provide advisory opinions on whether a proposed activity would be covered to avoid unnecessary uncertainty on the part of companies and friction with allies.

This bill was reported out of committee by a vote of 15 to 0. It is a bill I support because it will make it more difficult for Iran to fund its efforts to develop weapons of mass destruction and its support for international terrorism. I urge its enactment.

Mr. SANTORUM. Madam President, I ask unanimous consent that the amendment be considered read and agreed to, the committee amendment be agreed to, the bill be deemed a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the amendment (No. 3106) was agreed to.

So the committee amendment was agreed to.

So the bill (S. 1228), as amended, was deemed read for a third time, and passed, as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Oil Sanctions Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The efforts of the Government of Iran to acquire weapons of mass destruction and the means to deliver them and its support of international terrorism endanger the national security and foreign policy interests of the United States and those countries with which it shares common strategic and foreign policy objectives.

(2) The objective of preventing the proliferation of weapons of mass destruction and international terrorism through existing multilateral and bilateral initiatives requires additional efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs.

SEC. 3. DECLARATION OF POLICY.

The Congress declares that it is the policy of the United States to deny Iran the ability to support international terrorism and to fund the development and acquisition of weapons of mass destruction and the means to deliver them by limiting the development of petroleum resources in Iran.

SEC. 4. IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—Except as provided in subsection (d), the President shall impose one or more of the sanctions described in section 5 on a person subject to this section (in this Act referred to as a "sanctioned person"), if the President determines that the person has, with actual knowledge, on or after the date of enactment of this Act, made an investment of more than \$40,000,000 (or any combination of investments of at least \$10,000,000 each, which in the aggregate exceeds \$40,000,000 in any 12-month period), that significantly and materially contributed to the development of petroleum resources in Iran.

(b) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsection (a) shall be imposed on any person the President determines—

(1) has carried out the activities described in subsection (a);

(2) is a successor entity to that person;

(3) is a person that is a parent or subsidiary of that person if that parent or subsidiary with actual knowledge engaged in the activities which were the basis of that determination; and

(4) is a person that is an affiliate of that person if that affiliate with actual knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(c) PUBLICATION IN FEDERAL REGISTER.—The President shall cause to be published in the Federal Register a current list of persons that are subject to sanctions under subsection (a). The President shall remove or add the names of persons to the list published under this subsection as may be necessary.

(d) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under subsection (a)—

(1) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction; or

(2) to medicines, medical supplies, or other humanitarian items.

SEC. 5. DESCRIPTION OF SANCTIONS.

The sanctions to be imposed on a person under section 4(a) are as follows:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to guarantee, insure, extend credit, or participate in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the exportation of goods and services, or their re-export, to any person designated by the President under section 4(a).

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making any loan or providing any credit to any sanctioned person in an amount exceeding \$10,000,000 in any 12-month period (or two or more loans of more than \$5,000,000 each in such period) unless such person is engaged in activities to relieve human suffering within the meaning of section 203(b)(2) of the International Emergency Economic Powers Act.

(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against financial institutions sanctioned under section 4(a):

(A) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(B) GOVERNMENT FUNDS.—Such financial institution shall not serve as agent of the United States Government or serve as repository for United States Government funds.

SEC. 6. ADVISORY OPINIONS.

The Secretary of State may, upon the request of any person, issue an advisory opinion, to that person as to whether a proposed activity by that person would subject that person to sanctions under this Act. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

SEC. 7. DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.

(a) DELAY OF SANCTIONS.—

(1) CONSULTATIONS.—If the President makes a determination described in section 4(a) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this Act.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this Act for up to 90 days. Following such consultations, the President shall immediately impose a sanction or sanctions unless the President determines and certifies to the Congress that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the foreign person in the activities that resulted in the determination by the President pursuant to section 4(a) concerning such person.

(3) ADDITIONAL DELAY IN IMPOSITION OF SANCTIONS.—The President may delay the

imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that the government with primary jurisdiction over the foreign person is in the process of taking the actions described in paragraph (2).

(4) **REPORT TO CONGRESS.**—Not later than 90 days after making a determination under section 4(a), the President shall submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives a report which shall include information on the status of consultations with the appropriate foreign government under this subsection, and the basis for any determination under paragraph (3).

(b) **DURATION OF SANCTIONS.**—The requirement to impose sanctions pursuant to section 4(a) shall remain in effect until the President determines that the sanctioned person is no longer engaging in the activity that led to the imposition of sanctions.

(c) **PRESIDENTIAL WAIVER.**—(1) The President may waive the requirement in section 4(a) to impose a sanction or sanctions on a person in section 4(b), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 15 days after the President determines and so reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives that it is important to the national interest of the United States to exercise such waiver authority.

(2) Any such report shall provide a specific and detailed rationale for such determination, including—

(A) a description of the conduct that resulted in the determination;

(B) in the case of a foreign person, an explanation of the efforts to secure the cooperation of the government with primary jurisdiction of the sanctioned person to terminate or, as appropriate, penalize the activities that resulted in the determination;

(C) an estimate as to the significance of the investment to Iran's ability to develop its petroleum resources; and

(D) a statement as to the response of the United States in the event that such person engages in other activities that would be subject to section 4(a).

SEC. 8. TERMINATION OF SANCTIONS.

The sanctions requirement of section 4 shall no longer have force or effect if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has ceased its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; or

(C) ballistic missiles and ballistic missile launch technology; and

(2) has been removed from the list of state sponsors of international terrorism under section 6(j) of the Export Administration Act of 1979.

SEC. 9. REPORT REQUIRED.

The President shall ensure the continued transmittal to Congress of reports describing—

(1) the nuclear and other military capabilities of Iran, as required by section 601(a) of the Nuclear Non-Proliferation Act of 1978 and section 1607 of the National Defense Authorization Act, Fiscal Year 1993; and

(2) the support provided by Iran for acts of international terrorism, as part of the Department of State's annual report on international terrorism.

SEC. 10. DEFINITIONS.

As used in this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(2) **FINANCIAL INSTITUTION.**—The term "financial institution" includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter;

(E) any other company that provides financial services; or

(F) any subsidiary of such financial institution.

(3) **INVESTMENT.**—The term "investment" means—

(A) the entry into a contract that includes responsibility for the development of petroleum resources located in Iran, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract;

(B) the purchase of a share of ownership in that development; or

(C) the entry into a contract providing for participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

(4) **PERSON.**—The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(5) **PETROLEUM RESOURCES.**—The term "petroleum resources" includes petroleum and natural gas resources.

SEC. 11. APPLICATION OF THE ACT TO LIBYA.

The sanctions of this Act, including the terms and conditions for the imposition, duration, and termination of sanctions, shall apply to persons making investments for the development of petroleum resources in Libya in the same manner as those sanctions apply under this Act to persons making investments for such development in Iran.

So the title was amended so as to read:

A bill to deter investment in the development of Iran's petroleum resources.

UNANIMOUS-CONSENT AGREEMENT—H.R. 665

Mr. SANTORUM. I ask unanimous consent that the majority leader, after consultation with the minority leader, may turn to the consideration of calendar No. 257, H.R. 665, the victim restitution bill, and it be considered under the following limitation: 1 hour of debate on the bill equally divided between the two managers; that the only amendment in order to the bill be a substitute amendment offered by the managers; that no second-degree amendments be in order to the amend-

ment; that, at conclusion or yielding back of any debate time, the managers' amendment be agreed to; the bill then be read a third time, and the Senate then proceed to a vote on passage of the bill, H.R. 665, without any intervening action or debate.

I further ask unanimous consent that if the bill is agreed to, the Senate insist on its amendment, request a conference with the House, and that the Chair to be authorized to appoint conferees on part of the Senate.

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

MEASURE PLACED ON THE CALENDAR—H.R. 394

Mr. SANTORUM. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 394, and that the bill be placed on the calendar.

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

CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES

Mr. SANTORUM. Madam President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1429 and, further, that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1429) a bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3107

(Purpose: To provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM), for Mr. DOMENICI, (for himself Mr. LOTT, Mr. WARNER, Mr. STEVENS, Mr. COHEN, Mr. EXON, Mr. PRESSLER, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. THOMAS, Mr. COCHRAN, Mr. KERREY, Mr. GRASSLEY, and Mr. HARKIN), proposes an amendment numbered 3107.

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

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.

Section 124 of the joint resolution entitled "A joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes", approved November 20, 1995 (Public Law 104-56) is amended by adding at the end thereof the following new subsection:

"(b)(1) If during the period beginning November 14, 1995, through November 19, 1995, a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

"(A) such furloughed employees shall be compensated at their standard rate of compensation for such period;

"(B) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

"(C) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

"(2) For purposes of this subsection, the term 'State' shall have the meaning as such term is defined under the applicable Federal program under paragraph (1)."

Mr. DOMENICI. Mr. President, on November 28, I introduced legislation to fix an inadvertent effect of the 6-day Government shutdown between November 14 through November 19, 1995. That bill, S. 1429, with the amendment that I currently am introducing, will allow hundreds of State employees who administer the disability determination program of the Social Security Administration and who administer vocational rehabilitation programs for the Department of Education to receive the pay that they lost during the Government shutdown. The fact that they were not paid was not intended, but it has occurred, and I and those who have cosponsored this legislation are anxious to fix this problem. My distinguished cosponsors include Senators LOTT, WARNER, STEVENS, COHEN, EXON, PRESSLER, HUTCHISON, COCHRAN, BINGAMAN, THOMAS, KERREY, GRASSLEY, and HARKIN.

Mr. President, the furlough pay language that the Congress adopted as part of House Joint Resolution 122, the Further Continuing Resolution for Fiscal Year 1996, was the language that previous Congresses have adopted to provide compensation to Federal employees during periods of Government closure.

This language was enacted to provide compensation to Federal employees af-

ected by Government closure in 1984, 1986, 1987, and 1990. This language was provided to Congress and to the administration to meet our stated intent that Federal workers should not suffer a loss of pay as a result of the 6-day closure of the Federal Government.

I introduced S. 1429 when it was brought to my attention that the language included in the Continuing Resolution regarding the payment of compensation might not cover all employees who were subject to the furlough, mostly State employees paid with Federal funds to administer Federal programs.

The affected agencies and the General Accounting Office have reviewed the language that I am offering as a substitute to S. 1429 and indicate that it will fix this inadvertent consequence. It will ensure that these State employees receive their pay, or in cases where States used their own funding to pay these workers, the State can be reimbursed for those costs.

Mr. President, it was and is clearly the intent of the Congress to pay Federal workers and State workers who administer Federal programs for the 6-day period of the Government shutdown. The language I am offering will carry out this intent, and I urge my colleagues to adopt the bill, S. 1429, as amended.

Mr. COCHRAN. Madam President, I support this legislation which makes clear that it is the intent of Congress that all furloughed Federal workers, including federally funded State workers, affected by the shutdown of the Federal Government receive their pay.

The Congress adopted furlough pay language as part of the continuing resolution, House Joint Resolution 122, to provide compensation to Federal employees affected by the recent 6-day Government closure.

The continuing resolution has been interpreted by some to not cover all employees who were affected by the Government closure. For instance, there are State employees paid with 100 percent Federal funds who make disability determinations and administer unemployment insurance benefits who may not be covered by the language in the continuing resolution regarding the payment of employees who were subject to furlough.

This legislation ensures that 100 percent federally funded State employees affected by the furlough receive their pay as Congress intended, and that States using their own funds to make up for the lack of Federal funds for these employees are reimbursed to carry out 100 percent federally supported functions.

I urge my colleagues to support this measure.

Mr. SANTORUM. Madam President, I ask unanimous consent that the amendment be agreed to, the bill be

deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the amendment (No. 3107) was agreed to.

So the bill (S. 1429), as amended, was deemed read a third time, and passed, as follows:

S. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.

Section 124 of the joint resolution entitled "A joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes", approved November 20, 1995 (Public Law 104-56) is amended by adding at the end thereof the following new subsection:

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"(A) such furloughed employees shall be compensated at their standard rate of compensation for such period;

"(B) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

"(C) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

"(2) For purposes of this subsection, the term 'State' shall have the meaning as such term is defined under the applicable Federal program under paragraph (1)."

THE PRINTING OF "VICE PRESIDENTS OF THE UNITED STATES, 1789-1993"

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 273, Senate Concurrent Resolution 34.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 34) to authorize the printing of "Vice Presidents of the United States 1789-1993."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Rules and Administration with an amendment, as follows:

[The part intended to be stricken is shown in brackets, the part to be inserted in *italic*.]

S. CON. RES. 34

Whereas the United States Constitution provides that the Vice President of the United States shall serve as President of the Senate; and

Whereas the careers of the 44 Americans who held that post during the years 1789 through 1993 richly illustrate the development of the nation and its government; and

Whereas the vice presidency, traditionally the least understood and most often ignored constitutional office in the Federal Government, deserves wider attention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PRINTING OF THE "VICE PRESIDENTS OF THE UNITED STATES, 1789-1993".

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Vice Presidents of the United States, 1789-1993", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies (750 paper bound and 250 case bound) for the use of the Senate, to be allocated as determined by the Secretary of the Senate; [and] or

(2) a number of copies that does not have a total production and printing cost of more than \$11,100.

Mr. SANTORUM. I ask unanimous consent that the committee amendment be agreed to, the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 34), as amended, was agreed to.

The preamble was agreed to.

AMENDING THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 274, H.R. 2527.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2527) to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2527) was deemed to have been read a third time and passed.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION CITIZEN REGENT APPOINTMENT ACT OF 1995

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 275, House Joint Resolution 69.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 69) providing for the reappointment of Homer Alfred Neal as citizen regent of the Board of Regents of the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SANTORUM. I ask unanimous consent that the joint resolution be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The joint resolution (H.J. Res. 69) was deemed to have been read three times and passed.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION CITIZEN REGENT APPOINTMENT ACT OF 1995

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 276, House Joint Resolution 110.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 110) providing for the appointment of Howard H. Baker, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SANTORUM. I ask unanimous consent that the joint resolution be deemed read a third time, passed, the motion to reconsider be laid upon the

table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The joint resolution (H.J. Res. 110) was deemed to have been read three times and passed.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION CITIZEN REGENT APPOINTMENT ACT OF 1995

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 277, House Joint Resolution 111.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 111) providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SANTORUM. I ask unanimous consent that the joint resolution be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be placed at the appropriate place in the RECORD.

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

The joint resolution (H.J. Res. 111) was deemed to have been read three times and passed.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION CITIZEN REGENT APPOINTMENT ACT OF 1995

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 278, House Joint Resolution 112.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 112) providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SANTORUM. I ask unanimous consent that the joint resolution be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be placed at the appropriate place in the RECORD.

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

The joint resolution (H. J. Resolution 112) was deemed to have been read a third time and passed.

ORDERS FOR THURSDAY, DECEMBER 21, 1995

Mr. SANTORUM. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, December 21; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

Mr. SANTORUM. I ask unanimous consent that at 9:30 a.m. the Senate turn to the consideration of House Joint Resolution 132, relative to the budget and the use of CBO assumptions, with a 1 hour time limit. Therefore, a vote will occur at approximately 10:30 a.m.

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

PROGRAM

Mr. SANTORUM. For the information of all Senators, the Senate will begin consideration of House Joint Resolution 132 at 9:30. A vote will occur at 10:30 a.m.

Also, the Senate is expected to consider the veto message with respect to the securities litigation, a possible continuing resolution, available appropriations bills and other items cleared for action. Rollcall votes are therefore expected throughout the day Thursday.

ORDER FOR POSTPONEMENT OF CLOTURE VOTE

Mr. SANTORUM. I further ask unanimous consent that the cloture vote scheduled for today be postponed to occur at a time to be determined by the two leaders on Thursday.

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

Mr. EXON. Reserving the right to object, I would simply say to my colleague from Pennsylvania and to the Chair we have one matter that may be cleared tonight. It had been agreed to on both sides pending one telephone call.

Mr. EXON. Madam President, could I ask that the Senate stand in a quorum call for at least 10 minutes to give me a chance to get this straightened out?

Mrs. BOXER. Madam President, if the Senator would yield, I have about 10, 15 minutes of morning business I

would love to do at this point. If the Senator from Pennsylvania would agree, then we can do that.

Mr. EXON. That would be fine with me, if that can be agreed to.

Mrs. BOXER. I am sure the Senator from Pennsylvania would accommodate the Senator from Nebraska.

Mr. SANTORUM. I have been informed by the staff it does not look like we will be able to clear the matter the Senator suggested tonight, and we could do that possibly tomorrow. That is what I have been informed.

Mr. EXON. The matter has not been cleared on the Senator's side?

I withdraw my objection.

ORDER FOR ADJOURNMENT

Mr. SANTORUM. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator BOXER for up to 20 minutes.

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

The Senator from California is recognized for up to 20 minutes.

Mrs. BOXER. Thank you very much, Madam President.

THE GOVERNMENT SHUTDOWN

Mrs. BOXER. Madam President, I have waited around the floor of the Senate tonight because I wanted to make a few remarks about where we stand in this battle for some sanity around here in the Congress.

We are now in the 5th day of our second Government shutdown this year. It seems to me if we have any obligation, it is to keep the people's business moving forward. It is totally unnecessary to have this shutdown, but for the fact that there are some who want to essentially hold a legislative gun to the head of President Clinton and use the threat of a shutdown, indeed, the fact of a shutdown, to force him to sign a 7-year budget that in his opinion will harm the American people because there are terribly deep cuts in Medicare, Medicaid, education and the environment, and tax increases on those people earning under \$30,000 a year.

So the President is not going to agree to that. So there are those on the Republican side, particularly on the House side, who believe that shutting down this Government is a perfectly legitimate way for them to express their dissatisfaction with President Clinton for not signing this very extreme and very radical budget.

The President is not going to sign it. The American people do not want a President who will fold under that kind of tactic. And here we stand. No reason at all. I was here on the weekend, Sunday, when the Democratic side offered an opportunity to resolve this, pass the

resolution, the continuing resolution, keep the Government going, and continue the hard and fast negotiations that have begun. But no. I have never seen anything quite like it.

I saw a freshman Republican Member of the House on national television tonight, all smiles. He thinks this is really fun and games. He said he did not care if the Government ever opened up again as far as he was concerned. He would not vote to keep the Government going until the President signed a budget he agreed with.

I think that Representative ought to read the Constitution. He may not understand that we have a separation of powers and a balance of powers. The fact of the matter is, as much as this Representative does not like it, President Clinton is a Democrat and so are many Members of the House and Senate. The Republicans do not run the White House or, frankly, have a working control over the Senate or the House. There are very close margins here, and so they have to compromise. But this young fellow does not seem to have the word "compromise" in his vocabulary.

But I will tell you one thing he has in his pocket, he has his paycheck. He has his paycheck in his pocket. He can demagog this issue and never feel the pain. But the American people, who deserve to have the parks open, who deserve to have the veterans checks sent out, who deserve to have a functioning Government, deserve to be able to get a passport, if they need it.

They are getting hurt, inconvenienced. For what? For what? NEWT GINGRICH has said several times he is going to vote to pay all these people who are not going to work. What is going on here? What is going on?

So there are Federal employees, despite NEWT GINGRICH's comments, who are not getting paid right now. Oh, but Members of Congress, we are getting our pay. It is just fine and dandy. What a legislative runaround my "No Budget, No Pay" bill has been given. And if I ever go into the classroom to teach a course in Government, I am going to bring this chart with me. It says "No Budget, No Pay. How a Bill Does Not Become a Law." I have never seen a runaround like it.

Three times—three times—Senators have passed this legislation. Senator DOLE supports it, Senator DASCHLE supports it; Republicans and Democrats alike—approved, approved, approved. Passed as an amendment to the D.C. appropriations bill. Unfortunately, the D.C. bill is stuck and we do not know the fate of "No Budget, No Pay." But it does not look promising.

Amendment to the reconciliation bill—knocked out.

Amendment to the ICC sunset bill, which may come up tomorrow—knocked out.

Who knocked it out? The Republican Congress.

Blocked in the House by the leadership-controlled Rules Committee which refuses to allow a vote on it.

Five times Congressman Dick Durbin tried to get a vote. It is real simple. If Federal employees do not get their pay, neither should we. Blocked, stalled. And the President waits with his pen to sign it. He supports this. His pay would be docked as well. So "How a Bill Does Not Become a Law," a new chapter in the textbook of our children—a sad new chapter.

NEWT GINGRICH has consistently blocked a House vote on this bill. I have to, again, say to my friends on the other side, they ought to read the Constitution, Article I, Section 7, which says:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States. * * *

Imagine, we have a President and he has to sign the bill. If he does not like it and if he thinks it is harmful, if he thinks it cuts too deeply into Medicare and Medicaid and education and the environment, he will not sign it, he will veto it. Then what happens? It does not say shut down the Government. It does not say that. It says that if two-thirds of those voting override him, the bill shall become law. Everyone should read the Constitution every once in a while—especially the new freshmen over there. They do not control the President of the United States of America. Thank goodness. Thank goodness, or we would have a mean-spirited country.

Now, this Government shutdown, while more limited than the first one, has caused great hardship. National parks have closed; veterans benefits checks, due next week, will not be sent; passport offices virtually have closed, and the program for tracking deadbeat dads is not operating.

Swell. Where are our family values? Family values. But shut down the program that tracks the deadbeat dads, and you, Members of Congress, keep getting your pay.

Lovely. Great values. Great values for our kids.

Safety inspections of new toys have stopped. Great timing.

New FHA homeowner loans are not being processed for people who want to buy their first home.

I have talked, on this floor, about the individuals who work for the Federal Government, who went to work for their country because they are proud to work for their country, and they cannot even buy their kids Christmas gifts. But Members of Congress, oh, we can get our kids gifts—Hanukkah gifts, Christmas gifts. It is OK because we are so important that we set ourselves above the other working men and women of the Federal Government.

A lot of our Federal employees are not independently wealthy. They live

from paycheck to paycheck. Some families have two workers in them that both work for the Federal Government, like Larry Drake and his wife Joan. Larry works for the Bureau of Labor Statistics, and Joan works at the Public Health Service. Both have been furloughed. Their family has lost 100 percent of its income. They do not know if they will get it back or when they will get it back. They hope they will get it back. They want to go to work. If this shutdown lasts long, they may not be able to make their mortgage payment.

Ray Montgomery works for the Census Bureau in Los Angeles. He is classified as an intermittent employee even though he works 40 hours a week, but he will not ever recover his back pay. Ray told my office he is so worried about the second shutdown he has not bought any Christmas presents for his family. Ray wrote to me,

For heavens sakes, I am one paycheck away from being homeless. I work hard to be a credit for my country. I try to be a good representative of Government employees for the American people.

It is absolutely embarrassing that the greatest country in the world cannot keep services going. If we want to argue about whether these services are important, that is a legitimate argument. Some of us might think it is very important to have people tracking deadbeat dads. Others might say, "No, leave that to someone else, we should not do it." That is fair. That is the long-term discussion of what our priorities are. It should not mean that in the short run these hard-working people are in limbo.

By the way, there are about 280,000 of them. That is 280,000 families. My home county has about 215,000 people living in it. So there is more unemployed tonight in this interim period than my entire home county. It is unbelievable. You figure 280,000 workers, and many of them are married with children. You are talking half a million people who are probably directly impacted by this.

Now, the Senator from Maine and I, Senator SNOWE, have an excellent bill. It says Members of Congress should be treated the same way as the most adversely impacted Federal employee. We had our efforts blocked here also. This is a bipartisan effort here in the U.S. Senate. The Senator from West Virginia, Senator BYRD, said put partisanship aside. I think that is very good advice. That is why I reached out to the Senator from Maine, Senator SNOWE, and to Senator DOLE, and brought Senator DOLE and Senator DASCHLE both solidly behind this bill.

Over on the House, a Republican Congress has blocked it, blocked it, blocked it, blocked it, blocked it, five times—stalled it. Members of Congress who go on national television practically giggling with joy at what they are doing, continue to bring home a pretty hefty paycheck. It is embarrassing.

Now, I have to say there is a show on CNN entitled "Talk Back Live." A Member of the House leadership said that he opposed my bill, saying—and this is directly from the transcript—"I am not a Federal employee." Imagine—who pays his check? Some private corporation? No, the Federal Government. But he does not consider himself a Federal employee. He is more important. He said, "I am not a Federal employee. I am a constitutional officer."

Madam President, it is this kind of attitude that has led us to these unnecessary Government shutdowns. We are setting ourselves above others, and that is dangerous. People who do that come down real hard. Ever see people like that in life who set themselves apart, they think they are so special? Well, some day, they will learn to be humble. God has a way of doing that and so do the voters.

I continue to believe if we fail to do the most basic part of our job, then we do not deserve to be paid.

I want to read from this transcript from the show. Just so I put it on the Record, this is Representative THOMAS DELAY, who is the majority whip over in the House of Representatives. Susan Rook, the MC, says, "I think PATTY brings up a really good point * * * I want it go back to Representative BOXER in the Senate who cosponsored a bill, and it was saying, 'OK, we, the legislators, will not get paid' * * * Her office said the bill passed unanimously in the Senate three times, but it was held up in the House because of NEWT GINGRICH. Your response?"

To which Representative TOM DELAY says, "Look, Ms. BOXER"—he did not say "Senator," but that is OK—"Ms. BOXER is demagoguing this issue and trying to change the subject. Ask Ms. BOXER if she voted for a balanced budget. She did not. She does not want a balanced budget, and she's trying to change the subject."

Now, No. 1, he had no idea what I voted for. I voted for two balanced budgets. It is in the RECORD. One was written by BILL BRADLEY and one written by KENT CONRAD, and I support another effort by the Senate Democrats, CBO scored, 7 years, balance the budget.

But, of course, he knows what I voted for, I guess. So he says I was just trying to change the subject. But the moderator does not buy it and says, "Yeah, but if Federal employees are not getting their pay, or Marty—actually Cathy, right behind you. Marty you were telling us a story. Now, you are a Federal employee but considered essential. What about some of your supplies?"

Answer, "Supplies aren't available. We work a 24-hour shift, so the fire department is our home for 24 hours. And you've got to basically ration because the money is not in our budget, because there is no budget * * *

This is someone in a fire department. And then an audience member says—oh, and then she says, "Marty, would you feel better if they said, 'OK, if you're not getting your supplies, if they're not getting their paychecks, we won't get paid either'? Would that make you feel at least better toward all of them?" Meaning us Members of Congress.

And the audience member says, "Either that or else have them, you know, cut back what they were making. They're making \$100,000, I'm making, you know, 32."

He is wrong, we are making \$133,000. We are making \$133,000 a year and we are getting our pay. And people making \$32,000 and \$24,000 are trying to support their families.

Then another person said, "Good ol' NEWT. Pay him, but not the government workers, by golly."

So, people do not like this. And then it went on and on, people asking Mr. DELAY continually.

This is TOM DELAY, one of the leaders in the House. He says, "Well, Susan, you can play all these games you want to change the subject. The point here is that if the President was concerned about Federal employees and their pay, he wouldn't have vetoed [all these bills]."

And she says, "OK, but Marty's question * * * why don't you go ahead and take a pay cut? So would you support the Boxer bill or no?"

And he says, "No, I would not. I am not a Federal employee. I am a constitutional officer. My job is in the Constitution. * * *"

And then an audience member says, "But why are you not a government employee?"

And he says, the leader, the majority whip over there, "I am not a government employee. I am in the Constitution."

"You are, sir," says another audience member.

And then the audience member says, "Where is your ethics at? You're a government employee. All of you are government. All of you fall into the Federal Government * * * everybody gets paid by the Government."

And then he says, Susan, why is it all you want to do is talk about salaries, et cetera.

So, here you have a situation where the leadership of the Republican House of Representatives is thrilled and delighted to shut this Government down. They object to a very clean CR, that is a continuing resolution, to in fact keep this Government running. They want to put a gun to the President's head and hold this Government hostage. And he is not going to do it. And that is where we stand tonight.

Madam President, I am going to complete my remarks, could I have just an additional 1 minute?

The PRESIDING OFFICER. Absolutely.

Mrs. BOXER. Thank you very much. I just hope that Members who might have heard me talk tonight will begin to feel a little bit embarrassed themselves about the situation, a little bit ashamed about the situation, and that they will not continue, over there on the House side, to block the bipartisan "No Budget, No Pay" bill. But more important, that we get this Government rolling and we sit down like grown-ups, men and women, Republicans and Democrats, to debate the long-term issues.

I know we can resolve the long-term issues. I know that we can. There is a lot of room for compromise. The Constitution wants us to compromise. Our founders envisioned something like this. That is why they have something called a veto, and a two-thirds override. If you cannot get that, my friends, you compromise to make it happen.

So I am prayerful and I am hopeful that we will all grow up around here,

start working together, and solve this crisis.

Madam President, thank you for your generosity. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand adjourned until 9:30, Thursday, December 21, 1995.

Thereupon, the Senate, at 8:54 p.m., adjourned until Thursday, December 21, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 20, 1995:

FEDERAL DEPOSIT INSURANCE CORPORATION

GASTON L. GIANNI, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION. (NEW POSITION)

DEPARTMENT OF STATE

RITA DERRICK HAYES, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS CHIEF TEXTILE NEGOTIATOR.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be vice admiral

VICE ADM. ROBERT J. SPAN, [redacted]

WITHDRAWAL

Executive message transmitted by the President to the Senate on December 20, 1995, withdrawing from further Senate consideration the following nomination:

FEDERAL DEPOSIT INSURANCE CORPORATION

NORWOOD J. JACKSON, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.

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-minute 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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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 peo-

ple. 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 Commit-

tee 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 Sec-

retary 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 gentleman 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 giv-

ing 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, particularly 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 productiv-

ity 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 show-case 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 sim-

ply 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 supports, 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 infor-

mation, 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 gentleman 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 1½ 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.

Let us 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 misstatement. 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 anti-taxpayer.

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. GEJDESON], 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	Buyer	Ehlers
Allard	Callahan	Ehrlich
Andrews	Calvert	English
Archer	Camp	Ensign
Armey	Campbell	Eshoo
Bachus	Canady	Everett
Baesler	Cardin	Ewing
Baker (CA)	Castle	Farr
Baker (LA)	Chabot	Fawell
Balleger	Chambliss	Fazio
Barcia	Chenoweth	Fields (LA)
Barr	Christensen	Fields (TX)
Barrett (NE)	Chrysler	Flake
Barrett (WI)	Clement	Flanagan
Bartlett	Clinger	Foley
Barton	Coble	Forbes
Bass	Coburn	Fowler
Bateman	Collins (GA)	Fox
Bentsen	Combest	Frank (MA)
Bereuter	Condit	Franks (CT)
Bevill	Cooley	Franks (NJ)
Bilbray	Cox	Frelinghuysen
Bilirakis	Cramer	Frisa
Bishop	Crapo	Frost
Bliley	Creameans	Funderburk
Blute	Cubin	Furse
Boehlert	Cunningham	Galleghy
Boehner	Danner	Ganske
Bonilla	Davis	Gejdenson
Bono	Deal	Gekas
Boucher	DeLauro	Geren
Brewster	DeLay	Gilchrest
Browder	Deutsch	Gillmor
Brown (OH)	Diaz-Balart	Gilman
Brownback	Dickey	Gingrich
Bryant (TN)	Doolittle	Goodlatte
Bunn	Doyle	Goodling
Bunning	Dreier	Gordon
Burr	Duncan	Goss
Burton	Dunn	Graham

Green	Lucas	Rush
Greenwood	Luther	Sabo
Gunderson	Maloney	Salmon
Gutknecht	Manton	Sanford
Hall (TX)	Manzullo	Sawyer
Hamilton	Martini	Saxton
Hancock	McCarthy	Scarborough
Hansen	McCollum	Schaefer
Harman	McCrery	Schiff
Hastert	McDade	Schumer
Hastings (WA)	McHale	Seastrand
Hayes	McHugh	Sensenbrenner
Hayworth	McInnis	Shadegg
Hefley	McIntosh	Shaw
Heineman	McKeon	Shays
Herger	McNulty	Shuster
Hilleary	Meehan	Sisisky
Hobson	Metcalf	Skeen
Hoekstra	Meyers	Skelton
Hoke	Mica	Slaughter
Holden	Miller (FL)	Smith (MI)
Horn	Minge	Smith (NJ)
Hostettler	Mollinari	Smith (TX)
Houghton	Montgomery	Smith (WA)
Hoyer	Moorhead	Solomon
Hunter	Moran	Souder
Hutchinson	Morella	Spence
Hyde	Murtha	Spatt
Inglis	Myers	Stearns
Istook	Myrick	Stenholm
Jackson (IL)	Neal	Stenmark
Jackson-Lee	Nethercutt	Stump
(TX)	Neumann	Talent
Jefferson	Ney	Tanner
Johnson (CT)	Norwood	Tate
Johnson, Sam	Nussle	Tauzin
Jones	Ortiz	Taylor (NC)
Kasich	Orton	Tejeda
Kelly	Oxley	Thomas
Kennedy (MA)	Packard	Thornberry
Kennedy (RI)	Pallone	Thornton
Kennelly	Parker	Tiahrt
Kim	Paxon	Torkildsen
King	Payne (VA)	Towns
Kingston	Pelosi	Trafficant
Klecza	Peterson (FL)	Upton
Klug	Petri	Vento
Knollenberg	Pickett	Visclosky
Kolbe	Pombo	Vucanovich
LaFalce	Porter	Waldholtz
LaHood	Portman	Walker
Largent	Quillen	Walsh
Latham	Quinn	Wamp
LaTourette	Radanovich	Ward
Laughlin	Ramstad	Weldon (FL)
Lazio	Reed	Weldon (PA)
Leach	Regula	Weller
Lewis (CA)	Riggs	White
Lewis (KY)	Roberts	Whitfield
Lightfoot	Roemer	Wicker
Lincoln	Rogers	Wolf
Linder	Rohrabacher	Wyden
Lipinski	Ros-Lehtinen	Wynn
Livingston	Rose	Young (FL)
LoBlondo	Roth	Zeliff
Lofgren	Roukema	Zimmer
Longley	Royce	

NAYS—100

Baldacci	Evans	Matsui
Becerra	Fattah	McDermott
Bellenson	Foglietta	McKinney
Berman	Ford	Meek
Bonior	Gephardt	Menendez
Borski	Gibbons	Mfume
Brown (CA)	Gonzalez	Miller (CA)
Brown (FL)	Gutierrez	Mink
Bryant (TX)	Hall (OH)	Moakley
Clay	Hastings (FL)	Mollohan
Clayton	Hefner	Nadler
Clyburn	Hilliard	Oberstar
Coleman	Hinchesy	Obey
Collins (IL)	Jacobs	Olver
Collins (MI)	Johnson (SD)	Owens
Conyers	Johnson, E. B.	Pastor
Costello	Johnston	Payne (NJ)
Coyne	Kanjorski	Pomeroy
DeFazio	Kaptur	Poshard
Dellums	Kildee	Rahall
Dicks	Klink	Rangel
Dingell	Levin	Richardson
Dixon	Lewis (GA)	Rivers
Doggett	Markey	Roybal-Allard
Durbin	Martinez	Sanders
Engel	Mascara	Schroeder

Scott	Thompson	Waxman
Serrano	Thurman	Williams
Skaggs	Torres	Wilson
Stark	Torricelli	Wise
Stokes	Velazquez	Woolsey
Studds	Voikmer	Yates
Stupak	Waters	
Taylor (MS)	Watt (NC)	

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—14

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

□ 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.

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 non-disclosure 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 descrip-

tion 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 incident-

tal 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.";

(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.";

(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 semi-annual 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 compli-

ance 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 author-

ity 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 wholesale 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. non-proliferation 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 Govern-

ment'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 non-disclosure 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 incidental 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 year 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 Authoriza-

tion 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 cover, 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 to 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 reports 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 thereof 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 provisions 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 semi-annual 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 of 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,
NAVY 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 en-

tirely 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 gentleman 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 than 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.

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 con-

sideration 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 sunset 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 Com-

pact. 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 commit 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. BEILENSEN], 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	A. 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. 236-195 (6/22/95).
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. Res. 251 (10/31/95)	C	H.R. 2491	Seven-Year Balanced Budget	A. 237-190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 1833	Partial Birth Abortion Ban	A. 241-181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.R. 2546	D.C. Approps.	A. 216-210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.J. Res. 115	Cont. Res. FY 1996	A. 220-200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2586	Debt Limit	A. voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.R. 2539	ICC Termination Act	A. 223-182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A. 220-185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2586	Increase Debt Limit	A. voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.R. 2564	Lobbying Reform	A. 229-176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.J. Res. 122	Further Cont. Resolution	A. 235-181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 2606	Prohibition on Funds for Bosnia	A. voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1788	Amtrak Reform	A. voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 1350	Maritime Security Act	PQ: 223-183 A. 228-184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 2621	Protect Federal Trust Funds	
H. Res. 309 (12/18/95)	C	H.R. 1745	Utah Public Lands	
H. Res. 313 (12/19/95)	O	H. Con. Res. 122	Budget Res. W/President	PQ: 230-188 A. 229-189 (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 of 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. BEILENSEN. 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 will-

ing 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 biasedly 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.

□ 1345

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 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 State-wide 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. BEILENSEN] from the Committee on Rules.

Mr. BEILENSEN. 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 Widen 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) of 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. 125	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.	ID.
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 pre-printed before July 14th to be considered; limits motions to rise.	N/A
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 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.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(1)(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 Bliely 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(I)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing gets priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
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(I)(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 (¾ 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	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 points 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 (¾ 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)	N/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(I)(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(I)(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 en-

dorses 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 RE- GIME

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 Alvaro Garcia was arrested and told that he had to convince his mother, Beatriz Garcia Alvarez, and brother, Rinaldo Alvaro 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 Ruiz and Aida Rosa Jimenez were continuously 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 Christ-

mas 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 trib-

ute 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 gentleman 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 bankrupt. 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 char-

acterizations 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 programs 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 bureaucracy 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 it 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

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 vet-

erans, 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 post-season 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, non-partisan 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 gentleman 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 gentleman 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 re-

ferred 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 fam-

ily 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 fiancée 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 Christmas-time. 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 it 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 announced 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 freshmen, 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 go 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 gentleman 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 eliminating 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 gentleman 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. 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 gentleman yield?

Mrs. SCHROEDER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I would say to the gentleman 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 veter-

ans 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' 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 to 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 Christmas. 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 non-partisan 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 gen-

tleman 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.

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.

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.

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. Pannetta 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 Repub-

licans 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.

□ 1930

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 Repub-

lican 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. FRELINGHUSEN. 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.

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 gentleman 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 Christmas-time. 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 veterans 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 gentleman 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, hard-working, 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	Duncan	King
Archer	Dunn	Kingston
Armye	Ehlers	Klug
Bachus	Ehrlich	Knollenberg
Baker (CA)	Emerson	Kolbe
Baker (LA)	English	LaHood
Ballenger	Ensign	Largent
Barr	Everett	Latham
Barrett (NE)	Ewing	LaTourette
Bartlett	Fawell	Laughlin
Barton	Fields (TX)	Lazio
Bass	Flanagan	Leach
Bateman	Foley	Lewis (CA)
Bereuter	Forbes	Lewis (KY)
Bilbray	Fowler	Lightfoot
Billrakis	Fox	Lincoln
Bliley	Franks (CT)	Linder
Blute	Franks (NJ)	Livingston
Boehler	Frelinghuysen	LoBiondo
Boehner	Frisa	Longley
Bonilla	Funderburk	Lucas
Bono	Galleghy	Manzullo
Brewster	Ganske	Martini
Browder	Gekas	McCollum
Brownback	Geran	McCrery
Bryant (TN)	Gillmor	McDade
Bunn	Gilman	McHugh
Bunning	Goodlatte	McInnis
Burr	Goodling	McIntosh
Burton	Goss	McKeon
Buyer	Graham	Metcalf
Callahan	Grahn	Metcalf
Calvert	Gunderson	Meyers
Camp	Gutknecht	Mica
Campbell	Hall (TX)	Mollinari
Canady	Hancock	Montgomery
Castle	Hansen	Moorhead
Chabot	Hastert	Morella
Chambliss	Hastings (WA)	Myrick
Chenoweth	Hayes	Nethercutt
Christensen	Hayworth	Neumann
Chrysler	Hefley	Ney
Clinger	Heineman	Norwood
Coble	Herger	Nussle
Coburn	Hilleary	Oxley
Collins (GA)	Hobson	Parker
Combest	Hoekstra	Paxon
Cooley	Hoke	Peterson (MN)
Cox	Horn	Petri
Crane	Hostettler	Pickett
Crapo	Houghton	Pombo
Creameans	Hunter	Porter
Cubin	Hutchinson	Portman
Cunningham	Hyde	Pryce
Deal	Inglis	Quillen
DeLay	Johnson (CT)	Quinn
Diaz-Balart	Johnson, Sam	Radanovich
Dickey	Jones	Ramstad
Doolittle	Kasich	Regula
Dornan	Kelly	Riggs
Dreier	Kim	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
Coyle
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
Oliver
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
Volkmmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOT VOTING—23

Beilenson	Gutierrez	Rose
Chapman	Hall (OH)	Skaggs
Conyers	Istook	Stark
Edwards	Lantos	Weldon (PA)
Filner	Martinez	Williams
Flake	Myers	Wilson
Foglietta	Packard	Yates
Gilchrest	Payne (VA)	

□ 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 con-

strained 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 gen-

tleman 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 ben-

efits, 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 together 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 tree-huggers 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 non-partisan 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 gentleman 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 tire-

less 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 orphans—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 pay-

ments, 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). 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. 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 gen-

tleman 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	Fawell	Linder
Archer	Fields (TX)	Livingston
Armey	Flanagan	LoBiondo
Bachus	Foley	Longley
Baker (CA)	Forbes	Lucas
Baker (LA)	Fowler	Manzullo
Ballenger	Fox	Martini
Barr	Franks (CT)	McCollum
Barrett (NE)	Franks (NJ)	McCrery
Bartlett	Frelinghuysen	McDade
Barton	Frisa	McHugh
Bass	Funderburk	McInnis
Bateman	Galleghy	McIntosh
Bereuter	Ganske	McKeon
Bilbray	Gekas	Metcalf
Bilirakis	Geren	Meyers
Billey	Gillmor	Mica
Blute	Gilman	Miller (FL)
Boehrlert	Goodlatte	Molinari
Boehner	Gooding	Montgomery
Bonilla	Goss	Moorhead
Bono	Graham	Morella
Brownback	Greenwood	Myrick
Bryant (TN)	Gunderson	Nethercutt
Bunn	Gutknecht	Neumann
Bunning	Hancock	Ney
Burr	Hansen	Norwood
Burton	Hastert	Nussle
Buyer	Hastings (WA)	Oxley
Callahan	Hayes	Packard
Calvert	Hayworth	Parker
Camp	Hefley	Paxon
Campbell	Heineman	Petri
Canady	Henger	Pombo
Castle	Hilleary	Porter
Chabot	Hobson	Portman
Chambliss	Hoekstra	Pryce
Chenoweth	Hoke	Quillen
Christensen	Horn	Quinn
Chrysler	Hostettler	Radanovich
Clinger	Houghton	Ramstad
Coble	Hunter	Regula
Coburn	Hutchinson	Riggs
Collins (GA)	Hyde	Roberts
Combest	Inglis	Rogers
Cooley	Istook	Rohrabacher
Cox	Jacobs	Ros-Lehtinen
Crane	Johnson (CT)	Roth
Crapo	Johnson, Sam	Roukema
Creameans	Johnston	Royce
Cubin	Jones	Salmon
Cunningham	Kasich	Sanford
Davis	Kelly	Saxton
Deal	Kim	Scarborough
DeLay	King	Schaefer
Diaz-Balart	Kingston	Schiff
Dickey	Klug	Seastrand
Doolittle	Knollenberg	Sensenbrenner
Dorman	Kolbe	Shadegg
Dreier	LaHood	Shaw
Duncan	Largent	Shays
Dunn	Latham	Shuster
Ehlers	LaTourette	Skeen
Ehrlich	Laughlin	Smith (MI)
Emerson	Lazio	Smith (NJ)
English	Leach	Smith (TX)
Ensign	Lewis (CA)	Smith (WA)
Everett	Lewis (KY)	Solomon
Ewing	Lightfoot	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	Gonzalez	Obey
Ackerman	Gordon	Oliver
Andrews	Green	Ortiz
Baesler	Hall (TX)	Orton
Baldacci	Hamilton	Owens
Barcia	Harman	Pallone
Barrett (WI)	Hastings (FL)	Pastor
Becerra	Hefner	Payne (NJ)
Bentsen	Hilliard	Pelosi
Bevill	Hinchey	Peterson (FL)
Bishop	Holden	Peterson (MN)
Bonior	Hoyer	Pickett
Borski	Jackson (IL)	Pomeroy
Boucher	Jackson-Lee	Poshard
Brewster	(TX)	Rahall
Browder	Jefferson	Rangel
Brown (CA)	Johnson (SD)	Reed
Brown (FL)	Johnson, E. B.	Richardson
Brown (OH)	Kanjorski	Rivers
Bryant (TX)	Kaptur	Roemer
Cardin	Kennedy (MA)	Roybal-Allard
Clay	Kennedy (RI)	Rush
Clayton	Kennelly	Sabo
Clement	Kildee	Sanders
Clyburn	Klecza	Sawyer
Coleman	Klink	Schroeder
Collins (IL)	LaFalce	Schumer
Collins (MI)	Levin	Scott
Condit	Lewis (GA)	Serrano
Costello	Lincoln	Sisisky
Coyne	Lipinski	Skelton
Cramer	Lofgren	Slaughter
Danner	Lowe	Spratt
de la Garza	Luther	Stenholm
DeFazio	Maloney	Stokes
DeLauro	Manton	Studds
Dellums	Markey	Stupak
Deutsch	Martinez	Tanner
Dicks	Mascara	Taylor (MS)
Dingell	Matsui	Tejeda
Dixon	McCarthy	Thompson
Doggett	McDermott	Thornton
Dooley	McHale	Thurman
Doyle	McKinney	Torres
Durbin	McNulty	Torricelli
Durbin	Meehan	Towns
Engel	Eshoo	Trafficant
Eshoo	Evans	Velazquez
Farr	Farr	Vento
Fattah	Fattah	Viscosky
Fazio	Fazio	Volkmer
Fields (LA)	Fields (LA)	Ward
Ford	Ford	Waters
Frank (MA)	Frank (MA)	Watt (NC)
Frost	Frost	Waxman
Furse	Furse	Wise
Gejdenson	Gejdenson	Woolsey
Gephardt	Gephardt	Wyden
Gibbons	Gibbons	Wynn

NOT VOTING—21

Bellenson	Foglietta	Rose
Berman	Gilchrest	Skaggs
Chapman	Gutierrez	Stark
Conyers	Hall (OH)	Weldon (PA)
Edwards	Lantos	Williams
Filner	Myers	Wilson
Flake	Payne (VA)	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 Dis-

trict 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 cannot be amended by another propo-

sition 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	Deutsch	Johnson (SD)
Ackerman	Dicks	Johnson, E. B.
Andrews	Dingell	Johnston
Baesler	Dixon	Kanjorski
Baldacci	Doggett	Kaptur
Barcia	Dooley	Kennedy (MA)
Barrett (WI)	Doyle	Kennedy (RI)
Becerra	Durbin	Kennelly
Bentsen	Engel	Kildee
Berman	Eshoo	Kleccka
Bevill	Evans	Klink
Bishop	Farr	LaFalce
Bonior	Fattah	Levin
Borski	Fazio	Lewis (GA)
Boucher	Fields (LA)	Lincoln
Brewster	Ford	Lipinski
Browder	Frank (MA)	Lofgren
Brown (CA)	Frost	Lowey
Brown (FL)	Furse	Luther
Brown (OH)	Gejdenson	Maloney
Bryant (TX)	Gephardt	Manton
Cardin	Gibbons	Markey
Clay	Gonzalez	Martinez
Clayton	Gordon	Mascara
Clement	Green	Matsui
Clyburn	Hamilton	McCarthy
Coleman	Harman	McDermott
Collins (IL)	Hastings (FL)	McHale
Collins (MI)	Hefner	McKinney
Condit	Hilliard	McNulty
Costello	Hinchev	Meehan
Coyne	Holden	Meek
Cramer	Hoyer	Menendez
Danner	Jackson (IL)	Mfume
de la Garza	Jackson-Lee	Miller (CA)
DeFazio	(TX)	Minge
DeLauro	Jacobs	Mink
Dellums	Jefferson	Moakley

Mollohan	Richardson	Taylor (MS)
Moran	Rivers	Tejeda
Murtha	Roemer	Thompson
Nadler	Roukema	Thornton
Neal	Roybal-Allard	Thurman
Oberstar	Rush	Torres
Obey	Sabo	Torricelli
Ortiz	Sanders	Towns
Orton	Sawyer	Traficant
Owens	Schroeder	Velazquez
Pallone	Schumer	Vento
Pastor	Scott	Visclosky
Payne (NJ)	Serrano	Voikmer
Pelosi	Sisisky	Ward
Peterson (FL)	Skelton	Waters
Peterson (MN)	Slaughter	Watt (NC)
Pickett	Spratt	Waxman
Pomeroy	Stenholm	Wise
Poshard	Stokes	Woolsey
Rahall	Studds	Wyden
Rangel	Stupak	Wynn
Reed	Tanner	

NOES—234

Allard	Flanagan	Manzullo
Archer	Foley	Martini
Armey	Forbes	McCollum
Bachus	Fowler	McCrery
Baker (CA)	Fox	McDade
Baker (LA)	Franks (CT)	McHugh
Ballenger	Franks (NJ)	McInnis
Barr	Frelinghuysen	McIntosh
Barrett (NE)	Frisa	McKeon
Bartlett	Funderburk	Metcalfe
Barton	Galleghy	Meyers
Bass	Ganske	Mica
Bateman	Gekas	Miller (FL)
Beruter	Geren	Molinari
Bilbray	Gillmor	Montgomery
Bilirakis	Gilman	Moorhead
Billey	Goodlatte	Morella
Blute	Goodling	Myrick
Boehlert	Goss	Nethercutt
Boehner	Graham	Neumann
Bonilla	Greenwood	Ney
Bono	Gunderson	Norwood
Brownback	Gutknecht	Nussle
Bryant (TN)	Hall (TX)	Oxley
Bunn	Hancock	Packard
Bunning	Hansen	Parker
Burr	Hastert	Paxon
Burton	Hastings (WA)	Petri
Buyer	Hayes	Pombo
Callahan	Hayworth	Porter
Calvert	Hefley	Portman
Camp	Heineman	Pryce
Campbell	Herger	Quillen
Canady	Hilleary	Quinn
Castle	Hobson	Radanovich
Chabot	Hoekstra	Ramstad
Chambless	Hoke	Regula
Chenoweth	Horn	Riggs
Christensen	Hostettler	Roberts
Chryslers	Houghton	Rogers
Clinger	Hunter	Rohrabacher
Coble	Hutchinson	Ros-Leschen
Coburn	Hyde	Roth
Collins (GA)	Inglis	Royce
Combest	Istook	Salmon
Cooley	Johnson (CT)	Sanford
Cox	Johnson, Sam	Saxton
Crane	Jones	Scarborough
Crapo	Kasich	Schaefer
Cremeans	Kelly	Schiff
Cubin	Kim	Seastrand
Cunningham	King	Sensenbrenner
Davis	Kingston	Shadegg
Deal	Klug	Shaw
DeLay	Knollenberg	Shays
Diaz-Balart	Kolbe	Shuster
Dickey	LaHood	Skeen
Doolittle	Largent	Smith (MI)
Dornan	Latham	Smith (NJ)
Dreier	LaTourette	Smith (TX)
Duncan	Laughlin	Smith (WA)
Dunn	Lazio	Solomon
Ehlers	Leach	Souder
Ehrlich	Lewis (CA)	Spence
Emerson	Lewis (KY)	Stearns
English	Lightfoot	Stockman
Ensign	Linder	Stump
Everett	Livingston	Talent
Ewing	LoBiondo	Tate
Fawell	Longley	Tauzin
Fields (TX)	Lucas	Taylor (NC)

Thomas	Walker	Whitfield
Thornberry	Walsh	Wicker
Tiahrt	Wamp	Wolf
Torkildsen	Watts (OK)	Young (AK)
Upton	Weldon (FL)	Young (FL)
Vucanovich	Weller	Zeliff
Waldholtz	White	Zimmer

NOT VOTING—21

Bellenson	Gilchrest	Rose
Chapman	Gutierrez	Skaggs
Conyers	Hall (OH)	Stark
Edwards	Lantos	Weldon (PA)
Filner	Myers	Williams
Flake	Oliver	Wilson
Foglietta	Payne (VA)	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	Campbell	Dunn
Ackerman	Canady	Durbin
Allard	Cardin	Ehlers
Andrews	Castle	Ehrlich
Archer	Chabot	Emerson
Armey	Chambliss	Engel
Bachus	Chenoweth	English
Baesler	Christensen	Ensign
Baker (CA)	Chrysler	Eshoo
Baker (LA)	Clay	Evans
Baldacci	Clayton	Everett
Ballenger	Clement	Ewing
Barcia	Clinger	Farr
Barr	Clyburn	Fattah
Barrett (NE)	Coble	Fawell
Barrett (WI)	Coburn	Fazio
Bartlett	Coleman	Fields (LA)
Barton	Collins (GA)	Fields (TX)
Bass	Collins (IL)	Flanagan
Bateman	Collins (MI)	Foley
Becerra	Combest	Forbes
Bentsen	Condit	Ford
Bereuter	Cooley	Fowler
Berman	Costello	Fox
Bevill	Cox	Frank (MA)
Bilbray	Coyne	Franks (CT)
Bilirakis	Cramer	Franks (NJ)
Bishop	Crane	Frelinghuysen
Bliley	Crapo	Frisa
Blute	Creameans	Frost
Boehlert	Cubin	Funderburk
Boehner	Cunningham	Furse
Bonilla	Danner	Galleghy
Bonior	Davis	Ganske
Bono	de la Garza	Gejdenson
Borski	Deal	Gekas
Boucher	DeFazio	Gephardt
Brewster	DeLauro	Geren
Browder	DeLay	Gillmor
Brown (CA)	Dellums	Gilman
Brown (FL)	Deutsch	Gonzalez
Brown (OH)	Diaz-Balart	Goodlatte
Brownback	Dickey	Goodling
Bryant (TN)	Dicks	Gordon
Bryant (TX)	Dingell	Goss
Bunn	Dixon	Graham
Bunning	Doggett	Green
Burr	Dooley	Greenwood
Burton	Doolittle	Gunderson
Buyer	Dornan	Gutknecht
Callahan	Doyle	Hall (TX)
Calvert	Dreier	Hamilton
Camp	Duncan	Hamrick

Hansen	McCarthy	Sanders
Harman	McCollum	Sanford
Hastert	McCrary	Sawyer
Hastings (FL)	McDade	Saxton
Hastings (WA)	McDermott	Scarborough
Hayes	McHale	Schaefer
Hayworth	McHugh	Schiff
Hefley	McInnis	Schroeder
Hefner	McIntosh	Schumer
Heineman	McKeon	Scott
Herger	McKinney	Seastrand
Hilleary	McNulty	Sensenbrenner
Hilliard	Meehan	Serrano
Hinchee	Meek	Shadegg
Hobson	Menendez	Shaw
Hoekstra	Metcalf	Shays
Hoke	Meyers	Shuster
Holden	Mfume	Sisisky
Horn	Mica	Skeen
Hostettler	Miller (CA)	Skelton
Houghton	Miller (FL)	Slaughter
Hoyer	Minge	Smith (MI)
Hunter	Mink	Smith (NJ)
Hutchinson	Moakley	Smith (TX)
Hyde	Molinari	Smith (WA)
Inglis	Mollohan	Solomon
Istook	Montgomery	Souder
Jackson (IL)	Moorhead	Spence
Jackson-Lee	Moran	Spratt
(TX)	Morella	Stearns
Jacobs	Murtha	Stenholm
Jefferson	Myrick	Stockman
Johnson (CT)	Nadler	Stokes
Johnson (SD)	Neal	Studds
Johnson, E. B.	Nethercatt	Stump
Johnson, Sam	Neumann	Stupak
Johnston	Ney	Talent
Jones	Norwood	Tanner
Kanjorski	Nussle	Tate
Kaptur	Oberstar	Tauzin
Kasich	Oliver	Taylor (MS)
Kelly	Ortiz	Taylor (NC)
Kennedy (MA)	Orton	Tejeda
Kennedy (RI)	Owens	Thomas
Kennelly	Oxley	Thompson
Kildee	Packard	Thornberry
Kim	Pallone	Thornton
King	Parker	Thurman
Kingston	Pastor	Tiahrt
Kleczka	Paxon	Torkildsen
Klink	Payne (NJ)	Torres
Klug	Pelosi	Torricelli
Knollenberg	Peterson (FL)	Towns
Kolbe	Peterson (MN)	Trafficant
LaFalce	Petri	Upton
LaHood	Pickett	Velazquez
Largent	Pombo	Vento
Latham	Pomeroy	Visclosky
LaTourette	Porter	Volkmer
Laughlin	Portman	Vucanovich
Lazio	Poshard	Waldholtz
Leach	Pryce	Walker
Levin	Quillen	Walsh
Lewis (CA)	Quinn	Wamp
Lewis (GA)	Radanovich	Ward
Lewis (KY)	Rahall	Waters
Lightfoot	Ramstad	Watt (NC)
Lincoln	Rangel	Watts (OK)
Linder	Reed	Waxman
Lipinski	Regula	Weldon (FL)
Livingston	Richardson	Weller
LoBiondo	Riggs	White
Lofgren	Rivers	Whitfield
Longley	Roberts	Wicker
Lowe	Roemer	Wise
Lucas	Rogers	Wolf
Luther	Rohrabacher	Woolsey
Maloney	Ros-Lehtinen	Wyden
Manton	Roth	Wynn
Manzullo	Roukema	Young (AK)
Markey	Roybal-Allard	Young (FL)
Martinez	Royce	Zeliff
Martini	Rush	Zimmer
Mascara	Sabo	
Matsui	Salmon	

NAYS—1

Obey

NOT VOTING—21

Bellenson	Flake	Hall (OH)
Chapman	Foglietta	Lantos
Conyers	Gibbons	Myers
Edwards	Gilchrest	Payne (VA)
Filner	Gutierrez	Royse

Skaggs	Weldon (PA)	Wilson
Stark	Williams	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.

□ 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 respon-

sible 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 in-

crease 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 Repub-

licans 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 dif-

ficult 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 liberal-speak 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 liberal-speak 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, non-partisan 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. KINGSTON. 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 impart 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. DELLAURO, 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 his 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. VIS-CLOSKY, 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.

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EXTENSIONS OF REMARKS

TRANSFORMATION: HELPING THE
NEEDY BECOME NON-POOR

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. GINGRICH. On this floor, I've often discussed the book "The Tragedy of American Compassion," where author Marvin Olasky examined over 300 years of what has worked in American social policy. His main point: You do not want to maintain the poor, you want to transform them. The goal of helping is to get them to be non-poor. You help an addict by getting them to give up their addiction. You help an alcoholic by getting them to be a recovering alcoholic. You work to transform people, because if you only maintain them, you will ruin their lives.

One of our colleagues, the gentleman from Maryland, Mr. MFUME, knows more than a little bit about this kind of transformation. His life is a testimony to it. He recently announced his decision to leave this body to assume the Executive Directorship of the National Association for the Advancement of Colored People. His very personal journey is detailed poignantly in Courtland Milloy's excellent column from the Sunday, December 17 Washington Post. As the gentleman embarks on a very different mission of transformation, we wish him well. I submit the Post column into the CONGRESSIONAL RECORD. Certain lessons should transcend either party or ideological lines:

[From the Washington Post, December 17, 1995.]

TRANSFORMED, MFUME LEADS BY EXAMPLE
(By Courtland Milloy)

In explaining his transformation from street dude to political leader, Kweisi Mfume talks of having had a "spiritual experience." This is not to be mistaken for a religious occasion, such as going to church. It's more akin to a spiritual emergency, or crisis, in which Mfume tried for years to change his ways but found willpower alone to be insufficient.

Mfume recalls the days when his name was Frizzell Gray, and how he and his buddies used to stand outside a liquor store in Baltimore, drinking alcohol and telling lies. On one particular night while in his early twenties, he was overpowered by a feeling of ruination, of being a man on a road to nowhere. It was in that moment of truth, he says, that he received the courage and strength, some would say grace, to start a new life.

Now that Mfume has been selected to serve as president of the National Association for the Advancement of Colored People much is being made of the man he became after that night on the street corner. He went on to become a radio disc jockey, a Baltimore city councilman and a member of the U.S. House of Representatives.

But Mfume's true value has little to do with his job descriptions. It is the process of

his personal change that holds the key to the transformation of the NAACP; it is the spiritual emergency of Frizzell Gray that points the way to real advancement for African Americans.

"People thought I was crazy," Mfume told Peter J. Boyer of the New Yorker magazine last year. "But that night I left that corner and prayed and asked for God's forgiveness and asked my mother to please forgive me this one time for letting her down. I had let her down—that was not the way I was raised."

"I said that if I had just one more chance, I would never, every again go back to that, and I would try to find a way to atone for it. And I cried on the floor that night on my knees. I made a very real promise to myself, to my mother and to God that night—that if I could just get to that point and get one more chance I would do everything I could do to make a difference."

Mfume had to fight to get off that corner. His former drinking buddies would not let him just walk away. He says they regularly beat him up until they decided that he was a "lost cause" and finally left him alone.

Mfume learned a most important lesson from those struggles: Sometimes you may have to take a fall to take a stand.

Among the most difficult tasks facing Mfume now is redefining the struggle for civil rights; no one seems to know for sure where to go from here. But Mfume has a pretty good idea. His story suggests that we don't have to go anywhere, that we need only stand where we are and begin to treat those around us with courtesy, kindness, justice and love.

"You are not a man because you killed somebody," Mfume said last year during a Father's Day service at St. Edwards Catholic Church in West Baltimore. "You're a man when you know how to heal somebody." As Boyer described the scene, "it was no greeting card homage to dear Dad, but, rather, call to arms in a war for cultural survival."

Some would say that Mfume won that war when he went back to school and earned a high school equivalency degree in 1968. But it was when he began taking responsibility for the children he had fathered out of wedlock that he became a real winner.

Some would say that he won when, as a disc jockey, he stopped playing jock rap music in favor of political dialogue and jazz. But more important was Mfume's newfound attitude of gratitude that had allowed him to work at the radio station as a low-paid gofer until he had learned some skills.

Mfume, now 47, has been elected to Congress five times since 1986. He has served on the powerful House Banking Committee and, in 1992, became chairman of the Congressional Black Caucus.

But he sacrificed a secure job to help resurrect the NAACP, an organization that, for all intents and purposes, is dead. It died the day black Americans forgot where we came from and began to act as if the modicum of success that some of us enjoy had somehow been won through personal charm and good looks instead of the struggles and sacrifice of others.

This misguided sense of self-reliance, brought on in part by a profound ignorance

of history, is probably the single most important reason black America has been brought to its knees.

To make his change, Mfume had to admit that he was spiritually bankrupt and that he needed help from a power greater than himself. That honesty paid off with a new consciousness, and his willingness to be of service to his fellow man has resulted in a new energy, insight and intuition worthy of his new name, which means "conquering son of kings."

The NAACP, like much of black America, is in the same boat that Frizzell Gray had been in. But with Mfume at the helm, there is hope that what happened to him can happen to others as well.

TRIBUTE TO SGT. MAJ. JAMES
JUSTIN HEINZLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. SKELTON. Mr. Speaker, today I wish to recognize Cmd. Sgt. Maj. (Ret.) James Justin Heinzler for serving over 42 years in the Missouri Army National Guard. He served from April 22, 1952, to September 11, 1994.

Command Sergeant Major (Ret.) Heinzler's most recent service with the Missouri Army National Guard was with the 1st Battalion, 128th Field Artillery. He served in this position for his last 16 years of service. Throughout his career, he has strongly committed himself to all that is required. He has gone beyond to provide guidance and support for his fellow officers.

He has received numerous military awards throughout his career. The awards are the Army Service Ribbon, the National Defense Service Medal, the Army Reserve Components Achievement Medal with silver oak leaf cluster, the Armed Forces Reserve Medal with three 10 year devices, and the Army Commemoration Medal. He is submitted for the Meritorious Service Medal.

Command Sergeant Major (Ret.) Heinzler has not only provided faithful and dedicated service to the Missouri National Guard, but to his country as well. I urge my colleagues to join me in congratulating him on his service.

THE CLINTON DEFENSE POSTURE
WILL RATTLE OUR MILITARY
FOR YEARS TO COME

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. CUNNINGHAM. Mr. Speaker, newspapers being delivered across the country are hitting the doorsteps of military families hard

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

enough to rattle their households. The papers, radio, and the television are carrying President Clinton's message that it is no longer worth the trouble to serve your country in the armed services.

Mr. Speaker, this Congress has made the difficult choices that will take this Government to a balanced budget by 2002, while at the same time re-establishing the security of our Nation. Just this week, we sent the President H.R. 1530, a Defense authorization bill that restores a reasonable quality of life for our military, sustains basic military readiness, reinvigorates the Pentagon's efforts to modernize weapons, and makes a downpayment on our effort to make the Pentagon run more like a business.

The bill gets the Pentagon back into the business of defending our country, without a skyrocketing Defense budget.

Despite the fact that this bill includes a long overdue 2.4-percent pay raise, a 5.2-percent increase in housing allowance for our troops and their families, and \$35 million to educate children of military personnel, the newspapers now tell us that President Clinton will veto that bill.

Any sergeant, colonel, admiral, or general will tell you that their most important asset is a well-trained and dedicated man or woman. Unfortunately, because of a declining quality of military life and number of broken Government promises, the rank and file soldier and sailor is becoming an increasingly rare asset.

We have American soldiers and sailors trying to feed their families with food stamps. Some of the kids that the President is sending into harm's way in Bosnia are leaving their families behind in housing that is substandard. Clinton's historic 1993 tax hike not only forced more taxes on hard-working middle-income American families—despite a promise to actually cut taxes—it also delayed COLA's for military retirees by three-quarters of a year—breaking a promise that was made to many of those men and women while they served this country overseas and at war. The Defense authorization bill fixes the Clinton COLA grab.

The veterans, retirees, and active military families that I talk to every day tell me that they don't trust the Government anymore. Fully half of this country's new military enlistees come from military families, and those families are beginning to tell their kids that it just isn't worth it. As a 20-year veteran of the U.S. Navy, I dedicated my life and service to this country in exchange for a few promises of pay and benefits. If the Government, led by President Clinton, continues to break those promises and deny a reasonable quality of life, our military families will find it even more difficult to dedicate themselves to military service.

Mr. Speaker, what the President is doing is wrong. I challenge him to change his ways and demonstrate a commitment to our men and women in uniform. At a time when he plans to send over 32,000 troops into war-torn Bosnia, enactment of the Defense authorization bill is a good place to start.

HONORING THE LUDLOW BOY'S SOCCER TEAM'S STATE CHAMPIONSHIP VICTORY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to pay tribute to Coach Tony Goncalves and his Ludlow High School Lions boy's soccer team for their outstanding 4-to-1 victory over Somerville High School to win the Massachusetts Boys Division I State Soccer Championship. The impressive performance by the Lions in the championship capped off a tremendous 17-2-3 campaign for Coach Goncalves and his team and earned them a spot in the top 25 of the Umbro Boys High School Soccer Poll. Over the years Ludlow High School has enjoyed a rich tradition of soccer excellence and this team will certainly be remembered as one of the best in Ludlow High School history.

I would also like to recognize Coach Goncalves' assistants Jack Vilaca, Greg Kolodziej, and Jon Cavallo for their outstanding efforts throughout this championship season. It is the unsung efforts of people like these that often make championships possible, and Ludlow was quite fortunate to be assisted by such able individuals.

Finally, I would like to recognize the players who delivered this spectacular victory: Seniors, Bob Nascimento, Eddie Pires, Rich Huff, John Summerlin, Aaron Majka, Carlos Gomes, Adriano Dos Santos, Wesley Manuel, Chris Goncalves, Mark Eusebio, Jeff Leandro, Juniors, Robe Gomes, Matthew Goncalves, Adriano Genovevo, Danny Elias, Jason Alves, Ryan Lemek, Sophomores, Alex Carvalho, Dave Garcia, Jon Haluch, and Justin Larame.

The achievements of these young men are a tremendous source of pride for not only the town of Ludlow but for the entire Second Congressional District. I am honored to represent such outstanding individuals and I join with the citizens of the Second Congressional District in offering a most heartfelt congratulations. I would also like to wish the returning players the best of luck as they embark on their title defense next season.

HONORING A MCCREARY COUNTY LEADER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. ROGERS. Mr. Speaker, I rise to honor my good friend Napoleon "Nip" Perkins who recently passed away just shy of his 90th birthday. My family and thousands of others throughout McCreary County and southern Kentucky are deeply saddened by this tragic loss.

Our area has lost a topnotch businessman, an inspiring civic and community volunteer, a political leader, and a good friend. He helped everyone he could and always was willing to sacrifice his time for others.

Nip Perkins was a retired land agent and an engineer for Stearns Coal and Lumber Co., where his high energy, friendly style is what always stood out most.

Politics was where Nip was most influential. Serving as a field representative for my two predecessors in Congress, Congressmen Eugene Siler and Tim Lee Carter, he has been a recognized leader for more than seven decades.

Nip was also a great confidant for me, always keeping his ear close to the ground and my best interests at heart. He was wise, informed, and always positive.

Nip served six terms as the McCreary County Republican chairman and was the first inductee of the Fifth Congressional District Lincoln Club Hall of Fame for his honorable and dedicated service.

I could not think of a better person to be our first Hall of Fame inductee.

In addition to his political service, Nip was a former McCreary County master commissioner and served on the County Selective Service Board. He was a 65-year member of the Orie S. Ware Lodge in Stearns and the 32d degree Mason in the Valley of Covington.

My heart goes out to Nip's wife of 62 years, Evelyn Anderson Perkins, and his wonderful family. He was a great friend and a good man, and he will be sorely missed.

ADDRESS BY CAPT. MARTY SMITH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. SKELTON. Mr. Speaker, On October 14, 1995, Capt. Marty Smith, commander of the U.S.S. *Jefferson City* addressed the annual Mid-Missouri Navy League Navy Birthday Ball in Jefferson City, MO. This speech is set forth herein:

SPEECH GIVEN AT THE 1995 MID-MISSOURI NAVY LEAGUE NAVY BIRTHDAY BALL HELD ON OCTOBER 14, 1995 IN JEFFERSON CITY, MO

Congressman and Mrs. Skelton, President Green, members of the mid-Missouri Navy League, and citizens of Jefferson City, it's a great honor and privilege for me to speak to you all tonight in the ship's namesake city. I, along with my eleven shipmates, have had a wonderful time since we arrived here Friday. Crew members who have been here before have told us of the friendliness and hospitality of the great state of "Missoura", and we are finding it all true. Everyone has been wonderful, starting with Herman Smith and Petty Officer Wall who picked us up in St. Louis early Friday morning, to the host families who have gone out of their way to make us feel like adopted sons.

Well, we missed you all last year, because as most of you know, last October, the ship was in the middle of a Western Pacific deployment, having all sorts of adventures in the Sea of Japan with the Kitty Hawk Battle Group. And yes, next year you'll have toast us in absentia because we'll once again be deployed, this time with the Karl Vinson Battle Group in the Arabian Gulf. Perhaps you'll be able to delay the festivities for awhile until we return in mid-November!

I don't get paid to make speeches, but if there's one thing about public speaking I do

know, it's that the hardest audience in the world is a bunch of submariners and submariner supporters sitting around waiting for the speech to end so they can resume the party. So let me just fill you in briefly on what we've been up to in the past year, and what our future schedule holds.

We got back from our maiden deployment last year a couple of days before Christmas, and what a deployment it was *** So unique, with so many challenges, for such a relatively inexperienced crew. I can't possibly convey to you how proud I was of the crew as they put in 110 percent every single day for six months away from their friends and loved ones. They did such a good job, as a matter of fact, that as Congressman Skelton can tell you, I was asked to give a debrief of the deployment to the top admiral of the Navy, the Chief of Naval Operations, Admiral Boorda. This kind of recognition, by the way, only happens to a very few ships every year. In addition, the crew was awarded a total of 4 Navy Commendation Medals, 25 Navy Achievement Medals, and over 50 Flag Officer Letters of Commendation. I can't give you the details of our deployment, obviously, for security reasons, but JFC, as we're known in message traffic shorthand, accomplished many unique firsts, achieved innovative and significant tactical breakthroughs across the spectrum of submarine operations, including anti-diesel ASW, tomahawk strike warfare, and very shallow water operations. We visited Japan, South Korea, Singapore, Hong Kong for Thanksgiving, and Pearl Harbor on the way home. The crew was underway, underwater, for over 78 percent of the six months, enjoyed great liberty visits, and even found time for a humanitarian project at an orphanage in Singapore. The ship steamed more than 40,000 miles on nuclear power with no major equipment problems, which was especially notable since we had only a single ten-day maintenance period over the entire six months. The contributions Jefferson City made to the Kitty Hawk battle group were real and played a major role in helping Admiral Blair, the Battle Group Commander, to complete his assigned mission—to provide a stabilizing and influential presence in the Western Pacific after the dictator of North Korea, Kim Il Sung, died in early July 1994, with no apparent successor. As you may remember, there was more than a little concern because of the leadership void and the vast military forces which North Korea has poised just north of the 39th parallel. So Jefferson City and the rest of the Battle Group remained tethered to the South Korean peninsula, instead of going to the beautiful Arabian gulf, and we followed the traditions of several famous WWII submarines, such as CDR Mush Morton and Electrician's Mate Herman Smith seated in the back there, in seeing just how yellow the yellow sea can be. In recognition of our efforts, Jefferson City received the first of many unit commendations she will undoubtedly receive during her 30-year career, a Meritorious Unit Commendation, which is represented by a ribbon you see on our chests tonight and a pennant which we fly proudly from our sail in port.

Anyway, I or any of the crew here tonight will be glad to answer your questions about the ship or the deployment. We also brought the ship's photo album here, which you're welcome to take a look at. It's too bad that the old COB, Master Chief Harden, isn't here to explain a couple of those pictures!

Since the deployment, Jefferson City has been tasked with several local operations in the Southern California area with other

ships and submarines, some torpedo testing in the Pacific Northwest on a couple of trips, a major tactical inspection which we did very well on, and had the distinct pleasure of hosting some of you for a VIP cruise last June. In August we started a 3-month shipyard modernization period in San Diego. Right now the boat is in drydock, getting many improvements, which will make us quieter, faster, and deadlier to our potential adversaries. When Jefferson City returns to sea in late-November, we will head up to Alaska for sound trials and then return to port just before Christmas following a big engineering inspection. In February and March we conduct training exercises with our new boss, the Karl Vinson Battle Group, and then start our second six month deployment in mid-May. And for those of you waiting to visit the ship until we move to Pearl Harbor, Hawaii, that date has been firmed up and is now November of 1997.

You may have also heard about another VIP cruise we hosted, this one for Mr. George Will, the national political columnist who writes in Newsweek and over 250 news papers nationwide. After his cruise he wrote a very impressive essay for Newsweek magazine which resulted in several nice accolades for the ship. I'd like to quote the beginning paragraph from Mr. Will's essay for those of you who didn't get a chance to read it. The back cover page of the Sept 3 issue of Newsweek begins thusly: "Aboard the USS Jefferson City (SSN 759) underway off San Diego—Submariners say there are just two kinds of ships: submarines and targets. Feel free to disagree, but smile when you do, because the 140-man crew of this fast attack nuclear submarine is armed. It carries torpedoes, Harpoon anti-ship missiles for distances torpedoes cannot travel—far over the horizon—and Tomahawk land-attack cruise missiles. (Two submarines of this class, one in the Red Sea and one in the Mediterranean, launched a total of 12 tomahawks during the Gulf War). The Jefferson City can cruise quietly at above 25 kts submerged and its acoustic detection systems can find quiet adversaries. The psalmist didn't know the half of it when he wrote that they who go down to the sea in ships see "wonders in the deep." This ship is a wonder of tightly packed technology. End quote. Mr. Will then goes on with an insightful and accurate discussion of the contribution of the nuclear submarine to modern warfare and why the United States needs to keep on the leading edge of undersea warfare, in front of the Russian submarine force and other countries with modern submarines.

What Mr. Will doesn't discuss is the sailor or officer, the Petty Officer Campbell's and the LT Smiths, standing watch, day and night, 6 hrs on and a quick 12 hrs off, for weeks on end away from his friends and loved ones, deep under the ocean's surface. These men and women are something that no country can buy from a Russian army-navy surplus store, and is, and will always be, the difference between the United States Navy and all other navies. These people are why we are here, celebrating the 220th birthday of the greatest navy in the world. Our top boss of the Pacific Fleet, Admiral Zlatoper, who toured our ship last summer in Japan, sent out the following message this past week: quote "The Navy's 220th birthday finds the Pacific Fleet emerging from its restructuring as a lean formidable, combat ready force with a strong commitment of quality of life for our people. America needs its navy more than ever as we contend with regional conflicts, proliferation of weapons, and political

uncertainties around the globe. Today the Navy-Marine Corps team is forward-deployed, first on the scene, and flexible enough to respond to almost every contingency from the sea. With fewer U.S. bases overseas and uncertain access to bases of the nations, the Navy will be the primary guarantor of American interests in the Pacific for decades. End quote."

And the Navy needs your continued support as Navy League members, educating the public on the need to maintain a strong maritime armed service and helping to recruit quality people like the officers and crew you see here tonight. I was on a Trident ballistic missile submarine on alert patrol in the Northern Pacific when the Soviet Union dissolved, ending the Cold War. Yet there was no celebration or overt glee—just the feeling that our mission had changed in ways we didn't quite know yet. And today, one gulf war later, the world is not a safer, more stable place for you and your children, but more unstable than ever before. And the United States is the only country which will make the right things happen, when we choose, because our Navy, first on the scene, has the "right stuff." As George Will concludes his Jefferson City essay, "And the history of this century teaches a grim truth: When at peace the nation should always assume that it may be living in what subsequent historians will call "interwar years."

But now I'd like to conclude my remarks so that we can all enjoy these interwar years. (Pause) And I'd like to especially thank Melody Green for her dedicated work as President of the Navy League in maintaining what is undoubtedly one of the strongest and closest ties between a ship and her namesake city. I know that this visit is one of the highlights of my naval career, and I think it is for my crew here tonight as well. Knowing how much you support us, and your warmth and friendship, makes us work a little bit harder every day and puts a proud gleam in our eyes when we say we are on the USS JEFFERSON CITY. On behalf of my crew, I would like to express our heartfelt appreciation for your wonderful hospitality, and your work as members of the Navy League in keeping the United States Navy such that generations to come can continue to enjoy such birthday celebrations as we enjoy tonight. Thank you all very much.

POTABLE DRINKING WATER FOR PARTS OF MONTANA

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. WILLIAMS. Mr. Speaker, today there are folks who are forced several times each week to travel miles to fill tanks and barrels with pure water to drink. The situation I refer to is not somewhere in a Third World country, but—remarkably—in Valley County, Montana. Because groundwater supplies in this part of Montana are not potable, the residents of these communities drive in their trucks for hours each week, both summer and winter, to deliver this water to hundreds of people.

The irony of this situation is that these folks live adjacent to one of the largest bodies of water ever developed by the Federal Government in the West, the Fort Peck Reservoir, which stores over 18 million acre feet. The bill

I am introducing today will authorize the development of a rural municipal water system for the residents of the Fort Peck Rural Water District. This much needed project will tap into Fort Peck Reservoir to construct a safe and reliable drinking system for both municipal and agricultural purposes. When this project is completed, it will also enable this area of Montana to attract economic development, which up to now has been stifled due to the unavailability of water.

Mr. Speaker, the Bureau of Reclamation has completed a needs assessment and feasibility study on this project, and I am proposing its construction through a partnership arrangement where State and local interests will contribute 20 percent of the cost toward its completion. The feasibility study estimates that the total Federal expenditure will be less than \$6 million. If we can afford to spend much more than this to help undeveloped nations all around the world to develop safe supplies of drinking water, we can certainly afford to do this for folks living in Montana.

A TRIBUTE TO CARL L. "PAT"
PATRICK

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to pay tribute to a real gentleman of Georgia. Carl L. "Pat" Patrick of Columbus is a man who is known and admired greatly by industrial, civic and community leaders throughout our State. He is the founder and chairman of Carmike Cinemas Inc. which operates movie theaters throughout Georgia and the South.

And while he is known best for his work in the cinema industry, it is his generosity and selfless charitable acts for which I commend this man. Pat and his wife, Frances, have long been supporters of and contributors to Columbus community causes such as Columbus Technical Institute, the Columbus Museum and the John B. Amos Community Cancer Center at the Medical Center.

Pat's most recent contribution, however, is one of his greatest. He donated \$1 million to St. Francis Hospital of Columbus—the hospital where his son was born during the facility's first year of operation in 1950. St. Francis now specializes in cardiac medicine and the Patricks want to ensure the hospital is able to purchase the necessary equipment to keep pace with the strides being made in this field.

On a more personal note, when Julie and I received our Christmas card from Pat and Frances this year, we had a most pleasant and touching surprise awaiting us. In addition to the wonderful holiday message, the card informed us that a contribution had been made by the Patricks in our name to the Will Rogers Memorial Fund.

Again, I commend Carl L. "Pat" Patrick. He has touched the lives of so many people in so many ways with his warmth and generosity. Thank you Pat and Frances.

EXTENSIONS OF REMARKS

SINGLE-ASSET BANKRUPTCY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill to address an injustice that exists within title 11 of the United States Code regarding single asset bankruptcies.

This injustice stems back to the 103d Congress when an 11th hour decision placed an arbitrary \$4 million ceiling on the single asset provisions of the bankruptcy reform bill. The affect has been to render investors helpless in foreclosures on single assets valued over \$4 million.

To rectify this problem, my bill eliminates the \$4 million ceiling, thereby allowing creditors the ability to recover their losses. Under the current law, chapter 11 of the Bankruptcy Code becomes a legal shield for the debtor. Upon the investor's filing to foreclose, the debtor preemptively files for chapter 11 protection which postpones foreclosure indefinitely.

While in chapter 11, the debtor continues to collect the rents on the commercial asset. However, the commercial property typically is left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount in back taxes, they receive a commercial property left in deterioration which has a lower rent value and resale value, and meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectible debtor.

My bill does not leave the debtor without protection. First, it is only as a last resort when the investor brings a foreclosure against a debtor. This usually is after all other efforts to reconcile delinquent mortgage payments are unsuccessful. Second, the debtor retains up to 90 days to reorganize under chapter 11. It should be noted, however, that single asset reorganizations are typically a false hope since the owner of a single asset does not have other properties from which he can recapitalize his business.

Finally, Mr. Speaker, my bill helps all American families by making their investments more secure and more valuable. The hard-working American families who depend on their life insurance policies and who have paid for years into their pensions will save millions in reduced costs. My bill protects the "little guy" from being plagued with years of litigation while the commercial property owner continues to collect the rent to line his own pockets.

WHAT'S WRONG ON THE RIGHT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. GINGRICH. Mr. Speaker, I would like to bring to my colleagues' attention the following article from the "Outlook" section of the December 17 Washington Post. The author, noted Boston University economics professor

Glenn Loury, has a valuable lesson for both conservatives and liberals alike. Though condemning the paternalism of the left, which has helped exacerbate the awful conditions of our inner cities, he observes that "a conservatism worthy of majority support would not view with cool indifference a circumstance in which so many Americans suffer such unspeakable degradation." I enter the full article into the CONGRESSIONAL RECORD and urge all my colleagues to read it.

[From the Washington Post, Dec. 17, 1995]

WHAT'S WRONG ON THE RIGHT: SECOND
THOUGHTS OF A BLACK CONSERVATIVE

(By Glenn C. Loury)

The recently deceased British writer Kingsley Amis, celebrated by conservatives on both sides of the Atlantic, was never comfortable with political movements nor those who champion them. In the poem, "After Goliath," Amis wryly noted that "*** even the straightest of issues looks pretty oblique when a movement turns into a clique." As a black American who nevertheless came to call himself a conservative, I have recently watched with growing dismay how this "movement" has dealt with racial issues, and have thereby gained new appreciation for the wisdom of Kingsley Amis.

Looking back, three factors seem to have been paramount in my move toward conservatism. The first attraction was that it was not liberalism. By the end of the 1970s I had become disgusted with the patronizing relativism that white liberals seemed inevitably to bring to questions of race. Wearing their guilt on their sleeves, they were all too ready to "understand" the shortcomings and inadequacies of blacks. Obsessed with the wrongs inflicted by society on the supposedly hapless victims of discrimination, they were blinded to the desperate need of these "victims" to take responsibility for their own lives. They therefore supported and reinforced what I saw as the debilitating tendency among many blacks to avoid facing squarely the real challenges of the post-civil rights era.

There was hypocrisy in this liberal stance. Though advocating racial equality, liberals did not treat blacks and whites as moral equals: Historic oppression precluded blacks from being held accountable for their actions; whites, suffering no such disability, warranted criticism by liberals because they could choose to stop being racists, or to become more generous and compassionate. In effect, the liberals were saying that whites were powerful moral agents, and blacks were pitiable subjects shaped by forces outside themselves. This smacked of racism, and I hated it.

The second attraction of conservatism was that, on the range of policy issues with which I was most concerned, it made intellectual sense to me. As a professional economist, I have always been sensitive to the deep incentive problems that plague the liberal social vision. High taxes, heavy-handed regulation, bureaucratic service provision and expansive social benefits tend to reduce economic growth and foster dependence. Some social programs would always be necessary, of course, but liberals seemed too little concerned about the costs of their ambitions. Moreover, again in the late 1970s, I watched workers in the auto and steel industries price themselves out of their burgeoning international markets while liberals cheered them on. Public employee unions often seemed to be feathering their own nests, with little apparent concern for the

public interest, and with the broad support of the Democratic Party.

Finally, the cultural assumptions of social conservatism seemed like an appealing alternative to those of liberal secularism. In no small part, my move to the political right has been a move away from the people on the left who seemed unremittingly hostile to any evocation of spiritual commitments in the public square. With the family disintegrating before our very eyes, liberals could only heap ridicule on "traditional values" advocates who expressed alarm. In the face of over 1 million abortions per year, liberals could find no place in their political lexicon for a discourse on the morality of this course of action in our society.

For all of these reasons, I was drawn to embrace conservatism. Yet now, some years later, these same beliefs are provoking my growing discomfort with the conservative ascendancy, particularly on the issue of race.

It is certainly true that liberals adopted a condescending posture on racial questions. Their methods—such as strong affirmative action leading to racial double standards, or an excessive concern to avoid "blaming the victim" that precluded acknowledgment of social pathology—were definitely flawed. But there was never much doubt that liberals sought to heal the rift in our body politic engendered by the institution of chattel slavery. The liberal goal of securing racial justice in America was, and is, a noble one. I cannot say with confidence that conservatism as a movement is much concerned to pursue that goal.

This is not the old canard that conservatives are inherently racists because believers in states' rights opposed the civil rights revolution. Rather, my concern is that too many conservatives seem blind to the need to constructively engage the problem of racial division. Yet the success of any governing coalition, whether it is the conservative "revolution" or something else, will ultimately depend largely on how well it deals with a problem that cannot be wished away.

It is now fashionable for conservatives to attribute the catastrophe unfolding in the urban ghettos to some combination of mistaken liberal policies and the deficiencies of inner-city residents themselves. Yet a conservatism worthy of majority support in this country would not view with cool indifference a circumstance in which so many Americans suffer such unspeakable degradation, from lack of shelter, health care, education, nutrition or any hope for a better life. The efforts of various conservative writers to attribute this deep-seated, complex problem to the disincentives of federal assistance programs, the so-called pathologies of black culture, or the cognitive disabilities of certain group of Americans, seem designed mainly to rationalize their disengagement from it.

Where is their passion? Where is their moral outrage? In light of the scale of the tragedy unfolding in cities across the land, the narrowly academic and highly ideological posture of conservative intellectuals—who are in effect saying, "Too bad about what's happening, but we told you liberals so"—is simply breathtaking. Is it paranoia for a black to wonder whether this posture toward urban problems would be embraced with such confidence among conservatives if those inner-city hell holes were populated by whites?

Conservatives should view with skepticism the notion that economic or biological factors ultimately underlie behavioral problems like those involving sexuality and parenting. After all, behaviors of this sort reflect peo-

ple's basic understandings of what gives meaning to their lives. The idea that the mysteries of human motivation within the family are susceptible to calculated intervention by the state would have been rejected out of hand by a classical conservative like Edmund Burke, to whom the phrase "conservative revolution" would have seemed an oxymoron. Yet, today's conservative revolutionaries would have us believe that only by dismantling the federal establishment can the deepest social problems of American society be solved.

I doubt that the most clever of economists (and I know some smart ones) could design an incentive scheme to insure responsible parenting that would work as effectively as the broad acceptance among parents of the idea that they are God's stewards in the lives of their children. The best pregnancy deterrent may be to inculcate in the heart of each adolescent the belief that, as Paul wrote to the Corinthians, "Your body is the temple of the Holy Spirit . . . Therefore, honor God with your body."

There is also wisdom in the New Testament for those conservatives who see in America's black communities another country, separate from and unrelated to the one in which they live, inhabited by a different kind of man. In Acts 10:34-35 one finds Simon Peter saying, "Of a truth I perceive that God is no respecter of persons, but in every nation he that feareth him, and worketh righteousness, is accepted with him." The point here is that the problems observed in the darkest corners of our society are human problems, not racial ones. The fault-line between civilization and barbarism runs down the middle of every human heart, and the grace of God remains available to provide a way out for all who would seek it. While we reject moral relativism, and so stand ready to judge between better and worse ways of living, we should strive to avoid self-righteousness. We certainly should eschew completely any notions of collective, racial condemnation or virtue.

Unfortunately, some conservatives now write about "the problem of black crime," about "the crisis of black illegitimacy," about "the threat of black social pathology." But what has race to do with these problems, per se? I am, of course, keenly aware that the rates of crime and illegitimacy among blacks are substantially higher than among whites. I am merely observing that neither the causes nor the cures of such maladies depend on one's skin color. Which group of Americans are innocent and which are the culprits in these affairs? These are problems of sin, not of skin. I would have thought that religious conservatives would be the ones objecting most strenuously and insistently to this lapse of social virtue on the right. Sadly, they have not been.

It is true that, in the recent history of American social policy, it was liberals who "played the race card" by arguing that the disadvantages of blacks justified race-based remedies. Some liberals even claimed that the self-esteem of black youngsters could not be secured without rewriting history so as to provide minorities with equal time. But, while these liberal efforts are largely discredited, we now find conservatives, with the political initiative in hand, acting to maintain and reinforce this inordinate focus on race.

Thus, when conservatives talk of the "culture of poverty" in reference to urban black communities they miss the deeper truth—that America's real problem is its reluctance to affirm those common moral standards

that could guide the behavior of blacks and whites alike. Similarly, one conservative critic now declares victory over Afrocentrists by noting that the latter's search for a black Shakespeare has ended in failure. But surely the larger point is that such a search was unnecessary all along, because Shakespeare belongs every bit as much to the ghetto-dwelling black youngster as he does to the offspring of middle-class whites. Why are conservatives, who make so much of the importance of being "color-blind" in public policy, not the first to stress this point?

There is hypocrisy in this conservative stance. Though advocating race neutrality, conservatives do not treat blacks and whites as moral equals. Critics of affirmative action often invoke Dr. Martin Luther King Jr., who in 1963 said famously, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." It is a corollary of this principle that, when gazing upon Americans who are welfare mothers, juvenile felons or the cognitively deficient, we should see human beings with problems, not races of people plagued by pathology. Yet, as I have argued, conservatives do not always do so.

Perhaps more significantly, this selective remembrance of Dr. King's moral leadership diminishes the challenge which his life, and death, should pose for all Americans. Two years before his most famous speech, in a commencement address at Lincoln University, Dr. King made a less well known reference to his dream for our nation:

"One of the first things we notice in this dream is an amazing universalism. It does not say some men [are created equal], but it says all men. It does not say all white men, but it says all men, which includes black men. . . . And there is another thing we see in this dream that ultimately distinguishes democracy and our form of government from all of the totalitarian regimes that emerge in history. It says that each individual has certain basic rights that are neither conferred by nor derived from the state. To discover where they come from, it is necessary to move back behind the dim mist of eternity, for they are God-given. Very seldom, if ever, in the history of the world has a sociopolitical document expressed in such profoundly eloquent and unequivocal language the dignity and the worth of the human personality. The American dream reminds us that every man is heir to the legacy of worthiness."

This too would be a worthy dream for conservatism: to insure that every American can lay claim to his most precious civic inheritance—a legacy of worthiness. To secure it, conservatives must learn not to look upon poor urban blacks as the Others—aliens apart from and a threat to our civilization. Instead, these Americans should be seen as inseparably interwoven constituents of the larger social fabric.

MESSAGE TO PRESIDENT CLINTON: END IMPASSE, BALANCE THE BUDGET

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday December 20, 1995

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on December 20, 1995:

[From the Omaha World-Herald, Dec. 20, 1995]

MESSAGE TO CLINTON GROWS LOUDER: END
IMPASSE, BALANCE THE BUDGET

Wall Street may have accomplished something that the public—which, in opinion surveys, tilted toward President Clinton's position on a balanced budget—had failed to do. Traders and investors sent a strong message to Washington about the urgency of ending the impasse over a balanced budget.

The message came in the form of a decline in the value of stocks and bonds as the street expressed its concern over the collapse of budget negotiations between the White House and GOP congressional leaders. By the end of the day Monday, the White House was setting a new round of talks in motion.

For such indications of urgency have come from the general public. Clinton's approval rating has risen to a two-year high since he began characterizing the GOP budget as an act of cruelty against the poor, the sick and the elderly. Republicans, in effect, have been punished in the polls for trying to keep their 1994 campaign promise to balance the budget.

Not all Democrats, however, were buying the White House line. On the same day that Wall Street roared its disapproval of the impasse, a bipartisan group presented a position paper at a symposium in Minneapolis. The group included former office-holders Paul Tsongas, Richard Lamm, Gary Hart, Tim Penny, Lowell Weicker and John Anderson. All but Weicker and Anderson are Democrats.

Their statement included this "core principle": "We can no longer stay the course, spending more than we earn." They said, "We are maintaining our standard of living by borrowing from our children." They urged that the nation's leaders commit to a policy of economic stability, which means no inflation and no federal budget deficits "to soak up an already inadequate national savings pool."

Sacrifice will be necessary, they said. Among other things, Social Security and Medicare must be reformed to prepare them for the retirement of large numbers of baby boomers after the turn of the century. Clinton has described even the modest adjustments the Republicans have proposed as draconian. He simply must compromise on Medicare and Medicaid, bring himself to take the decisive actions that moderates in his own party are increasingly coming to consider necessary.

Another message was leveled at Washington Tuesday morning. In a "bipartisan appeal from business leaders," published as a newspaper advertisement and carrying the names of more than 90 business executives, Clinton and Congress were urged to remember that the health of the economy rests on the ability of the government to agree on a credible plan.

Among other things, the business leaders said, it's time to accept the economic projections from the Congressional Budget Office—projections that Clinton has opposed because they would allow less spending than the more optimistic White House figures. The bipartisan business leaders also said long-term entitlement spending should be "on the table" for reconsideration, as should any proposed tax cuts.

Little by little, Clinton's attempts to exploit the situation for political gain are being called to account by members of his own party. Something has been needed to neutralize his tacky insistence that the struggle has been between an enlightened,

compassionate White House and an evil gang of GOP extremists. Some Democrats have helped set the record straight by adding their voices to bipartisan messages.

LEGISLATION DEPLORING HOLOCAUST DENIERS AND COMMENDING THE HOLOCAUST MEMORIAL MUSEUM, HOUSE RESOLUTION 316

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. GILMAN. Mr. Speaker, I am today introducing a resolution, House Resolution 316, on behalf of myself and my House colleagues on the Holocaust Memorial Museum Council, Mr. YATES, Mr. LATOURETTE, Mr. REGULA, and Mr. LANTOS, which deplores the persistent, ongoing, and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust, and which commends the vital, ongoing work of the U.S. Holocaust Memorial Museum.

Yesterday, the House adopted legislation that will facilitate the museum's annual Days of Remembrance ceremony in the Rotunda on April 16, 1995. Yet, the work of the Holocaust Memorial Museum is conducted year-round, as evidenced by the larger than expected attendance at the museum, which is steadily increasing.

One of the reasons for the museum's existence is to counter Holocaust deniers. Those who promote the denial of the Holocaust do so either out of profound ignorance or for furthering anti-Semitism and racism. The Holocaust Memorial Museum, through its permanent exhibitions, traveling programs, and educational outreach efforts, both memorialize the victims of the Holocaust, and counters these accusers through its honest and sensitive approach to one of the most ferociously heinous state acts the world has ever known.

Accordingly, Mr. Speaker, I request that the full text of the legislation be printed at this point in the CONGRESSIONAL RECORD for my colleagues' review, and urge all Members of the House of Representatives to express their support for the work of the Holocaust Memorial Museum by cosponsoring this legislation, House Resolution 316.

H. RES. 316

Deplores individuals who deny the historical reality of the Holocaust and commending the vital, ongoing work of the United States Holocaust Memorial Museum.

Whereas the Holocaust is a basic fact of history, the denial of which is no less absurd than the denial of the occurrence of the Second World War;

Whereas the Holocaust—the systematic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, alongside millions of others, in the name of a perverse racial theory—stands as one of the most ferociously heinous state acts the world has ever known; and

Whereas those who promote the denial of the Holocaust do so out of profound ignorance or for the purpose of furthering anti-Semitism and racism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) deplores the persistent, ongoing and malicious efforts by some persons in this country and abroad to deny the historical reality of the Holocaust; and

(2) commends the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons.

H.R. 1804, THE JUDGE ISAAC
PARKER FEDERAL BUILDING

HON. Y. TIM HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. HUTCHINSON. Mr. Speaker, recently the House passed H.R. 1804, which would name the Federal building in Fort Smith, AR, after Judge Issac Parker.

While this legislation was overwhelmingly supported by 373 Members of the House, there were 40 Members who voted against H.R. 1804. It was subsequently reported that a number of Members who voted against the bill did so because they believed Judge Parker was a racist and one was even quoted as saying Parker "Hung blacks because they were black."

This past year our country faced the issue of race in ways it never had before. It is a sad and unfortunate fact that racism is alive and well in our society today. It is also a fact that racism knows no color or ethnic boundaries. People of all races are subject to their own prejudices. We must all fight to overcome our own personal prejudices and biases.

That is why I cannot allow the statements about Judge Parker to go unanswered. I think it is important for people to know the real Judge Parker and the man that he was. He was a man who was ahead of his time. He was a man who freely gave of himself to his community. He was a man who had a deep respect for the law and a deep concern for those who came before his court. His reputation is so respected that 100 years after his death the citizens of Fort Smith, AR still want to honor him and his legacy.

I would, therefore, bring to your attention letters which were sent to me from the Department of the Interior the day after the vote on H.R. 1804. One is from the superintendent of the Fort Smith National Historic Site and the other is a letter to the editor by the park historian. I hope this information is helpful to Members' understanding of the real Judge Parker.

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE,
Fort Smith, AR, December 6, 1995.

Hon. TIM HUTCHINSON,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HUTCHINSON: We have been following your efforts over the last few months to rename the Fort Smith federal building in honor of Judge Isaac C. Parker with great interest and support. I read the news article in this morning's paper and was surprised and disappointed to read the statements calling Judge Parker a racist and the unsubstantiated remarks that he hanged blacks "just because they were black". There is no historical record supporting these statements. In fact the record

proves just the opposite. Our historian has written the attached letter to the editor to hopefully clarify the issue. She also received a call today from the AP service in Little Rock about this and she provided the same information to them. We are forwarding similar letters to Senators Bumpers and Pryor in the hopes that they will also support your efforts.

I am sorry that we did not offer you more substantial support earlier in the process. I was frankly surprised that there would be much protest. If we can provide you any further details or information please call on us. Thank you.

Sincerely,

WILLIAM N. BLACK,
Superintendent.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Fort Smith, AR, December 6, 1995.

EDITOR,
Southwest Times Record,
Fort Smith, AR.

TO THE EDITOR: In response to criticism of Isaac C. Parker leveled by lawmakers opposing the House bill to name the federal courthouse in Fort Smith after the judge, I would like to make the following comments. The statement that Parker hanged African Americans "just because they were black" is simply not true. Of the 87 men who were executed on the Fort Smith gallows (79 of those while Parker was on the bench), 33 (38%) were white, 36 (41%) were Indian and 18 (21%) were black. Of those 18 African Americans, 17 were convicted of murder and one of rape in jury trials. Federal statute at that time ordered that anyone convicted of rape or murder was to receive the death penalty. Parker had no choice except to sentence these people to death.

Furthermore, Parker provided opportunities for African Americans that otherwise would not have been available. He appointed Bass Reeves the first African American deputy U.S. marshal west of the Mississippi in 1875. Other blacks served prominently on the deputy force throughout Parker's years in Fort Smith, including Grant Johnson, Zeke Miller, Robert Fortune, John Garrett and Bynum Colbert. Parker's personal bailiff while he was in Fort Smith was a former slave named George Winston. Other African Americans served on the staff of the federal jail at Fort Smith.

Nothing in the historical record supports the idea that Parker was a racist. The Ohio native, Union Civil War veteran and Congressman from Missouri used his position as a federal judge to empower African Americans. Yes, there were black men hanged on the gallows, but these were convicted criminals guilty of severe crimes. By the time they reach Parker's courtroom, there was little he could do but provide them a fair trial and then, if necessary, sentence them as the law provided.

Sincerely,

JULIET L. GALONSKA,
Park Historian.

AWARD-WINNING ENVIRONMENTAL CONSCIOUSNESS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. BARCIA. Mr. Speaker, one of the most important issues for the future of our Nation is

the application of responsible environmental policy. Our natural resources are most precious, and cannot be replaced. Our policy decisions must be based upon careful deliberations sounded in credible, objective, and thorough information. I am proud to say that the Bay City Times has been tremendously successful in meeting this test with its award-winning series, "Cleaning our Troubled Waters".

Over an 8-day period last year, the Bay City Times carefully examined the facts surrounding the condition of the Saginaw Bay and Saginaw River. The State of Michigan had dedicated this waterway as the most contaminated body of water in the State. The people who live around the Saginaw Bay and River, and who depend upon it as a source of water, recreation, and commerce, deserved and needed accurate information, and they got it.

Nearly half of the editorial staff of the Times worked on this series over a 10-month period, carefully checking and rechecking information to provide as accurate a view of the situation as possible. Their hard work resulted in four major awards: the 1994 Associated Press Division 2 News Sweepstakes Award; 1st place in the 1994 AP Division 2 Public Service for News; Michigan United Conservation Club's Ben East Award; and 2d place for Local News Reporting from the Michigan Press Association.

Following an exhaustive review of environmental records, numerous site visits, extensive interviews, this series has enlightened many of us who truly care about how we preserve the Saginaw Water Basin, how we keep funding alive for the Saginaw Bay Watershed Initiative, and what each of us can do to be more aware of the impact that we have on our environment.

I want to offer my heartiest congratulations to the dedicated staff who worked on this series: Reporters Eric English, Kelly Adrian Frick, Tom Gilchrist, Greta Guest, Lydia Hodges, John Herbst, Jenni Laidman, and Amy Reyes; photographers Wes Stafford and Dick Van Nostrand; graphic artist Tammie Stimpfel; and editors Elizabeth Gunther, Pam Panchak and David Vizard. These people contributed to the work of a lifetime, and their efforts should have a major impact on public policy designed to safeguard the Saginaw Bay and River. I also want to compliment Bay City Times publisher Kevin Dykema and editor Paul Keep for having the foresight to devote this level of skilled resources to a project that could be very unpopular, but was, nonetheless, vital for the long-term environmental health of our area.

Mr. Speaker, in this instance a marvelous case was made to justify action to preserve a vital resource. All communities should be so lucky to have such a thorough and professional review of a vital resource. I urge you and all of our colleagues to join me in complimenting the Bay City Times and its award-winning staff for truly trying to help clean our troubled waters.

TRAVEL AND TOURISM PARTNERSHIP ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. ROTH. Mr. Speaker, as chairman of the Congressional Travel and Tourism Caucus, I ask all Members to support H.R. 2579.

Embodied in this bill are some of the bold-est new ideas to ever come out of the private sector.

H.R. 2579 will strengthen U.S. tourism promotion efforts in an expanding and highly-competitive international market.

Our bill builds on the strength of the travel and tourism industry, rather than putting another item on the Federal Government's tab.

The 1,700 delegates to the White House Conference on Travel and Tourism have already endorsed our public-private partnership plan that does just that.

Some in Congress may ask why it is so critical that we focus on tourism, particularly tourism from abroad.

I can tell you in very clear terms—this is a \$535 billion business.

But this year, we will have 2 million fewer visitors from abroad than 2 years ago.

What is 2 million visitors here or there?

That drop has cost us 177,000 jobs which should have gone to American workers.

H.R. 2579, the Travel and Tourism Partnership Act would change this.

Through partnering government with the resources and creative talents of the American tourism industry, we can recapture our share of the world market.

For future jobs and economic growth in your district, join me in supporting this ground breaking legislation.

COMMUNITY OF IMLAY CITY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. KILDEE. Mr. Speaker, I rise to ask my colleagues to join me in paying tribute to the citizens of Imlay City, MI, as they celebrate the official opening of their new city office building.

In 1850 the Township of Imlay first was recognized by an act of the Michigan Legislature. As the area developed, it became apparent to the city officials that they must plan for the future, and therefore on April 14, 1872, Imlay City was incorporated. Since that time the population has grown from less than 500 to approximately 3,000 residents.

The first city office building was finished in 1904, the second was opened in 1975; this third facility is to be dedicated today, December 20, 1995. Planning for this facility has been long in the works with the many and growing needs of the community taken into account in order that this new building will serve for many years to come. As planning began, the city commission and city manager were particularly concerned and committed to

making sure that the building would be accessible to all their residents and be in compliance with the Americans with Disabilities Act.

I stand before my colleagues today to compliment all the citizens of Imlay City on the opening of their new city office building that is dedicated to serving the needs of all the residents.

TRIBUTE TO CONGRESSMAN JOHN DINGELL ON THE 40TH ANNIVERSARY OF HIS ELECTION TO CONGRESS

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. MOLLOHAN. Mr. Speaker, I am delighted to join my colleagues in paying tribute to the dean of this House and a very good friend, Congressman JOHN D. DINGELL.

JOHN DINGELL is, without question, one of the most respected Members of this institution. And so it is highly appropriate that we gather to recognize his remarkable 40-year record of service and achievement.

When you look at that record, you have to marvel at Congressman DINGELL's sphere of influence, for it is far reaching.

Most Members of Congress, either through conscious choice or subconscious tendency, choose a level at which to focus their energies. For some, it is on national policies. For others, it is on local issues. It is rare to find a legislator who has the energy, the intellect, and the political savvy to do both.

JOHN DINGELL is just such a legislator, one who shapes national policies and works with great diligence for Michigan's 16th District.

I would invite you to first look at the national policy arena, where JOHN DINGELL has worked to better the lives of the American people through his powerful committee position.

He has been—and remains—an effective advocate of consumers and taxpayers, whose interests he vigilantly defends. He also has worked to help disabled Americans gain access that the rest of us sometimes take for granted. And his service has benefited all who value a healthy environment and the protection of rare lands and species.

Closer to home, well, the citizens of the 16th are hardworking people; people who understand and appreciate the value of a hardworking Representative. That's why, 20 times and by overwhelming margins, they've chosen JOHN DINGELL as their voice here in the Nation's Capital.

And he's a powerful voice for them. Congressman DINGELL works hard here to protect Michigan jobs and create new ones. He fights for working families, for veterans, for seniors, for students. He also has developed important environmental initiatives on local waterways.

Finally, I would like to point out that this House, too, benefits greatly from Mr. DINGELL's service. He is a man of integrity. Of course, he is also a tremendous source of institutional knowledge. And he is a master of House rules and procedures. I am honored to serve with him and count him as a personal friend.

Let me note again, Mr. Speaker, that it is a true pleasure to recognize the gentleman from Michigan and commemorate his four decades of distinguished service.

THANK YOU FOR THE GIFT FROM PETER NICHOLAS TO DUKE UNIVERSITY

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. FUNDERBURK. Mr. Speaker, my district is proud to be the home of Duke University, one of our Nation's finest institutions of higher education. On December 7, that university happily announced a gift of \$20 million from the family of Peter M. Nicholas, a Massachusetts business executive and trustee of the university as well as the founder and president of Boston Scientific, a leading manufacturer of medical devices. His family's gift will support Duke University's School of the Environment, which the university has renamed in honor of the Nicholas family.

The Nicholas School of the Environment is unique among university programs dedicated to environmental research and education, in that it bases its approach to complex environmental problems in an interdisciplinary perspective. As a former academic myself, I know that a broad focus grounded in the insight and understanding of different scientific disciplines provides a powerful way of unraveling the most complicated problems. Other institutions tend to approach problems of the environment from either a scientific or public policy perspective, and advances in understanding our environment have certainly come from this traditional approach. But my constituents at Duke are excited about the potential that is offered by looking at environmental problems from an interdisciplinary perspective including natural sciences, public policy, economics, and management. I too share their optimism, and look forward to hearing of significant advances made at the Nicholas School of the Environment.

At the university's news conference announcing the gift, there were many comments made about the importance of the school's programs of research and education, and about the importance to all life on earth of understanding our environment better. However, when asked the reasons why his family had chosen to make this generous gift to support environmental research and education at Duke, Peter Nicholas stressed an important theme that echoes something many of us in public service have been saying.

"Government . . . can't do everything. What the government is trying to do is come to terms with what its role is with respect to the priorities of the country," Mr. Nicholas said.

Mr. Nicholas went on to note his belief that educational institutions have a responsibility to help understand issues, set priorities, "and then galvanize the resource that exists throughout society—industrial, academic, government and others—to in fact make a difference."

"I think we shouldn't misinterpret what our government is saying," Mr. Nicholas continued. "[I]t is clear that the government has a leadership role in terms of being sure that we understand what our priorities are, what the urgencies are, as it relates to the environment," he said. "It is also important that the ground rules and the incentives are in place at the federal level to ensure that behavior by all elements of our society is consistent with what everyone's goals are. But it is not clear that it is a central government role to fund the environmental objectives that we have."

Mr. Nicholas' comments at Duke, and, more important, his family's gift of \$20 million for the university's school of the environment, constitute a welcome signal that some leaders of the private sector understand and appreciate the value of the partnership by government, academia, and industry in problem solving. His words, and his family's personal investment in that effort, are thus worthy of note by this body, and I commend them to my colleagues in the House.

TRIBUTE TO DON FAUROT, UNIVERSITY OF MISSOURI TIGERS FOOTBALL COACH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. SKELTON. Mr. Speaker, today I rise to pay tribute to Don Faurot, a legendary figure in University of Missouri athletics, who died on October 19, 1995. He was 93.

Don Faurot, who coached the Tigers football team from 1935 through 1956, was credited with creating the split-T formation at Missouri in 1941.

He was 101-79-10 in his coaching career. Coach Faurot's 1939 team won his first Big Six title and the Tigers' first trip to the Orange Bowl. As an 8-year-old boy, I was present in Miami, FL, when his M.U. team played Georgia Tech.

Missouri's football stadium is named for him. Through the years, he had continued to attend every Missouri home game.

Coach Faurot, who set the cornerstone for the Missouri football program that exists today, was even more respected for the integrity he brought to the game.

"If everybody in collegiate athletics was a Don Faurot," Big Ten Commissioner Wayne Duke once said, "then collegiate athletics would be what it is supposed to be."

Don Faurot was born in Mountain Grove, MO, on June 23, 1902. Despite losing the first two fingers on his right hand in a boyhood farming accident, he was a 145-pound fullback at Missouri in 1923 and 1924, and played basketball and baseball.

He took over the football program at Missouri in 1935 after coaching 9 years at Kirksville State Teachers College, now Northeast Missouri State University. At Kirksville, his teams went 26-0 from 1923-32, the best small college record in the country.

When he returned to Missouri, he took over a team that had won just two games in 3 years and the athletic program was \$500,000 in debt.

Under Faurot's direction, though, the Tigers won three conference titles and went to four bowl games. When he retired as athletic director in 1967, the program was in the black and the stadium's seating capacity had doubled to more than 50,000.

This despite rigorously adhering to recruiting policies and relying primarily on homegrown players.

"If you lose with home-state boys, that's bad," he said. "But if you lose with out-of-state boys, that's terrible. If you win with imported athletes, that's good. If you win with your own, that's great."

A member of football's National Hall of Fame and the Missouri Sports Hall of Fame, Faurot remained active in his later years as talent procurer and coach for the Blue-Gray game in Montgomery, AL, and as executive secretary of the Missouri Senior Golf Association.

In 1972, Coach Faurot received what probably ranked as his greatest personal honor when the Missouri football stadium was officially named Faurot Field.

In 1926, Don Faurot, an agricultural student at Missouri, helped lay sod for the field, then known as Memorial Stadium.

Coach Faurot is survived by his wife, Mary, of Columbia, three daughters, seven grandchildren, and a brother, Fred, of Columbia.

JUSTICE, COMMERCE, STATE
APPROPRIATIONS

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Ms. JACKSON-LEE of Texas. Mr. Speaker, I arise today to express my great disappointment that this appropriation bill would replace the COPS programs, which have enjoyed such unequivocal support, with a law enforcement block grant. In my congressional district in Houston, TX, the COPS programs have placed 529 more officers on our streets. The COPS programs have played an integral part in reclaiming our neighborhoods.

Throughout the Nation, in the course of 1 year alone, the COPS programs have been a proven success and have enabled local law enforcement to hire or redeploy 25,933 new community policing officers, who will serve 80 percent of all Americans.

The COPS program has guaranteed more patrol police for our neighborhoods and cities, but the block grant which replaces the COPS program would jeopardize this guarantee and goes against the promise that the U.S. Congress made to the American people under the Violent Crime Control Act of 1994.

Community policing has been successful at meeting public safety needs. Having police officers on foot patrol fosters stronger bonds between community residents and police officers. This partnership is particularly important at a time when there are many heightened tensions between law enforcement officers and residents of inner-city neighborhoods. The National Organization of Black Law Enforcement [NOBLE] has supported community policing as the only hope to regain the trust and respect

necessary to providing quality police service to our citizens in many of these neighborhoods.

Local law enforcement groups across the Nation have unequivocally endorsed the COPS programs. The majority of Americans also support community policing. In August 1995, the National Association of Police Organizations survey found that the American public overwhelmingly supports the COPS program over block grants to State and local governments for public safety use by 65 percent to 35 percent.

Community police patrols are an essential line of defense against crime. We need to maintain our national commitment to carry out our promise of safety and increased police manpower.

The public wants us to listen and not play politics with a program that is a proven success story. The COPS program has worked—keep it working to help prevent crime.

Additionally, as a member of the women's caucus I fought for dollars for the program fighting against violence against women. If we pass a clean continuing resolution we will keep that money.

A TRIBUTE TO JOHN BUTLER,
T.L.C. MEDICAL SERVICES, INC.

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. WALSH. Mr. Speaker, I would ask my colleagues in the House of Representatives today to join me in paying special tribute to an industrious individual with a good heart. A constituent of mine who in addition to dedicating his life to a business which saves people's lives, has shown the ingenuity to rise above the hundreds who provide a similar service by coming up with an idea that helps drunk drivers help themselves back to respectability.

The man's name is David J. Butler of T.L.C. Medical Services, Inc., an ambulance service in Cortland, NY. Mr. Butler recently was honored by his peers in the American Ambulance Association when he won the Public Safety Program Award in a national competition.

Working in conjunction with the Cortland County district attorney and the county sheriff, Mr. Butler developed a program which allowed first-time DWI offenders who were not involved in a serious infraction connected with their offense to benefit from a plea bargain which required them to do community service.

The community service, as you might guess, was to ride with ambulance personnel to drinking-related calls so as to experience, while sober, the devastating effect alcohol can have on drivers and on domestic situations.

The program is called Riding for Life. It is to the credit of David J. Butler, who 22 years ago acquired his ambulance company and since then has shown what commitment means. He has increased the number of ambulances and other vehicles, and he still works very hard himself.

Mr. Butler is a civic leader in central New York. I am very proud to call him a neighbor and thank my colleagues for acknowledging his accomplishment.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Ms. PRYCE. Mr. Speaker, due to inclement weather in my district, I was unavoidably detained and not able to vote earlier this week. Had I been present, I would have voted "aye" on rollcall No. 866, "aye" on rollcall No. 867, "aye" on rollcall No. 868, "no" on rollcall No. 869, and "aye" on rollcall No. 870.

CORRESPONDENCE WITH ROLF
EKEUS OF UNSCOM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. HAMILTON. Mr. Speaker, on November 1, 1995 I wrote to Mr. Rolf Ekeus, the Executive Chairman of the Office of the U.N. Special Commission [UNSCOM] in charge of weapons destruction and monitoring in Iraq. My basic question was: Why doesn't UNSCOM release the names of companies providing dual-use or military items to Iraq?

Mr. Ekeus' basic answer is that UNSCOM cannot carry out its weapons dismantlement tasks without the help of sovereign governments, sovereign governments—often because of ongoing legal cases—want to control the release of information about companies, and releasing the names of companies without the approval of sovereign governments will undermine the ability of UNSCOM to carry out its important mission.

I appreciate Mr. Ekeus' response, but I am still of the belief that sunshine is a powerful deterrent, and I will want to pursue this question further.

The text of the correspondence follows:

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, DC, November 1, 1995.

HON. ROLF EKEUS
Chairman, U.N. Special Commission on Iraq,
United Nations Headquarters, New York,
N.Y.

DEAR MR. CHAIRMAN: I write with respect to the question of companies that supplied or are supplying dual-use goods, services or technology to Iraq, and the use of those dual-use items in Iraq's programs to build weapons of mass destruction.

At the time of the creation of UNSCOM by UN Security Council Resolution 687 in April, 1991, it had been my impression, from both you and from U.S. officials, that the names of companies supplying dual-use items to Iraq eventually would be made public. Thus far, to my knowledge, no such list has been made public.

I continue to think that it is important to make a list of all such companies public, on the theory that sunshine is the best deterrent of such transfers of dual-use items in the future.

I would like to ask a number of questions:
1. Why has a list of companies supplying dual-use items to Iraq not been made public?

When will a list of such companies be made public?

2. What is the policy of UNSCOM on the publication of such a list of companies?

Does UNSCOM set policy on disclosure of names of companies itself, or is it acting on instructions of the Security Council or members of the Security Council?

Is it the policy of UNSCOM to defer to individual governments on the publication of such information? If so, why?

3. Do you agree that the publication of such a list of companies would serve as an important deterrent on future dealings with Iraq in dual-use items?

What steps can be taken to bring about the publication of such a list?

What additional steps can be taken to deter future transfers of dual-use items to Iraq?

Thank you for your time and attention, and I look forward to your early reply.

With best regards,
Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

UNITED NATIONS
SPECIAL COMMISSION,
December 14, 1995.

Hon. LEE H. HAMILTON,
Ranking Democratic Member, Committee on International Relations; House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMILTON: Thank you for your letter of 1 November 1995. I appreciate your letting me know of your concerns and inviting me to give my response. I regret the delay in this letter, but I was away from the United States much of November, principally in the Gulf region.

Your personal attention to our mission is highly appreciated and important as Iraq's insistent efforts in retaining and reacquiring weapons of mass destruction is and should remain of public concern.

Given the importance of foreign acquisition for Iraq's WMD programmes, the Special Commission gives priority to the task of securing as much information as possible on foreign suppliers to Iraq. It is especially important to map out Iraq's supplier network. In this respect, UNSCOM has so far been quite successful, thanks very much to the support from governments of those States from which supplier companies have been operating. Each case of export to Iraq of prohibited or dual-use items has to be carefully explored and investigated. Access to the companies concerned is crucial for the in-depth investigation. To get such access, UNSCOM has in practice to get the approval of the government concerned. Otherwise, governments would, no doubt, be upset were UNSCOM to initiate investigations without consent on their national territory. Our experience is that governments are cautious in providing access, and that without government support to the Commission's investigations, companies are at liberty to refuse talking to our experts. Over time, the Special Commission has learnt that a primary concern of governments appears to be the question of confidentiality. This requirement is applied almost on a universal basis. It means that if data like the name and identity of a company, and of the country of a supplier could be suspected to be published, the government would refuse access for investigation of the company concerned. Without government pressure, the supplier company would tend to be even more uncooperative. Thus, publication of data on supplier companies would have a devastating effect on the continuous and future efforts by the Special Commission to effectively block Iraq

from retaining or reacquiring proscribed weapons.

These explanations should serve to set the background to the answer to your first question, namely that at the present, it is not advisable for the Special Commission to make public the names of foreign suppliers.

Concerning the policy of the Special Commission on the publication of names of suppliers, I can state that the data on suppliers are kept safely within the Headquarters in New York. Information concerning a supplier is, as a matter of policy, shared with the government of the supplier-country, with requests for further information (through interviews with visits and/or interrogation) of the company concerned.

This policy was originally formulated by the Special Commission and presented in briefings to the Security Council. A strong and vigorous support for the policy so defined has been the answer to these briefings.

I agree that the publication of a list on the names of supplier companies could serve as a deterrent on future dealings with Iraq in dual-use items. But such a publication would at the same time bring an end to practically all efforts of the Special Commission to get indispensable support and intelligence from the governments and information from the named companies. That would seriously compromise the task of the Special Commission to identify and eliminate all proscribed weapons in Iraq.

When our policy was originated, it was considered that publication of a list of names of companies could lead to certain presumptions which might very well be unjustified. Prior to the Gulf War, there was no ban on many of the dual-use items and chemicals exported to Iraq. Furthermore, Iraq frequently used agents and front companies to purchase items which were banned or controlled under certain multilateral export control systems, and resorted to false declarations as to destination and end-user. The supplier company, in such circumstances, could have been completely ignorant of the ultimate destination of the items concerned. It is because of these difficulties that the Special Commission reports the name of a company, which it identifies as the source of now proscribed items or materials in Iraq, only to the government in which that company is established. The government then, in most cases, assists in the investigation of the circumstances, of the export concerned and, where those circumstances so justify, undertakes prosecution of the offender. The Special Commission can support such prosecution through the supply of evidence in its possession and, in certain circumstances, through the provision of expert witnesses. Prosecution of a company, which is necessarily public, is surely the most powerful deterrent in convincing other companies not to engage in illegal trade. The Special Commission has every reason to believe that its policy has led to its gaining a much wider knowledge of Iraq's procurement networks, and the names of many more suppliers, than would otherwise have been the case. The co-operation with governments which has been obtained, and national prosecutions which have or are taking place, testify to the effectiveness of the policy. A complete understanding of Iraq's supplier networks is the most potent instrument in preventing the reactivation of these networks. The Special Commission already has evidence of certain attempts by Iraq to do so and has been able to prevent the export or to interdict the items concerned on their way to, or upon their arrival in Iraq.

In addition to measures already taken, especially those under the plans approved by the Security Council, the most effective step to deter future transfers to Iraq of dual-use items would be the early adoption by the Security Council of a resolution approving the mechanism for export/import control of Iraq designed by UNSCOM and the IAEA. Under the mechanism, all states would be obliged to notify UNSCOM and the IAEA of intended exports (including transshipment) to Iraq of such items. The proposed mechanism has just been transmitted to the Security Council where we hope for very early action.

I would be happy to meet with you on one of my visits to Washington to explain this matter further to you if you consider this would be useful. One of your staff could telephone my office at (212) 963-3018 to make arrangements.

Yours sincerely,

ROLF EKEUS,
*Executive Chairman,
Office of the Special Commission.*

HONORING MAYOR ROBERT
ROSEGARTEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the members of the Great Neck Lawyers Association as they meet to present Robert Rosegarten, mayor of the village of Great Neck Plaza with their most prestigious Community Service Award.

While maintaining an active business enterprise, Mayor Robert Rosegarten established a model of civic responsibility and participation that served to enhance the lives of all the citizens of Great Neck. He has received both State and national acclaim for developing the economic revitalization programs in the downtown shopping region of Great Neck Plaza and for his work to enhance the beautification of Great Neck Plaza. He has served as mayor of the village of Great Neck Plaza since 1992, and as its deputy mayor for 8 years. Under his leadership, the village of Great Neck Plaza has emerged as an effective municipal government with many of its programs being replicated throughout New York State.

In his role of enhancing the village of Great Neck Plaza, Mayor Rosegarten has shared his many talents with a wide array of community organizations providing both leadership and creativity in addressing community concerns. Among his many community roles, Mayor Rosegarten serves as president of the Great Neck Village Officials Organization, commissioner of the Great Neck Central Police Auxiliary, and board member of Great Neck's United Community Fund, Chamber of Commerce, and the Great Neck Arts Center. In addition, he is the vice-president of the Great Neck Plaza Management Council and director of the Water Authority of Great Neck North. In 1988, Mayor Rosegarten received the Great Neck United Community Fund's prestigious Leo M. Friend Award for community service.

Mayor Rosegarten's guiding tenet in public service has been to make a positive difference in the lives of his village's citizens. In that undertaking, he has dramatically succeeded. I

am most proud to join with so many in honoring him.

THE REPUBLICANS' ATTEMPT TO
DISGUISE THE PRESIDENT'S
PROPOSAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. STOKES. Mr. Speaker, I rise in recognition of the Republicans' attempt to draw attention away from their life threatening budget, by attacking the President's budget proposal, are trying to disguise his proposal as a legislative measure. The President continues to be upfront with the Republicans. He has openly voiced his commitment to protecting Medicare, Medicaid, education, and the environment. And, the President has openly warned the GOP that he will veto measures which threaten the quality of life of the American people.

Yet, for some reason, our Republican colleagues just don't get it. What does it take for them to realize that they cannot hide from their budget massacre. The GOP budget will adversely affect the lives of millions of children, seniors, the disabled, veterans, and families across the country.

No matter how many times the Republicans show that they can pass a measure that will devastate the lives of the American people for generations to come—still does not make it right. As we gather here now, to vote on the Republicans' spin on the President's budget, the GOP is attempting to take the American people through another smoke and mirror budget maze.

Mr. Speaker, we do not have time for more of the GOP's pranks. The time the Republicans are wasting here today should be being invested in completing action on the rest of the appropriations bills that are needed to reopen the Federal Government. If the Republican budget could stand on its own merit, the GOP would not have to resort to extremist tactics like we see here today. This action, coupled with the Republicans' politically staged shutdown of the Federal Government, to avoid real debate and serious negotiations on their budget, is not only ridiculous, it is in fact irresponsible.

The American people must be asking themselves, when will the Republicans stop playing games with our lives: When will the Republicans take the needs of the American people seriously? And, most important, are the Republicans capable of negotiating, and passing a budget that is compassionate to children, seniors, the disabled, veterans, and hard-working families?

Mr. Speaker, so far the Republicans' positive response to these critical questions remains to be seen. I urge my colleagues to put an end to the Republicans' pranks, and to strongly urge our Republican colleagues to negotiate a compassionate budget. The American people deserve nothing less.

RETIREMENT OF JOHN M. COLLINS
FROM THE CONGRESSIONAL RESEARCH SERVICE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. SKELTON. Mr. Speaker, I rise today to salute a distinguished servant of the Congress and the Nation in the area of national defense and national security. On Wednesday, January 3, 1996, John M. Collins will retire after 22½ years as the Senior Specialist in National Defense of the Congressional Research Service, Library of Congress. Since 1972, Mr. Collins has provided authoritative, in-depth, and profound analysis and advice to the Congress on a range of national defense issues unparalleled in its breadth and scope.

Mr. Collins' retirement closes a lifetime of Government service which mirrors the tumultuous history of the past 50-odd years. A native, I am proud to say, of my State of Missouri, he began his public service with his enlistment in the U.S. Army in May 1942—after being rejected by the Marine Corps, a fact he reiterates with great delight and good humor to numerous marines and friends over the years. As a young enlisted soldier he came ashore over the Normandy beaches a few days after D-day, in 1944. As a captain he served in the Korean war. As a colonel he served as Chief of the Campaign Planning Group in General Westmoreland's headquarters in Vietnam during 1967–68—managing to get involved in, and survive as the winner, a point-blank shootout with a North Vietnamese soldier in the ruins of Hue City in early 1968.

In between these wartime duties he served in intelligence and contingency planning posts in Japan and the Middle East; training assignments in the United States; commanded a battalion in the 82d Airborne Division; was one of the principal planners for the possible invasion of Cuba which, fortunately, never had to take place during the fateful days of the Cuban missile crisis in October–November 1962; and graduated from the Industrial College of the Armed Forces. He closed his 30-year Army career as a faculty member and chief of the strategic studies group at the National War College during 1968–72.

Immediately upon retirement from the Army, Colonel Collins joined the Congressional Research Service as Senior Specialist in National Defense. From the beginning of his CRS career he showed a willingness to examine fundamental assumptions. One of his first CRS reports examined whether the strategic nuclear triad of bombers, ground-based ICBM's, and submarine-launched ballistic missiles had been arrived at rationally, and whether it was in fact the only possible method of constructing U.S. strategic nuclear forces. At the height of the first Arab oil embargo, in 1975, he and a CRS coauthor, Clyde Mark, poured cold water on the idea that seizing Arab oil fields by military force would be an easy task. He wrote a book-length examination of overall U.S. defense planning processes, and how they might be improved.

John Collins' single greatest service to the Congress and the Nation, however, was pro-

vided in the form of a series of book-length reports, beginning in 1976 and running through 1985, which meticulously documented the relentless military buildup and geostrategic expansion of the Soviet Union and its client states in almost every category of military power and area of the world. His comparisons of United States-Soviet military forces, together with the respective allies of both countries, demonstrated with clarity and precision how American military capabilities, relative to our interests, were steadily declining, and those of the Soviet Union were increasing. Widely read, quoted, and debated, John Collins' works on the United States-Soviet military balance unquestionably played a role in persuading the American people and their elected representatives that, by the early 1980's, major increases in United States military forces and defense spending were required to restore our national credibility and deter and prevent Soviet expansionism. This was not an easy time for John Collins. Some were not happy with what he had to say about the shifting balance of military power in favor of the Soviet Union, and he had to withstand considerable bureaucratic and political pressure to continue to do his job. However, those who exerted such pressure against him are gone. He and his works remain.

By helping alert the country to the growing menace of Soviet military power in the late 1970's and early 1980's, Mr. Collins also said to have played a role in the ultimate demise of the Soviet Union and the Warsaw Pact. Without the American military resurgence of the 1980's, it is difficult to see how the Soviet military-political juggernaut of the mid and late 1970's could have been halted, turned inward, and forced to collapse of its own internal strains. Indeed, in October 1985, only a few months after Gorbachev assumed power in the Soviet Union, he presciently suggested that "the whole Soviet security apparatus in Central Europe is coming unraveled."¹

The thawing of the cold war and the eventual demise of the Soviet Union and the Warsaw Pact in no way lessened Mr. Collins' output. He produced authoritative studies of military space forces, United States and Soviet special operations forces, lessons learned from America's small wars, and a host of other reports and analyses. During the Persian Gulf war, he was frequently interviewed on national and international radio and television, and wrote numerous short analyses of possible issues and problems related to war with Iraq. At one point, well over a hundred congressional staffers gathered to listen with rapt attention to this veteran of three wars outline not the possible nature of a ground war with Iraq—not just in academic, and analytical terms, but how ground combat was "close up, and personal, and dirty." Within the past few years, his talents have turned to as diverse a set of subjects as counterproliferation, U.S. prepositioned military equipment, nonlethal weapons, and criteria for U.S. military intervention overseas. His last CRS report, finished just days ago, deals with the military aspects of NATO enlargement.

¹Collins, John M. What Have We Got for \$1 Trillion? The Washington Quarterly, Spring 1986: 49, based on testimony before the Defense Policy Panel, House Armed Services Committee, October 9, 1985.

Mr. Speaker, although John Collins is completing almost 54 years of total Federal service when he retires from CRS, he has no intention of remaining inactive. General Shalikashvili, Chairman of the Joint Chiefs of Staff, has had the eminent good sense to agree to provide Mr. Collins with some office and study space at the National Defense University at Fort McNair. With the time he now will have, plus the assistance from DOD, Mr. Collins intends to write books on military geography and military strategy. He will have more time to spend with his wife Gloria, to whom he has dedicated many of his books; his son Sean, holder of a doctorate in aeronautical and astronautical engineering from MIT, and a contributor to national defense and security in his own right in the field of ballistic missile defense; and his grandchildren.

Few people have devoted so much of a long life to the service of the United States as has John Collins. I wish him well as he enters yet another stage of that service.

OPPOSES SECURITIES LITIGATION
CONFERENCE REPORT VETO
OVERRIDE

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. DE FAZIO. Mr. Speaker, I strongly oppose the motion to override the President's veto of the Securities Litigation Conference Report.

The laws governing securities litigation can certainly stand to be improved, but the language of this conference report does much more harm than good. This legislation—written by and for the large securities firms—is anti-small investor and antiworking family.

The conference report reduces consumers protection. An investors ability and right to sue unscrupulous securities firms should not be stifled or circumscribed by Congress. For example, the language includes a sweeping loser pays provision that will make it extremely difficult for anyone without a multimillion dollar trust fund to challenge a large corporation in court.

Supporters of this legislation claim that there is an explosion of frivolous suits. The fact is that the number of securities class action suits has shrunk over the past 20 years. During the last several years, suits have been filed against only 120 companies annually—out of over 14,000 public corporations reporting to the SEC.

The President was correct in his veto. This conference report goes against the interests of working people and small investors. I sincerely hope that the Congress will sustain the veto that we can then enact true reform of our Nation's securities litigation laws.

OPPORTUNITIES TO CHANGE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Ms. MOLINARI. Mr. Speaker, I would like to commend the December 8, 1995, editorial from one of my local papers, the New York Post, which sums up exactly a sentiment most of us, I think, feel about Newt Gingrich. In these times of overt partisanship, the editors write that they,

[H]ope that Gingrich takes heart, stands his ground and stays the course. Opportunities to change the direction in American politics don't come around often; and if the Republicans don't succeed in disrupting business as usual in Washington now, the chance will likely pass.

We have no choice, for the sake of our children, but to balance the budget and I urge Speaker GINGRICH to continue his effort to focus this Nation into realizing fiscal sanity.

[From the New York Post, Dec. 8, 1995]

THE GINGRICH INQUISITION

House Minority Leader David Bonior (D-Mich.) and other congressional Democrats have been trying for more than half a decade to pin ethics violations on Speaker Newt Gingrich. To this end, they and their allies in the land of the left leveled endless charges against Gingrich. Indeed, over the course of the last 15 months, the House Ethics Committee has considered 65 separate counts.

On Wednesday, the committee ruled that with respect to 64, the speaker has been completely or partially exonerated. (It should be noted that one of these charges turned on Gingrich's book contract with HarperCollins, a publishing concern owned by News Corp., which is also this newspaper's corporate parent.)

Only one of the 65 charges was deemed worthy of further exploration by an independent counsel. Pardon us if we suggest that this six-year fishing expedition has produced decidedly unimpressive results.

The committee voted to retain a special counsel to explore whether or not the speaker violated the law by using tax-deductible contributions to finance a college course he taught at Kennesaw State University in Georgia. Gingrich has expressed confidence that he will be fully exonerated on this seemingly narrow and highly technical charge. In light of the fate of all the other accusations lodged against him, it's hard not to credit this possibility. Many critics on both sides of aisle have contended that, in general, the standards for appointing independent counsels are exceedingly low; the Ethics Committee's decision here would seem to confirm this observation.

It is worth recognizing a distinction between the ethics problems allegedly swirling around Gingrich and those that brought down ex-House Speaker Jim Wright, a Democrat. The latter came under investigation after years of abusing his power. While Gingrich (as a back-bencher) played a leading role in the campaign against Wright, even loyal Democrats—in the end—couldn't ignore the ex-speaker's transgressions.

House Democrats, by contrast, have tried to demonize Gingrich ever since his success in that effort. And from the day the Georgia Republican became speaker, the "get Newt" campaign has been a central concern of the official Democratic party leadership.

Such prejudgment suggests that what bothers Bonior & Co. about Gingrich has nothing to do with whether or not tax-deductible contributions were mistakenly used to help finance his political science lectures at Kennesaw State. The Democrats object to the fact that Gingrich—the most able parliamentarian in recent memory—is an energetic conservative who's mounted a serious challenge to the national ideological status quo.

Similarly, it is not the mere existence of the speaker's political action committee, GOPAC, that disturbs the Democrats (though they are, in fact, urging the special counsel to expand his inquiry to include some of GOPAC's activities). What really distresses the Democratic leadership is the fact that Gingrich has used GOPAC to forge a spirited GOP congressional majority that's serious about welfare reform, tax reduction and shrinking the power of the federal government.

To a considerable extent, the Ethics Committee's willingness to order just one charge probed vindicates the speaker. We hope, therefore, that Gingrich takes heart, stands his ground and stays the course. Opportunities to change the direction in American politics don't come around often; and if the Republicans don't succeed in disrupting business as usual in Washington now, the chance will likely pass.

HOUSE JOINT RESOLUTION 134
MAKING FURTHER CONTINUING
APPROPRIATIONS FOR FISCAL
YEAR 1996

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 20, 1995

Mr. STOKES. Mr. Speaker, I rise in support of H.J. Res. 134, a measure that will provide the payment of compensation and pension benefits for our Nation's veterans and their families for fiscal year 1996. I am glad to see that my colleagues on the other side of the aisle are at least concerned about some aspect of their obligation to these patriots who answered the call of their Nation.

Despite the fact that this resolution has a noble objective, it is clearly incomplete. It simply does not go far enough. While our veterans and their families will be somewhat comforted by the passage of this resolution, who will give some financial assurance to the millions of Americans who continue to face uncertain futures because Congress has not fulfilled its obligations regarding the remaining appropriations bills? These remaining bills, which are not included in this resolution, are so harmful and unreasonable that the President has had to veto them and no action has been taken by the House to improve them or continue them in a continuing resolution.

Take for example, the Labor-HHS-Education appropriations bill. Action on this measure is still pending. While the Department of Health and Human Services is closed, Medicare and Medicaid applications cannot be processed. While the Department of Labor is closed, unemployment applications cannot be processed.

In addition, the drastic cuts in the appropriations measure for the Department of Education will deny critical resources to schools

