SENATE—*Tuesday, March 21, 1995*

(Legislative day of Thursday, March 16, 1995)

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

PRAYER

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

Let us pray:

Almighty God, Sovereign of this Nation and Lord of our lives, we begin this day by remembering Benjamin Franklin's words to George Washington at the Constitutional Convention:

"I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it possible that an empire can rise without His aid? I believe that without His concurring aid, we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded * * *."

Gracious Lord, we join our voices with our Founding Forefathers in confessing our total dependence upon You. We believe that You are the author of the glorious vision that gave birth to our beloved Nation. What You began You will continue to develop to full fruition and today the women and men of this Senate will grapple with the issues of moving this Nation forward in keeping with Your vision. It is awesome to realize that You use us to accomplish Your goals. So keep us mindful of the eight words of God-centered leadership: Without You we can't; without us You won't. Think Your thoughts through us; speak Your truth through our words; enable Your best for America by what You lead us to decide. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. GRASSLEY. I thank the Chair.

SCHEDULE

Mr. GRASSLEY. This morning the time for the two leaders has been reserved, and there will now be a period for morning business not to extend beyond the hour of 10 a.m. At the hour of 10 a.m., the Senate will resume consideration of S. 4, the line-item veto bill. Pending to the line-item veto bill is a substitute amendment on which a cloture motion was filed yesterday. Therefore, a rollcall vote will occur on that cloture motion tomorrow. However, rollcall votes are possible during today's session of the Senate.

FILING OF AMENDMENTS UNTIL 1 P.M.

Mr. GRASSLEY. Mr. President, I now ask unanimous consent that notwithstanding the recess of the Senate today, Members have until 1 p.m.—and that is today—to file amendments to the substitute amendment to S. 4.

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

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDENT pro tempore. The Senate will now go into morning business.

Mr. GRASSLEY. Mr. President, am I on the order for morning business?

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 10 minutes.

Mr. GRASSLEY. I thank the Chair.

INTEGRITY OF THE DEPARTMENT OF DEFENSE BUDGET

Mr. GRASSLEY. Mr. President, you are chairman of the Senate Armed Services Committee. I do not often have an opportunity to speak when the distinguished Senator from South Carolina, also the chairman of the Armed Services Committee, is in the chair. I am in the middle of a series of speeches on the defense budget, and I know that the Senator from South Carolina is very much for a strong national defense. I am also for a strong national defense. But I have some questions about the amount of money we ought to spend and whether or not it has been used in the most well-managed way. And so I am addressing that issue.

So today I wish to resume my presentation on the integrity of the Department of Defense budget.

(Mr. DEWINE assumed the chair.)

Mr. GRASSLEY. Mr. President, yesterday I provided some background information on how I got involved in defense issues in the early 1980's and have been involved with them since. I talked about how the spare parts horror stories convinced me that President Reagan's defense buildup would lead to waste on a massive scale. I talked about how the spare parts horror stories drove me to the job of watchdogging the Pentagon.

Today I wish to begin discussing the accuracy of the Department of Defense budget and accounting data. Each year, Congress debates the Department of Defense budget for days. I do not expect this year to be much different. In fact, the debate may intensify. It may intensify because some of my Republican colleagues are bent on pumping up the defense budget again by billions of dollars. I am flat baffled by their proposal. I do not understand it. They want to start back up the slippery slope toward higher defense budgets when there is no reason for doing it. The Soviet threat is gone. The cold war is over. The defense budget should be leveling off, not going up. But I do not intend to debate that issue today. That is better debated when we are working on the appropriations and authorization bills for the Department. My purpose today is to suggest that we cannot make meaningful decisions on the defense budget until we get more reliable information.

I wish to talk about the soundness then of the Department of Defense information base. I wish to talk about the integrity of Secretary Perry's budget. The Department's financial records are the foundation for this budget. Like a house or building, if it is going to stand the test of time and if the building is going to serve its intended useful purpose, then a budget's foundation must likewise be built upon very solid rock.

Secretary Perry's accounting and budget numbers should be accurate and complete. Sadly, however, every shred of evidence I have tells me that Mr. Perry's budget structure is built on sand.

Do they understand that? I believe they do. I believe that there are some people over there intent upon changing this, who right this very minute are working toward doing that. But the point is that job is a long way from being done, because it is in such a sad state of affairs. We are going to be called upon in the next couple months to make a decision whether to spend $50 billion more than what the President proposed on defense. I do not see how we can make that decision with the information on which the budget structure is formed if this is all built on a foundation of sand. I will document the basis for that assertion in a moment.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Perry's financial records, the Department's budget books and accounting books are in a shambles. Mr. Perry has no way of knowing which numbers are true and which are false.

Inaccurate and misleading budget numbers erode our process of checks and balances, and they undermine accountability.

Bad information leads to bad decisions and hence bad Government.

The accounting books should provide a full and accurate record of how the money was spent, what was purchased, and how much each item cost.

The accounting books should provide a historical record of past expenditures.

The budget, by comparison, is supposed to tell us what is needed in the coming year in the way of money and material.

The future years defense program, or FYDP, in turn, projects the future consequences of our budget decisions. All these books—the future year's defense program, the budget, as well as accounting book—should hang together.

The books should be bound together by a common thread—accurate, consistent data.

The budget should be hooked up to the accounting books, and the future year's defense program should be hooked up to the budget.

The books need to hang together for one very simple reason:

Much of what will be bought and done in the years ahead were bought and done last year and the year before.

If we do not know what we bought last year and how much it cost, it will be impossible to figure out what we need next year. You cannot craft a good budget with bad numbers. It is as simple as that.

There is no way to escape from this commonsense principle. If we do not know what last year's defense program cost, then how in the world can Mr. Perry figure out what he needs down the road—in the outyears?

That is it in a nutshell.

In the simplest terms, if we do not know where we have been and where we are, we cannot possibly figure out where we are going. We may be lost.

Mr. President, all the DOD budget chains are broken. The essential links between the accounting records and the budget, and the budget and the future year's defense program, are busted. We have mismatches within mismatches within mismatches.

Now, this is a very complicated subject, and my conclusions could be controversial. They could be challenged.

So it is important that I document my sources.

But I would like to warn my colleagues, these issues are not laid out in one single source. I have drawn on many different sources.

I will cite the main ones. There are others but the main ones are as follows:

First, U.S. General Accounting Office, "Financial Management: Status of Defense Efforts To Correct Disbursement Problems." (AIMD-95-7. October 1994.)

This work is continuing at the request of myself and Senators ROTH and GLENN. I have used some updated data on disbursements and unreconciled contracts that does not yet appear in published reports.

Second, DOD inspector general, "Fund Control Over Contract Payments at the Defense Finance and Accounting Service—Columbus Center." (Report No. 94-054. March 15, 1994.)

Third, U.S. Senate, Committee on Governmental Affairs. (Hearing on DOD Financial Management. April 12, 1994.)

Testimony by Comptroller General Bowsher and Senator GLENN provided most of my information on overpayments to contractors.

Fourth, DOD inspector general, "Consolidated Statement of Financial Position of the Defense Business Operations Fund for Fiscal Year 1993." (Report No. 94-161. June 30, 1994.)

Fifth, U.S. General Accounting Office, "Defense Business Operations Fund: Management Issues Challenge Fund Implementation." (AIMD-95-79. March 1995.)

Sixth, U.S. General Accounting Office, "Future Years Defense Program: Optimistic Estimates Lead to Billions in Overprogramming." (NSIAD-94-210. July 1994.)

The GAO's evaluation of the FYDP is continuing at the request of Senator ROTH and myself. The ongoing work has two objectives:

Evaluate the data and methodology presented in Mr. Chuck Spinney's latest study, "Anatomy of Decline" and the role of DOD's Office of Program Analysis and Evaluation [PA&E]; and

Review the fiscal year 1996 FYDP.

Seventh, this is also by Chuck Spinney: "Anatomy of Decline." Office of Program Analysis and Evaluation, Department of Defense. February 1995.

In order to save time, I will not make a detailed reference every time I draw data from one of these sources.

Instead, I will try to identify the source in a more general way as I go along.

Mr. President, that concludes my statement for today.

I will continue with more evidence tomorrow and Thursday and Friday.

I yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Alabama [Mr. HEFLIN] is recognized to speak for up to 10 minutes.

The Senator from Alabama.

Mr. HEFLIN. Mr. President, Senator FEINSTEIN wishes to make some remarks. In the event her remarks are not begun or finished when the hour of 10 arrives, I ask unanimous consent that time for morning business be extended to allow her to complete her remarks.

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

The Senator from Alabama is recognized.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of S.J. Res. 31 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order the Senator from California [Mrs. FEINSTEIN] is recognized to speak for up to 10 minutes.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 580 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MEMORIALIZING JAMES LARRY BROWN OF PINE LEVEL, NC

Mr. FAIRCLOTH. Mr. President, I rise to pay tribute to James Larry Brown who died suddenly 2 weeks ago at the young age of 40.

Larry, as he was known by friends and family, was born and raised in Johnston County, NC, and spent his entire life in that tight-knit community. The hundreds of people who mourned his untimely death offer testimony to his character and the value of his life that ended without warning.

As a young boy he sang in the choir at Carter's Chapel Baptist Church at Sunday services and for the sad occasion of a fellow parishioner's funeral. In 1970, when he was 16 years old, he sang at the funeral of Tammy Denise Woodruff, a 3-year-old child whose life was cut short. Each time he visited the grave site of that little girl who was buried next to his mother, Lyda Mae, he wept for her. Tammy's gravestone read "Picking Flowers in Heaven." Larry now rests next to her. The compassion he felt for a little girl he didn't even know is the finest example of the compassion Larry Brown felt toward all human beings.

Larry wasn't a renowned scientist, an outspoken community activist, or a political leader. Larry was an ordinary man who lived and worked in his community for his entire life. He was the type of man that you would want as a brother, as a father, as a neighbor and as a friend. Whether he knew you for 20 years or for 20 minutes, he would be there offering a shoulder to cry on, a helping hand, or a $20 loan he never expected to be repaid.

Some of his neighbors knew him as Vicki's father, Mr. Larry, the one who was always there working for the North Johnston High School Band Boosters to help them raise money and organize activities so the high school could continue developing young minds and souls through music. Other Pine

Level residents knew him as Megan's daddy, a devoted softball fan who never missed a single game his daughter played. Parents and friends at the softball game always turned to Larry to find out the score at any given point in time. He always knew the answer because he kept the score in the soil beneath his lawn chair which he would put in place at the start of the day's first game and not remove until all the games were over. He was every child's playmate and every parent's confidant. Most everyone knew him as a friend.

He married Colleen Kenney in 1975 after they met on a blind date when her family moved from Wisconsin to North Carolina. They would have celebrated their 20th wedding anniversary this October and both Larry and Colleen were looking forward to spending the rest of their lives together. Colleen, Pine Level's Girl Scout troop leader, relied on Larry to help her with the tremendous task of helping these girls grow and learn about life, responsibility and the importance of community service. It was a task he did well and with great dedication.

Almost as much as Larry loved his family, his friends and his community, he loved the University of North Carolina Tar Heels. He was known throughout Pine Level, Smithfield and Selma as one of the most devoted Heels' fans in the State, never missing a game on television and invariably purchasing his cars and clothing in the Carolina Blue colors of the Tar Heels. He engaged in good hearted rivalry with his neighbors who were fans of the NC State Wolfpack, gaining a reputation as not only a practical joker but also as a good sport. Larry loved to laugh and loved to make others laugh—one of his extraordinary talents.

While family and friends were his first priority, Larry gained a reputation as a sympathetic, understanding and effective manager at Data General and at Channel Master in Selma were he was working when he died. Those that he worked with in the present and well over a decade ago were struck by his death and came to pay him tribute. While working to support his family over the past 20 years, he was also able to complete his bachelors degree at the Atlantic Christian College. His graduation day, just a few years ago, was a proud day for his family. It was supposed to be just the beginning.

James Larry Brown will be missed by all who knew and loved him. However, we are comforted in our loss by the knowledge that his was a life worthwhile, filled with compassion and kindness. We can only hope that his life and sudden death will make us better people.

CELEBRATING THE 19TH AMENDMENT

Mr. D'AMATO. Mr. President, I rise today to recognize the 75th anniversary of the passage of our Nation's 19th amendment. As my colleagues know, this important amendment placed in law the right for women in the United States to vote and is now a cause to celebrate the contributions and achievements of women.

The right to vote is indeed a precious right that we as Americans sometimes do not appreciate. Until 75 years ago, our forefathers did not recognize that this right also applied to women. Women fought hard to secure this right. The 19th amendment has since become a turning point symbolizing the remarkable contributions of women to our Nation's past, present, and future.

It is not an understatement that this amendment was the impetus for women to actively participate in politics, science, education, and commerce. Once opportunities were presented, women have, through hard work, excelled in their chosen professions.

This anniversary, therefore, marks the rise of women into positions of leadership. Women's History Month recognizes the achievements and the contributions of these prominent members of our past such as Susan B. Anthony and Elizabeth Cady Stanton. This becomes especially important as we look to our future.

Mr. President, it is in New York that Women's History Month has special meaning given that the formal beginning of the suffrage movement began with a convention in Seneca Falls, NY. Today, Seneca Falls is the home of the Women's Rights National Historical Park and its history serves as an inspiration to all. I am pleased to lend my voice to celebrate this anniversary.

THE REGULATORY MORATORIUM BILL

Mr. STEVENS. Mr. President, I wish to take a moment to describe the effect of the amendment I authored and which is now part of the committee substitute for S. 219, the regulatory moratorium legislation.

My amendment modifies the definition of "significant regulatory action" to include "any action that withdraws or restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency, except for those actions described under paragraph 4 (D) and (E)." The effect of this amendment is to impose the moratorium contained in the bill on any action by a Federal agency to withdraw or restrict commercial, recreational, or subsistence use of Federal lands.

The actions described in paragraph 4 (D) and (E) are "any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping" and "the granting of * * * a license, * * * exemption, * * * variance or petition for relief * * * or other action relieving a restriction * * *." In other words, a Federal agency may continue to manage these activities, even if the management action involved would restrict the public's use of Federal lands. This means that a Federal agency may close wildlife refuges to duck hunting, limit the number of people permitted in the National Parks to the number of campsites available, or prohibit trawling in certain areas to protect crab and halibut.

In addition, my amendment defines "public property" to mean "all property under the control of a Federal agency, other than land." This definition is necessary because the bill provides that the moratorium shall not apply if the President finds that "the action is * * * principally related to public property * * *." Without this definition, the President could circumvent the purpose of my amendment by simply finding that the closing of Federal lands to grazing or of a National Forest to timber harvests is "principally related to public property" because the principal "public property" under the control of the Forest Service are National Forests. By limiting the definition of "public property" to "all property * * * other than land" my amendment would allow the President to exclude from the moratorium any action related to managing public property like motor pools, warehouses, and other buildings—including public toilets—in short, any action other than to restrict land use.

Some have said this amendment goes too far. I think it does not. The President has plenty of exceptions that allow him to escape the impact of my amendment. There are exceptions for national security, law enforcement, health and safety, and international trade, among other things. And in the final analysis, it is the President who makes the final call as to what regulations are impacted by this law. The intent of my amendment is clear—I want to put a halt to agency actions that needlessly restrict the use of public lands.

Mr. President, I commend my colleague from Delaware, Senator ROTH, and his committee staff, particularly Frank Polk, Paul Noe, and Mickey Prosser for their efforts in reporting this regulatory moratorium legislation.

PRESIDENT CLINTON IMPLEMENTS THE VIOLENCE AGAINST WOMEN ACT

Mr. KENNEDY. Mr. President, earlier today, President Clinton took a major step toward effective implementation of the new Violence Against Women Act, which was enacted as part of the omnibus crime control law last year.

President Clinton established a new Violence Against Women Office at the Department of Justice, and appointed former Iowa Attorney General Bonnie Campbell as Director of the Office. Ms. Campbell was the first woman to hold the office of attorney general in Iowa, and in that capacity, authored one of the Nation's first antistalking laws.

President Clinton also announced $26 million in State grants and a toll-free domestic violence hotline. I was proud to be a strong supporter of the act and to be the Senate sponsor of the hotline.

I commend the President for taking this important step in the fight to end violent crimes against women. The rates of violent crimes committed against women continue to rise. Nationwide a woman is beaten every 15 seconds. Three to four million women a year are victims of family violence. In Massachusetts last year, a woman was murdered every 16 days, and in this year alone, 17 women have been murdered as a result of domestic violence.

It is clear that far more needs to be done to stop this violence. One of the most effective measures is to improve our methods of law enforcement and do more to prosecute and convict the perpetrators of these crimes.

The Violence Against Women Act provides $1.6 billion over the next 6 years to combat such violence. Included in those funds are grants to States to train and hire more police and prosecutors for domestic violence or sexual assault units, open new crisis centers for victims, hire advocates and crisis counselors, and improve lighting for unsafe streets and parks.

These grants are a critical part of a comprehensive new effort to combat violence against women. Police need better training, so that they will make arrests when the situation warrants. Prosecutors need better training in how to work with victims, using victims' advocates when possible. Judges need to understand that domestic violence and other attacks against women are serious crimes. Often, when women are abused or beaten, the police, prosecutors, and judges fail to take the crimes seriously enough. As a result, many women are reluctant to call the police or seek help in other ways. These grants will help States address these problems.

This new law is the first comprehensive Federal effort to deal with violence against women. It protects the rights of victims. It makes it a Federal offense to cross State lines to abuse a fleeing spouse or partner. It gives victims of violent crime or sexual abuse the right to speak at the sentencing hearings of their assailants. It prohibits those facing a restraining order on domestic abuse from possessing a firearm.

I am particularly gratified by the restoration of the national, toll-free domestic violence hotline, which will be administered by the Department of Health and Human Services. Before the hotline was shut down for lack of funds in 1992, it averaged over 180 calls a day, or 65,000 calls a year, during the 5 years it was in operation. The hotline is a lifeline for women in danger. The nationwide system will enable any woman in trouble to call an 800 number and be advised by a trained counselor on what to do immediately and where to go for help in her area.

I commend President Clinton for his leadership in implementing this law, and I look forward to working with the administration to continue to fight to end the tragedy of violence against women.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the impression simply will not go away; the enormous Federal debt greatly resembles that well-known energizer bunny we see, and see, and see on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game—when they go home to campaign—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress—which could have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of yesterday, Monday, March 20, at the close of business, the total Federal debt stood—down to the penny—at exactly $4,842,719,633,258.54 or $18,383.05 per person.

The lawyers have a Latin expression which they use frequently—"res ipsa loquistur"—"the thing speaks for itself." Indeed it does.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Morning business is closed.

LEGISLATIVE LINE-ITEM VETO ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to grant the power to the President to reduce budget authority.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 347, to provide for the separate enrollment for presentation to the President of each item of any appropriation bill and each item in any authorization bill or resolution providing direct spending or targeted tax benefits.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business off the bill.

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

TELECOMMUNICATIONS DEREGULATION AND COMPETITION: ITS IMPACT ON RURAL AMERICA

Mr. DORGAN. Mr. President, when Congress passed the Communications Act in 1934, telephones were a novelty. Sixty years later, most Americans have affordable telephone service, thanks largely through a universal service system of support mechanisms. This is a success story.

Universal service has been a success because policymakers had the foresight to understand that market forces, left to their own devices, would not serve every American. Support mechanisms are necessary to ensure that every American could have access to phone service and electricity. This was true in building a nationwide phone network and it will be true in the future to deploy an advanced telecommunications network.

Today we stand at the advent of a telecommunications revolution that promises to bring an explosion of economic activity and growth in rural America that will rival the delivery of electricity to farms in the early part of the century. The information age promises to bring opportunity to previously disadvantaged areas. Until now, geography has been, a disadvantage for rural America. Much of the business growth and development in America happens to occur in major urban centers out of geographic necessity, leaving rural America at a significant disadvantage. The telecommunications revolution is quickly changing all that, making a rural community in North Dakota as close to Manhattan as the Hudson River.

Satellites, fiber optic cable, digital switching devises and other technological developments make it possible for voice, video, and data transmission to occur effectively and immediately between two locations thousands of miles apart. This means jobs, economic development, and opportunity unprecedented in rural areas that have historically been struggling to build a promising future.

On the eve of our consideration of new major national telecommunications policy, I am concerned that issues essential to rural America may be overshadowing by the battles between the industry titans, like the regional Bell operating companies, long distance carriers and national cable networks. We cannot forget to do what is

right for all, and not just a few, Americans.

There is an obsession and worship of competition and deregulation these days. After all, a free market driven by competition comprises the economic fabric on which our Nation was built. At the same time, however, the country has always understood that these principles are not always in everyone's best in interest. This dichotomy is of significant note as we chart the development of our Nation's telecommunications policy and its impact on rural America.

The structure and the economics of the telecommunications industry is as complicated as scholastic philosophy. Our Nation already possesses a quality integrated telephone network that most Americans can access and enjoy the benefits of coast-to-coast communications. However, few understand and the complex interaction and coordination that is required to connect the hundreds of local phone companies and long distance carriers. Although most Americans know the difference between local and long distance phone calls, few understand and appreciate the complexities of how long distance and local phone companies interconnect.

For example, I would guess many Americans are not aware that the seven regional Bell operating companies [RBOC's] are not the Nation's only local exchange carriers [LEC's]. Many Americans are surprised to learn that there are hundreds of LEC's throughout the Nation. In fact, there are approximately 1,400 small cooperative and commercial systems serving people and communities throughout rural America. These small and rural LEC's originated to bring service to areas considered unprofitable and undesirable by the industry's early leaders.

Together, these small and rural LEC's provide telecommunications service to approximately 6.6 million rural Americans. Their combined service areas cover some 1.7 million square miles and represent approximately 1 million route miles of infrastructure. While they serve about 5 percent of the U.S. population, their service areas encompass 40 percent of the Nation's land area. On average, their investment totals approximately $2,500 for each subscriber. And, for the most part, the services they provide are equal or superior to those offered by the industry giants.

With these facts in mind, it should come as no surprise that these low-density, high-cost areas are not natural candidates for competition and need support to deliver affordable service. They are neither magnets for capital nor market-stimulating sources of revenues and profits. Yet, despite the challenges these small and rural LEC's face, they consistently provide universal service to their constituency. This is possible only through sound public policy that has historically recognized rural is different.

That's what we really need to focus on today. Rural areas are different. This does not suggest that competition should be rejected for rural areas. Rather, we need to understand that competition in rural and high cost markets needs to be structured differently in rural areas. Universal service support is critical and the introduction of competition must be addressed with carefully constructed policy—not blind obedience to competition and deregulation.

There are two cardinal rules I want to impress upon my colleagues today. The first rule is that telecommunications reform must protect and preserve universal service support. Without such support, the future of rural telecommunications is a guaranteed disaster rather than a promise for opportunity. The second cardinal rule is that competition in rural areas needs to be structured appropriately and it is imperative that safeguards be in place to ensure an orderly transition to a competitive marketplace.

PROTECTING AND PRESERVING UNIVERSAL SERVICE

A recent study entitled "Keeping Rural America Connected: Costs and Rates in the Competitive ERA" reveals how the rural telecommunications marketplace could be devastated without universal service support. Specifically, it shows that rates would skyrocket to the point that many rural Americans would be forced to simply decline service.

For example, the study demonstrates that without universal service support, local monthly rates would increase by $12.84 on average. Monthly toll rates would climb by $18.43. The combined monthly increase would average an astounding 72.3 percent. And these are study-wide averages; the effects in some States are even worse.

Maintaining universal telecommunications service must remain our highest priority. Any emerging national policy must embrace the concept of an ongoing and evolving universal service mandate. Moreover, such policy must ensure that universal service initiatives are financially sustained by all market providers.

Some have argued in favor of reducing, and in some cases, eliminating, the level of universal service support. This is flagrantly inconsistent with this Nation's 60-plus year commitment to universal service for all Americans. Congress and the administration alike have set many ambitious goals for the Nation's telecommunications industry—goals that can be met only if we are willing to make a renewed commitment to support, not abandon, the policy of universal service.

The objective of introducing competition in local phone service is to drive prices toward cost. In contrast, current practice reflects the long-established national policy goal of setting rates at levels that maximize subscription and use. That policy has proved very effective, enabling all of us to reap what economists call the "external benefits" of broad access to the Nation's public switched network.

The largest LEC's want to base their rates on cost in order to confront their onrushing competitors more effectively. That is certainly understandable. They are large enough to make such pricing work for both themselves and their subscribers. Nevertheless, it does not necessarily make economic sense to force similar arrangements on small, rural LEC's. Cost-based pricing by rural LEC's would lead to dramatic rate increases for rural consumers. The value of a phone in Regent, ND is the same as the value of a phone in New York City. The only way to prevent rate increases is to offset them through universal service cost recovery mechanisms. This clearly points out the importance of establishing strong universal service support mechanisms prior to permitting the modification of the industry's rate structure scheme.

Rural areas must have access to telecommunications capabilities and services comparable to those in urban areas. To ensure this, Congress, the FCC, and the telecommunications industry have established a number of support mechanisms, including geographic toll rate averaging, lifeline and linkup programs, local rate averaging, and the rural utilities service's, formerly REA, telephone loan program. These programs and policies have made state-of-the-art telecommunications technologies available to rural Americans. In return for these supports, LEC's agree to serve every resident in their service area who wants to be served. In many cases, it would have been impossible for LEC's to serve the entirety of sparsely populated service areas without support.

COMPETITION IN RURAL MARKETS

The second cardinal rule is that blind allegiance to competition will hurt rural telecommunications delivery. The fact is that competition—without conditions—does not serve rural markets. Airline deregulation is but one example. In a deregulated environment, airlines have chosen not to serve many rural areas. Why? Because the economics of competitive industry do not drive service into rural areas.

The fundamental premise in the telecommunications reform legislation we considered last year—and that is emerging this year—is that competition will lead to lower rates and encourage investment. In most cases, this is the correct approach. Competition should be introduced into all aspects of telecommunications. When the old Ma Bell was divested of its local monopolies, separating long distance and manufacturing services into competitive

markets, competition lead to lower long-distance prices and a flood of new equipment into the marketplace. Nobody can question that consumers have benefited from the emergence of hundreds of long distance companies and the thousands of new products that were borne from a competitive equipment manufacturing industry. Consumers have benefited from allowing competition in long distance and manufacturing industries and I am confident that consumers will also benefit under competitive local exchange service. Introducing competition into local telephone service can produce the same positive result—but only if it is done right and a one-size-fits-all approach is not taken.

If unstructured competition is permitted in rural markets and competitors are allowed to cherry pick only the high revenue customers, serious destruction of the incumbent carrier, who is obligated to serve all customers, including the high cost residents, will occur. A local telephone exchange is like a tent and if a competitor is permitted to take out the center pole, the whole tent collapses. Larger markets may be able to sustain some cherry picking, but in smaller rural markets, the results could be higher residential rates.

The fact is that competition can be destructive in markets that cannot sustain multiple competitors. A blind allegiance to competition could result in higher costs and diminished services for rural Americans. The question is not whether or not competition should occur in rural areas. Rather the question is how can the rules of competition be structured to ensure that rural consumers continued to relieve quality, affordable service. Without caution, we could be setting the stage for competition to jeopardize the national public switched network—and universal service—that almost all Americans enjoy today.

Unstructured competition could lead to geographic winners and losers. We must not agree to any policy that creates a system of information-age haves and have-nots. I cannot and will not support public policy that leaves rural Americans reeling in its wake. An unrestricted competitive and deregulatory telecommunications policy will not work in rural America. Such policy in fact threatens higher, not lower, consumer prices. Such policy in fact threatens less, not more, consumer choice. And such policy in fact will cost taxpayers more, not less, when it forces existing LEC's out of business.

Telecommunications reform should not adopt a one-size-fits-all policy of competition and deregulation for the entire Nation. Competition and deregulation cannot work as a national policy without rural safeguards.

I am not interested in giving telephone companies a competitive advantage over other telecommunications carriers. But I am interested in ensuring an affordable, high-quality telecommunications network in rural America. The cable industry and electric utilities want to compete in the local exchange market and phone companies want to compete in cable. I support breaking down the barriers that prohibit these industries from competing in each other's businesses. However, we must adopt safeguards that are in the interest of rural consumers who must be our first concern. Only with safeguards are all rural Americans guaranteed to receive the high-quality, affordable telecommunications service they deserve. That's the bottom line. New telecommunications policy must be about rural consumers.

In exchange for universal service support mechanisms, telephone companies serving rural and high-cost areas have undertaken the obligation to serve areas that market forces would leave behind. The only reason why thousands of Americans living in rural areas have phone service is because our existing policies require certain carriers to provide that service. In addition, necessary support mechanisms to ensure that service are available so that service can be provided at an affordable rate. It seems to me that if competition is going to enter into rural and high-cost areas, competitors ought to be required to undertake the same responsibilities. Let's not close the door to competition—but let's require competitors and incumbents alike to carry the same burdens. This is the only way we can have fair competition in rural areas.

The fact is that U.S. telecommunications policy has always recognized local exchange service as essential to the well-being of all Americans. The same cannot be said of cable TV or other related services. The key point here is that we must not adopt any policy that would jeopardize the provision of essential local exchange service. And we must certainly not adopt any policy that would alter current policy so dramatically that the interests of rural consumers would suffer.

CONCLUSION

In summary, preserving universal service is sound public policy. Universal service benefits the entire Nation, not just rural areas. As we pursue new telecommunications policy, we must also ensure that real, effective mechanisms remain in place to preserve and advance universal service. It is equally important to provide rural safeguards to ensure that competition results in positive benefits for rural consumers. The conventional wisdom of free-market economics generally does not apply to the different conditions in rural America where low population density and vast service areas translate to less demand and higher costs.

Telecommunications reform legislation is one of the most comprehensive and significant pieces of legislation that many of us will work on in our congressional careers. Not only does billions of dollars hang in the balance between some of the largest corporations in the world, but more importantly, the affordability and effectiveness of a central element of economic and social life of Americans is at stake—an advanced telecommunications network. I urge my colleagues to address this legislation with an understanding and appreciation for the complexities involved and not to resort to easy ideological solutions. There is too much at stake. Not only do all Senators have a common national goal to promote the development of an advanced telecommunications network, but we share the same responsibility to ensure that all Americans have access to that network—regardless of their geographic residence.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I now move to S. 4, debate on the line-item veto.

The PRESIDING OFFICER. The bill is pending.

CLOTURE MOTION

Mr. McCAIN. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Dole Amendment No. 347 to the bill S. 4, the line-item veto bill:

Bob Dole, Trent Lott, Dan Coats, Slade Gorton, Robert Bennett, John McCain, Ted Stevens, James Inhofe, Mike DeWine, John Ashcroft, Craig Thomas, Bob Smith, Alfonse D'Amato, Mitch McConnell, Larry Pressler, Don Nickles, Pete Domenici.

Mr. McCAIN. Mr. President, as my colleagues are aware, that is the second cloture motion that has been filed at the desk.

Mr. President, after discussion with the majority leader, I think it would be well to inform my colleagues that we anticipate a cloture vote on Wednesday, tomorrow, at some point, at the discretion of the majority leader, and then again on Thursday and, if necessary, another one on Friday.

I remind my colleagues that the bill is under consideration. It is open for amendments. We welcome amendments at this time. I remind Members that first-degree amendments must be filed

by 1 p.m. today in the event of a cloture motion.

Mr. President, in discussions with the majority leader, he has informed me that, if necessary, we would stay, in order to complete consideration of this bill in a timely fashion, that we would plan on staying in late both tonight, tomorrow night, and Thursday night, if necessary. Hopefully, that is not necessary. Hopefully, we can pass a cloture motion and close off debate in 30 hours, of course, with relevant amendments that are germane to be considered at that time.

I also point out that, in the event there are amendments that are not ruled specifically germane to the bill, the Members should file those by 1 p.m. today.

Mr. President, it is clear the intentions on this side of the aisle, and with the majority leader's help, that we do not intend to drag this debate out for weeks. We intend to dispose of the issue. It has been brought up on numerous occasions, dating back to 1985. As short a time ago as last year, a sense-of-the-Senate resolution basically encompassing most of the provisions of the DOLE substitute was voted on, and the issue is clear and will not require extended debate in the view of the majority leader and those on this side of the aisle.

Let me just point out, in the 99th Congress, a hearing was held in committee and the motion to proceed was filibustered. There are 53 current Members of the Senate who were here then. It has been reintroduced every Congress since then. Additionally, in 1990, on July 25, the Senate, the Budget Committee, favorably reported this bill, and finally during the 103d Congress, the Senate voted on a sense of the Senate regarding this issue.

I also remind my colleagues that the bill is very short. It is five pages and one sentence long. It does not require a great deal of time and effort to digest it. It is, I think, rather simple, rather brief, especially compared with bills that we dispose of that are of much greater length on a routine basis around here.

Obviously, Mr. President, there will be questions about this bill. There will be amendments, hopefully, that will help define this legislation. We do not view it as perfect. But the fundamentals associated with it are, in my view, important and unchangeable.

Those are based around the following assumptions:

First, that it would require a two-thirds majority in both Houses in order to override the President's veto. In my view, that is the fundamental principle behind the line-item veto and one that is not negotiable.

Second, the separate enrollment aspect which allows the President to eliminate pork using his constitutional authority by a simple veto as each piece of legislation is divided up into separate bills. Now, there will be a lot of discussion about that, Mr. President. There was the last time, in 1985, when it was brought up.

I point out that I went to see the enrolling clerk to be briefed on the mechanics of separate enrollment. We did a little experiment where we took the Commerce, Science, and Justice bill, which is the largest appropriations bill that was passed last year, just as a trial run, and we broke it up into some 500 pieces of separate enrolled legislation.

I think to ask the President to sign a bill 500 times is a chore. I also believe that to allow tens of billions of dollars of wasteful and unwanted spending to be included, tucked into various appropriations bills, is a far more serious and grievous error.

In another provision of the bill is the sunset provision, which would sunset this line-item veto authority after 5 years. I was not particularly happy about that provision, Mr. President, but there are those on both sides of the aisle that view this for what it is—a significant shift in authority from the legislative to the executive branch.

There are concerns about abuse of this power. So they want an opportunity to review the results of the enactment of this legislation after a 5-year period.

Frankly, I think that that is appropriate. That is another aspect of it.

The final aspect of it, Mr. President, that is going to be debated and be significantly involved is the targeted tax benefits. The targeted tax benefits allows the President to eliminate specific targeted tax benefits. These are rightful shots for transition benefits that help but a few that are not applicable to the general population.

The bill states clearly, and I quote from the legislation:

(5) The term "targeted tax benefit" means any provision:

(A) estimated by the Joint Committee on Taxation as losing revenue within the period specified in the most recently adopted concurrent resolution on the budget . . .

(B) having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.

What that means, Mr. President, is that we are trying to avoid the so-called transition rules in which tax breaks are included for favored individuals or companies. We are trying to avoid things like what happened—and I quote from a New York Times article of May 20, 1994:

A case in point is a provision that would allow some homeowners who rent their homes for a brief period to continue to escape taxes on their rental income. . . .

Since 1976, income from homes and apartments rented for 15 days a year or less has been tax free. No one now in Congress knows for sure, but the word in tax circles for years is this was put into the law for the benefit of people who live in and around Augusta, GA, and who rent their homes for thousands of dollars each April for the Masters golf tournament. At the time that the measure went into the Tax Code, Herman E. Talmadge, Democrat of Georgia, was the second-ranking Senator on the Finance Committee.

This year, to raise money to offset various tax cuts, the House decided to abolish the 15-day rule. But one narrow exception was provided. The rent would still not be taxable if the home was in an area where there was not enough hotel or motel space to accommodate visitors at a particular event. . . .

The folks in Atlanta who are planning housing for the 1996 Olympics this summer are quite pleased with the outcome.

Mr. President, we cannot do that anymore. There is going to be an argument to expand this provision to basically any tax provision in the tax law, in tax bills that are passed.

I think that would be very dangerous. I believe that if we did that, then that would give the President of the United States the ability to veto things like home mortgage deductions, medical expenses deductions, child care tax credit, exclusion from income of employer-provided health care benefits, earned income tax credit, personal exemption, special exemption for the blind, special exemption for the elderly, et cetera, including charitable contribution deductions and State and local tax deductions.

The bill is intentionally narrowly focused on targeted tax benefits to prevent the same kind of abuses that have become rampant in the appropriations process.

I want to point out again and again and again, Mr. President, two-thirds versus a simple majority is the crux of this bill.

We asked for an opinion by the Congressional Research Service on the constitutionality of separate enrollment. There is a Congressional Research Service memorandum to the Honorable DAN COATS from Mr. Johnny H. Killian, who is a senior specialist in American consultant law. The subject is separate enrollment bill and the Constitution.

It is a little long, but I think it is important enough to ask unanimous consent that it be printed in the RECORD, and I ask unanimous consent to print it in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 20, 1995.

To: Hon. Dan Coats. Attention: Megan Gilley.

From: American Law Division.

Subject: Separate enrollment bill and the Constitution.

This memorandum is in response to your request for a constitutional analysis of the draft substitute for the various item veto-rescission proposals now pending in the Senate. Briefly, your substitute would direct that the appropriations committees, the authorization committees in designated cases, and conference committees in designated

cases to include within their bills reported to the House of Representatives or the Senate a level of detail on the allocation of an item of appropriation (or other authority) as is proposed by that House such as is set forth in the committee report accompanying such bill. The substitute then provides for separate enrollment of the designated bills, once passed by both Houses in identical language, as is detailed below.

Discussion here is of particular problems relating to passage of the separated bills, insofar as constitutional issues are raised. We do not deal in this memorandum with the larger issues of separate enrollment and the item veto.[1] In a considerable amount of published material since the preparation of the two memoranda, cited in n. 1, separate enrollment has not been dealt with, the controversy exciting much of the writing being the dispute over the assertion that the President already has the power of item veto if he would but use it.[2] Discussion of that subject we also pretermit. It is to the constitutionality of the mechanics of the proposal's implementation that we turn.

Under the proposal, once an appropriations bill and any authorization bill or resolution providing direct spending or targeted tax benefits has passed both Houses of Congress in the same form, the Secretary of the Senate (if the bill or joint resolution originated in the Senate) or the Clerk of the House of Representatives (if the bill or joint resolution originated in the House of Representatives) would cause the enrolling clerk of such House to enroll each item of appropriation or covered authorization as a separate bill or joint resolution. The separately enrolled measure is to be enrolled without substantive revision, is to conform in style and form to the applicable provisions of chapter 2 of title 1 of the United States Code, and is to bear the designation of the measure of which it was previously a part plus such other designation as to distinguish it from the other items separately enrolled from the same bill. The critical provision then is the following excerpted section.

"A measure enrolled pursuant to [this act] with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution of the United States and shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally."

Constitutional difficulty for the separate-enrollment proposal may be raised by the effectuation of this section. At present, when both Houses have passed a bill in the same form, it is presented by the last House acting on it to a specially appointed clerk for enrolling. Bills and joint resolutions are enrolled, and the enrolling clerk is to make no change, however unimportant, in the text of a bill or joint resolution, although the two Houses may, by concurrent resolution, authorize the correction of errors when enrollment is made. Following enrollment, the Speaker of the House of Representatives and the President of the Senate sign the bill, and it is then presented to the President.[3]

How is it, then, it may be asked, that separate bills, which in their subsequent form have not passed both Houses, may be deemed bills that have passed both Houses and are then properly presented to the President? It is not possible to make a definitive answer to this question. Sound precedent is lacking. However, one may, on the basis of existing precedents and general principles derived from the rule-making powers of both Houses, develop two possible resolutions to the quandary that will be suitable in form for each House to make its own constitutional determination.

Each House of Congress is empowered to "determine the Rules of its Proceedings," Art. I, §5, cl. 2. The authority is quite broad and leaves much to the discretion of each House, but it is not limitless. *United States* v. *Ballin*, 144 U.S. 1 (1892). In that case, the House of Representatives had adopted a rule to break the obstruction of some Members who would deny the existence of a quorum to do business by, though present, refusing to vote or otherwise indicating their presence for purposes of determining a quorum. The rule authorized the Speaker to have the names of nonvoting Members recorded and the Members counted and announced in determining the presence of a quorum. When the rule was challenged, by those asserting that a bill was not passed with a sufficient quorum present, the Court rejected the attack.

"The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional constraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal." Id., 5.

Inasmuch as the Constitution required a quorum to do business but prescribed no method of making the determination of the existence of a quorum, "it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact." Id., 6. The Court then listed several methods the House might have used. "Any one of these methods, it must be conceded, is reasonably certain of ascertaining the fact, and as there is no constitutional method prescribed, and no constitutional inhibition of any of those, and no violation of fundamental rights in any, it follows that the house may adopt either or all, or it may provide for a combination of any two of the methods." Ibid. *Ballin*, thus, stands for the proposition that the power of the Senate and the House of Representatives is quite broad and that the Court will defer in large measure; but by its phrasing, the Court clearly said that it has power to review rules and their application, if there are constitutional inhibitions in existence or if private rights are alleged to be abridged.

That judicial review of congressional rules may be an expansive power is illustrated by *United States* v. *Smith*, 286 U.S. 6 (1932), an opinion by Justice Brandeis. *Smith* concerned the meaning of a disputed rule of the Senate. The Senate has confirmed an appointee to the FPC, the President had been notified, the commission was signed, and Smith took office. The Senate then requested that the nomination be returned for reconsideration; upon the President's refusal, the Senate nonetheless voted again and refused confirmation. The Senate relied upon a role that it construed to authorize such reconsideration.

"The question primarily at issue," the Court said, "relates to the *construction* of the applicable rules, *not to their constitutionality*," Id., 33 (emphasis supplied). The supposed *Ballin* limits were passed. "As the construction to be given to the rules affects persons other than members of the Senate, the question presented is of necessity a judicial one." Ibid. While the Court purported to give great deference to the Senate's construction of its rules, it read the text of the rules, the history and precedents, and the mischief attendant on the Senate's construction to interpret the rules as precluding reconsideration of the appointment. Id., 35–49.[4]

Other cases to be noticed are *Christoffel* v. *United States*, 338 U.S. 84 (1948), and *Yellin* v. *United States*, 374 U.S. 109 (1963), both relating to the practice of investigating committees in following House rules. *Christoffel* involved the question whether the fact that a quorum existed at the beginning of a hearing created the presumption that a quorum continued throughout, including when perjured statements were made, as the house contended. The Court held that it must be shown that a quorum was actually present when the perjury was committed. In *Yellin*, the Court set aside a contempt-of-Congress conviction, because it found the committee had failed to follow its rules, rejecting the argument that under the congressional interpretation of the rules the rules were followed.

The Court of Appeals for the District of Columbia Circuit has long emphasized that the rulemaking clause "creates a 'specific constitutional base' which requires [the courts] to 'take special care to avoid intruding into a constitutionally delineated prerogative of the Legislative Branch." *Vander Jagt* v. *O'Neill*, 699 F.2d 1166, 1173 (D.C.Cir. 1982) (quoting *Harrington* v. *Bush*, 553 F.2d 190, 214 (D.C. 1977)), *cert. den.*, 464 U.S. 823 (1983); *Metzenbaum* v. *FERC*, 675 F.2d 1282, 1287 (D.C.Cir. 1982). Nevertheless, the *Vander Jagt* court dismissed the action, brought by minority-party Members of Congress to contest the party distribution of committee seats, only because it felt the Members had alternative routes to political relief. In *Gregg* v. *Barrett*, 771 F.2d 539 (D.C.Cir. 1985), after dismissing Members as plaintiffs in a suit challenging the accuracy of the Congressional Record, the Court reached the merits of the suit on behalf of private plaintiffs, although it decided against them. And, quite recently, in *Michel* v. *Anderson*, 14 F.3d 623 (D.C.Cir. 1994), the court reviewed on the merits (finding constitutional) the changes in House rules permitting delegates from the territories and the District of Columbia to vote in the Committee of the Whole, subject to revoting in certain instances.[5]

Thus far, we have established that the rule-making power of each House is broad and is entitled to judicial deference, although if there is a constitutional barrier to a particular rule or impairment of a private right there may well be a judicial remedy. We must, therefore, turn to the exercise of the rule-making power of each House in the specific context of the enactment of the separately-enrolled bills.

Beginning that consideration leads us to *Marshall Field & Co.* v. *Clark*, 143 U.S. 649 (1892), decided the same Term as *Ballin*. In *Clark*, certain parties challenged the validity of a tariff law, authenticated by the Speaker of the House and the President of the Senate

Footnotes at end of article.

as having passed Congress, signed into law by the President, and furnished to the Public Printer by the Secretary of State as a correct copy of the law. It was contended that the bill had not been passed because congressional documents showed that a section of the bill, as it finally passed, was not in the bill authenticated by the signatures of the two officers and approved by the President. The holding of the Court was that the judiciary may not look behind the authenticating signatures of the Speaker of the House and the President of the Senate. Its reasoning requires lengthy quoting.

"The argument . . . is, that a bill, signed by the Speaker of the House of Representatives and by the President of the Senate, presented to and approved by the President of the United States, and delivered by the letter to the Secretary of State, as an act passed by Congress, does not become a law of the United States if it had not in fact been passed by Congress. In view of the express requirements of the Constitution the correctness of this general principle cannot be doubted. There is no authority in the presiding officers of the House of Representatives and the Senate to attest by their signatures, nor in the President to approve, nor in the Secretary of State to receive and cause to be published, as a legislative act, any bill not passed by Congress.

"But this concession of the correctness of the general principle for which the appellants contend does not determine the precise question before the court; for it remains to inquire as to the nature of the evidence upon which a court may act when the issue is made as to whether a bill, originating in the House of Representatives or the Senate, and asserted to have become a law, was or was not passed by Congress. Id., 669–670."

The challengers asserted that courts should recur to the journal required to be kept by the Constitution. Art I, §5, cl. 3. But the Court denied that the journal was the best, if not conclusive, evidence upon the issue of whether a bill, in the same form, was, in fact, passed by the two Houses of Congress. The purpose of the requirement was not related to this function, and there was no express requirement in the Constitution relating to this question and others pertaining to bills and joint resolution for inclusion in the journal. These and other matters were left to the discretion of Congress. To what should the courts look?

"The signing by the Speaker of the House of Representatives and by the president of the Senate, in open session, of an enrolled bill, is an official attestation by the two houses of such bill as one that has passed Congress. It is a declaration by the two houses, through their presiding officers, to the president, that a bill, thus attested, has received, in due form, the sanction of the legislative branch of the government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill, thus attested, receives his approval, and is deposited in the public archives, its authentication as a bill that has passed Congress should be deemed complete and unimpeachable. As the President has no authority to approve a bill not passed by Congress, an enrolled act in the custody of the Secretary of State, and having the official attestations of the Speaker of the House of Representatives, of the President of the Senate, and of the President of the United States, carries, on its face, a solemn assurance by the legislative and executive departments of the government, charged, respectively, with the duty of enacting and executing the laws, that it was passed by Congress. The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated; leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution." Id., 672.

Upon the correct interpretation of *Clark* and the convergence of *Clark* and *Ballin*, we suggest, may be found the solution to the issue of the validity of the passage of a series of bills after the passage of the one bill from which the many bills are extracted. The difficulty is that it is not clear what the correct interpretation of *Clark* is; below, we set out three possibilities and evaluate them.

First, *Clark* may be read as simply holding that the "best evidence" of whether a bill had passed both Houses may be found in the signatures of the Speaker of the House and the President of the Senate. The Court would not allow challengers to use the Journal or other legislative evidence to counter the attesting signatures. In a very recent decision, the Court, in part, casually adopted this reading of *Clark*, but it did so in a footnote that also ambiguously appears to go beyond that simple explanation. *United States* v. *Munoz-Flores*, 495 U.S. 385, 391 n. 4 (1990).[6] Inasmuch as that footnote is relevant here and will be relevant in a subsequent portion of this memorandum, we here quote the entire pertinent parts of the footnote.

"[*Clark*] concerned "the nature of the evidence" the Court would consider in determining whether a bill had actually passed Congress. Id. [143 U.S.], at 670. Appellants had argued that the constitutional Clause providing that "[e]ach House shall keep a Journal of its Proceedings" implied that whether a bill had passed must be determined by an examination of the journals. . . . The Court rejected that interpretation of the Journal Clause, holding that the Constitution left it to Congress to determine how a bill is to be authenticated as having passed. Id., at 670–671. In the absence of any constitutional requirement binding Congress, we stated that "[t]he respect due to coequal and independent departments" demands that the courts accept as passed all bills authenticated in the manner provided by Congress. Id., at 672. Where, as here, a constitutional provision is implicated, *Field* does not apply."

Should *Clark* be taken to be simply about what is the "best evidence" that a bill passed both Houses, then in practically all instances the attesting signatures will be decisive. However, respecting the proposals for a separate enrollment following adoption of a single bill and its division into many bills, with these multiple bills being "deemed" to have passed both Houses, it is possible that the courts would adopt a different view. Because both Houses have adopted rules that expressly provide for a separate enrollment, deeming, and the attestation signatures, the courts could exercise judicial review to consider on the merits the rules and their comportment with the Constitution, viewing the signatures of the two officers as essentially irrelevant in the context of this particular situation.

Adoption of this reading of *Clark*, with an exception, would not void the rules thus adopted. It would simply mean that the courts would review the rules on the merits.

Second, *Clark* may be read much more broadly than merely as a best evidence rule. The paragraph quoted in full above from *Clark* does not read as if it is a decision placing a burden of persuasion on some person or at some point. Rather, the passage has the flavor of a "political question" approach to a constitutional issue. "The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated. . . ." *Clark*, supra, 143 U.S., 672, See *baker* v. *Carr*, 369 U.S. 186, 217 (1962) (Identifying the features that identify political questions, including "the impossibility of a court's undertaking independent resolution [of an issue] without expressing lack of respect due coordinate branches of government"). See also *INS* v. *Chadha*, 462 U.S. 919, 941 (1983) (quoting *Baker*); *Nixon v. United States*, 113 S.Ct. 732, 735 (1993) (quoting two of the other standards of *Baker*). Indeed, in *Baker*, itself, the Court viewed *Clark* as a political question case.[7] The political-question doctrine is "essentially a function of the separation of powers." *Baker* v. *Carr*, supra, 217.

Baker, of course, is qualified in a number of respects. "Our system of government requires that federal courts on occasion interpret the Constitution in a manner at variance with the construction given the document by another branch. The alleged conflict that such an adjudication may cause cannot justify the courts' avoiding their constitutional responsibility." *Powell v. McCormack*, 395 U.S. 486, 549 (1969). In that case, the action of the House of Representatives in excluding a Member-elect from office was reviewed and overturned, because the Court determined that there was a constitutional provision governing resolution of the matter, a clause establishing exclusive qualifications that the House had violated. See also *United States v. Munoz-Flores* supra, 495 U.S., 389–396 (refusing to find a political question bar to judicial resolution to whether a revenue-raising measure did not originate in the House of Representatives, as required by the origination clause).

Nonetheless, the political-question doctrine remains alive if restrained in the courts. For example, in *Nixon* v. *United States*, supra, 113 S. Ct., 735–740, the Court refused to review, using the political-question doctrine, a claim by an impeached federal judge that the Senate had used invalid procedures in trying him. Under the impeachment clause, Art. I, §3, cl. 6, "[t]he Senate shall have the sole Power to try all Impeachments." Under a rule of the Senate, a special committee of Senators is appointed to "receive and report evidence." After hearings, the committee submits a transcript and summary of its proceedings to the Full Senate, which then conducts a trial. Nixon argued that the special-committee procedure denied him a trial before the full Senate. Applying two standards from the *Baker* list, the Court found that the word "sole" in the clause was a textual commitment of authority to the Senate to act *alone* without court review; further, the Court found the word "try" in the clause was sufficiently indefinite to cabin the Senate's discretion, thus using the lack of judicially-manageable standards factor of *Baker*. See also id., 738–739 (referring to other *Baker* factors).

Superficially, the application of the political-question doctrine in this context is contrary to *INS* v. *Chadha*, supra, 462 U.S., 940–943. That decision denied that a challenge to the legislative veto presented a political question, and on the merits the Court went on to hold that for a congressional measure to have legal effect outside Congress it must

be acted on bicamerally and when passed in identical terms by both Houses must be presented to the President. The Court provided a truncated version of the quotation from *Clark*, which we quoted above, to reject the argument that the issue presented a politcal question. It did not consider the issue of the effect of attesting signatures by the two congressional officers, and it could not have done so because only bills and joint resolutions are enrolled, signed, and presented to the President. The simple resolution before the Court in *Chadha* was not enrolled, signed, and presented to the President, and neither was the concurrent resolution in question in two-House legislative vetoes.[8]

Chadha, thus, was a case in which by statute congressional actions having legal impact outside Congress were provided for in which, in some instances two-House actions were authorized, in others one-House actions, and none of the resolutions or concurrent resolutions was presented to the President. *Chadha* is, therefore, of no precedential value in this context, although it must be considered below.

If, under the political-question doctrine, courts will not look behind the attestation signatures of the Speaker and the President of the Senate, then Congress may provide for "deeming" the passage of the separated bills without fear of judicial review. This situation does not mean that Congress is free of constitutional constraints. Members of Congress take an oath, identical to the one taken by judges, to support the Constitution, Art. VI, cl. 3, and Members of Congress must determine for themselves that a measure upon which they are voting is constitutional, *United States* v. *Munoz-Flores*, supra, 495 U.S., 390–391, just as the President must before he signs a bill. But it does mean that Congress' constitutional determination is not susceptible to judicial invalidation.

When Congress studies the constitutionality of a proposal, it performs essentially the same analysis as a court does, and we now turn to the issue of the merits.

Third, assuming the inapplicability of the political-question doctrine, when either a court or Congress evaluates the validity of the deeming mechanism, what should the decision be?

Beyond question is the proposition that a measure must be passed in the same form by both Houses before it is presented to the President for his action; no bill not meeting this qualification can become law. *Clark*, supra, 143 U.S. 669–670, *INS* v. *Chadha*, supra, 462 U.S., 943, 944–946, 948–951, 956–959. And that is precisely the question presented by this proposal. A bill has passed both Houses in identical terms, and it is then subdivided into a series of bills excerpted out of the larger bill by an enrolling clerk acting pursuant to the rules of the two bodies. If the separately-enrolled bills are not again presented to both Houses for a vote, perhaps an en bloc consideration, has the bicameralism requirement been met.

That each House has the power to make the rules for its own proceedings is a substantial authority, as *Ballin* certainly demonstrates. There, the Constitution required a quorum to do business, but the Constitution was silent with respect to how a quorum was to be determined. Members present declined to answer to a call of the roll to permit a determination that a quorum was present, and the House of Representatives simply provided that they would nonetheless be counted.

When the House of Representatives or the Senate determines its rules of proceeding, the *Ballin* Court instructed us, "[i]t may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained." *Ballin*, supra, 144 U.S., 5. Within this capacious concept, what provision of the Constitution would the "deeming" provision violate? We certainly cannot point to any fundamental right that is abridged. The constitutional constraint that is applicable is the first section of Article I, which sets a bicameral requirement for the exercise of lawmaking. But Congress in the proposal does not disregard the bicameralism mandate. A bill in identical form has passed both Houses. Then, a functionary, the enrolling clerk, follows instructions embodied in the rules and separates out of this bill a series of sections identical to the sections contained in the larger bill and enrolls these sections into separate bills; these bills are signed by the Speaker of the House and the President of the Senate, and these bills are then presented to the President for his signatures or his vetoes.

One can readily see that the question is much more narrow than the mere issue whether Congress can pass a law that has not cleared both Houses in identical versions. A bill has passed both Houses in an identical version. The separately enrolled bills, *taken together*, are identical to that initial bill. If Congress should conclude that this two-step process comports with the constitutional requirement of bicameral passage of a legislative measure, in what way has a constitutional restraint been breached?

If the "deeming" procedure is invalid, the validity of the deeming feature of Rule XLIX of the House of Representatives is highly suspect. Under that Rule, adoption by the House of Representatives of the conference report on the concurrent resolution on the budget, or on the concurrent resolution itself if there is no conference report, is deemed to be a vote in favor of a joint resolution setting a statutory limit on the public debt, different than the limit then in effect, and the joint resolution is engrossed and transmitted to the Senate. There is no precise equivalency between the Rule and the proposal; yet, there is sufficient identify to present the same constitutional question.

In some respects, as we briefly touch on below, the appropriations committees, and perhaps some legislative committees, may have to alter how they report bills that are to be subject to this process, inasmuch as to continue the present mode of bill drafting would require the enrolling clerk[s] to exercise too much judgment, too much discretion,in breaking down the bills, with the result that to make sense of some sections designated as separate bills, these bills would not be identical to the bill previously passed. This reservation is meant only to suggest that some separate enrollments might present an as-applied constitutional challenge. We are here concerned with the facial constitutional questions.

Issues of validity could also be influenced in determination by two other factors. That is, first, Congress is not seeking to aggrandize itself or to infringe on the powers of another branch. Instead, the procedure would be, in effect, and act of self-abnegation, a giving-up of some degree of congressional power and influence in order to enlarge the power and influence of the President and to lodge in him the burden of deficit reduction. Second, to forestall the argument that Congress might have invalidly given up too much power, might have over-balanced presidential power, it must be observed that these rules are entirely an internal matter, subject to alternation by simple resolution at any time in either House. There is no irrevocable conveying away.

Finally, as we suggested above, it may be necessary for the appropriations committees to revamp the mode of reporting bills. In addition to the necessity to achieve identify between the original bill and the separated bills, to leave to the enrolling clerk[s] too much discretion might violate the principle, found in some cases, that Congress may not delegate its legislative power to its Members or its officers and employees. The legislative power is a collective one to be exercised by Congress itself and not by delegates. *Metroplitan Washington Airports Auth.* v. *Citizens* for the Abagtement of Aircraft Noise, 501 U.S. 252, 271–277 (1991). The details of this revamping remain open for consideration.

In conclusion, we have argued that the deeming procedure may present a political question unsuited for judicial review and thus that Congress would not be subject to judicial review. We have considered, on the other hand, that the courts may find they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the courts, and even if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of the principle that a bill, in order to become law, must be passed in identical versions by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct; indeed, there are questions about all three. In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

FOOTNOTES

[1] In an older memorandum Killian, *Constitutionality of Empowering Item Veto by Legislation*, CRS, Jan 4, 1984, and as shorter follow-up memorandum, Killian, *Constitutional Questions Raised by S. 43 in Establishing Item Veto*, Jan, 15, 1985, reprinted in *Line Item Veto*, Hearings before the Senate Committee on Rules and Administration, 95th Cong., 1st Sess. (1985), 10–20, we discussed at some length the question of the line-item veto and whether it could be conferred on the President by statute, concluding that only through a separate-enrollment device would such a conferral be valid constitutionally. In those memoranda, we raised and discussed but were unable to decide the questions now being treated. The longer memorandum also appears, in essentially the same form, in *Item Veto: State Experience and Its Application to the Federal Situation*, *House* Committee on Rules, 99th Cong., 2d Sess. (Comm. Pr. 1986), 164.

[2] E.g., Rappaport, *The President's Veto and the Constitution*, 87 Nw., U. L. Rev. 735 (1983), which also cites a considerable number of articles on both sides of the issue.

[3] Constitution, Jefferson's Manual and Rules of the House of Representatives, H. Doc. No. 102–105, 102d Cong., 2d sess. (1993), §§573–574; 7 L. Deschler's Precedents of the United States House of Representatives, H. Doc. No. 94–661, 94th Cong., 2d Sess. (1977), ch. 24, §14.

[4] Compare *Missouri Pac. Ry. Co.* v. *Kansas*, 248 U.S. 276 (1919), in which, although it found justiciable an issue regarding a congressional rule, the Court deferred much more to the legislative construction than it did in *Smith*.

[5] See *United States ex rel. Joseph* v. *Cannon*, 642 F.2d 1373 (D.C.Cir. 1981) (dismissing suit under False Claims Act based on use of senatorial employees in political campaigns on the ground that Senate had developed no standards by which court could determine whether Act had been violated, reserving question whether it could enforce Senate rules even if consensus had been reached), *cert. den.* 455 U.S. 999 (1982); *Ray* v. *Proxmire*, 581 F.2d 998, 1001 (D.C.Cir.)

(finding a Senate rule created no private cause of action and reserving whether a Senate rule ever could), *cert. den* 439 U.S. 933 (1978).

[6]The Court was responding to a concurrence by Justice Scalia that adopted a broad reading of *Clark*, in which he would have declined to reach the merits of an origination clause challenge to a law and would have instead accepted the attesting signatures of the Speaker of the House and the President of the Senate as showing that the bill, bearing a House of Representatives designation, had in fact originated in the House. Id., 408. The origination clause is Art. I, §7, cl. 1.

[7]"In *Coleman* v. *Miller*, [307 U.S. 433 (1939)], this Court held that the questions of how long a proposed amendment to the Federal Constitution remained open to ratification, and what effect a prior rejection had on a subsequent ratification, were committed to congressional resolution and involved criteria of decision that necessarily escaped the judicial grasp. Similar considerations apply to the enacting process: "The respect due to coequal and independent departments," and the need for finality and certainty about the status of a statute contribute to judicial reluctance to inquire whether, as passed, it complied with all requisite formalities. [Citing *Clark*, supra, 143 U.S., 672, 676-677; and also *Leser* v. *Garnett*, 258 U.S. 130, 137 [1922] (applying *Clark* to refuse to look behind certifications by two States that they had ratified a constitutional amendment; official notice "is conclusive upon the courts)].

[8]See *Consumers Union* v. *FTC*, 691 U.S. 575 (D.C.Cir. 1982), *affd. sub nom. Process Gas Consumers Group* v. *Consumer Energy Council*, 463 U.S. 1216 (1983).

Mr. McCAIN. Mr. President, I will read the concluding paragraph and urge my colleagues to read the entire opinion. Mr. Killian obviously is a well-known and well-respected specialist on American constitutional law. He states in the final paragraph:

In conclusion, we have argued that the deeming procedure may present a political question unsuited for judicial review and thus that Congress would not be subject to judicial review. We have considered, on the other hand, that the courts may find they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the courts, and even if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of the principle that a bill, in order to become law, must be passed in identical versions by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct; indeed, there are questions about all three. In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

I want to repeat, again:

In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

There will be views expressed by my colleagues that, indeed, there is a question about constitutionality, and they may argue that that is a reason for opposing this legislation. I will respect their views. I, however, will not agree.

Mr. President, in this morning's Washington Times, there is an article by Mr. Stephen Moore, who is the director of fiscal policy studies at the Cato Institute. As we all know, the Cato Institute is a well-regarded organization and one that is dedicated to many causes, including fiscal responsibility.

Mr. President, I will read some parts of this article because I think it is important, and I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Times, Mar. 21, 1995]

SHARPENING THE BUDGET SCISSORS

(By Stephen Moore)

This week the Senate begins debate on the line-item veto for the president, Taxpayers have been demanding this act of fiscal sanity for at least 15 years.

Now, there they go again, Just when it appeared that the line-item veto would become a reality, several moderate Senate Republicans are lining up with liberal Democrats to submarine the effort by insisting upon a line-item veto with a dull blade. Yet the experience of the states—where 43 governors have line-item veto authority—indicates that weakened versions of this budget cutting instrument are almost the equivalent of no-item veto at all. The GOP needs to band together to block this fraudulent alternative and rally behind the toughest measure possible—the Coats-McCain bill.

Once during the last year of the Reagan administration I was asked to testify on the line-item veto before the House Judiciary Committee. It was a miserable experience. One Democrat after another savaged the idea as nothing more than a blatant partisan power-grab. There message was unmistakable: Reaganites are trying to pull an end run around the Democrat-controlled Congress because they can't win at the polls.

In hindsight, it is understandable why House Democrats thought that way. Republicans seemed to have a permanent electoral padlock on the White House, while the notion of a GOP Congress seemed as improbable as the Speaker of the House and the chairman of the Ways and Means Committee being ejected from office in the same year. How ironic that the first president to snip spending with the new veto scissors may well be Democrat Bill Clinton, and he will be empowered to do so by a Republican-controlled Congress. So much for the partisan power-grab argument.

Now opponents have shifted gears. Today, we hear two new objections to the line-item veto—both of which are also wrong. The first argument is that the line-item veto would involve a huge and unprecedented power shift in the direction of the White House. Powerful Senate appropriators Robert Byrd and Mark Hatfield are endlessly preaching that message.

But history disproves it. The line-item veto is only a partial restoration of the rightful budgetary powers of the president, which were stripped from the executive branch by the 1974 Budget Act. That act took away the president's right to impound funds—a power that was exercised routinely by every president from Thomas Jefferson through Richard Nixon. Jefferson first employed the power to refuse to spend appropriated funds in 1801 when he impounded $50,000 for Navy gunboats.

The Founders believed that the president, as the head of the executive branch and therefore responsible for executing the laws and spending taxpayer funds judiciously, had unilateral authority not to spend money appropriated by Congress if that spending was unnecessary.

Impoundment was an extremely powerful White House authority that was exercised often for nearly 200 years. Presidents Roosevelt, Kennedy, Johnson and Nixon used the impoundment power routinely—and in some years used it to cut federal appropriations by more than 5 percent. In one year, Richard Nixon impounded more than 7 percent of domestic appropriations.

In 1974 Congress stripped the president of his lawful impoundment powers and instead gave him two very weak substitutes: the deferral and rescission authorities. But rescissions require Congress affirmatively to approve a presidential request not to spend money. Most rescissions are simply ignored by Congress and never even voted on. Thus through congressional in action, they are killed. Twenty-six billion dollars of Ronald Reagan's rescissions were slain in that fashion.

The second criticism of the line-item veto is that it won't affect the level of spending or the debt. To test that supposition, the Cato Institute recently surveyed 118 governors and former governors about what budget process measures Washington should adopt to help balance the budget. Sixty-seven of the respondents were Republicans, 50 were Democrats, and one was an independent. Since 43 states have the line-item veto, governors are in the best position to assess its value. Some governors, such as Tommy Thompson of Wisconsin, have relied heavily on the line-item veto to cut expenditures and balance the budget.

The major findings of our survey were as follows:

Sixty-nine percent of the governors described the line-item veto as "a very useful tool" in helping balance the state budget.

Ninety-two percent of the governors believe that "a line-item veto for the president would help restrain federal spending."

Eighty-eight percent of the Democratic governors believed the line-item veto would be useful.

Then we asked the governors why they supported or opposed the line-item veto. Here are some of the more interesting responses we received:

Hugh L. Carey, the former Democratic governor of New York, said, "I support the line-item veto because it is an executive branch function to identify budget excesses and wasteful items. It is an antidote for pork."

Massachusetts governor William Weld wrote, "Legislators love to be loved, so they love to spend money. Line-item veto is essential to enable the executive to hold down spending."

Ronald Reagan said, "When I was governor of California, the governor had the line-item veto, and so you could veto parts of the spending in a bill. The president can't do that. I think, frankly—of course, I'm prejudiced—government would be far better off if the president had the right of line-item veto."

Mike O'Callaghan, the former governor of Nevada, and a Democrat, was the most concise: "The line-item veto is a tremendous tool for saving money."

Critics are right when they complain that the line-item veto won't balance the budget. But a useful way to determine potential budget savings from the line-item veto is to look at rescissions that have been ignored by Congress in recent years. If those had been approved, savings would have been $5 billion to $10 billion a year in less shark research, lower sugar subsidies, and fewer grants for obscene art.

And for those who still doubt the virtue of the line-item veto, perhaps the most compelling case for this surgical tool is made by Messrs. Byrd and Hatfield. Their violent opposition should provoke a deep appreciation for the value of these new fiscal scissors.

Mr. McCAIN. Mr. President, Mr. Moore's article begins:

This week the Senate begins debate on the line-item veto for the President. Taxpayers have been demanding this act of fiscal sanity for at least 15 years.

Now, there they go again. Just when it appeared that the line-item veto would become a reality, several moderate Senate Republicans are lining up with liberal Democrats to submarine the effort by insisting upon a line-item veto with a dull blade.

Mr. Moore wrote this article before we, all 54 Republicans, agreed to vote for cloture to cut off debate on this issue.

Yet the experience of the States—where 43 Governors have line-item veto authority—indicates that weakened versions of this budget-cutting instrument are almost the equivalent of no-item veto at all. The GOP needs to band together to block this fraudulent alternative and rally behind the toughest measure possible—the Coats-McCain bill.

He goes on to say:

Now opponents have shifted gears. Today, we hear two new objections to the line-item veto—both of which are also wrong. The first argument is that the line-item veto would involve a huge and unprecedented power shift in the direction of the White House. Powerful Senate appropriators . . . are endlessly preaching that message.

But history disproves it. The line-item veto is only a partial restoration of the rightful budgetary powers of the President, which were stripped from the executive branch by the 1974 Budget Act. That act took away the President's right to impound funds—a power that was exercised routinely by every President from Thomas Jefferson through Richard Nixon. Jefferson first employed the power to refuse to spend appropriated funds in 1801 when he impounded $50,000 for Navy gunboats.

Mr. President, time after time on this floor, and I am sure during the course of this debate I will point out again, it is not a coincidence that up until 1974, revenues and expenditures on the part of the Federal Government basically were in sync. There were times of war when we ran up huge deficits, but after those emergencies subsided, we again brought the budget into balance. It was in 1974 when the two began to diverge to an incredible degree.

I want to point out again, and it is not coincidental, in 1974, the entire annual deficit for that year was $6 billion. The entire national debt was $483 billion. Now in 1994, the annual deficit is $203 billion, about half of what the overall accumulated debt was, and the estimate of the total debt between 1974 and 1996 has risen from $483 billion to $5.299 trillion.

There is a direct correlation between the passage of the Budget Impoundment Act of 1974 and the exploding deficit and annual deficit and debt.

The Founders believed that the President, as the head of the executive branch and therefore responsible for executing laws and spending taxpayer funds judiciously, had unilateral authority not to spend money appropriated by Congress if that spending was unnecessary.

Impoundment was an extremely powerful White House authority that was exercised often for nearly 200 years. Presidents Roosevelt, Kennedy, Johnson, and Nixon used the impoundment power routinely—and in some cases used it to cut Federal appropriations by more than 5 percent. In 1 year, Richard Nixon impounded more than 7 percent of domestic appropriations.

In 1974, Congress stripped the President of his lawful impoundment powers and instead gave him two very weak substitutes: the deferral and rescission authorities. But rescissions require Congress affirmatively to approve a Presidential request not to spend money. Most rescissions are simply ignored by Congress and never even voted on. Thus through congressional inaction, they are killed. Twenty-six billion dollars of Ronald Reagan's rescissions were slain in that fashion.

The second criticism of the line-item veto is that it won't affect the level of spending or the debt. To test that supposition, the Cato Institute recently surveyed 118 Governors and former Governors about what budget process measures Washington should adopt to help balance the budget: 27 of the respondents were Republicans, 50 were Democrats, and 1 was an Independent. Since 43 States have the line-item veto, Governors are in the best position to assess its value. Some Governors, such as Tommy Thompson of Wisconsin, have relied heavily on the line-item veto to cut expenditures and balance the budget.

The major findings of our survey were as follows:

Sixty-nine percent of the Governors described the line-item veto as "a very useful tool" in helping balance the State budget.

Ninety-two percent of the Governors believed that "a line-item veto for the President would help restrain Federal spending."

Eighty-eight percent of the Democratic Governors believed the line-item veto would be useful.

Then we asked the Governors why they supported or opposed the line-item veto.

And some of the responses were very interesting.

I will not go through all of those answers, Mr. President except to say the article concludes by saying:

Critics are right when they complain that the line-item veto won't balance the budget. But a useful way to determine potential budget savings from the line-item veto is to look at rescissions that have been ignored by Congress in recent years. If those had been approved, savings would have been $5 billion to $10 billion a year in less shark research, lower sugar subsidies, and fewer grants for obscene art.

And for those who still doubt the virtue of the line-item veto, perhaps the most compelling case for this surgical tool is made by [others]. Their violent opposition should provoke a deep appreciation of the value of these new fiscal scissors.

Mr. President, I wish to address for a moment the issue of the constitutionality of several issues that are raised here, and there are a number of them. I will save some of them, but I wish to talk about the aspect of the constitutional objection, the objection that it is unconstitutional because it would change the Constitution, specifically the veto power, by act of Congress. The response is as follows:

Article I, Section 5 of the Constitution permits this procedure. Nothing in article I, section 7 is violated by this procedure. Under this proposal, all bills must be presented to the President. He may sign or veto all bills. He must return vetoed bills with his objections. Congress may override any veto with a two-thirds majority of each House.

Under article I, section 5, Congress possesses this power to define a bill. Congress certainly believes that it possesses this power since it and it alone has been doing so since the first bill was presented to the first President in the first Congress. If this construction of article I, section 5 is correct, the definition of a bill is a political question and not justiciable. "Prominent on the surface of any case held to involve a political question is found a textually demonstrable Constitutional commitment of the issue to a coordinated political depart." Baker v. Carr, 369 U.S. 186 (1962). "A textually demonstrable constitutional commitment" of the issue to the legislature is found in "Each house may determine the Rules of its Proceedings." If Congress may define as a bill a package of distinct programs and unrelated items, it can define distinct programs and unrelated items to be separate bills. Either Congress has the right to define a bill or it does not. Either this proposal is constitutional or the recent practice of Congress in forming omnibus bills containing unrelated programs and nongermane items is constitutionally challengeable. If the latter, the President would be well advised to bring such suit against the next omnibus bill.

Mr. President, there have been about 3 days of debate now. We are going into our 4th day. I have talked a great deal. The other side of the aisle has not chosen to talk too much about it. I urge my colleagues to take note of the fact that we are now open for amendments. If there are amendments, I urge my colleagues on both sides of the aisle to bring forth those amendments so they can be debated and voted on. And as I said, again, it is the intention on this side of the aisle expressed by the majority leader to dispose of this issue this week by means of cloture votes. At the same time, as to any substantive amendments and proposals, I believe there is sufficient time for them to be considered and voted on.

I note the presence of the Senator from Nebraska in the Chamber.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first of all I want to thank the Senator from Arizona, along with the Senator from

Indiana, who has shown such leadership in this area for so many years. I welcome the opportunity to assist in the effort.

Mr. President, the debate is now joined on the line-item veto and we are hearing the arguments for and against. It has been joined before. It has been discussed many times in this body. Hopefully, this time it will pass. I think the time has come. The American people demand it and the country needs it.

It has been said that the line-item veto or enhanced rescissions will not in and of itself balance the budget. And that is certainly true. It will require a President who is willing to use the tool that is given to him, and use it firmly. And, I might add, it will also require a President who will not use it simply to reprioritize his own programs over those programs of the Congress.

But while we are debating the likely effectiveness of this issue, I think it is important that we remember why we are engaging in this debate at all, why the line-item veto is brought up again year after year in this body, the reason for its overwhelming popularity among the American people and even the reason that for many people in this country it has now become a virtual battle cry.

Mr. President, the short answer is that it is because we as a people are struggling mightily in this country, some might even say desperately, for ways to restrain Congress from irresponsible spending, for ways to stop Congress from continuing down the road of fiscal irresponsibility and the eventual bankruptcy of the United States of America.

Congress, in times past, has shown that it cannot restrain itself. We continue to look at $200 billion deficits every year as far as the eye can see. We have debated in this body, over a period of 60 years or more, the need for a balanced budget. We have reached almost unanimous consensus, even in the debate over the balanced budget amendment, that, yes, indeed, we must move toward a balanced budget, we must exercise some fiscal restraint. Year after year over that period of time, we have passed resolutions calling for a balanced budget. We have required the President to submit budgets to Congress that were in balance. We even passed a law in 1979 making it the law of this land that the budget be balanced by 1981. And, of course, when 1981 rolled around, another substantial deficit. Even our own laws were ignored by us.

In 1981, Congress was concerned, the entire Nation was concerned, as the debate turned toward the fact that we were approaching a $1 trillion debt in this country. Those were dire circumstances.

Now we are approaching a $5 trillion debt. Not only have we failed legislatively, Mr. President, but we have proven that we cannot restrain ourselves by means of a constitutional amendment. The balanced budget amendment failed in this body, even though it enjoyed the overwhelming support of the American people.

Appeals to self-interest and fear and shortsightedness carried the day once again in this body. Social Security, the last refuge of those in Congress who panic at the very thought of putting the lid on the pork barrel, was trotted out once again, even though we all know that the greatest threat and the only threat to Social Security is to continue down the road of deficit spending, is to do nothing and maintain the pattern that we have maintained in this Congress for so many years, because we all know within a few years, it is going into the red and we must have the farsightedness to address that now.

This is part of what we are about today, Mr. President. Now, having failed legislatively, having failed to adopt a constitutional amendment, the American people are saying that we should at least give the President of the United States the opportunity to have the most egregious, the most unnecessary, and the most wasteful spending measures made a little bit more difficult—not to make them impossible—to make them a little bit more difficult by requiring Congress to come up with a two-thirds majority vote if they want to pass it. I suggest to you that this is, indeed, a modest proposal in light of the dire economic circumstances that we find ourselves in as a nation.

And so for the second time in less than a month, we come together on the floor of the Senate to debate whether or not we have the courage to take the first step toward economic responsibility and recovery or whether, once again, we are going to fail ourselves, fail our constituents and fail the next generation. We simply must do better.

For 33 of the last 34 years, the Federal Government has run deficits and our elected officials have not had the will to change that course. Our Federal Government has run a deficit every year for the past 25 years—an entire generation—and we have not taken steps to break this insidious, this persistent pattern. It took our Nation more than 205 years to reach a $1 trillion national debt, but it only took another 11 years to quadruple it. And still we lack the will.

Now, for the next 5 years at least, the President has proposed annual budgets in excess of $200 billion a year. This means for the next 5 years, the Nation will accumulate another trillion dollars of debt, debt that is stifling investment, cutting into productivity, debt that has changed us from a creditor nation to a debtor nation.

Our economic growth has been anemic and one day surely, as night follows day, if we continue this course of action, America will decline as a great power. The first warning shot of that decline perhaps has already been fired.

I am sure that we have all noted with concern the precipitous drop in the dollar against the German mark and the Japanese yen since the failure of Congress to pass the balanced budget amendment. I submit to you that this is no accident. For decades, the U.S. dollar has been the standard against which the value of all other currencies in this world are measured. For many nations, it has served as a reserve currency. As such, the dollar is used as a storehouse of value in exchange for goods and services the world over. Investors buy the dollar because the U.S. economy has had a long reputation for reliability and for stability. Important commodities, such as oil, are priced in dollars. Any country that wishes to import oil must pay in dollars. We have been fortunate in this respect because of the high value placed upon the dollar in making it attractive as an investment vehicle and, thus, giving us our ability to, in large part, finance our national debt with foreign dollars.

When our debt was a small percentage of the gross national product, we could afford deficit spending and the inflation that it produced, but now our mounting deficits scare away capital and the value of the dollar. My distinguished colleague from Colorado, Senator BROWN, demonstrated recently in stark relief before the Senate Banking Committee the fall of the value of the dollar against the yen and the mark when the President announced the Mexican bailout. But more importantly, he showed the clear and unmistakable drop in the dollar's value when the balanced budget amendment was defeated in the Senate of the United States. That drop occurred for only one reason—one reason and one reason only—and that is that the world's investors lost faith in the political leadership of this country to act as wise stewards of America's Treasury.

That loss of confidence, manifested by the recent drop in the dollar, will have an inflationary impact on our economy. Goods will become more expensive as the price of imported components rise. Americans traveling abroad will find it to be increasingly expensive. Finally, the drop in the dollar's value will likely cause interest rates to rise and further exacerbate our budget deficit.

We are deluding ourselves if we think that simply because of our great wealth and natural resources that we are immune from economic loss and that our reputation for economic stability and growth will make us immune. We cannot continue to draw on this much foreign investment to finance our deficit indefinitely, and we only have to look to our neighbors to the south to give us some indication of what can happen.

Mr. President, we are all aware that we have a system of checks and balances in this country, a system of separation of powers, and that there is a constant pulling and tugging between the executive and the legislative branches of Government for power and authority, and sometimes in our history, even ascendancy. This is right and proper because this was one of the most fundamental parts of the framework that our Founding Fathers put together in the operation of our Government.

Some say that the line-item veto would give too much authority to the President and take that system out of balance in favor of the President. However, I think that in viewing history that we must conclude on the contrary that the current legislation before this body would bring things more into balance.

In fact, the 1989 report of the National Economic Commission has suggested that "the balance of power on budget issues has swung too far from the executive toward the legislative branch."

Virtually all Presidents have impounded funds as a routine matter of their executive discretion to accomplish what they believe is efficiency of management and Government. In the 1950's and 1960's, disputes arose over the impoundment authority—in fact, disputes have gone back much further than that—but during that particular period of time in our history, which resulted from the refusal of several Presidents to fund certain weapons systems, for example, to the full extent authorized by Congress. President Johnson made broad use of impoundment authority during his administration by deferring billions of dollars on spending in an effort to restrain inflationary pressures on the economy during that period of time.

Conflict over the use of impoundment has greatly increased, of course, during the Nixon administration. A moratorium was placed on many things that are currently on the table again and being debated and discussed. Ironically enough, subsidized housing programs, community development activities, certain farm programs—all were either suspended or eliminated altogether during that period of time by President Nixon.

However, by 1974, the Congress of the United States found not only a weakened President Nixon because of Watergate but, because of that same scandal, a weakened Presidency, and employing a vacuum, Congress moved in and asserted itself and responded by passing the 1974 Budget Control and Impoundment Act, which greatly diminished the President's authority to impound funds.

So while this may be only one of many reasons—and it certainly is—I think it not inappropriate to point out that since that time, we have not had a balanced budget in this country. Since the President's rescission now does not go through unless Congress actually votes within 45 days to support him, few rescissions actually occur anymore.

According to the General Accounting Office, in the past 20 years since this Budget Act was passed, there have been 1,084 Presidential rescissions reflecting a total of $72.8 billion. Congress has agreed with only 399, or about 23 billion dollars' worth.

That is why we are here today to consider this legislation, to finally put some teeth into the rescission process. After 20 years in which we have managed to cut only about $1 billion a year, time for amending the 1974 act, I submit, is long overdue. We must finally provide some recourse for the Nation's Chief Executive to reduce spending that is actually sinking America $200 billion more in debt. This legislation obviously is not a cure-all or a panacea, not for everything that ails us. In reality, it is perhaps little more than a few sandbags in the dike. But it is a beginning. It is a movement by Congress in the right direction for a change. It is a step forward.

Mr. President, the current legislation is a result of many years of hard work by many people. I have already recognized Senator MCCAIN, Senator COATS, Senator DOMENICI, and others who have worked on this so hard—Senator STEVENS on our side and several from the other side of the aisle.

I think what we now have is a true bipartisan piece of legislation. It represents already much compromise and much accommodation to the legitimate concerns that have been expressed by Members on both sides of the aisle. Now I think it represents a real opportunity to finally inject some discipline into the budgetary process. It has been needed for a long time. It does some things, from my understanding and review of the history, which have not been done before, which have not been submitted at this stage of the process before. For instance, it covers any increase in any budget item. There has been criticism in times past that proposals have only covered discretionary spending. And as we all know, discretionary spending is becoming a smaller part of the overall budget—I think now down to around 16 percent. This proposal would also cover mandatory spending. As far as the future is concerned, it also reaches targeted tax benefits that have the practical effect of giving tax breaks to limited groups of taxpayers.

Now, this is an opportunity that we cannot afford to miss. Following on the heels of the agonizing and divisive defeat of the balanced budget amendment, the 104th Congress needs to recover and go on down the road, Mr. President. There is much that this Congress can accomplish if it does not dissolve into shortsightedness and partisan bickering. This is a time and a place and a legislative proposal where we can come together and put that to an end. If it is true that every journey starts with one step, then let this measure before us serve as that first step toward real budgetary reform.

I yield the floor.

Mr. COATS. Mr. President, I thank the Senator from Tennessee for his statement in support of the line-item veto. He has only been here a few months, but already he has been a powerful voice for change in this institution. It is change which I believe the taxpayers and constituents that we represent called for in the November elections. They want a change in the way we do business. They want a change in the way Congress represents them, a change in the mechanics. They are tired of hearing promises delivered from this floor over and over and over again that, yes, give us another chance; we will do better next time.

What we are seeking to do with this line-item veto proposal is change fundamentally the way we make decisions and the way that we spend taxpayers' dollars. The effort that Senator MCCAIN and I and others have been working on for so long appears to be reaching a point where we will be making a final decision as to whether or not we will bring that fundamental change to this body.

The substitute which Senator DOLE offered last evening on this floor was the result of days and weeks of some very tough negotiations involving Members who have had a history of involvement with the appropriations process, with the tax writing process, with the entitlements process, with the spending process of this Congress.

We took an idea, a concept that has been discussed, as I indicated on this floor yesterday, for nearly a century, that is enjoyed by 43 Governors, that has been called for, asked for, requested by, with one exception, every President of this entire century.

The request is simply to allow the President a check and balance against a practice that Congress has been engaging in which allows Members of the legislative branch to attach to major pieces of legislation, most of which they are pretty confident the President has little or no choice of signing, specifically targeted items, specifically designated items that go to provide a benefit for a particular class of individuals, small group of individuals, which cannot be defined in any sense in the national interest.

It may have been something that was generally accepted and overlooked in the past as we were running budgets which were roughly in balance. It was seen as a way of, I guess, making the process work here: You support this for me; I will support that for you, or I

need to take this back home to let the constituents know that I am looking out specifically for them.

At a time when our annual deficits are running $200 billion or more, at a time when our national debt is reaching staggering proportions, nearly $5 trillion, we can no longer afford to practice business as usual. The vote which will eventually occur on this item is a vote for one of two courses. One course is business as usual. The other is for a change in the way business is done, for a discarding of the status quo.

For my colleagues who are in the process now of studying the final proposal that was put forth and is the result of several weeks of negotiations, let me just explain that it is not all that complicated. It is only five pages and one line of language which essentially takes the line-item veto concept—that is, the two-thirds vote that is necessary to override a decision of the President of the United States which will be granted to him, the authority of which will be granted to him to line-item out specific spending requests or items that increase spending, send them back to the Congress, and if the Congress wants to reinstate those, it will require a two-thirds vote.

That is the core concept of line-item veto—veto, the process of overriding a decision, that process which involves a two-thirds vote, and it is embodied in the Constitution of the United States. We are incorporating that into this process. We are then applying that principle of two-thirds to the various functions of spending that take place as we write legislation.

Originally, the McCain-Coats proposal only addressed appropriated items, items that came out of the Appropriations Committee that affected discretionary spending. As Senator STEVENS has correctly pointed out, we were targeting then the line-item veto procedure to too narrow a slice of spending. We were applying it to an area under the control of the Appropriations Committee, which admittedly carried what most would describe as pork-barrel, pork-spending items, but which only went to a portion of our entire budget. Senator STEVENS suggested that that ought to be expanded, and we looked for ways to do that. Interestingly enough, we reached back into a process that has been debated at length on this Senate floor. It goes back a decade or more.

We reached back to a process which has been suggested by prominent members of the Democrat Party, led by committee chairmen who have eloquently debated the rationale behind the need for the process called separate enrollment but which also can be described as line-item veto, and we used that as the basis for putting together this new legislation that was introduced yesterday evening by the majority leader, Senator DOLE. We took that process and we applied it to a broader range of spending, so now not only will appropriations bills be subjected to line-item veto, but we will also subject other portions of the budget to line-item veto. We have included direct expenditures, expenditures of dollars, that occur outside the appropriations bills, including the appropriations bill process but also go to authorizations which provide for new spending.

We have expanded it to new entitlements. We are not changing the law in terms of benefits that are currently available under the law to new enrollees or to current enrollees within the entitlement programs, but we are saying, if there is an attempt to expand that program as it currently exists into new spending, then it will be subjected to the President's new authority, should this bill pass, new authority to line-item veto that.

Again, Congress could come back and with a two-thirds vote override the President's decision, but obviously it will be much harder for Congress to enact new spending. And we have expanded this to include what we call targeted tax benefits. There is tax pork as well as spending pork. Often what is described as the pork barrel involves not just appropriated items but tax breaks targeted for specific groups of people, specific individuals, a specific business entity within a broader group, so it is directed to help a particular targeted group, not the group as a whole.

This would not allow the President to veto a broad tax deduction on the books, or a broad tax provision such as mortgage interest deductions, such as real estate tax deduction, such as some of the deductions that Americans now enjoy under the Tax Code. But it would go to those specifically targeted items that often are added somewhere along the line in the tax-writing process and go, not to benefit a large group, but go to benefit a very specific targeted interest.

So the bill has been expanded considerably. It has a much broader scope than it had before. It applies a discipline to the process that is currently not available. It has a provision under the tax provision and has a provision available to Senators that, if they do not agree with the way in which a bill is brought forward and enrolled and think there is something that has been excluded, they can raise a point of order on this floor. Under that point of order they can subject that particular item to the separate enrollment procedures which would allow it then to be subject to the line-item veto of the President.

So, if a Senator does not believe that new entitlement spending or targeted tax benefits have been fully identified in a reported tax bill or an appropriations bill, the Dole amendment provides a means by which those Senators can challenge the bill. If the Senator's point of order is sustained, the relevant committee would then have to flush out or pull out that particular provision and enroll it separately before the bill could be in order on the floor.

So we have addressed that question that has been raised about: What if the bill slips something in but does not separately enroll it and a Senator believes it should be separately enrolled? We provided a process for that.

Finally, let me state, because the questions have been raised: We are not exactly sure how all this will work and we are a little bit nervous about the authority we are giving to the President; should we not test the idea? I suggest the idea has been tested. It has been tested for a century by our Governors in working with our legislatures. But in order to accommodate that concern, we have put a sunset in this bill so Congress can revisit this new authority, can examine it on the basis of how it applies, and if it wants can modify it or, of course, even repeal it. So it does contain a sunset. It will provide a test period to see how well it works.

Madam President, I suggest we will never know how fully effective the line-item veto power to the President will be, in terms of accomplishing real spending cuts, because it will fundamentally change the way we think and behave. That fundamental change will mean that items which would have been attached to appropriations bills or would have been incorporated in the tax bills will not be, because of the fear that they will be exposed to public scrutiny before it finally becomes law.

It is shining the light of public scrutiny on our debate, on how we write our legislation, and it is requiring a separate vote by Members in support of or in opposition to a particularly targeted item that does not benefit the national interest or the group as a whole but only goes to benefit a particular individual or a particular entity. It is that process which will, I believe, prevent most of what has taken place in the past that we find so egregious. So we will never be able to total up the amount of money that we have saved for our constituents and for the taxpayer because the line-item veto will have accomplished its purpose—its purpose being to prevent this kind of activity from taking place in the first place; to prevent the kind of embarrassment that we go through on an annual basis when we discover the items that have been slipped into the appropriations bills, slipped into legislation, slipped into tax bills at the last minute in conference, behind closed doors, late at night, and then presented in a massive bill with a limited time period for debate in the House of Representatives and an urgency because of the end of the session or whatever might occur—

the urgency to get the legislation on the President's desk and signed.

The President then looks at this massive bill and says: Ninety or ninety-five percent of what is in here is what is beneficial to this country, what I want to support. But you are forcing me—as President Truman said, "blackmailing me"—into either accepting the whole bill with the egregious provisions or rejecting the whole bill. And the emergency we are under, the timeframe we are under, requires that I have little choice except to not reject the whole bill.

That is what we are offering here today. I trust my colleagues will look at it carefully. I hope we can gain their support. It has the support of the sponsors of the bill and the vast majority of Republicans. It has support, I believe, of Democrats who have been prominent in helping us advance this concept. And we look forward to advancing it, hopefully, this week, and putting it on the President's desk soon—something we should have done a long, long time ago.

Madam President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I offer my congratulations to the distinguished Senator from Indiana on the bill that has come before the Senate, the new line-item veto bill. Many of the provisions in the line-item veto bill that is before the Senate are provisions that were embodied in the original bill that I introduced and the distinguished Senator from Indiana cosponsored. The Dole bill does include a sunset provision, as I understand it. After 5 years we will be able to see whether this bill actually does tip the balance between the executive and the legislative branches of Government. It, as I understand it, also includes separate enrollment, which is the way the bill deals with the constitutional question in addition to the sunset.

The bill, as I understand it, also includes tax expenditures and does so in a way that is broader than the original House bill. As I understand it, it essentially says that the President can veto tax expenditures that have the practical effect of benefiting a particular taxpayer or limited class of taxpayers when compared with other similarly situated taxpayers. While there is some ambiguity, I take this provision to have a broad interpretation.

I might offer an amendment during the course of the debate to clarify that this provision should be interpreted broadly, or I might through the course of the debate, in hearing what other Senators say about it and my own interpretation of the amendment, decide not to offer such an amendment. But I do think that it is a step far in the right direction. This is really an opportunity to bring tax expenditures into the line-item veto in a significant way, and allow the President of the United States not only to veto those pork projects that are in the appropriations process but also to look at every tax bill that often is dotted with special interest provisions or attempts to expand special interest provisions that are already in the Code and strike those lines with a line-item veto.

So, Madam President, when we have the cloture vote on Wednesday, I intend to vote for cloture. And I hope that we will be able to dispense with this bill by the end of this week and move on to other matters. I think this is an important measure.

I look forward to working with the distinguished Senator from Indiana who has been a good colleague throughout this process. I compliment him on the bill that has come before the Senate.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I want to thank the Senator from New Jersey for his remarks and commend him for his longstanding efforts on behalf of the line-item veto concept.

The Senator from New Jersey has talked to me on numerous occasions about expanding the original concept of the bill that Senator MCCAIN and I have proposed to include—not just appropriated items but also tax expenditures. He, as a member of the Finance Committee, detailed for me the process of what most would consider tax pork that occurs as tax bills are written. It is not just the appropriations process.

I am pleased that we could address this issue in this bill as an amendment introduced last evening by the majority leader. I say to the Senator from New Jersey our goal, I believe, is the same—to address the same items that he attempts to address. I hope that as we debate through this and work through this we can clarify that so that Members know exactly what we are after. It is hard to get the exact words in place so that we understand just exactly how this applies to tax items. But I believe that the targeted tax expenditures which are targeted in the Dole amendment very closely parallel what the Senator from New Jersey has tried for so long to accomplish.

So we look forward to working with him. I thank him for his support.

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 roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ABRAHAM].

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. ABRAHAM). The pending question is amendment No. 347 offered by the majority leader to the bill S. 4.

LEAVE OF ABSENCE

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have to attend a meeting in Delta Junction, AK, pertaining to Fort Greeley on Friday, March 24. I ask unanimous consent that I be excused from attendance in the Senate from 3:45 on Thursday, March 23, until the Senate convenes on March 27.

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

The Senator from Idaho.

Mr. CRAIG. Mr. President, this afternoon I rise in support of S. 4, the Legislative Line-Item Veto Act.

What is now ongoing is, in my opinion, the long overdue and what I hope is a historic debate toward resolution of this very important issue.

Let me recognize both Senator COATS and Senator MCCAIN, as well as Chairman PETE DOMENICI and Majority Leader DOLE, for their willingness to work together to bring us to a point of compromise that I think has produced a line-item veto product in S. 4 that can pass the Senate, work through the conference with the House, and ultimately be placed on the President's desk with the degree of confidence I think we now have that he will sign it.

This is one of those items that an overwhelming majority of the citizens of our country say they agree with. It is certainly something that most Senators have agreed with in principle, and now that we have been able to refine it, we have a product that I think the majority can support.

The issues, of course, were the two-thirds override: What kind of authority would the President have in the ability to veto and in our ability to react to that veto? I think it has to be a tough vote, a supermajority vote. The idea of a simple majority, while I supported a concept like that a year ago, now clearly, if we can get the tougher version, we ought to do so.

The idea of separate enrollment or rescission is an issue that has been discussed. To extend the line-item veto authority in new, direct entitlement spending as well as appropriations is

another issue that we had to work our way through. And, of course, to extend the targeted tax benefits, again, is another one of those issues that I am extremely pleased to see that we have been able to deal with.

Let me first talk about the majority versus the two-thirds override which is really at the heart of all of this. It is the heart of the division of authority and responsibility and the power associated with that authority. As I have mentioned, I have supported both approaches in the past, but I have always argued in doing so it was extremely important that the Congress of the United States pass the strongest possible line-item veto. In fact, as Senator MCCAIN read earlier yesterday, that is exactly what the President has now said publicly he wants—the strongest possible product that the Senate of the United States or the Congress collectively can yield.

Last year's House passed a majority override. This year, an overwhelmingly bipartisan House, by a majority of 294 to 134, passed the two-thirds override, an important signal from that new Republican House.

Now that Senators know we are firing with what all of us know are real bullet votes, it is an opportunity to get our two-thirds. That is the product at hand now. That is why I am extremely pleased that we can deal with it.

The second issue I mentioned, the idea of separate enrollment versus rescission—as I say, I have sponsored both and cosponsored both because, whether I was in the majority or whether I was in the minority, I have always argued that we had to get to the President's desk and into his power some form of line-item veto. The stronger versions were always greatly appreciated by this Senator, but at the same time I felt it was critically important that we move the issue. Now my preferences lie clearly with a strengthened rescission approach. It is simpler. In enrollment, transmission to the President, and at signing of a law, it could be used as a scalpel instead of the idea of a butcher knife, because rescissions can reduce as well as zero out an item. I think that is the way we want to handle this.

But I will vote for a separate enrollment—or I would have, if that had been the case. We think that is not going to be.

It should not sacrifice the good at the altar of the perfect. We have worked out what can be called near perfect on this issue, and I am pleased that all of the Senators came together to strive to build the compromise. The only line-item veto that will become law is the one that we can send to a conference with the House and work out our differences on. From what I am hearing from some of my former colleagues in the House, we can get that done now with the work product that we are debating here at this time.

Separate enrollment was a second-best approach. That still makes it definitely preferable to the status quo. Senator BRADLEY and Senator HOLLINGS have introduced a version of that concept. The Senate Budget Committee reported one out several years ago. The Senate considered a separate approach in 1985. It is not mysterious, last-minute kind of work. It is simply the kind of product that had to be looked at as we worked our way through the differences with this kind of legislation.

Opponents can have it both ways, I guess, in their arguments. Some of those who criticized us for defending a balanced budget amendment as reported from the committee now are complaining that the committee-reported bill may be changed on the floor. We now have built a majority consensus so that kind of issue will not have to be worried about or dealt with as we work our will in the final debate, moving through cloture, I hope, to final passage.

At a policy lunch today the leader, Leader DOLE, mentioned it was possible we could get to a unanimous-consent agreement that would not take us through cloture. I hope that will be the case. This ought not be a contentious debate, or protracted. When an overwhelming majority of the American people want their Government to perform in a certain way, then we ought to make every effort to get that done. And certainly both Senators MCCAIN and COATS, working with the other Senators mentioned, I believe have tried to accomplish that. And S. 4, I think, clearly embodies that kind of effort on the part of the Senate.

Extend it to targeted tax benefits, the other issue I have mentioned. It is important to remember that taxing and spending are fundamentally different kinds of things. When Congress reduces someone's tax burden we are not giving out something that is the Government's, although there are some here who would like to argue, when we talk about this kind of thing, that somehow it is taking money away from the Government. I strongly argue taxpayers' money is theirs in the first instance. It is a majority issue of Government, when Government decides to ask the citizens of this country to give a certain amount of their hard-earned effort in behalf of Government. But the idea that we are giving something back, to me has always been an astounding attitude on the part of many in Congress. I simply have argued the opposite and always will continue to do so.

I believe in a free society it is the citizens who govern and not the government. In this instance, I think we are caught in a debate of that kind of argument when we deal with the differences.

It is why I support the concept of a flat tax and always have. The line-item veto should extend to the tax side of the budget, and that is what we are trying to do now. If it is limited to a veto over narrowly targeted tax benefits—in other words, tax pork—then we ought to look at that. That is what this ought to do and that is exactly what we will be attempting to accomplish. Generally applicable tax relief, like rate reduction, indexing, or deductions or exclusions that apply to all taxpayers who are similarly situated, should not be the subject in some instances of a line-item veto. It should apply only in cases where similarly situated taxpayers within a group are targeted directly and are arbitrarily dealt with in tax legislation.

Let us debate substance in this instance and quit playing the politics of this. Let us pass a bill and send to the conference and to the President a document that truly works with the kind of issues we deal with and gives the President substantive participation in the processes of budgeting. I hoped what happened on the balanced budget amendment is not going to happen here. It now appears we have been able to strike a compromise that will allow it. But there is also something else important to remember. Balanced budget amendments require two-thirds votes. This will require a majority of the Senate voting in favor of this.

If we had been able to solve the problem of cloture, if we have been able to pass through that now with a unanimous-consent agreement—and I hope we can get there in the next few hours—let me tell you, it is going to be awfully important in resolving this issue and showing the American people the Congress of the United States and the Senate can be responsive to the issues at hand.

Promoting fiscal responsibility—that really is the issue underlying all that we do with the line-item veto. In 1974, from then until October 1994, the President requested 1,084 rescissions totaling $72.8 billion. Of the 1,084 rescissions, Congress approved 399, or about 37 percent. That amounted to $22.9 billion or 31 percent of dollar volumes requested.

Alone, a line-item veto process is not going to be enough to balance the budget. But it is widely estimated it can save at least an additional $10 billion a year in the current budgeting scenario. To paraphrase Senator Everett Dirksen: $10 billion here and $10 billion there, and pretty soon we are talking about real money.

Interestingly enough, while we might forget that, thank goodness, the taxpayers and the American public have not forgotten it. That is why the line-item veto constantly over the years has increased in popularity as a concept and an important device for the executive branch of Government to have.

Does it yield exclusive power to the President or to the executive branch?

Absolutely not. But what it does, whether it is a Republican President or Democrat President, it gives that President the opportunity to single out some of the budgeting and expenditure activities that have gone on here on this Hill far too long. The special project of the special Senator, knowing full well that project alone could not come to the floor and sustain itself with a majority vote of the Senate itself, but because it has been tucked away in an appropriations bill, because it was give a little here and get a little from another Senator—that game has been played for years. And literally hundreds of billions of dollars have been spent for very questionable projects in individual States that should never have been allowed. That is the goal of a line-item veto. That alone would save us billions of dollars a year, but that is not the only goal of a line-item veto. The other goal is for the President himself or herself to participate directly, to deal with broader issues, if they will, to cause the targeting of the debate when it comes to the expenditure of tax dollars in ways that simply have not been targeted.

I have served in State government where Governors had line-item vetoes. I have had to go against a veto, take it to the floor of the State Senate in Idaho, and argue why we ought not to sustain the Governor's veto in many instances.

Let me tell you. It really works to refine your thinking. It forces you to do your homework. It forces that issue to the floor in a laser kind of direction of the conference or in this instance the Senate's attention on a given legislative issue, a given appropriation issue. All of us who have served here for any length of time know very clearly that when many of these appropriation bills come to the floor they are very large in nature, and the balance on them that has been created is oftentimes very precarious.

So the question of legislative accountability, as I have been talking about, has to be one of the other most important issues in bringing about a line-item veto. As I have said, many of these appropriations bills involve hundreds of pages of detail, and it is virtually impossible for every Senator and for all staff to read every bill, every page, every area of fine print.

Certainly, if it has happened to me once, it has happened to me many times over the course of my years in serving Idaho both in the House and in the Senate to go home and to hold a town meeting and to have someone come and say, "Senator, did you know that in that bill you just passed there was that provision in it?" In all fairness I have to say, "You know, I did not know that. If I had known it, it might have changed my vote or it might have changed the attitude in which I dealt with a given issue." That is the responsibility that comes about as a result of giving the President the kind of authority that is now offered in S. 4, this very critical piece of legislation.

Very simply, that is why the American people by an overwhelming majority have supported this concept.

So as we have worked out our differences in dealing with the style of vote, and the way we handle different items that target the President's attention and his authority under the line-item veto, in all fairness, Mr. President, I am extremely proud of the work that we have been able to do and what I think will show on the final vote to be a very bipartisan issue.

One of my voters in Idaho said the other day, "Well, Senator, do you really think this is the time to give the President a line-item veto? I mean he is a Democrat, you know." I laughed and said, "There is no good time, and there is no bad time. I have always supported this idea, and if it is good enough for Ronald Reagan and George Bush, it is good enough for Bill Clinton, and all of the other Presidents who will serve after them." Why? Because it is good public policy. It is the right thing to give the executive branch of Government because it fine tunes, it brings about accountability, and it causes the Congress of the United States and the Senate to do its homework in the kind of detail that we have not been producing in the past.

In the final analysis, when I mentioned that 1,084 rescissions that Presidents have asked for and the 300-plus that we have been able to agree on, and the tens of billions of dollars that have been saved, and the more that will be saved by the kind of effort that we are involved in today, that is the bottom line. That is the bottom line we all strive for. That is why this line-item veto embodied in S. 4 is good public policy.

I hope that we can work out the necessary unanimous consent so that we do not have to march down the road of a cloture vote and that we can then bring ourselves to the finality of the debate and final passage. But in the end, if we cannot, then I will certainly support cloture. It is time we bring this issue finally to the floor for debate or for a vote, and I hope we can accomplish that.

I yield the remainder of my time.

Mr. COATS. Mr. President, I thank the Senator from Idaho for his comments, for his support, and for this effort. I appreciate the contributions that he has made over the past several years in attempting to deal with this.

Mr. President, I note the Senator from West Virginia is on the floor. I certainly have no immediate requests for time at this point. I would be happy to yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I suppose one of the evils that was included in Pandora's box was the evil of the common cold, and I seem to have been stricken with that virus for the present.

At last, we have seen unveiled the amendment which is the product of the frenetic efforts of our Republican friends to come up with something of a line-item veto nature behind which they could rally a majority of their Members. Even a cursory examination of the amendment will compel one to say, with, Macduff, "Confusion now hath made his masterpiece."

I think it is prudent to reflect with some care and detail on this far-reaching measure. I find the transfer of power from Congress to the President, which would occur if this amendment were adopted and implemented, a disturbing proposition. Mr. President, I fully realize that when a Senator starts to talk about the shifting of power from the legislative branch to the executive branch, his words, in great measure, fall upon deaf ears insofar as his colleagues are concerned. One may talk until he is blue in the face, though he may have lungs of brass and a voice that will never tire, he simply cannot get within the eardrums of a good many of the Members of this body if he happens to be talking about separation of powers and checks and balances. They pay little or no heed to what is being said. Consequently, I daresay that what I have to say today will probably be treated in the norm. That is, it will not be listened to by many Senators. Those who may happen to pass by a TV screen and may hear it will nevertheless pay little attention to it. Even if they were to sit in front of me here in a chair and listen raptly, it would have no impact upon them.

I am sorry to say that we have come to such a state in the U.S. Senate that we are not disturbed when measures come before this body the effect of which would be to transfer power from the elected representatives of the American people, in the legislative branch, to the Chief Executive. But that is one thing this is all about.

This is not a line-item veto measure. It may be called that, as a duck may be called a goose or a guinea pig or a chicken. But the duck is still a duck, and all may call this a line-item veto who wish to call it that. But it is not a line-item veto. Nevertheless, if it is enacted, the shift of power will have taken place. The only good thing I can say about the amendment that has been offered by the distinguished Republican leader is that it does have a sunset date.

Consequently, there will come a time when the Senate, if it has learned anything in the meantime, will perhaps

make a determination not to go down that fateful path again and renew the life of this measure. I do not denigrate those who support this measure. I know that the distinguished Senator from Indiana [Mr. COATS] and the distinguished Senator from Arizona [Mr. MCCAIN] have long labored in this vineyard, and undoubtedly they believe in what they are doing. They believe it is the right thing to do for the country and the right thing to do in the effort to get some kind of control over our massive deficits. So I do not in any way cast aspersions on them. We differ. We differ in our philosophy, I suppose. We probably differ in our concept of the Senate and the part that it is to play in the universe of institutions created by the Constitution.

I think it is prudent to reflect with some care, as I say, on the details of this far-reaching measure. I do find it a disturbing proposition to contemplate the transfer of power from Congress to the Executive. The power we are talking about here is the control over the purse. I will not belabor the Senate with the long history of the people of the British Isles, the long history of the English people, who fought for centuries to bring about the logic of that power over the purse in the hands of the elected representatives of the people of England, the reposing of that power over the purse in Parliament. I have not sought to belabor that point at this time. I think that that, like almost anything else one may say on this subject, would probably go unheard, even though there may be those with ears who might otherwise listen. The fact that our Framers drew upon the experience of the colonists and the States, which in turn had drawn upon the experience of Englishmen for centuries, really means nothing in the waiting ears of most of today's Members of this body.

Few people attach any, or certainly not very much, significance to the checks and balances and separation of powers which our Framers constructed. Few people attach any significance to the purpose of that separation of powers. Few understand that that mechanism grew out of the experiences of centuries of time in the motherland of most of our forebears.

So it might be a waste of time to attempt to dwell upon those things, except if one wishes that the record, which will last a thousand years, will still be read by some, at least, who do work in the research field and may find it of interest accordingly. But to most of us here today, most of us who serve in this body, we do not pay much attention to history. History is bunk, as Henry Ford was supposed to have said. And I gather that most of my colleagues look at history in about the same fashion.

But the time will come when there will be those of posterity who will look back and see the record. They will know where the parting took place and where the delinkage occurred.

The power of the purse, which has been lodged in the legislative branch for over 200 years, would, in considerable measure, be shifted to the executive branch, and specifically to the Office of Management and Budget.

That is where the power is going to go, to the Office of Management and Budget.

One needs only to recall the words of David Stockman a decade ago when asked, at the American Enterprise Institute Conference on the Congressional Budget and Empowerment Control Act, what the line-item vetoes effect on the Federal deficit would be. In a burst of candor, David Stockman replied: "Marginal, if at all." Mr. Stockman amplified his answer by saying: "Line-item veto is about political power and political control. It can be used for lots of things. It would be great for the director of OMB." David Stockman's words could not be more true, and when applied to this amendment, they hit the nail right on the head—right on the head.

There are those who say, "Well, the States have the line-item veto. Why not give the President the line-item veto?"

There are those who, as former Governors, say, "I had the line-item veto when I was Governor. Why not let the President have the line-item veto?"

Mr. Reagan said when he was Governor of California, "I had the line-item veto. Now give me the line-item veto as President of the United States."

Well, I think the problem with that is that being Governor of a State is one thing; being President of the United States is an entirely different thing.

I have in my hand what we know of as the "West Virginia Blue Book"—the "West Virginia Blue Book." Well, in this "West Virginia Blue Book," there are many items of interest, but the thing I shall point to today is the Constitution of the United States of America. It is printed in the "West Virginia Blue Book." And in the "West Virginia Blue Book," it covers all of 15 pages. That is it. That is the Constitution of the United States of America—15 pages in length. Right here.

It is 60 pages in length—60 pages for the constitution of West Virginia; 15 pages for the Constitution of the United States.

The constitution of the State of West Virginia goes into much detail about numerous and sundry items that are of interest to the State of West Virginia, of interest to a State.

And I daresay that there being 50 States, I would assume there are 50 constitutions of 50 States in this country. And I would also assume that not one of those other constitutions, not one of the other 49 constitutions, is the same, precisely, as the constitution of my State of West Virginia. They are all different.

Any high school student who is worthy of graduating from high school understands that the State government and Federal Government are two different things. Each operate in a separate sphere. The State is supreme in its sphere. The Federal Government is supreme in its sphere. Two far different entities, and one is not to be confused with the other.

The Constitution of the United States provides certain powers for the Congress: "To borrow money on the credit of the United States." That is a power of the Congress.

Let me read just a few of the section 8 powers, section 8 of article I of the Constitution of the United States.

The Congress shall have Power To Lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.

Now not one of the 50 States' constitutions have that proviso in it. Not one.

"The Congress shall have Power . . . To borrow money on the credit of the United States."

"The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Not one of the 50 States, not one, provides that power upon the government of the State.

"The Congress shall have Power . . . To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; To coin money"—no State in this country may coin money. Prior to the creation of this Republic, States could coin money in America. Under the Articles of Confederation, the States could coin money. But no longer. Only the Federal Government.

"The Congress shall have power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

I know it is old fashioned to read the Constitution any more around here. Before it is finally relegated to the rare book section of the Library of Congress, I would advise my friends to come to me and get a copy of this Constitution. I carry it in my pocket. This is the Constitution of the United States. It cost me 15 cents. It is a little worn now. I think it costs $1 now, but this one only cost me 15 cents. I have several copies of these which I will give to any Member of the Senate who supports this line-item veto. I will be especially happy to give it to them. Come and get a copy of the Constitution and read it. See the difference in the State governments vis-a-vis the Federal Government.

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads.

And so on and so on.

To declare War . . .
To raise and support Armies . . .
To provide and maintain a Navy.

These people argue about Governors having the line-item veto, give it to the Governors; why not give it to the President of the United States?

To provide and maintain a Navy . . .
To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

And so the Framers deliberately created this system of separation of powers and checks and balances.

Now, at the State level, the system is not so clearly and delicately delineated, as it is at the Federal level. There is a system of separation of powers at the Federal level. There is a system of checks and balances at the Federal level. One can stand and talk until he is blue, until his gills turn blue and we will still have Senators saying, "Well, the Governors have line-item veto; this is just process." Well, it may be just process, but it is part of the constitutional system of checks and balances and separation of powers and it is worth fighting over.

I cannot conceive of a reelection for the U.S. Senate being so close that I would be defeated because I voted against the line-item veto. I cannot conceive of that, and if it is, then so be it. I believe, having taken an oath to support this Constitution 13 times in going on 49 years now, I believe in that oath. I believe in supporting and defending this Constitution, and that entails the defense of the separation of powers and checks and balances. We cannot do that with a wink and a nod. We cannot just brush it aside and say, "Oh, that's process. The Governors have it, we ought to let the President have it."

I know that there are a lot of Governors who believe that that is a sufficient argument to make and that it is defensible. But I say read the Constitution of the United States. Read the Federalist Papers. There are 85 of them. About two-thirds were written by Hamilton; about a third by Madison. Some of them are in dispute as to who is the author, Madison or Hamilton. Five were written by John Jay. No. 2, 3, 4, 5 and I believe No. 64 were written by John Jay. Read them.

One cannot really fully understand this system which was created by the Framers, among whom were Hamilton and Madison, without reading the 85 Federalist papers. It is the most marvelous exposition of this system of Government that one may find anywhere under the Sun. And we are about to lightly toss away this power over the purse, which is the critical balance wheel in the system of checks and balances.

The novel approach of this amendment—and this is a novel amendment, a novel approach—the novel approach of this amendment would empower the enrolling clerk of the body in which an appropriations measure originated to dissect the bill or joint resolution item by item, paragraph by paragraph, section by section and then create bills and joint resolutions—so-called bills and joint resolutions—for each of those items, add to them fictitious enacting clauses—fictitious enacting clauses—and send the composite products to the President as though these items were legislative measures passed by both the House and the Senate in the format in which they are presented.

For those who have the patience to listen and who may really care—and I do not expect all my colleagues to be in that category, and perhaps I cannot blame them. Because I feel so strongly and so deeply about this, a common cold will not keep me from speaking. Oh, that my voice would carry to the hills or the mountains, and though I had to be brought into this Chamber on a stretcher, I would still fight for this Constitution and its system. It is not a process. Process. This is the Constitution we are talking of here. This is the constitutional system that we are about to imperil.

This amendment that has been brought in by the distinguished majority leader—and he is a distinguished majority leader, a very distinguished majority leader—this amendment provides, in essence that a bill—this is a bill. This bill is H.R. 4506. It is a bill that passed the Congress in the 103d Congress, the second session. It is an act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes. We would refer to this as the energy water bill. It is not a very lengthy bill.

This bill that is 43 pages—43 pages—includes the Senate amendments. This bill came over from the House. H.R. 4506 came to the Senate from the House, and the Senate acted to amend the bill in certain places. There is the bill as passed by the Senate and the House.

Now, the bill went to conference so that the differences between the two Houses could be resolved. When the bill came back from conference, this is what it looked like. This is the conference report to accompany H.R. 4506, making appropriations for energy and water development for the fiscal year ending 1995, and for other purposes. And so I hold in my hand this conference report. This means conferees from both Houses sat down in conference, spent several hours, perhaps days, in resolving the differences between the two Houses in connection with this bill, H.R. 4506.

This conference report lays out in minute detail the items of appropriation, setting forth the budget estimate on each item and the conference agreement on each item. There they are, hundreds of them.

Now, when this conference report was agreed on by both Houses, then the act went down to the President for his signature. This conference report did not go to the President for his signature. He could not look into the conference report and veto items in that conference report because the conference report does not go to the President.

He looks at the bill. Here is the final public law, Public Law 103-316, August 26, 1994, and it is composed of—I have not counted the number of pages in it—17 pages. That is the final product. If someone wants to see the final act making appropriations for the Department of Defense, Department of the Army, Corps of Engineers, and so on, they would ask for Public Law 103-316, 103d Congress. There it is. That is the product of months of work, starting with this bill which is sent over from the House, amended in the Senate, going to the conference, with the conferees bringing back to each House this conference report, and it went down to the President. He signed it. This is the final product. That is public law.

Now, at the State level, under the State constitutions, the State laws, most of the bills making appropriations at the State level are set forth by items in the bill that is to go to the Governor's office, and the Governor can line item this out, strike through it with his pencil, put his initial there; go down to this item, strike it out, and put his initial there; go down to the next item, strike it out, and put his initial there. He has line-item vetoed several of the provisions in that bill.

Well, I have already shown why the President cannot line-item veto here. In the first place, he does not have the constitutional authority to line-item veto, never had it, does not have it today. But the items are not set forth in such minute detail, even if he had it. Most of the items are set forth in large sums of moneys. To find out what is in each sum, one goes to the conference report to find out the details.

Now comes this amendment which says that any appropriation bill, once the amendment is agreed to, that hereafter becomes law, any appropriation bill that comes to either body that does not have each of these items set forth in the bill may be sent back to the committee unless there is a waiver by three-fifths of the persons elected and sworn. So every bill will now have each of these items, each item in the bill. When it goes to conference and comes back, the conference report, if the conference report which heretofore I have had in my hand as representing the conference report on H.R. 4506 comes back at a future time, the bill to which it relates will have to have every item, every item enumerated therein.

And then what would happen? Well, now, this is sleight of hand. If I ever saw sleight of hand, this is it in its rawest form. This bill will be sent back to the clerk, the enrolling clerk of the body in which the bill originated. Appropriations bills by custom, not by the Constitution but by custom, originate in the other body. They originate in the House of Representatives.

Consequently, the bill, once the conference report is agreed to in both bodies, will be sent back to the enrolling clerk of the House of Representatives where the bill originated, and that enrolling clerk in the House of Representatives will break out each item, each unnumbered paragraph, each section, and enroll each item, each section, each paragraph as a bill. It will be kind of a cut-and-paste operation. In order to speed up the process, I assume that the clerk will have a lot of preprinted forms, and those preprinted forms will have on them, "Be it enacted by the Senate and House of Representatives of the United States of America and Congress assembled." That will all be already printed on the form. And then the clerk must in the wee hours of midnight—he will undoubtedly have others help him—there in the subterranean caverns of this massive Capitol, the enrolling clerk with his helpers will break that bill down into those hundreds of little pieces and each will be deemed to have been a bill passed by both Houses. And each of those so-called bills or joint resolutions will then be signed by the Speaker of the House and by the President pro tempore of the Senate, or their designees, and sent to the President, to the White House.

Now, let me just show you what this would have meant in the case of this one bill, H.R. 4506. Remember, this is the bill that came to the Senate. This is the final product, the conference report. There it is, the conference report, setting forth all the paragraphs, sections, 116 pages. Now, that bill was enrolled and sent down to the President. Here it is. That is the public act, 16 pages.

But now for the enrolling clerk to have broken down that bill into each item, here is what it would have looked like. This is it. Ipso facto, the enrolling clerk waves the magic wand, the enrolling clerk of the House of Representatives waves a magic wand over that bill, and here is what we have: more than 17 pounds of so-called bills—there are over 2,000 of them—that go to the President for his signature.

Here is one of the bills. Here is another one. These are all to be sent down to the President after having been enrolled by the clerk of the originating House—which, as I say, in this instance it will be the other body. Each of those will go to the President.

Does anyone in this Chamber believe that the President is going to sit down and look at those and decide which he will sign and which he will not? No. Those will be handed over to the Office of Management and Budget and those fine, unelected, unidentified, nameless, anonymous bureaucrats—and they are all good people—will take a look at those and they will determine which of these, or somebody will determine and give to the President—determine those that ought to be signed, those that ought to be vetoed.

Let us see what the Constitution says. Let us see what the Constitution says about bills. This is article I, section 7, clause 2. This is the Constitution. This is not the so-called Contract With America. This is the Constitution of the United States. This is the way it has appeared for 206 years. There has been no change in this language in 206 years. That is the same language that was there when Washington became President; when Adams became President; when Jefferson and Madison and Monroe became President; when John Quincy Adams became President, the same language; and Andrew Jackson, William Henry Harrison—no, Van Buren, Van Buren—he found it written just like that. Then Harrison, then Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Andrew Johnson, and Grant. They found the same language. Never a change.

Johnson, Grant, Rutherford B. Hayes, Garfield, Chester A. Arthur, Cleveland, Benjamin Harrison, Cleveland again, McKinley, Roosevelt, William Howard Taft, Wilson.

I was born in the administration of Woodrow Wilson. He had the same language—it has not been changed. It was not changed. That is the same language that has been there all the time.

Wilson, Harding, Coolidge, Hoover, Roosevelt found it—not a blemish, not a stain. Just like it was when George Washington said when he had to sign a bill he had to sign it all. There was not any line-item veto in it.

It has not been changed since Roosevelt. Truman did not change it, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter. Reagan wanted a line-item veto. But that is it. It withstood the trials of time.

The War of 1812; the war with Mexico, 1848; the Civil War, Spanish-American War; World War I, World War II, Korean war, Vietnam war, the Persian Gulf war. All of the panics and depressions, the panic of 1837, 1857, 1873, 1893, 1907, 1929, and 1930. This language has served throughout all of American history.

And what does it say? 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 . . .

Let us read that again.

> Every Bill, which shall have passed the House of Representatives and the Senate . . .

That indicates to me that when something reaches the President's desk that is called a bill, it is something that shall have passed the House of Representatives and the Senate. It cannot possibly mean something that was enrolled by the enrolling clerk of the House of Representatives. Can any Member truthfully say that if this legislation had been adopted prior—this amendment by Mr. DOLE—had been adopted prior to the passage of this energy water bill, can any one of us say that we voted for this bill? Can we say we voted for that bill? Can we say we voted for this bill? No. I never saw it. That bill did not pass both Houses. That bill did not even pass one House.

Each of these little billettes will have to carry a designation on it that will distinguish it from each of the other 2,000 little billettes. So I suppose this would be H.R. 4506 (1). The next one will be H.R. 4506 (2). The next will be H.R. 4506 dash, or parenthesis, 3.

Finally we would get to H.R. 4506–1909, H.R. 4506–2001.

Then, to make believe that each of these passed the House of Representatives and the Senate is like looking at the noonday Sun and saying it is midnight, without a star in the sky.

This is tomfoolery. I cannot believe that we Senators in our generation are going to fall for this kind of sleight of hand.

This is public law here, H.R. 4506. Where are we going to find the public law on H.R. 4506 when it is broken down into over 2,000 little make-believe bills that have been enrolled by an enrolling clerk who is not answerable to the voters and sent down to the President? Where is the public law? Show me the public law.

> 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; if he approves, he shall sign it . . .

What is the antecedent of "it"? The antecedent is "bill." If it is 2,000 little "it's," how is he going to sign "it"?

> but if not he shall return it, with his objections to that House in which it shall have originated . . .

Obviously, one item, one bill, is being contemplated by the Framers. They are saying you cannot past two bills with the same number at the same time.

> If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

We are going to have over 2,000 laws in one bill, and some bills will contemplate more laws than that. Some not as many, but some more. We just cannot be in control of our mental faculties if we are going to look at this monstrosity and vote for it. We surely cannot be kidding anybody but ourselves.

Have we read the Constitution lately? From the very beginning, S. 1 in

1789 was the Judiciary Act. It was a Senate bill. It started out in the Senate. Its number was S. 1. That created the judiciary. And ever since bills have been denominated S. 1 or H.R. 1. Resolutions are S. or S. Res. 1 or S. Con. Res. 1 or S.J. Res. 1, depending on whether they are simple resolutions or concurrent resolutions or joint resolutions. This has been the style from time immemorial going back into the colonial legislatures, going back into the British Parliament. It has been ever thus.

The passage of a single appropriation bill by both Houses would be followed by a cut-and-paste operation in the office of the enrolling clerk of the originating body, and out of the wee hours of the night, the fructifying wet pen, the scissors and paste and the whiz of the computer of the enrolling clerk and his staff, would pour out a vast litter of mini-bills, or "billettes," not a single one of which had been passed by either body of Congress.

Each of these is going to have a fictitious enacting clause on it.

The genuine bill, adopted by both Houses, will have been kidnaped, and subjected to the prostitution and mutilation of a cut-and-paste operation which may rightly be termed "a getter of more bastard children than war's a destroyer of men." Hundreds of little orphan bills—nobody is going to claim these little orphan bills by the enrolling clerk. "And where did you come from?" "I came out of the enrolling clerk's office." Who enacted this bill? Who will lay claim to have enacted this bill? What Senator will lay claim to have voted on this bill? Not I. Not one of these bills will have passed the House and the Senate or the House or the Senate, not one.

Hundreds of little orphan bills will then make their way to the Speaker's desk and to the desk of the Senate President pro tempore to be laboriously signed and sent in a seemingly endless stream to the Oval Office, there to be signed or vetoed by the President.

I tell you, I am glad this was not the practice when I was President pro tempore of the Senate. Signing all of those bills will be a never-ending job in itself. It will keep the President pro tempore busy just to sign those bills.

Whatever else one may call it, this amendment will certainly prove to have been a prolific one, and the period of incubation or gestation which it will have created will put to shame that of the guinea pig or rabbit or a mouse. This multiple mutation of the legislative process will boggle the mind.

We surely cannot be in our senses. We are about to take leave of our senses to vote for this piece of junk. This is not a line-item veto. Why do we not bring on the line-item veto? Let us vote for a constitutional amendment to give the line-item veto. Let the people decide to give the line-item veto to the President.

As compared with the line-item veto, in the raw sense, this amendment is a thing of unnatural deformity—"nothing but mutation, ay, and that, from one bad thing to worse."

It is a proposal which represents a significant abdication of power by the legislative branch in favor of the executive branch.

It is an indication of power. We are becoming not only fools but lazy fools. Just turn it all over to the President. Abdicate our power. Give it to the man downtown. Bow down to power. Bow down to power. Remember what David Stockman said. This is a "power play."

It is a pale substitute for really doing something substantial about the alarming budget deficits.

The amendment would also strengthen the House of Representatives at the expense of the Senate.

Do we want to do that to the Senate?

Consequently, the House of Representatives would determine the format of the measure that is sent here and would determine how these measures would be broken apart into items or paragraphs or sections. Great power to the President. More power to the Speaker. Great power to the Director of the Office of Management and Budget. And all resulting in diminished authority of the U.S. Senate. Senators all know that when appropriations bills come to the Senate, the Senate has a right to amend them. The two features about the Senate which, more than all others, make the Senate the premier upper body in the world are the ability to amend and the ability to speak at length. Now when appropriation bills come to the Senate, the format will have been laid out by the other body. When all of these little "billettes," these little illegitimates that cannot really point to any parent—they cannot point to a parent bill because the bill that passed both Houses no longer exists. Where does it go? What does the enrolling clerk do with it? Does he keep it? Does it go to the Archives? Does it go to the Department of State? What happens to that bill? All of these little illegitimates—I could call them bastards, but I will not do that; I will call them illegitimates. All of these flow down to the President in a stream. Let us say the President vetoes 75 of these 2,000. He vetoes 75 and they all come back. Where do they go when they come? Do they go back to the Senate? How many would say they go back to the Senate? They go back to the body in which they originated. Of course, these did not originate anywhere. They originated in the enrolling clerk's office. But they would go back to the House of Representatives. The House would determine whether or not it will vote to override the veto. If the House does not vote to override the veto, then the Senate does not get a crack at it at all.

We all know that the Senate does add to the bills that come from the House by way of amendments. Some of the little "billettes" that the President would amend, some of these little illegitimate offspring that the President would decide to veto, would have originated in the Senate because the Senate has a right to amend. Do you think the Senate is going to get a second crack at that? Why, no. The House undoubtedly will not attempt to override a veto that the President has attached to one of these "bills," which originated in the Senate.

This is an amendment by ROBERT C. BYRD that originated in the Senate. That is supposed to be called a bill under this amendment. It originated here. But it is not going to be sent back to the Senate. It is going to go to the House because it will have a House number on it—H.R. 4506, in this case. This number will be H.R. 4506-219, which originated in the Senate. It was an amendment added by the Senator from Nebraska [Mr. EXON]. But it will not come back to the Senate. The House will decide whether or not there will be an attempt to override that veto, and if the House decides not to attempt to override it, the Senate does not get a second crack at it.

I do not know about other Senators, but I am not in favor of subordinating the Senate to the other body. The Framers meant for the two bodies to be equal, each to play its own role. There were checks and balances between the two Houses. There will not be any checks and balances here in this situation. The Senate will not be a player.

So let us take a look at this marvel of legislative fecundity.

This is an amendment on which there is no committee report and in connection with which there are no printed hearings. That is the amendment that was offered yesterday by Mr. DOLE and immediately a cloture motion was thrown in, to bring it to a vote. That is what we have come to now in this body. We bring in an amendment which is a brand new bill, which the Members of the minority had nothing to do with insofar as helping to shape it. It is offered and a cloture motion is offered on that amendment, and that means we have to vote up or down, one way or the other, on the cloture motion the following day but one, meaning tomorrow in this case.

No printed hearings. No committee report. The amendment comes before us much like Minerva, who sprang from the brain of Jove, or Aphrodite, who sprang from the ocean foam. It is the product of a collective fertile mind, and from it will flow fertile confrontations, fertile vetoes and, in all likelihood, it will undoubtedly prove to be a fertile field for exploitation by the lawyers of the country.

It requires each item of any general or special appropriation bill or any joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses

of Congress to be separately enrolled as separate bills or joint resolutions for presentation to the President. Any appropriations measure that passes both Houses of the Congress will be turned over to the enrolling clerk of the House in which the appropriations measure originated, to be then enrolled as a separate measure for each item in the appropriations bill. Each of these little orphan bills—Little Orphan Annie is going to feel put upon when she sees all these multitude of orphan bills running down to the White House—each of these little orphan bills shall bear the designation of the parent measure of which it was a ward prior to such enrollment, together with such other designations as may be necessary to distinguish each little baby bill from the other hundreds of measures enrolled pursuant to the provisions of the amendment. Each appropriations "billette" will contain one item in the original bill and each of these little offspring will be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution of the United States. Each shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval in the manner provided by the Constitution for bills and joint resolutions generally.

We will take a look at the phraseology of the Constitution on the chart to my left again.

Article I of section 7 of the Constitution provides that, "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"; note that the Constitution refers to "every bill which shall have passed" both Houses of Congress shall be presented to the President for his approval or rejection. But this amendment now reads, in part, on page 4 of the amendment:

> A measure enrolled pursuant to paragraph 1 of subsection (a) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution of the United States—"shall be deemed to be a bill."

Well, the Constitution does not say that every bill which may be deemed or which shall be deemed to "have passed" the two Houses. It clearly states that every bill which shall have passed. We do not deem it to have passed. We do not consider it to have been passed. We do not think of it as something that has passed. We do not look upon it as something which otherwise may have passed. It is something that passed. Every bill which shall have passed the House of Representatives and the Senate shall be presented to the President for his signature.

Under this rogue amendment, not a single one of the bogus bills enrolled by the clerk of the originating House of Congress will have "passed" either the House or the Senate, to say nothing of both Houses. Not a single Senator nor a single House Member will have voted on the cut-and-paste so-called bill which goes to the President. Hundreds of mini-bills will flow from a single appropriation bill or joint resolution, and not one of these "fictions" will have "passed" the House and Senate in accordance with the requirements of the Constitution. Not one will be a "bill" in the traditional sense of the word; each will be "deemed to be a bill."

Each will be "deemed" to be a bill; each will be pretended to be a bill. Not one will be a bill in the traditional sense.

It will be claimed that this odd construction is in keeping with section 5 of article I of the Constitution which provides that each House may determine the rules of its proceedings.

So there will be those who will say, "Well, in view of the fact that under the Constitution each House may determine the rules of its proceedings, it is within the power and authority of each House to determine what is a bill. And if the House and Senate want to deem something to have passed, well, that is within the rules of the body."

But certainly, the Framers could not have intended that any interim rules of the two Houses could invalidate the clear instructions of the Constitution with respect to the passage of a bill.

So if, within our internal rules, we may decide to "deem" a certain piece of paper as being a bill, surely the internal rules of the two Houses can never supersede or override the clear language of the Constitution itself which 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."

So the Framers could not have intended that any internal rules of the two Houses could invalidate the clear instructions of the Constitution with respect to the passage of a bill.

Now if a bill may be "deemed" to have passed both Houses, then might not the first clause of section 7, article I, be also "deemed" in its thrust?

Let us read the first clause of section 7, article I.

> All Bills for raising Revenue shall originate in the House of Representatives.

Now, if Congress may deem this to have been a bill passed by both Houses, why could not Congress deem this to be a revenue bill that was deemed to have originated in the House of Representatives? If Congress may deem a piece of paper enrolled by the clerk of either body, which no Member of the Senate or the House has ever seen, if that may be deemed a bill and be deemed to have passed both Houses, then why not deem this tax revenue measure which originated in the Senate, why not deem it to have originated in the House? That would be as much a use of the internal rules of the Senate as would be the case in the former instance.

There are those who say that, what Congress gives Congress can take away. True. But when Congress seeks to take back this giveaway of its powers, it must be prepared to produce a two-thirds vote in both Houses to override a Presidential veto. This is a lose-lose proposition, as far as Congress is concerned. Appropriations for national defense and for the national welfare would be determined by unelected, unidentified bureaucrats in the Office of Management and Budget, who would determine, for the President, which of the orphan measures may be considered worthy of his signature and which should be the victims of his wet veto pen. No matter what pretty face one may attempt to put on this hydra-headed monster, practically speaking, it will result in a massive shift of power over the purse from the legislative branch to the executive branch.

I know that means little or nothing to some of the Members of this body who have sworn to uphold and support and defend the Constitution of the United States. I realize that means nothing. But, nevertheless, it is there.

The Constitution should not be demeaned and debased by this kind of slight-of-hand work that would result from this amendment.

It is nothing less than legislative sleight-of-hand, and no self-respecting Member of the Congress should allow himself or herself to participate in this emasculation of the Constitution to which we have all sworn an oath to support and defend.

The great name of Thomas Jefferson has been frequently used in this Chamber over the past several weeks during the debate on the balanced budget amendment to the Constitution. Let us see what Thomas Jefferson has to say with respect to the passage, the enrollment, and presentation of a bill to the President.

Mr. President, I do not have in my hand a copy of the manual of parliamentary practice by Thomas Jefferson, but I have one downstairs in my office. The title of it is "A Manual of Parliamentary Practice for the use of the Senate of the United States." It is by Thomas Jefferson, first edition, 1801.

On page 73 of Jefferson's manual, it is stated, "After the bill is passed, there can be no further alteration of it in any point."

Now those who have been invoking the great name of Thomas Jefferson throughout the debate on the balanced budget amendment to the Constitution, let them hear. Jefferson, in his manual, states, "After the bill is passed, there can be no further alteration of it in any point." And for his authority, Jefferson cites William Hakewill, who prepared a manual entitled "The Manner and Method How

Laws are there Enacted by Passing of bills, collected out of the Journal of the House of Commons," 1671. Thus, a bill, as contemplated by this amendment, stripped out of the parent measure and enrolled by the enrolling clerk, presumably on a predetermined form, with a fictitious enacting clause, flies in the face of tradition, custom, and parliamentary practice coming down to us from time immemorial, from the British Parliament, the Colonial Legislatures, the American States that existed before the Constitution, and the practices of 206 years of legislative history under the Constitution. This is nothing less than legislative heresy, and "With new opinions, divers and dangerous, which are heresies, and, not reform'd, may prove pernicious." It is a pernicious amendment, and it is bound to have pernicious effects, if it is written into law.

Let us now take a look at rule XIV of the Standing Rules of the Senate and determine whether or not each of the so-called bills and joint resolutions will have complied with the provisions of rule XIV.

Rule XIV, paragraph 2, reads as follows:

Every bill and joint resolution shall receive three readings previous to its passage, which readings on demand of any Senator shall be on three different legislative days . . . and the Presiding Officer shall give notice at each reading whether it be the first, second, or third.

Now, are we to pretend, Mr. President, that each of these little illegitimate "billettes" which are going to be sent down to the President for his signature, does anyone here have the gall to say that each of these will have been read three times? Well, that is what rule XIV says with regard to bills and joint resolutions. It says:

Every bill and joint resolution shall receive three readings previous to its passage, which readings on demand of any Senator shall be on three different legislative days.

Paragraph 3, rule XIV, Standing Rules of the Senate:

No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

Mr. President, not one of these 2,000 little "billettes" will have been referred to a committee. Not one will have been twice read. Not one will have been once read. Not one will have been three times read. Not one will have seen the inside of a committee room, and it will be sure they will see the inside of the enrolling clerk's committee room. He might be able to take them home at night, over the weekend, do his work at home, get a pair of scissors, scotch tape, or old-fashioned library glue and take home some of these pre-prepared forms and enroll the bills. Do it at home.

No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

Paragraph 4:

Every bill and joint resolution reported from a committee, not having previously been read, shall be read once . . .

Not one of these little orphans will have been reported from a committee. And so rule XIV will not be complied with.

Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported.

Not one of these will ever see the calendar. Not one will ever be on that calendar, and we can thank heavens for that, because if all these appeared on the calendar, the calendar itself would weigh, with 13 appropriations bills if they all land on there at the same time toward the close of the fiscal year, the Calendar of Business would be thicker than this stack of bills. That would be an illegitimate calendar made up of illegitimate little bills.

Paragraph 5:

All bills, amendments, and joint resolutions shall be examined under the supervision of the Secretary of the Senate before they go out of the possession of the Senate . . .

Not according to this amendment. They are not going to be examined under the supervision of the Secretary of the Senate. They are going to be examined under the supervision of the clerk of the other body. The Senate will turn over everything to the other body. Let the enrolling clerk of the other body, because that is where the bills are going to originate, let the enrolling clerk in the other body do the enrolling; let him do the cutting and pasting, gluing together. The Secretary of the Senate can take a walk. He will not have anything to do with it.

It says:

. . . All bills and joint resolutions which shall have passed both Houses shall be examined under the supervision of the Secretary of the Senate, to see that the same are correctly enrolled . . .

The Secretary of the Senate is not going to do that under this amendment. Under this amendment, the clerk of the other body will see that they are correctly enrolled.

. . . and, when signed by the Speaker of the House and the President of the Senate, the Secretary of the Senate shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States.

Well, most of these will not have originated in the Senate.

Reading from paragraph 7:

When a bill or joint resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar.

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble . . .

So, Mr. President, if there is a preamble on each of these bills—the preamble on the parent bill, I presume, would have to be on each of the little mini-bills, and the question would have been first on the bill and then on the preamble.

No Senator can, of course, say with a modicum of truth and honesty any vote occurred on that bill or preamble.

So much for the Standing Rules of the Senate.

Perhaps that can bear further study on a later date.

The hundreds of little counterfeit bills and joint resolutions will not have received three readings prior to their passage, nor will they have been examined under the supervision of the Secretary of the Senate to see that they have been correctly enrolled.

Simply put, what this amendment does is to require the enrolling clerk of the House, or the Senate, to take appropriation bills as well as direct spending bills and those containing certain targeted tax benefits and break those bills down into numerous parts after they have been passed by both Houses. How many parts would depend on how many numbered sections and unnumbered paragraphs the enrolling clerk found in the complete bills.

To make matters worse, however, section 2 of the amendment requires that any appropriation measures reported by the Committees on Appropriations of the House and the Senate must contain the "level of detail on the allocation of an item of appropriation as is proposed by that House such as is set forth in the committee report accompanying such bill." The same requirement would be placed on conference reports, as well. These requirements could be waived or suspended in the House or Senate only by an affirmative vote of three-fifths of the Members of that House duly sworn or chosen. Similar requirements would apply to tax expenditure and direct spending bills.

What this means, Mr. President, is that the Appropriations Committees would be required to place into each bill all of the literally hundreds and in some cases thousands of items that are now contained in the committee reports and the conference report, whereupon each of these items would then be separately enrolled and become a separate law.

This process fails to recognize that unlike those of States, which are highly itemized, Federal appropriation bills generally contain a number of large appropriations, with the details of how the funds are to be spent set forth in the accompanying reports. This practice has worked well and is favored by

the executive branch because it enables agencies to respond to budgetary changes during a fiscal year by moving funds from one area to a more pressing area. This process of reprogramming funds is conducted pursuant to well-established procedures which ensure that the Federal Government can carry out its responsibilities within the general purpose specified in each account.

For example, the Energy and Water Development Appropriations Act for fiscal year 1995 contains a lump-sum of $983,668,000 to cover general construction for the Corps of Engineers. The statute identifies 34 specific projects, totaling $120,126,500. Most of the detail, however, is contained in the conference report, which I have shown, instructing the Corps of Engineers how to spend the nearly $1 billion. Because the instructions are in a nonstatutory source and not a public law, the agency can shift funds within the lump sum in response to their needs—often requiring approval from review committees.

Yet, under the pending proposal, reprogrammings will no longer be possible. Rather, every item listed in appropriations conference reports would be considered an "item" and, as such, would be separately enrolled. If that were done, then all of these items would be frozen in their own separate laws and it would be illegal to shift funds from one area to another without a change in statute. This would mean a large increase in congressional workload. For every mid-course correction needed by every agency of Government, the President would have to seek legislation and we would have to enact every shift in funds. Imagine how inefficient and cumbersome this would be.

I asked our Appropriations Committee staff to count up the number of "items" there are in each of the fiscal year 1995 appropriations acts and conference reports which would have to be separately enrolled under the pending amendment. Senators will recall that, under section 2(c)(1) of the amendment, it will not be in order to report an appropriation conference report that fails to contain the level of detail of an item of appropriation such as is set forth in the statement of managers accompanying that report. This means that every appropriation now named in these statements of managers will have to be placed in the conference report and, subsequently be separately enrolled and sent to the President as a separate minibill which, if the President signs it, will become a separate law.

One of the 1995 appropriation acts with the largest number of items is the Energy and Water Development Appropriation Act.

And as I have already demonstrated, the law is 17 pages in length and the statement for which every item has been provided is 116 pages in length.

These two documents—the Public Law and the conference report containing the statement of managers—are the culmination of months of hearings, of subcommittee and full committee markups, of passage by the House and Senate, and of a conference to settle the differences between the two Houses. After all that work, and after adoption of the conference report and the amendments in disagreement, this appropriation bill finally became a public law and it is being carried out pursuant to this conference report and statement of the managers.

Mr. President, as I have already shown, this stack of paper has been prepared for the Energy and Water Development Appropriation Act for 1995 in conformance with Mr. DOLE's proposal. And just in case there may be some Members or staffs or people out there in TV land, this is the energy and water—I cannot say bill. These are the 2,000 odd bills that would be enrolled by the clerk of the other body and sent down to the President and which in fact constituted the one bill, which had only 16 pages, which is referred to as Public Law 103-316 that is the energy and water appropriation bill. That is it, 17 pounds—17 pounds.

Each of those would have to be signed by the President pro tempore and the Speaker of the House, and each would have to be signed by the President, unless he decided to veto them or not sign them and let them go into law without his signature. He might ease his workload by following that course of action.

Each of the items contained in that public law, which I hold in my hand—right here—itemized in the tables of the conference report have been enrolled separately pursuant to section 4 of the amendment that has been offered by the distinguished majority leader. Each item of appropriation will have to be separately signed by the Speaker of the House and by the President of the Senate, and so instead of that one public law and that one conference report we will have over 2,000 public laws for just one appropriation act.

Mr. President, is this not sheer madness? Sheer madness. All 12 of the other appropriation acts will face similar requirements. The estimates are that if the amendment offered by Mr. DOLE had been in effect for fiscal year 1995, the Agriculture Appropriation Act would have been broken down into 757 separate acts; the Commerce, Justice, State, and Judiciary Appropriation Act would have been broken down into 924 acts; the District of Columbia Appropriation Act would have been broken down into 165 little enrolled bills which later became acts, public laws; the Energy and Water Development Appropriation Act as I already have said would have been broken down into 2,000 acts; the Interior Appropriation Act would have been broken down into 1,000 separate acts; the Labor, Health and Human Services, Education Appropriation Act would have been broken down into 200 acts; the Transportation Appropriation Act would have been broken down into 750 acts; the Treasury, Postal Service Appropriation Act would have been broken down into 479 acts; the Defense Appropriation Act would have been broken down into 2,000 acts; the Military Construction Appropriation Act would have been broken down into 225 acts; the Foreign Operations Appropriation Act would have been broken down into 225 acts; the VA/HUD Appropriation Act would have been broken down into 800 acts; and the Legislative Branch Appropriation Act would have been broken down into 100 acts.

Perhaps we should call them actlettes, 100 actlettes.

That comes to a total of 9,625 minibills, or billettes or actlettes, or public lawlettes—public lawlettes, 9,625 that would have been necessary in 1995 rather than the 13 annual appropriation acts under which we are currently operating.

So, here we will have passed 9,625 public laws and I would have gotten credit for only voting on 13 of them—13; 13 rollcall votes. I answered every one of them, yet there would have been 9,625 separate legislative acts, not one of which passed the House or the Senate, to say nothing of both Houses.

Since most of the annual appropriation bills are not finalized until the last few days before the beginning of the fiscal year to which they apply, one can see that this proposal, if enacted, would succeed in bringing the appropriation process to a virtual standstill. It would also be next to impossible for the President to approve these thousands of bills before the beginning of the fiscal year, because there would be no practical way to process that many bills, get them signed by the Speaker and the President of the Senate, sent to the White House, and signed by the President in such a short time.

Therefore, what we would be setting up is a more complicated process under which a President and a Congress, through no fault of their own, would not be able to complete its work in a timely fashion. We would be virtually guaranteeing a return to government by continuing resolution.

But, on the other hand, think of the increased media attention it will bring to bill-signing ceremonies.

I have been down at White House on a few occasions, a few occasions. I have attended bill-signing ceremonies. The distinguished Senator from Nebraska has been there on bill-signing ceremonies. We stand there behind the President. We might even get up against him so we can say to our grandchildren, this coat—this coat touched the President's coat. See? This coat touched the hem of his garment. And the President signs the bill, just a

little bit at a time, and hands back the pen; signs another little portion and hands back the pen.

I take that pen home and have it framed and I am able to tell my grandchildren that there is a pen that the President used in signing such and such a bill. Yes, the pen, he gave it to me. I never would have thought it, this boy from the hill country—I never thought I would be in the White House, never would have thought I would have been in the Oval Office. And here, just to think of it, here is a pen that the President signed the bill with and gave it to me.

"Aren't you proud of your grandpa? Aren't you proud of your grandfather?"

My, what I have been missing, though. I have only had a few of those pens.

Now think of the increased media attention that would be given to one of those bill-signing affairs. For just the Energy and Water Development Appropriation Act the President would have to sign all these 2,000 little minibills. That would become an all day affair; let us go down there for a whole day, the whole day. You would have to go down to the White House early in the morning with the subcommittee chairman, in this case it would be Mr. DOMENICI, and Mr. JOHNSTON.

We would go down with the subcommittee chairman and ranking member, leading the honored guests along with their House counterparts. The President and appropriate members of the Cabinet would greet the congressional delegation out on the White House lawn—would you say? Out at the Rose Garden. They would be all lined up out there in the Rose Garden. Up would drive one of these 16-wheelers, a big truck. It would back its way up to the gate and they would start unloading all those pens to sign those bills.

After a photo-op, the President would take out his first of many pens and begin to sign this stack of 2,000 or so bills into law. He would hand out pens to the gathered congressmen. There might be 24 separate laws for New Mexico projects, so Senator DOMENICI would get 24 pens. Perhaps Louisiana would have 32 projects and, therefore, 32 laws. So, Senator JOHNSTON would get 32 pens, and so on.

This process of signing over 2,000 minilaws would take quite some time. There would probably have to be a lunch break, followed by more signings in the afternoon. The President would say "You boys"—he would call us boys. I would not think anything of it, he calling me boy. My mom used to call me boy. She would say, "ROBERT, you be a good boy. I'll always pray for you." He would say, "You boys come back this afternoon after lunch and we will finish signing these bills." Of course we would be back because we would not want to miss out on our pens.

I expect he would draw a good deal of attention. It would become a very popular ritual for Congress and the President alike.

Now, let us look at what happens when a President decides he does not——

Mr. EXON. Will the Senator yield for a brief question?

Mr. BYRD. Yes.

Mr. EXON. I have been listening with great interest. The Senator left out whether or not he has made any calculation as to what the cost to the taxpayers would be, for all of those pens? Do you have any estimation of what that would be, in dollars, at the present time? Or is that just a minor matter?

Mr. BYRD. It is not a minor matter. We put it on the computer and the computer blew up. We tried to get that information out of the computer and the computer blew up.

Mr. EXON. Gone.

Mr. BYRD. Gone.

Mr. EXON. More expenses to the taxpayer. I thank my friend from West Virginia.

Mr. BYRD. I thank the Senator from Nebraska. I am sorry he has decided to retire, after this term. We will miss him and he will miss receiving all those pens. He will miss traveling down to the Rose Garden, having the President hand him all those pens, for items that are in the bill for Nebraska.

Seriously, I do say I shall miss him. He is a stalwart Member and one who is forthright always with what he says. He has a backbone, the courage of his convictions.

Now let us look at what happens when a President decides he does not care to sign a number of these many thousands of appropriation bills. In this case, those unsigned bills must be returned to the House of Congress which originated them. In the case of appropriation bills, the overwhelming majority will have originated in the House of Representatives. Therefore, any of these thousands of annual appropriation bills which the President returns unsigned will go to the House of Representatives. Under article I, section 7, clause 2 of the Constitution, the House of Representatives will then have total control of whether, and if so, when to schedule a veto override vote. Let us say, for example, that a President decides that he will not sign 5 percent of these thousands of appropriation bills. The other 95 percent are fine—they get the blessing of the President's unelected advisers. But these same advisers recommend, and the President agrees, that 5 percent of them should not be signed. That is not an unlikely scenario. The President's OMB personnel will have scoured every one of these thousands of bills and they are likely to find reasons to send a number of them back to the House of Representatives; in this example 5 percent, or several hundred of the bills are returned. What happens next? Under the Constitution, that will be left entirely up to the House of Representatives. If the House decides not to schedule a veto override vote on any or on all of these returned bills, that is the end of it. The Senate will have no say in the matter. Are Senators prepared for that state of affairs? Are you prepared, Senators, to have to beg the House to take up a vetoed bill?

I say to the Senator from Michigan, the able Senator from Michigan [Mr. LEVIN], are you prepared to go over to the other body and beg the House to take up that vetoed bill so that you at least get a vote in the other body on the item that is of importance to your State?

Mr. President, this amendment, in the opinion of various scholars, would be, in all likelihood, unconstitutional. For example, in recent testimony before the Senate Judiciary Committee, Mr. Walter Dellinger, Assistant Attorney General of the U.S. Department of Justice, made the following statement:

> As much as I regret saying so . . . [the] proposal for separate enrollment also raises significant constitutional issues, you know, that would atomize or dismember one of these large appropriations bills into its individual items which the President could then sign. I think it is either invalid under the clause, in my view, or, at a minimum, it raises such complicated questions under the Presentment Clause that it is a foolhardy way to proceed because if we and all of our predecessors are right, I think that which has to be presented to the President is the thing that passed the House and the Senate, and that which passed the House and the Senate is the bill they voted on on final passage, not some little piece of it or a series of little pieces of it. So I have doubts about it.

That was Mr. Walter Dellinger, constitutional scholar, speaking.

Mr. President, although the bill before us today is being touted by its sponsors as a line-item veto bill, that description is not correct. This bill would not give the President line-item veto authority. The only way for Congress to confer such power is through an amendment to the Constitution. It cannot be done by mere statute. Therefore, a fundamental thing that needs to be said about this bill is that it is not, in any way, shape, or form, a line-item veto measure.

We could not give the President a line-item veto. Congress could not pass that power on to the President. Only the people could do that by way of constitutional amendment. But we could be just as effective in shifting the power of legislative branch over the purse to the President by way of a statute. That is what is about to occur.

Indeed, I question why, if not for partisan political reasons, anyone would tell the American people the Senate is considering a line-item veto bill, when, in fact, we are not?

In fact, we are not. That kind of misinformation does nothing but confuse,

mislead, and further alienate an already cynical public. So Senators can disabuse themselves of that notion right from the start. No one is going to be able to go home, and, in all honesty, claim political favor by telling the voters they were for or against the line-item veto.

Instead, what we have before us is a separate enrollment bill, an enormously different creature. In short, what we have here is a slice-and-dice approach to legislating.

I have been in the legislative branch for 49 years. I have never seen anything like that.

Semantics aside, though, what the proponents of this measure have presented to the Senate is a piece of legislation that would set up a logistical nightmare, that would create an unworkable process, and that is obviously not well thought out. This is the product of a desperate political compromise aimed at getting anything through Congress which can be mislabeled line-item veto.

Logistics are not, however, the only problem. In fact, they are not even the most serious. What is fatal to this measure, as it would be with any type of separate enrollment procedure, is that the entire scheme is unconstitutional—unconstitutional. My colleagues and I have been in this business for years. This is my seventh term. I am in my seventh term. Seven times I have asked the people of West Virginia to return me to the U.S. Senate, and three times in the other body prior to my coming to the Senate, two times in the State House and once in the State Senate. In all of those years, not once have I ever met a creature like this, a bill that is not a bill, but call it a bill; and we deem that it is passed in the House and the Senate.

What is fatal is that this bill is not constitutional, in my judgment.

Anyone who reads the plain language contained in the first and seventh sections of article I of the Constitution will see this to be true. For those who I suggest are attending a matinee and who arrived late on the scene, let me read again. Read the words, those two sections and one will see why this measure violates the supreme law of the land.

Article I, section 1, states:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

So there are 25 words that state where legislative power under the Constitution will vest. It will vest in a Congress of the United States which shall consist of a Senate and a House of Representatives. All legislative power will repose in this branch, this legislative branch.

With those 25 words, the very first sentence of the Constitution, the Founding Fathers established the doctrine of separation of powers.

We find in section after section, article after article, paragraph after paragraph, following on that first section of the first article the doctrine of separation of powers laid out in great detail.

They explicitly placed all legislative powers in a Congress. The power to fashion the laws that guide this Nation, the power to repeal those laws as we see fit, and the power to amend a bill as it makes its way through the two Houses of Congress, those powers reside here in the Congress. The Constitution does not confer those powers upon any other individual, or upon any other branch of government.

The President is not licensed by those powers, by those words, to legislate.

All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a House and a Senate and a House of Representatives.

The Constitution does not confer those powers upon any other individual, upon the President, upon any enrolling clerk, or upon any other branch of government. The President is not licensed by those powers to legislate. He alone cannot pass a bill. The President alone cannot repeal a bill. The President alone cannot amend a bill. Only the Congress has such power.

May I say to the distinguished Senator from Nebraska, and the able Senator from Michigan, that under this bill things will have changed.

Under this amendment, the President would be given legislative power. Do you believe that? He will have been given legislative power. Now, if I hope to get an amendment added to the bill, I send to the desk an amendment, the clerk reads the amendment, and the question is then on the amendment by the Senator from West Virginia. If the Members of the Senate, or the majority thereof, support my amendment, it is added to the bill. That is not enough. That amendment has to be agreed to in the other body. So I cannot amend a bill; I can only be an instrument in the amending of it. I alone cannot amend a bill. It requires a majority of both Houses to support the instrument which I send to the desk in the form of an amendment.

But under this amendment which Mr. DOLE has introduced, and which is cosponsored by several Republican Senators, the President alone can—by his hand alone—repeal a bill. Here is a section of the bill that is sent to the President by the enrolling clerk. Here is another section of the bill. Here is another item of the bill sent down by the enrolling clerk. The President may, by his wet veto pen, strike that one. He has amended that bill by his veto pen. He may strike that one. That is a whole section. He amended that bill—one man alone. And if two-thirds of both Houses do not override him, then he has altered that bill; he has amended it just as surely as I would have amended the bill by sending a piece of paper to the desk, having a number on it and striking from the bill that particular section. One man will have the power that only a majority of both Houses on the hill here could have in amending a bill.

So he will have been given the power, unilaterally and selectively, to change what had previously been passed by the legislative branch. Through a separate enrollment procedure, the President becomes the legislative equal with the House and Senate, because he would have the power to amend. No longer would the Congress be the sole legislative body in our tripartite system. That is why this bill implicitly vitiates the separation of powers, because it hands to the executive branch one of the most important characteristics of legislative power.

The ability to amend legislation, and the right of extended debate, are the two most important features that set the U.S. Senate apart from every other legislative body in the world. This is the only upper Chamber that has essentially unlimited amendment and debating powers. With very few exceptions, which we ourselves have instituted, the Senate can take any bill passed by the House of Representatives and change that bill any way the Members think necessary and proper. But under the process contained in this bill—I will call it a bill; it is a substitute bill introduced by the majority leader—under the process contained in this bill, the President would share that power. If he were to veto even one of the thousands of bills created as a result of separate enrollment, he would have altered the original bill agreed to by the House and Senate. And that original bill, may I say to the Senator from Nebraska, that original bill, may I say to the Senator from Michigan—if the amendment stricken by the President had been stricken by the Senate or by the House, the bill may never have passed, because it would have been altered. Yet, the President can do that if the substitute bill is agreed to. He would not have vetoed the entire bill; he will have altered the bill. He would have vetoed only a portion of it, thereby amending the underlying bill.

How does that situation square with the words in article I, section 1 of the Constitution, that "all legislative powers" herein granted "shall be vested in the Congress of the United States." The ability to amend is a legislative power, and all legislative powers are to be vested in the Congress of the United States. How, then, can anyone stand here and say they see no infraction of the clear mandate contained in the Constitution? How can it be claimed that a President who can amend has not been given legislative power?

The U.S. Supreme Court, in its landmark ruling in the 1952 case of Youngstown Sheet and Tube Company versus

Sawyer, the steel seizure case, spoke to the argument perfectly. The Court said:

In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute.

Mr. President, recommending laws and vetoing laws are the only two lawmaking functions that constitutionally confer to the President, according to the Supreme Court. They did not include the power to amend. They did not say the President is authorized to selectively amend what has previously been passed by the Congress. All the Constitution allows, as interpreted by the Court, is the vetoing of laws.

In addition, this question of procedure, as it pertains to the separation of powers, is hardly academic. It goes to the very heart of our constitutional form of government. Again, I refer my colleagues to the words of the Supreme Court. In its 1982 ruling in INS versus Chadha, the Court noted that:

Explicit and unambiguous provisions of the Constitution prescribe and define the respective functions of the Congress and of the Executive in the legislative process.

Those provisions, the Court said, ". . . are integral parts of the constitutional design for the separation of powers." Thus,

It emerges clearly that the prescription for legislative action in Article I, sections 1,7, represents the Framers' decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.

But in no way would this new process coincide with the "single, finely wrought and exhaustively considered, procedure" contained in article I.

Separated powers, and the system of checks and balances that maintain the separation, were not an abstract or fleeting concept to the men who framed our Constitution in Philadelphia. The doctrine is writ large throughout the entire document. It is fused into every article, every section, and nearly every clause of that great charter. One need only read the Constitution to understand how fervently our Founding Fathers embraced separated powers. But with this measure, we say those ideals are not really important, that they do not matter. I am not prepared, as others may be, to declare myself so wise as to be willing to undo what was so finely done more than 200 years ago.

As such, all Senators effectively lose the power of their vote. We would be creating a glut of little "its"—note that in the Constitution it refers to "it," "it," "it"—the pronoun with the antecedent "bill." "It." There is not going to be any "it" with an appropriation bill that passes if this amendment by Mr. DOLE is ever adopted. There will be hundreds and hundreds of little "its." Read the bill. Read it and see how each of us gives up the right to vote on any of the new bills.

We will not have voted on a single one of them. Not one of the bills that goes to the President will have been voted on by Mr. LEVIN. Not one. This amendment by Mr. DOLE does not say where the original bill will be kept. Nobody knows what happens to it.

The enrolling clerk in the House presumably can just throw it in the wastebasket.

Read the bill. Read it and see how each and every one of us gives up the right to vote on any of the new bills.

Mr. President, what this charade amounts to is a colossal non sequitur. It simply does not make sense. On the one hand, we are being told that a bill is a bill, which means the President can veto it. On the other hand, though, the sponsors turn right around and claim that a bill is not necessarily a bill—it can be "deemed" to be a bill—so it does not need to be passed by the House and Senate. Which is it? When does a bill become a bill? How can the sponsors of this legislation tell us that any of those new bills are not really a bill? How can they claim that the process created under separate enrollment is a constitutional process? They cannot.

Even the authors of this legislative sorcery agree that, on its own, the separate enrollment process cannot meet the test of constitutionality. Again, I implore Senators to read this measure which is now pending before the Senate. Read section 4(b), starting on page 4, line 8. It says, and I quote:

A measure enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under Clauses 2 and 3 of Section 7 of Article 1 of the Constitution of the United States and shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

So here, Mr. President, we have a clear acknowledgement, an absolute declaration from the very people who wrote this bill that the process that they want to codify is unconstitutional. They are not talking about bills. They are talking about counterfeit measures that are deemed to be bills.

So this is an absolute declaration from the very people who wrote the bill that the process they want to codify is unconstitutional, that it does not meet the standard set up under article I of the Constitution.

The authors say, right there in that passage, that "a measure enrolled pursuant to paragraph (1)," which means taken out and separately enrolled, "shall be deemed to be a bill."

Now, what does the dictionary say that "deem" means? Deem means to consider—considered to be a bill; to be considered. We will just pretend that it is a bill, may be thought of as a bill, but when you strip all that language away, it is not a bill. If it were a bill, it would not say it may be "deemed" to be a bill.

The authors say right there that "a measure enrolled pursuant to paragraph (1)," which means taken out and separately enrolled, "shall be deemed to be a bill" for purposes of the Constitution.

So how can any of my constituents hold me responsible for the enactment of any one of these little billettes, these little illegitimate offspring of unknown parents? How can anyone hold me responsible for having voted for them, those thousands of new little "its" that were created through the separate enrollment process, that are going to be "deemed" to be bills? What the sponsors are admitting in that language is that those new bills are not, in fact, really bills. They readily concede, right there in their own legislation, and in their own words, that all those new little "its" are not bills.

If a piece of legislation that comes about as a result of being separately enrolled is an actual bill, then why is it necessary to have it "deemed" to be a bill. The answer is that the deeming is required because none of those minibills are, in reality, legal, constitutionally enacted bills. And the authors of this measure know that fact.

I can assure my colleagues that none of this is some misguided conclusion arrived at as a result of applying a radical new interpretation to the Constitution. This is not judicial logic gone awry. Quite the opposite. It is the considered judgement of renowned scholars that a separate enrollment procedure is unconstitutional on the grounds that it violates the presentment clause as written in Article I, section 7, clause 2.

The truly sad fact in all of this, is that we do not need to proceed along these lines. We do not need to trample on the Constitution to accomplish what is intended. We have an alternative option, which everyone agrees is constitutional. The bill originally introduced by Senators DOMENICI and EXON, S. 14, would accomplish the goal of guaranteeing the President a vote on his rescission proposals. And, most importantly, it would do it through a process which does not sacrifice to the alter of political expediency the sacred tenets contained in the United States Constitution.

S. 14 would have allowed the President to go through any appropriations bill and any tax bill containing targeted tax expenditures and excise those items he felt were unwarranted. The Congress would then have been forced to vote on each of those proposals. It

would not have created an unworkable process. It would have maintained the separation of powers. It would have been constitutional. But for some reason, the authors of the bill before us do not want that. They are not satisfied with the procedure in S. 14. In short, they are apparently not happy unless we ravage the most important constitution ever laid down in writing.

The procedure which is set forth in this amendment is not, in my opinion, in agreement with the words of the Constitution which govern the passage of a bill. It is not in agreement with those words. The Constitution, in article I, section 7, clause 2, says that a bill shall have passed both Houses before it is presented to the President. It is interesting to note that those who wrote the Constitution in clause 2 referred to a bill, whereas in clause 3 of section 7 of article I, they wrote of resolutions, orders, and votes. In other words, they covered the entire legislative landscape. They knew exactly what they were doing.

Whatever the particular vehicle—whether it be a resolution, or vote, or an order. Of course, orders do not go to the President for his signature; votes do not go to the President for his signature; resolutions do not go to the President. So whatever the particular vehicle, it had to travel the same legislative course outlined in clause 2 for a bill. In other words, whatever it is, it has to be passed by both Houses and presented to the President. He may then sign it, veto it, or let it become law without his signature, or he may give it a pocket veto, depending on the circumstances.

Furthermore, nothing in the pending amendment would deal at all with the more than $400 billion of lost revenue each year that results from existing tax expenditures. I know Senators have heard the proponents of this proposal say that it is very broad. They say it will cover everything—appropriation bills, direct spending bills, and bills containing tax preference items. But is that true? The answer is no.

All any Senator has to do is read the language of the amendment. It reads as follows, as it related to entitlements and targeted tax benefits in section 2(b)(1) on page 2 of the amendment:

> A committee of either the House or the Senate shall not report an authorization measure that contains new direct spending or new targeted tax benefits unless such measure presents each new direct spending or new targeted tax benefit as a separate item and the accompanying committee report for that measure shall contain such level of detail including, if appropriate, detail related to the allocation of new direct spending or new targeted tax benefits.

So, there you have it. This proposal will not touch one dollar—not one thin dime—of any existing direct spending program or any of the 124 existing tax expenditures. Not one dollar. Not one dime. Not one copper penny. The problem is, you see, that once these tax breaks are written into law, they rarely get reviewed again. And, nothing in the amendment that is before the Senate will require that these existing tax breaks should be looked at and made subject to veto by the President, just like annual appropriation bills.

These are the tax dollars that are lost to the Federal treasury due to special provisions contained in the Federal Tax Code. These various provisions allow deductions, exemptions, credits, or deferrals of taxes and, in effect, reduce the amount of tax paid by those who qualify for such items. The word "expenditure" is used to highlight the fact that these tax preference items are, in many respects, no different than if the government would write a check to the different individuals or businesses who qualify for them.

The plain truth is that tax expenditures are nothing more than another form of government spending. Unfortunately, they receive little, if any, scrutiny because they are not subject to the annual authorization or appropriation processes that other programs are subjected to. Rather, once they are enacted into law, tax expenditures rarely ever again come under congressional scrutiny.76 In fact, in a June 1994 report on this issue, the General Accounting Office found that almost 85 percent of 1993 revenue losses from tax expenditures were traceable to provisions enacted before 1950, while almost 50 percent of those losses stem from tax expenditures enacted before 1920.

Because these tax breaks have largely escaped congressional review, many have simply outlived their economic usefulness. But until they come under the same scrutiny as other Federal spending, we will not know for sure which ones should be modified or eliminated and which ones should be kept.

We do know that, like entitlement spending, tax expenditures are projected to grow dramatically over the next several years. In a committee print issued in December 1994 by the Senate Budget Committee entitled, "Tax Expenditures, Compendium of Background Material of Individual Provisions," the aggregate cost of these provisions will equal $453 billion for fiscal year 1995 and will rise each year thereafter to a total of $568.5 billion in fiscal year 1999.

The cumulative increase for those 4 years will equal $283.9 billion. That level of increase dwarfs the total amount that is spent each year on our entire domestic discretionary budget which amounts to only $225.5 billion for fiscal year 1995 and is not projected to grow at all over the next four years. In fact, to the contrary, it appears that domestic discretionary spending will be called upon to suffer even further cuts below a hard freeze than are already contemplated under OBRA 1993.

When one considers that this area of the budget alone, namely, tax expenditures, escapes the deficit-cutting axe that is being faced by discretionary spending and hopefully to the area of entitlement spending as well, it is little wonder that special interest groups find these tax breaks to be very appealing.

I am not saying that all tax expenditures are bad. In fact, many serve a worthwhile public purpose. The earned income tax credit has benefited many hard-working Americans by lifting them out of poverty and has enabled them to be able to support their families. A number of others—such as those for charitable contributions, home mortgage interest deduction, as well as a number of others—clearly serve a useful purpose and are in the national interest. But I am convinced that a number, perhaps a large number, of the more than 120 separate tax expenditures in current law could be either modified or eliminated altogether.

In its June 1994 report on this subject, the General Accounting Office recommended that tax expenditures should be further integrated into the budget in order to highlight the vast resources lost to the Federal Government by these tax breaks. Moreover, these expenditures should have to undergo periodic program reviews within the congressional tax-writing committees. One way to ensure such scrutiny would be to sunset most tax expenditures, thus requiring the reenactment of those that are still worthwhile at regular intervals. But, as I have shown, this amendment fails to do that.

And I am fully prepared to work with my colleagues in attempting to enact legislation that would improve the existing rescission process and would guarantee that a President's rescission proposals get considered and voted upon—just as the proposal that was authored by Mr. DOMENICI and Mr. EXON would have done—and, further, that any savings resulting therefrom be applied only to deficit reduction. What I am unwilling to do is to support any legislation that does not adequately guard the constitutionally granted congressional power of the purse.

I believe that the separate enrollment measure is constitutionally flawed and would so encumber the existing appropriations and rescission processes as to make it impossible for Congress and the President to meet their responsibilities of enacting the annual appropriation bills by the beginning of each fiscal year.

Finally, and critically important, Mr. President, this amendment will not result in any deficit reduction whatsoever. None. Zilch. The reason that is the case is because nothing in the amendment reduces Federal spending. Under this amendment, any savings that might result from vetoes of items in appropriation bills, or from vetoes of new direct spending or new tax breaks, will not go toward deficit reduction.

Instead, those savings can simply be spent on something else. That is the case because, unlike S. 14 or the Democratic alternative, which Mr. DASCHLE will present, nothing in the Dole proposal reduces the allocations of committees by the amount of the savings that will result from the vetoes. Incredible as it may seem, the substitute does not apply any of these spending cuts toward reducing the deficit. The authors of the proposal, therefore, have chosen to allow all spending reductions under their "Separate Enrollment and Item Veto Act of 1995" to be respent, rather than be applied to deficit reduction.

So, Mr. President, I urge my colleagues to defeat this proposal and to vote for the Democratic alternative that will be presented by the distinguished minority leader, which many of us will cosponsor, and which will apply all of its savings from budget cuts to deficit reduction.

I thank Senators who have patiently waited, and I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I appreciated the comments of the Senator from West Virginia. I have been anticipating his arrival on the floor to debate this issue. It is an important issue. It deserves full discussion and debate.

We began this latest discussion, of course, on Thursday evening of last week. Senator MCCAIN and I discussed our proposal at length and then, of course, we debated on Friday and all day Monday, and now it is Tuesday.

Last evening, the majority leader offered an amendment to the original proposal, offered by Senator MCCAIN and myself, which, in this Senator's opinion, substantially strengthens the effort which we are undertaking by expanding the scope of the line-item veto to include not just appropriations, but targeted tax expenditures, any new direct spending and new spending in entitlements that change the law which currently exists. It does not mean that new enrollees are not subject to the benefits of entitlements as they currently exist on the books. But it means that if attempts are made to expand those categories and to provide new spending, they are also incorporated.

These were suggestions offered by Members of the Congress, in particular Senator STEVENS of Alaska, Senator DOMENICI of New Mexico. We negotiated these changes. Many of these ideas originated in years past, some of them offered by Senators from the other party.

I do not intend to take a great deal of time in responding to the comments of the Senator from West Virginia. However, there are several points I wish to make.

The Senator from West Virginia began his presentation by citing—and I believe I am correctly quoting him—the "frenetic efforts of Republicans" to bring a measure to the floor. Yes, there was considerable negotiation, but it is negotiation upon a core and a base of discussion around a concept which has been very much a part of the history of this body.

Recent history, of course, in the last decade or so has shown that a number of attempts have been made to bring line-item veto to a vote in this body. All of them have been unsuccessful. There have been a number of votes, all falling short of the necessary votes to either waive provisions of the Budget Act or to break an attempted filibuster of the effort.

So we have not been able to achieve 60 votes to bring the matter to full debate and vote. But the concept of separate enrollment has been discussed before on this floor at length and voted on, at least in a procedural way. The underlying concepts of either enhanced rescission or a process described as line-item veto or a discussion of line-item veto, all of this has been very much a part of the debate and discussion that has been present on this floor during the past decade. But the concept of line-item veto goes back historically much further than that.

In fact, it was in 1876 that then Representative Charles Faulkner of West Virginia introduced for the first time the line-item veto concept. It was referred to the Committee on the Judiciary where it there died, and since that time about 200 line-item veto bills have been introduced. In fact, in nearly every succeeding Congress a proposal has been offered in varying forms but all centered around the same basic premise, and that is will this legislative body cede to the President some semblance of authority to provide a check and balance against the spending power exercised by this body.

Now, as the Senator from West Virginia has enumerated, we are all well aware of the provisions of the Constitution article I, section 7, which outlines the procedures by which the legislature passes legislation and by which the President approves it. And of course, article I, section 7 clearly grants to the President the power to reject what the Congress has proffered to him, or perhaps return is a better word. It says that "If any bill shall not be returned by the President within 10 days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it."

But it also says that the President may ask this body to reconsider what it has done and send back to us bills that we have forwarded to him and it will require two-thirds vote of each body, both the House and the Senate, in order to overturn what the President has done.

So the constitutional authority for the President to veto or reject or return, however you want to phrase it, what this legislature has presented is obviously well established as a part of the Constitution. But the separate question is do we want to go one step further in allowing the President the right within the legislation sent to him to line item items back to this legislature, to look at the legislation that we send to him and give the President the opportunity to say I will accept this portion but not that portion. I will accept most of what you sent but I want you to reconsider that separate portion.

That really is the question before us. As I said, there have been nearly 200 attempts to do that. Most of those have died in committee. Very few have been reported, and those that have were mostly reported with adverse recommendations.

Our Founding Fathers discussed this issue. They were concerned about the balance of power between the respective branches. That is why I believe they wrote the veto power in the Constitution to the President. But they were concerned about the unchecked power, the unbalanced power of the legislative branch over the executive branch. In the Federalist Paper No. 73, it was Hamilton who had this to say about the executive veto.

> The first thing that offers itself to our observation is the qualified negative of the President upon the acts or resolutions of the two houses of the legislature; or, in other words, his power of returning all bills with objections to have the effect of preventing their becoming laws, unless they should afterwards be ratified by the two thirds of each of the component members of the legislative body.

Mr. BYRD. Will the Senator yield? Will the Senator yield for a question?

Mr. COATS. I would like to be able to give my statement and then I will be happy at the end of that to yield. I know the Senator would have many questions. I do not want to spend an excessive amount of time because there are other Senators waiting to speak. If I could go through my statement and then address the question, I would prefer to do that.

Mr. BYRD. Very well.

Mr. COATS. Presidents throughout our history have asked for the line-item veto. It goes all the way back to Ulysses Grant. It was President Truman who said:

> One important lack in the Presidential veto power, I believe, is the authority to veto individual items in appropriations bills. The President must approve the bill in its entirety or refuse to approve it or let it become law without his approval.

He later went on to say that it was a form of "legislative blackmail"—those are his words, legislative blackmail—when the legislature sends to him a bill it otherwise knows needs to be approved by the President or else the

Government will cease to function or else important appropriations for the provision of our national defense or for the meeting of national emergency will have to be vetoed by the President or accepted in whole even though it contains items which the executive feels are not in the national interest and bear no relationship to the legislation that is sent to him.

It is that practice that brings us to this point. It is the practice of a Congress which has discovered that under the powers granted to it by the Constitution rests and resides what I would term as an abusive power, a power that does not go toward meeting the needs embodied in the original appropriation or the original bill that is sent to the President but which goes toward placating or pleasing an individual parochial interest and is attached even though it is totally irrelevant to the purpose for the original appropriation, attached because, as President Truman said, we can hold this over the President's head knowing that he needs this particular expenditure in order to meet a pressing national need and his choice is limited to accepting the whole or rejecting the whole.

It was in 1974 that this Congress stripped the President of his executive power that was being exercised to impound funds, the power that was exercised routinely from every President from Thomas Jefferson to Richard Nixon. In fact, it was Jefferson who first employed the power to refuse to spend appropriated funds in 1801 when he impounded $50,000 that was appropriated for Navy gunboats. And it is the particularly egregious practice, in this Senator's opinion, of loading up otherwise necessary appropriations with items that are deemed unnecessary, that necessitates, through line-item veto power, a check and balance for the President, a restoration of the check and balance power that allows someone—in this case the Executive—to put a question mark on what we have done and to say, "If you really believe that is a necessary item, you have the constitutional power to override my objection by a two-thirds vote."

What that does is it sheds the light of public exposure, public debate, and individual vote—an individual yea or nay on a particular item—so our constituents, those we represent, have the ability to examine how we have handled their tax dollars so that they can hold us accountable, either favorably or unfavorably, for our actions, not on a massive bill as a whole but on an individual item.

No longer will we be allowed the excuse of saying, "Yes, I voted for that particular measure, not because it contained the items you object to, but because it had such a pressing national interest that it overrode the specific objections."

Our constituents say, "But why did you not protest that particular item?" Frequently we find that particular item was buried deep within a bill that was rushed to the floor to meet some national emergency or was added in conference and brought back in a way that, under our rules, is not amendable.

So what we are attempting to do with this process, with this concept of separate enrollment, what we are attempting to do is to provide the President with presentations from the legislature which are specified, item by item by item, which the President with his able staff and with the resources at their disposal can easily examine. They can look at these items which do not comport with the thrust of the legislation presented and send them back here for our review and, if we so choose, our overriding that particular veto.

As opposed to the statement that the Senator from West Virginia made about his fight to save the constitutional system, I would argue that line-item veto is a fight to save the constitutional system, it is a fight that honors what the Framers of our Constitution and what our Founding Fathers attempted to achieve: a system of checks and balances. It is difficult for this Senator to believe that the Founding Fathers of this country, the Framers of the Constitution, intended that we would present the Executive with a continuing resolution embodying every penny of spending for this entire Federal Government and place it on the desk of the President at the end of a session—sometimes it is after we have adjourned that it arrives at his desk, although we are still here in pro forma to finalize the formal adjournment—and say, "Mr. President, take it or leave it. The entire budget of the United States of America sits on your desk in one piece and your choice is to take it all or reject it all."

I would claim that is an abuse of the spending power, an abuse of the power of the purse, an abuse of the Constitution, an abuse of what the Founding Fathers intended as the way that body should act—act responsibly.

The Senator from West Virginia has said that when all is finally said and done, when we take Public Law 103-316, Making Appropriations for Energy and Water Development for the Fiscal Year Ending September 30, 1995, and for other purposes—that all we send to the President is this nice, neat little several-page piece of legislation. And that is a much neater process than sending to the President the stack of separately enrolled bills. In one sense it is, because it is much easier to read through this small, little booklet than it is to peruse through that stack of bills.

But what we have here and what we present to the President is something that is so general that it is very difficult to itemize out all that it accomplishes. It is a very neat way for Members to say, "I did not know what was in the final product."

Under title I of this particular act that I am reading, it appropriates, in one section here, "$181,199,000 to remain available until expended, of which funds are provided for the following projects," in the amounts specified. And then it lists about 10 projects. But that $181 million actually goes to fund an additional 326 projects. So, when the President looks at this, it is extremely difficult to determine which items are going to receive the specific expenditures and which ones are not. Of course, it is impossible for him to examine the legislation and come to the conclusion that there are portions of this that should not be spent because he is forced to accept the entirety or reject the entirety. He has no power, no authority, granted to him to send back items that he does not deem necessary.

The Senator from West Virginia talked about the process as a cut-and-paste operation, conducted in the wee hours of the night with clerks assigned from perhaps the Government Printing Office helping enroll the separate bills. That is the way it used to be done. That is the way, I would say to the Senator from West Virginia, that enrollment of legislation used to be conducted.

It would be a mechanical problem—not an insurmountable one but a mechanical problem—as we used to do it. But we do not do it that way anymore. Modern computer technology has arrived in the Senate and arrived at the House.

I spent some time with the enrolling clerk asking him how he now goes about this process. He said, "Well, it is very easy." He showed me a computer sitting on his desk about this wide and about that high. He showed me a software package which is called XyWrite, and he said, "We now do in a matter of minutes what used to take us hours, and we now do in a matter of a few hours what used to take days." He said, "While I have authority to bring over people from the Government Printing Office, I never have to call them anymore because the miracle of modern technology allows us to separately enroll items literally with a push of a few buttons. What used to take dozens if not hundreds of hours now can be done literally in minutes."

So it is not a mechanical problem. It is something that is easily processed and easily handled by the enrollment clerk. The House clerk has the same technology as the Senate.

The question of do we cede power to the enrolling clerk I do not believe is valid any longer either because, as the enrolling clerk explained to me, he does not have the authority. It is not vested in him to make a determination as to what should be enrolled or what

should not be enrolled. It is the purview of the appropriators or those who write the bill to define the items of expenditures in those bills. And the power of the enrolling clerk only goes to enrolling that particular separate item. To the extent that we are sloppy in our efforts, that would raise a question as to what ought to be enrolled. But I am confident that, if we understand that each item in a particular appropriation or a tax bill or other item of legislation is going to be separately enrolled, we will make sure it is separately enumerated in the legislation that we send down to the enrolling clerk. Any ambiguity relative to a question mark on enrollment can easily be resolved by our own efforts.

As Senators know, the expansion of this legislation incorporates targeted tax expenditures. The Senator from West Virginia is absolutely right when he cites that the problem and the dimension of the problem that we face does not fall solely on the shoulders of the appropriations process to the discretionary account. In fact, I believe it is less than 20 percent of the budget. In recognition of that, part of the process in negotiating the amendment that was offered by the majority leader was to expand the scope of the veto power of the President, individual item veto power of the President, to incorporate new spending, new spending in the entitlement functions, targeted tax spending where specific tax—what I call tax pork—is incorporated in tax legislation which goes not to serve a broad interest or a broad classification like charitable deductions, like mortgage interest deductions, items that the Senator from West Virginia mentioned, but go to please or to satisfy a particular narrow interest, an individual interest or a specific interest within a class rather than to the class itself. That is defined in this bill. That will now be brought into this bill.

That is an idea that was brought forward by the distinguished Senator from New Jersey, Senator BRADLEY, who offered that last year on this floor. So we have incorporated that idea. It is a good idea. It immeasurably improves and expands the scope of the line-item veto. And we have added expenditures which would be added under the category of new expenditures to entitlement programs. It does not change the law relative to entitlement programs—as to who is eligible and what benefits they are eligible for. But, if this Congress changes the benefits provided under the entitlement and expands those and that results in increased expenditure, that too would be subject to the President's veto. So we have expanded it far beyond the original provisions of just applying it to the appropriations process.

I would like to conclude by making some points on the constitutional question because that is a valid question and one which I believe Members need to address.

Under article I, section 5, each House of Congress has unilateral authority to make and amend rules governing its procedures. Separate enrollment speaks to the question of what constitutes a bill. It does nothing to erode the prerogatives of the President as that bill is presented. Under the rulemaking clause, our procedures for defining and enrolling a bill is ours to determine alone.

There is precedent provided in House rule 49, the Gephardt rule. Under this rule the House clerk is instructed to prepare a joint resolution raising the debt ceiling when Congress adopts a concurrent budget resolution which exceeds the statutory debt limit. The House is deemed to have voted on and passed a resolution on the debt ceiling when the vote occurs on the concurrent resolution. Despite the fact that a vote is never taken, the House is deemed to have passed it.

The American Law Division of the Congressional Research Service analyzed separate enrollment legislation and indicated the following:

> Evident, it would appear to be, that simply to authorize the President to pick and choose among provisions of the same bill would be to contravene this procedure. In separate enrollment, however, a different tack was chosen. Separate bills drawn out of a single original bill are forwarded to the President. In this fashion, he may pick and choose. Formal provisions of the presentation clause would seem to be observed by this device.

Laurence Tribe, who is a distinguished constitutional professor of law, who is frequently quoted on the Senate floor more often by Democrats than Republicans, but nevertheless is a respected constitutional scholar, has also observed that this measure is constitutional. He recently wrote, and I quote:

> The most promising line-item veto idea by far is that Congress itself begin to treat each appropriation and each tax measure as an individual bill to be presented separately to the President for his signature or veto. Such a change could be effected simply and with no real constitutional difficulty by a temporary alteration in the congressional rules regarding the enrolling and presentment of bills.

He went on to say:

> Courts construing the rules clause of article I, section 5, have interpreted it in expansive terms, and I have little doubt that the sort of individual presentment envisioned by such a rules change would fall within Congress' broad authority.

The distinguished Senator from Delaware, Senator BIDEN, during his tenure as chairman of the Senate Judiciary Committee, wrote extensive additional views in a committee report on a constitutional line-item veto. He wrote about a separate enrollment substitute which he offered. And I quote from Senator BIDEN.

> Under the separate enrollment process instituted by the statutory line-item veto, the items of appropriation presented to the President would not be passed according to routine lawmaking procedures. Congress would vote on the original appropriations bill but would not vote again on the separately enrolled bills presented to the President. And the absence of a second vote on the individual items of appropriation has raised questions of constitutionality. For the following reasons, such concerns are unfounded:
>
> One, this does not change congressional authority. Each House of Congress has the power to make and amend the rules governing its internal procedures. And, of course, Congress has complete control over the content of the legislation that passes. Thus, the decisions to initiate the process of separate enrollment to terminate the process through passage of a subsequent statute, to pass a given appropriations bill and to establish the sections and paragraphs of that bill, are all fully within Congress' discretion and control.

That is exactly the process which is presented in Senator DOLE's amendment. We, the Congress, have complete control over the content of the legislation we pass. Thus, the decisions to initiate the process of separate enrollment, or to terminate that process through passage of a subsequent statute, or by a sunset provision, which this DOLE amendment contains, and to establish the sections and paragraphs of the bill, which we have the authority and the power to do, all are fully within our control and discretion.

Quoting again from Senator BIDEN:

> A requirement that Congress again pass each separately enrolled item would only be a formal refinement, not a substantive one. It would not prevent power from being shifted from Congress to the President, because under the statutory line-item veto, Congress will retain the full extent of the legislative power. Nor would it serve to shield Congress from the process of separate enrollment, because Congress will retain the discretion to terminate the process.

If we pass the whole, surely we pass the parts. How can we argue that having passed an appropriation bill that covers spending for certain functions of Government—let us say the Commerce Department—it does not incorporate the separate items of spending listed within that bill? To argue otherwise is to say that Congress, in passing the whole, does not pass the separate items. And it seems to me that a more legitimate process—if you are concerned with that question—is to separately enroll the items. Then there is no doubt that we have passed those separate items. So passing the whole incorporates the parts.

Senator BIDEN said:

> The second reason why he believes the constitutional concerns are unfounded relates to House rule 49, the statutory limit on public debt.

I will refer to that later.

> Rule 49 of the House of Representatives empowers the enrolling clerk of the House to prepare a joint resolution raising the debt ceiling, when Congress adopts a concurrent resolution on the budget, exceeding the statutory limit on the public debt. This procedure, which has been in existence since 1979,

provides a clear precedent for the separate enrollment of items of appropriation. The House never votes on the joint resolution. Nonetheless, the House is deemed to have voted on the resolution because of its vote on the concurrent resolution. House rule 49 states, in part:

The vote by which the conference report and the concurrent resolution on the budget was agreed to in the House shall be deemed to have been a vote in favor of such joint resolution upon final passage in the House of Representatives. The committee report continued to elaborate on that by saying House rule 49 has not been found unconstitutional because of its modification of routine rulemaking procedures. It is transmitted to the Senate for further action and presented to the President for signature.

This process has been in effect for a decade. Despite the absence of a separate vote by the House on the joint resolution, there have been no constitutional challenges.

The American law division has supplied me with a number of cases which further elaborate these points. In United States versus Balan, decided in 1892, the Court articulated the power of the Congress to determine its rules of proceeding. It said:

The Constitution empowers each House to determine its rules of proceedings.

That is the Court speaking.

It may not by its rules ignore the constitutional constraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations, all manners of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and enforced for a length of time. The power to make rules is not one which, once exercised, is exhausted. It is a continuous power, always subject to be exercised by the House and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

So is that not what we are doing? Are we not exercising that continuous power articulated by the Court to make our rules? Once exercised, that power is not exhausted, as the Court said. It is always subject to be exercised. In this case, the Court was referring to an action by the House. Obviously, it could apply to the Senate equally.

So it is not impeachment of the rule to say that some other way would be better, more accurate, or even more just. Who is to say that this method is not more accurate? I believe it is more accurate. It is certainly more accurate than the 10- or 12-page bill presented to the President for his signature, which does not begin to enumerate the actions of this body. You can pore through this and not begin to understand how the taxpayer' dollars are going to be spent. But if we separately enroll, every Member of this Congress will have at his or her disposal, immediately, exactly how dollars are spent, exactly how projects are funded and which projects they are. They will be able to pull pieces of paper out and say, "I do not think this is the way we ought to deal with the taxpayer's expenditures." And the light of day will be shed on our actions. I think that is a more accurate and a more just way of being held accountable to the very people that send us here to deal with the allocation of their hard-earned dollars.

Killian asks:

Within this capacious concept, what provision of the Constitution would the "deeming" provision violate? We certainly cannot point to any fundamental right that is abridged. The constitutional constraint that is applicable is the first section of article I, which sets a bicameral requirement for the exercise of lawmaking. But Congress in the proposal does not disregard the bicameralism mandate. A bill in identical form has passed both Houses. Then, a functionary, the enrolling clerk, follows instructions embodied in the rules and separates out of this bill a series of sections identical to the sections contained in the larger bill and enrolls these sections into separate bills; these bills are signed by the Speaker of the House and the President of the Senate, and these bills are then presented to the President for his signatures or his vetoes.

One can readily see that the question is much more narrow than the mere issue whether Congress can pass a law that has not cleared both Houses in an identical version. The separately enrolled bills, taken together, are identical to that initial bill. If Congress should conclude that this two-step process comports with the constitutional requirement of bicameral passage of a legislative measure, in what way has a constitutional restraint been breached?

The issue of validity could also be influenced in determination by two other factors. That is, first, Congress is not seeking to aggrandize itself or to infringe on the powers of another branch . . . second . . . it must be observed that these rules are entirely an internal matter, subject to alteration by simple resolution at any time in either House. There is no irrevocable conveying away.

2. There is some question about whether the judiciary will review this case at all. There is some precedent to indicate that the judiciary may construe separate enrollment as a political question unsuited for judicial review.

Marshall Field v. *Clark* (143 US 649 (1892):

The signing by the Speaker of the House of Representatives and by the President of the Senate, in open session, of an enrolled bill, is an official attestation by the two House of such bill as one that has passed Congress. It is a declaration by the two Houses, through their presiding officers, to be President, that a bill, thus attested, has received, in due form, the sanction of the legislative branch of the Government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill, thus attested, receives his approval, and is deposited in the public archives, its authentication as a bill that has passed Congress should be deemed complete and unimpeachable. . . . The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution.

Judith Best, a distinguished political scientist summed up these arguments well. She said:

Under article I, section 5, Congress possesses the power to define a bill. Congress certainly believes that it possesses this power since it and it alone has been doing so since the first bill was presented to the first President in the first Congress. . . . The definition of a bill is a political question and not justiciable. "Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department. (*Baker* v. *Carr*, 369 US 186 (1962)) A "textually demonstrable constitutional commitment" of the issue to the legislature is found in Each House determine the Rules of its Proceedings. If Congress may define as a bill a package of distinct programs and unrelated items, it can define distinct programs and unrelated items to be separate bills. Either Congress has the right to define a bill or it does not. Either this proposal is constitutional or the recent practice of Congress in forming omnibus bills containing unrelated programs and ungermane items is constitutionally challengeable.

Mr. President, despite the best efforts of those who oppose line-item veto in any form to characterize this bill as unconstitutional, I am confident that separate enrollment clearly passes the constitutional hurdle. Both conservative and liberal constitutional scholars agree; the American Law Division of CRS and the former chairman of the Senate Judiciary Committee have spoken clearly to its constitutionality.

If I thought that we would win the votes of those who are committed to kill the statutory line-item veto by passing a constitutional amendment, I would offer that amendment. However, I strongly suspect that the very same Senators who are raising constitutional concerns would fight just as hard against granting the President line-item veto authority through a constitutional amendment. The real issue at hand is not constitutionality, but Congress' willingness to change.

Mr. President, let me state that the real reason we are here is that this body, this Congress, this legislature, has been unable to responsibly exercise the authority and power given to them on behalf of the people of the United States, or a reasonable exercise of expending the money, which we require them to send to the Federal Government.

In 1994 we spent an average of $811.7 million a day on interest payments. That is $33.8 million an hour, $564,000 a minute. Those interest payments are due because this Congress did not have the courage or the will to go before the taxpayer and demand payment up front at the time of expenditure for items which it passed. And we have, over the past 20 years, and I point the finger of blame at every Member of this body,

including myself—we have seen the national debt increase in the last 15 years from under a trillion dollars to nearly $5 trillion, a more than 500 percent increase.

Because we have not had the courage to go to the public and say, "If we are going to pass this program, which is pleasing to many, we are going to have to ask you to pay for it as the money is expended." And we have, in the process, passed on to future generations a staggering debt burden which, as the Congressional Budget Office has enumerated, adds a crushing debt load which will provide a stagnant standard of living for future generations, which will place a burden on them that we have not had placed on our own shoulders.

I believe what we have done borders on or, if not, is outright immoral. I am not the first person to say that. Distinguished Americans have said that. They have warned about that, and now they have observed us doing it. It is grossly unfair for us to enjoy the fruits and the blessings of this country without having to pay for them. A lesson that each of us tries to teach our children has been ignored by this Congress, and that is that debt will ultimately crush you. It will ultimately destroy your hopes and your dreams.

Those items that we have deemed part of the American dream, at least that are part of the vision and dreams for most of us—owning our own home in which to raise our family, having the wherewithal to educate our children, providing for their needs, their necessities, whether it be transportation, clothing or food—those dreams and visions are going be infinitely harder for future generations because we have failed to act responsibly, because we have failed to honestly face the taxpayer and honestly exercise the responsibilities they have given to us, because we have had a very convenient excuse, and that is we can postpone the day of reckoning, we can postpone the day of payment to a future Congress, to a future generation.

To those who say that all we need do is stiffen our backbones and exercise will, I say it has not been done. It has not been done in 55 out of the last 63 years and for 25 straight years it has not been done. For one reason or another, there is always an excuse to postpone it, usually past the next election. It is a natural human tendency which we all fall prey to and that is a tendency to avoid a very fundamental, basic principle of not having more than you can afford, of being able to pay for it up front. But because the Federal Government is allowed to float debt, because the Federal Government, unlike other institutions, has a convenient out, we are able to tell our constituents that they can have it all now and somebody else will pay for it later. That is why we are here.

Now, in my opinion, we failed to enact the structural reform necessary to change the way we behave, and that was the balanced budget amendment. I regret that that failed by one vote. The line-item veto is another structural reform that changes the way we behave. It is almost as if we are trying to save ourselves from ourselves.

That is why I felt the balanced budget amendment was necessary because, despite all the promises—and I have been here through the budget deals and through the tax deals and through the promises—that we are going to get it right the next time, despite all that, we fail. We fail because it is so much easier to say yes than it is to say no, because of that natural human tendency of wanting to go home and say yes to the group that will vote in the subsequent November election on whether or not they want us to stay here, who will be pleased if we say yes and will be very unhappy if we say no.

And so that natural human tendency overcomes all of our best intentions. And each year, then, we fail to step up to the responsibilities of making the hard choices. Oh, we make some hard choices, but they are just trimming at the margins.

So I have believed for a long time that the only way we are going to accomplish what all of us, I believe, deep down in our hearts know we need to accomplish is to put in place structural changes which will either force us to accomplish that or make it much more difficult to continue past practices.

The balanced budget amendment would have forced us to accomplish that. We would have had to put our left hand on the Bible and our right hand in the air and each time swear to uphold that Constitution. And that Constitution would have required us to balance the budget. It would have liberated us. It would have liberated us from the pressures of constituencies, from special interests, from lobby groups. We could have looked them in the eye and said, "Yes, that is a worthy idea, but you are going to have to sell it to the taxpayer, because I am constitutionally bound to not spend more than we take in. You are either going to have to suggest a reduction in an offsetting program or you are going to have to suggest a tax increase that will pay for it. But, by the end of the session, we have to balance the books."

What a liberation that would be. We ought to self-liberate. That is what I hope we will do now that we have not passed the balanced budget amendment.

I hope we will realize and understand the gravity of the impact of this debt. As Thomas Jefferson said:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

I hope that we will take that to heart and that we will summon the will to accomplish that end.

The line-item veto is a pale shadow in comparison to the balanced budget, but it is the only other game in town—the only other game in town other than what we have been doing for 25 straight years, and that is running deficits; despite our promises, despite our rhetoric, despite our best intentions, the only other game in town that changes the way in which this body operates, that provides a check on the way we do things, a balance on the way we do things that makes it more difficult for us to continue this practice of saddling future posterity and generations with unnecessary debt as a result of spending that goes to the narrow interests rather than national interests.

And so what is before us now is the second attempt in a month or so to fundamentally change the way we do business.

Some will argue for the status quo, saying that we are constitutionally bound. I do not accept that argument. Neither do other respected constitutional experts.

Some will say that we are tradition bound. What a tradition. Who can defend the tradition of a $5 trillion debt? Who can possibly defend the way that we have done business when faced with such staggering debt?

So the line-item veto, as I said, is just a shadow of what might have been accomplished under a balanced budget amendment, but, nevertheless, an important tool, an important tool to end the practice or at least to make the practice substantially more difficult than the practice that has been the traditional course of action here for perhaps the history of this body, but certainly since 1974 when we took away the President's right of impoundment.

It is a tool we need. It is a tool we need because it forces us to be honest legislators, to own up to the individual item that somebody has proposed and to defend it. And if it is defensible, if it is meritorious, then it will pass. It will gain the votes and the support of the Members of this body.

If it is not, it will fail. My guess is that many will not see the light of day because those items are items that we know cannot generate a majority of support, otherwise they would be brought as individual items to this floor.

We will never know the full impact of line-item veto because most of the items that would have been vetoed will never be put on the bills in the first place. We will not risk the embarrassment of the appropriation or the special tax break that will be labeled "spending pork" or "tax pork." Most

will not risk that embarrassment of having the President call out that separate bill and stamp "veto" on it and send it back here and bring it up for debate and for a vote. We know in our hearts it would never achieve a majority, let alone a two-thirds vote.

So line-item veto will not be measured in the amount of money that it saves in the future. Only we know in our hearts and in our minds what items we might have attached if we had not had line-item veto. Those are the broader reasons, Mr. President. We can argue the technicalities. We can argue as we always do that, yes, I support the concept but not this bill, not this definition.

Well, we have been going through and saying this now for more than a decade. I do not know what perfect piece of legislation lies out there. All I know is it is not offered. We have wrestled and wrestled with this. We want something that is real, something that has teeth, something that makes it harder for Congress to spend. Not 51 votes. We want two-thirds, something that allows the President to know exactly what it is we have done.

We do not want a 14-page bill sent to him that incorporates in its first paragraph, 326 separate items. We would like those items defined, in detail. A little extra work, yes. But we are not quill and pen any more. We are computerized. We have the technology to do this, to do this easily, to do this accurately, to do this fairly, to do this justly.

Mr. President, I would hope our colleagues would conclude that the time is now, the time to make a structural change, to make a difference, is now. If we postpone this, if we continue to postpone it, we simply will have a much more difficult task in the future.

So, let Members at least, having failed a balanced budget amendment, let Members at least pass line-item veto so that we can say, "We did something different. We made some change in the way we do business." So that we do not have to go home and say "Despite the mandate of them, despite the burden of the debt, despite the speeches that each Member has given about the insidiousness of the debt and uncontrollability of this debt we did nothing structurally different. We did nothing to change the way we did business."

Does any Member want to go home and say that? This is our chance. This is our time. I urge support for the amendment by the Senator from Kansas, the majority leader, Senator DOLE.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I asked the Senator from Indiana to yield. He did not wish to yield.

He had two opportunities to vote for deficit reduction packages—and I will be very brief—in 1990 and again in 1993.

Did he vote for either of those deficit reduction packages? The opportunity was there to cut the deficits by a total of around $900 billion in both bills, 1990 and 1993. Did the Senator vote for either of them?

Mr. COATS. Mr. President, if the Senator from West Virginia will yield, first of all I apologize to the Senator for not yielding. I guess I got carried away with my own rhetoric and conclusion. I forget I promised the Senator from West Virginia that I would yield for a question. I trust he will accept my apology for that.

The question the Senator from West Virginia has propounded to me is: Did I vote for the 1990 or the 1993 budget resolution? The answer to that is no.

I would like to explain why I did not. Because this Senator believes that my constituents from Indiana have been taxed enough. And both of those resolutions contained substantial increases in taxes, as well as spending cuts. It was the philosophy of some who offered those resolutions that our deficit ought to be attacked by a combination of tax increases and spending cuts.

It is this Senator's opinion that we have taxed the taxpayers enough, and that we ought to attack the deficit on the basis of spending cuts—this Government has grown too large—and that our first priority ought to be to reduce the scope and size of Government and to reduce expenditures. Only then consider the possibility of an increase, if it is needed, to address the balanced budget amendment.

So, if the vote was on a measure as we have had a number of votes, to just reduce spending, this Senator is more than happy to vote for it. But not if it includes raising taxes.

Mr. BYRD. Mr. President, the Senator has answered my question. The answer is, he did not vote for either of those packages, which together saved upward of $900 billion, would reduce the deficits by almost $1 trillion over 5-year periods. He did not choose to vote for either of them and he says, "Because they contained tax increases."

Well, tax increases are one of the tools that has to be on the table, in my judgment, if we are going to consider reducing the deficits. Nobody likes to vote for tax increases. I do not like to. I have voted for tax increases, I have voted for tax cuts. I would much rather vote for tax cuts.

But tax increases is one of the options that we may have to use if we relieve the burden of debt that is going to be placed upon our children and grandchildren by virtue of our using the national credit card for the last dozen to 15 years. We may have to use that option to increase taxes.

Now, the distinguished Senator refers to the Gephardt rule. The Gephardt rule has never been adjudicated by the courts. We do not know how the courts would hold on the Gephardt rule.

Furthermore, I might suggest that if we can deem, in the words of the amendment that has been offered by Mr. DOLE, if we can deem, and I read the language therefrom, "a measure enrolled pursuant to paragraph one of subsection (A) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I."

Mr. President, the distinguished Senator from Indiana says that we "may deem" such measure to be a bill under clause 2 and 3, and he says that we may do that based on article I, section 5, which leaves to the two Houses the judgment of determining their own rules, but I would hope that the Senator would not argue that the Senate or the House under the cloak of article V, the determining of the rules that the House and Senate could supervene a clear clause in the Constitution of the United States.

Neither House can create a rule that would in itself, violate the Constitution of the United States, or supervene it, or take precedence over it. All rules of the House and Senate—even though the House and Senate are given the power and authority under article I, section 5, to determine the rules of—all Senate and House rules must fall if inconsistent with the Constitution of the United States.

Now, if a bill enrolled pursuant to paragraph 1 of subsection (A) with respect to this item shall be deemed to be a bill, if one of these little "billettes" may be deemed to be a bill, if the Constitution said "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"; if we can deem that and thereby avoid the requirements of the Constitution, I wonder if we might not just deem an appropriation bill that passes the House of Representatives, just deem that it has passed the Senate?

Any appropriation bill that passes the House, why not just deem it to have passed the Senate and go home? It would seem to me to be just as appropriate to deem an appropriations bill that has passed the House, deem it as having passed the Senate, as to deem the section or a paragraph or an item in the appropriations bill, deem that to be a bill.

There is one final suggestion I have. The distinguished Senator spoke of the qualified negative which the constitutional Framers gave to the President, and they did reject the idea of giving the President an absolute negative, an absolute veto. They gave him a qualified veto. But in practice, it would seem to me that if the pending amendment becomes law, it could, in effect, be the same as giving the President an absolute veto for this reason:

Let us say that the several States in the Northeast—Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and so on—let us say that those States were able to get something into an appropriations bill that was very vital to the Northeast region. Suppose the President vetoed that item or those items from the bill and sent those bills back to the House of Representatives where they originated. Well, obviously, the votes of all the States in the Northeast, when added together, in the House of Representatives would fall far short of being sufficient to override a Presidential veto. The small States would be hard put to corral the votes necessary to override a Presidential veto of items that affected the small States.

West Virginia has three votes in the House and, in effect, then, it would seem to me that the President, in exercising his veto under the amendment that has been offered by Mr. DOLE, would, in practice, as far as practicality is concerned, be exercising an absolute veto. Small States should look at this amendment with great concern. Perhaps the States of California, Texas, Florida, Michigan, New York, Indiana, and Illinois could come together and marshal enough votes among themselves to at least uphold a Presidential veto, sustain it.

But the President could take that bill and knock out items that were of importance to the smaller States, and it would be very, very difficult, if not impossible, for the small States to garner the support in the House of Representatives to override that veto. They would not be able to produce the two-thirds vote. So, in essence, it gives to the President an absolute veto, which the Framers discussed but rejected.

Mr. President, I have had more than my share of time here this afternoon. I apologize to those other Senators who have been waiting. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. I believe the next Senator is the Senator from California. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, this is a very short statement. I do appreciate the opportunity to make it. I rise today in support of the substitute amendment to S. 4.

For more than 100 years now, arguments both pro and con have been made revolving around whether a President should or should not have a line-item veto. As a matter of fact, since 1876, more than 200 resolutions have been introduced on this subject. Presidents, Democratic and Republican, have asked for this special blue pencil. This President has asked for the strongest possible bill, and I believe that there are several Democratic Senators prepared to vote for this legislation.

Basically, the arguments on a line-item veto are either philosophical or constitutional. But regardless, the trend on many levels has clearly been toward a stronger chief executive in both State and local jurisdictions.

Today, 43 States have a line-item veto, and mayors of cities, big and small, as well as county executives, are being granted this authority.

In California, the latest city to grant a line-item veto to a newly strengthened mayor is Fresno, a major city with a population of 667,000 people in California's Central Valley breadbasket. The Fresno mayor will have this authority beginning in 1997.

In Maryland, the State legislature is this year considering granting this authority to the county executive.

In California, the line-item veto has been used 254 times in the last 4 years. The Governor has had this authority since 1908, and a recent survey found that 92 percent of all current and former State Governors believe that the line-item veto would help curb spending.

Before New Jersey Gov. Christine Todd Whitman signed a $15 billion supplemental budget into law this past year, she used the blue pencil to cut $3.17 million from the bill.

The most powerful line-item veto is probably that provided in Wisconsin, where the Governor cannot only veto lines but also individual words. Governor Thompson has used it over 1,500 times since 1987, sometimes to change actual policy. It is my understanding that this is not the case in the legislation being considered today.

Virtually all businesses' and corporations' CEO's or CFO's have this authority. But the President of the United States, who runs the largest combination of major governmental enterprises in the world, does not have this authority.

Today, the President has little recourse to fine tune a budget passed by the Congress, except to shut down entire segments of the Government by vetoing an entire appropriations bill.

In 1992, the General Accounting Office estimated that a line-item veto could have pared $70.7 billion in pork-barrel spending between 1984 and 1989. That is just 5 years. If in the next 5 years a similar amount could be cut, then the line-item veto will have done its job.

Enacting a line-item veto will, of course, give the Executive more authority, and I recognize that that is a problem for some. And even though a President may not use that power frequently, the threat of such action may be the impetus needed to force Congress to be more responsible in the formulation of the budget.

I believe the line-item veto will increase positive relations between the executive and legislative branches because Members will no longer have the ability to insert special projects that have little overall merit in appropriation bills without the concurrence of the Chief Executive. The line-item veto can force executive-legislative cooperation and agreement before the bill reaches the White House for signature or veto.

It also encourages caution on the part of the Chief Executive who would use it sparingly in order to prevent his veto from being overridden. Really, what a line-item veto is all about is deterrence, and that deterrence is aimed at the pork barrel. I sincerely believe that a line-item veto will work.

In our caucus today, some papers were passed around which showed a paragraph from a bill involving the Patent and Trademark Office, and there were several subsets attached—items which were certainly not reflected in the paragraph of the bill. One of these stated:

> * * * of which not to exceed $11 million shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

Now, if I were President, I would say to my staff—take a look at this. Does the Patent and Copyright Office really need $11 million in furnishings? I think it is worth a look.

Mr. LEVIN. Will the Senator yield on that?

Mrs. FEINSTEIN. I certainly will.

Mr. LEVIN. I was the one who circulated this paper. This has nothing to do with the Patent Office. This had to do with the Federal courts, which shows the problem with the pending substitute before us, which is there is no way of telling from the bill that will be submitted to the President what it relates to. It is just language pulled out of bills and you do not even know what it relates to. The Senator is saying that this was from the Patent Office.

Mrs. FEINSTEIN. Let me respond to that. The fact is, I do not care what department it is; any $11 million item for furniture should certainly be looked at a second time, whether it is courts or agricultural offices or Interior or anything else.

Mr. LEVIN. If the Senator from California will yield further, this language was language which the computer produced, and the Senator from Indiana handed the computer to State, Commerce and Justice appropriations. And the Senator from Indiana said, gee, that computer does it simply, fairly, accurately, and the Senator from California said that this related to the Patent Office. And in fact it has nothing to do with the Patent Office.

Mrs. FEINSTEIN. Let me apologize. The papers were passed out together at our caucus, and I made perhaps the mistaken and inadvertent, but not surprising, conclusion that since they were passed out together they related to one another.

Now, if I might finish my statement——

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. FEINSTEIN. I believe that what a line-item veto essentially does is encourage caution on the part of both the Chief Executive and the legislative body. I think the time has come for fiscal discipline. As I said, I sincerely believe the line-item veto can help us achieve that goal.

Let me give an example. When I was mayor of San Francisco, the budget did not correspond with the size of the Federal budget, but there were 52 departments, and the budget was over $1 billion. Yet, it was very difficult to get down to the actual line items. There was one line for salaries. As a chief executive, I really had no opportunity to go through every salary to make judgments about how many people should be continued and how many people should not.

A line-item veto gives the chief executive this opportunity, and I think the blue pencil is a necessary tool of government for a Chief Executive in a modern day.

I also believe that tax breaks and appropriations should be treated similarly. They may be two different items, but the results are very much the same: they benefit a small segment of the population at the expense of the greater good of all the people. Regardless of the item, they both reduce the amount of money in the U.S. Treasury.

Currently, debates are raging at every level of government about the institution of a line-item veto. Maryland, as I said, is now debating it. Fresno, CA, has just granted it. I believe that the people of this country understand the benefits of a line-item veto and are expanding the use of it. I believe we ought to give this power to our President.

So I am very pleased to be able to support the legislation before this body.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I just want to make an announcement to my colleagues on both sides to know what the program is for the remainder of the evening.

The distinguished Democratic leader has given me a list of potential amendments which numbers 33 on that side, 4 on this side, for a total of 37, and I am not in a position to say that is an agreement that we would want to agree to. So I would just suggest tonight, if somebody wants to debate the bill, it is all right to have the debate, but we are not going to take up any amendments tonight. And then I will meet with our leadership tomorrow morning on this proposal.

I do not see how we are going to complete 37 amendments between now and Friday morning. Many will probably be the same amendment we have had time after time after time in an effort to delay and delay and delay action on a bill that ought to be passed around here in 2 or 3 days. It is something we debated 7 times in the past 8 years. But I know Members have a right in the Senate to offer all the amendments they want. And if we cannot get cloture, why, I assume they can offer all the amendments they want. But I do not think it would be in the interest of anybody to start off and suggest we are going to finish by Friday when we have 37 amendments with no time agreement on a single amendment. It is the same thing we have done all year long—throw in all the amendments you can think of, clean out the garbage can, whatever, and then put them on a list and say take it or leave it. My view at this time is to leave it. If anybody wants to make speeches on the bill or on any amendment tonight, there will be no disposition of any amendment tonight.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I am sorry to hear what the leader has just said. We were prepared to offer an amendment. There have been those of us in the Chamber today who have not had a chance to talk. Some people do not follow the usual order around here, but I was prepared to yield to my colleague from Illinois for the purpose of offering an amendment.

Do I understand that the leader is saying he does not want any amendments offered as of now?

Mr. DOLE. I do not object to an amendment being offered; there just will not be any vote tonight if the Senator from Illinois would like to offer an amendment, if somebody else would like to offer another amendment.

Mr. EXON. I have listened to the statement made by the leader, and I would simply say that we are prepared to move ahead on these things as quickly as possible. This is a very important piece of legislation, and I have listened to a lot of talk today that some people misconstrue what most of us on this side want to do, and that is pass some acceptable version of the line-item veto or enhanced rescission proposal.

So we are not being dilatory. I do not think anybody is filibustering. There has been no threat of a filibuster. I hope, for the purpose of moving ahead now, to show we want to get things done—as soon as the Chair thinks it appropriate, I would appreciate him recognizing the Senator from Illinois for the purpose of offering an amendment to get on with what we think the request of the majority leader is. Let us get going on offering the amendments.

Mr. DOLE. I will just take 1 additional minute. Again, everybody has the right to offer amendments. We certainly learned that this year. We have voted on the same amendments time after time after time. I bet half of them are right on here again. Everybody out trying to make points: Social Security, children, or somebody else—offering these amendments.

That is a right we have on both sides of the aisle, but we do not have to take a week just because Friday is coming. We do not have to say we cannot finish this bill before Friday. We have a lot of work to do if we are going to have any Easter recess around here.

We have a list of "must do" legislation. There comes a point when you must get it done. I think if we can finish this bill on Thursday, start on either the supplemental appropriation, the second supplemental or the modified bipartisan measure on regulatory reform—not the moratorium but the 45-day review period, which I think Senator REID and Senator NICKLES are working on—then after that, we have the self-employed tax deduction, which is going to be very important to our constituents. Tax time is coming. We need to pass that early next week. Then we have the second supplemental with billions of dollars in there for FEMA, among other things. Then we have a couple of conference reports on the first supplemental; and then on paper simplification.

My view is, if we do not push on this one we are—and if we do a couple of amendments tonight, that would only leave 35.

My view is, certainly if the Senator from Illinois wants to offer an amendment, he can do that tonight. But I suggest we then have the vote on that amendment tomorrow, and we will just start and see how far we can go until we have a cloture vote tomorrow sometime.

Mr. SIMON. Will the majority leader yield?

Mr. DOLE. I will be happy to yield.

Mr. SIMON. Let me just explain, the amendment I hope to offer simply calls for expedited judicial review. It is identical to an amendment that was accepted on the House side.

I think, whether you are for or against this bill, it makes sense. I believe it would be acceptable to both sides but I at least want to lay it down tonight and then, if there is not agreement tonight, then we can agree on it tomorrow.

Mr. DOLE. Is the Senator going to send the amendment to the desk?

Mr. DASCHLE. If the Senator will yield?

Mr. SIMON. If the Senator will yield for that purpose.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. DOLE. I yield the floor.

Several Senators addressed the Chair.

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Mr. DASCHLE. Mr. President, I did not hear all the words of the distinguished majority leader, but I did hear the end of his comments.

Let me say again, as I have said to him personally: it is not our desire to hold up this piece of legislation. Our desire all along has been to work in good faith with the Republican majority. We have consulted with a number of our colleagues, all of whom have indicated their amendments are relevant.

I am somewhat surprised myself, frankly, with the list of amendments. I had indicated publicly I did not think the list was going to be as long as the list is. But I have given the assurance to the majority leader that we desire to finish this bill this week. We have also indicated that our message to all Members would be that they would have to offer their amendments prior to 10 o'clock on Thursday. That is an excellent guarantee.

We have also indicated that the amendments that we intend to offer would be relevant. These have not necessarily been offered in the past, and I hope we could find some way to accommodate all Senators here. If we have to go to a cloture vote, we will go to a cloture vote. But the issue, if we go to a cloture vote, will be whether we, as a minority, have the opportunity to be heard on a very important issue, and to offer all relevant amendments.

We only received this amendment yesterday evening. It is a substitute that was laid down yesterday. We have not been given an opportunity today to even offer an amendment. There will be no votes on amendments tonight.

So I hope that everyone shows some accommodation, and some willingness to cooperate. We are doing our best. We may be able to get that list down even some more. But I hope we can continue to work in good faith. And let me emphasize to the majority leader and to others, I think if we do work in good faith, we can accommodate all Senators in a responsible way.

But to lay down this substitute, then to file cloture, then to tell us that we cannot even offer amendments—most of which or all of which should be relevant—in my view is just unacceptable. I hope in the end we can deal with this in a reasonable way. I am sure that we can.

With that, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, we may have an opportunity overnight to go back and shorten the list some. I cannot believe there are 37—34 amendments on that side of the aisle. First there were 40; then they reduced it to 34. I cannot believe all those amendments. I think there may be some legitimate amendments. There are probably a half dozen, but I do not think there are 34.

Maybe we can come back and take another look. We now have three amendments or four amendments on this side of the aisle. The important thing is, it is not just this legislation. We took 4 or 5 weeks on the balanced budget amendment. We listened to—everybody got to offer their Social Security amendment on the other side. They tried to make that the issue. Many people who voted for the balanced budget amendment last year, the identical measure, stood right here and voted no this year. There were a couple of minor changes.

We do not want to go through that process again. You are either for or you are against a line-item veto, and we ought to find out. Those who are for it on both sides—not everybody is for it on this side. But those who are for it on both sides, I think, would want us to move ahead and get on to the next piece of legislation if, in fact, we are going to have a recess, which would come when, if it happens? April 7.

But there are some things we need to do. I understand today there is some treaty the administration wants us to do that may take some time.

So we are trying to accommodate the administration. In fact, the line-item veto is something the President says he is for. He said today at the White House they did not mind these separate enrollments. They have a lot of pens at the White House. They make good souvenirs. If there are a lot of enrollments, they could have a lot of signing ceremonies. That is what, in effect, Mr. McCurry said, the President's press spokesman, I think, on that line-item veto.

So we would be happy to work with the leader overnight. But I say to the Senator from Illinois, if he wants to offer the amendment, he certainly has every right. If somebody else wants to offer an amendment, Senator MCCAIN said he would stay here until 8, 9, 10 o'clock, so we could stack some of those votes if they are not subject to second-degree amendments and have those votes tomorrow morning.

We do not want to keep anybody from offering amendments. I just do not want to try to do this this evening.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me emphasize to Senators on our side of the aisle that I hope we could offer some amendments tonight. Now, I understand the majority leader to say if we have the ability to vote on them, let us do that. Let us move ahead.

But there are really two issues here. The first issue is whether or not the Democratic minority will have the right to offer amendments to be heard on any one of a number of bills that may come before us. I do not think the Republicans in the past have been any more willing to accept the majority laying down a bill, cutting off debate, and not allowing amendments, especially those that may be germane or relevant, from being considered and debated upon and ultimately voted on.

That is not how we should do business here. What I thought we did was to try to work out arrangements whereby both the majority and the minority would have the opportunity to offer amendments in a reasonable way, and to have votes on those amendments and ultimately work through the legislative process. If we are precluded from doing that, then in my view we have no choice but to vote against cloture and to drag this process out as long as we must. Nobody wants to do that. But I think I can say for many members of the Democratic caucus that we will do that if that is our only recourse.

Second, let me just say this is not just a question of a line-item veto. Obviously, there are legitimate differences of opinion with regard to what is the most appropriate form of a line-item veto. There are differences on both sides of the aisle. Our hope is that we can work through those differences and come up with a meaningful piece of legislation that will enjoy broad bipartisan support. But whether we have broad bipartisan support depends upon whether or not there is bipartisan cooperation. It is not just a vote on a line-item veto. It is a vote on various concepts involving line-item veto or line-item rescission and I am fairly optimistic that ultimately as we work through these amendments, and as we work through the course of the week, that we can come to some ultimate closure on this issue in a way that would allow everyone here to feel good about our progress.

So I hope cooler heads can prevail, and that we can truly accomplish all that both the majority leader and I and others have expressed a desire to do this week.

Mr. MCCAIN. Will the Democratic leader yield? I would like to say that the distinguished Democratic leader that I am prepared to stay here. We are prepared to consider amendments. I hope all of our colleagues on both sides of the aisle understand that.

It is my understanding that the majority leader would like to stack those votes tomorrow, which I hope is acceptable to the Democratic leader. I hope we can move forward, and hopefully by tomorrow perhaps we can find, as we usually do, that some of those amendments that are on that list are not necessary so we can achieve the goal that both of us seek.

I fully understand and appreciate the desire and commitment of the distinguished Democratic leader to protect his and the rights on that side of the aisle.

Mr. DASCHLE. Mr. President, I will not belabor this point. Let me state one last reminder to my colleagues. If we have an agreement, that agreement will entail, at least as it stands now, an

understanding that all Senators would have to file their amendments no later than Thursday morning. That leaves tonight and tomorrow and Thursday morning up to a time certain to offer amendments. So if Senators are serious about offering these amendments, I hope they will come to the floor tonight as late as it takes. This is an opportunity to present your amendments. Come to the floor tomorrow. But take advantage of what I think is an effort on both sides of the aisle to accommodate Senators with serious suggestions and proposals as to how to improve this piece of legislation. If we do that, I am sure the distinguished Senator from Arizona is correct. We can reach some agreement tomorrow as to how to dispose of this bill in a way that will accommodate all Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to briefly thank the distinguished Democratic leader for his patience. I want to thank the Senator from California for a very important statement, and frankly one that I think has gotten a lot of very important messages associated with it. I appreciate her support of the line-item veto. I appreciate also the patience of the Senator from Michigan and the Senator from Illinois.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I assure my colleagues I will just take a few minutes.

AMENDMENT NO. 393

(Purpose: To provide for expedited judicial review)

Mr. SIMON. Mr. President, I send an amendment to the desk in behalf of myself and Senator LEVIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. LEVIN, proposes an amendment numbered 293.

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

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

The amendment is as follows:

At the appropriate place in the pending amendment, insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

Mr. SIMON. Mr. President, I believe this is an amendment that will be acceptable to both sides. But my colleagues will have overnight to look at it and make a determination. It is identical to the language that is in the House. It says that any Member of Congress may bring the question of constitutionality before the Federal court, and a panel of three judges will make a determination of its constitutionality and then it can be appealed directly to the U.S. Supreme Court.

What we do not want is to live in limbo. We have people like John Killian of CRS and Prof. Larry Tribe of Harvard who believe it is constitutional. You have others like Louis Fisher of CRS and Walter Dellinger, who believe it is not constitutional. I do not know who is right. The courts have to make that determination. But we ought to know as quickly as possible whether it is constitutional. My sense is it will pass, and it is clearly going to be signed by the President. Let us find out whether it meets constitutional test.

That is what we are asking. And that very simply is what the amendment does.

I thank the President. I thank my colleagues for yielding, and particularly Senator LEVIN who was here on the floor before I was.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the amendment offered by the Senator from Illinois. It is a very good one, and a very timely one. This amendment is simply good and prudent planning.

The distinguished Senator from West Virginia has detailed our real concerns with the separate enrollment concept advanced by the Republican substitute. Legal scholars can debate whether the separate enrollment violates the clause of the Constitution. That would be affected regardless of where the Senate comes out on this issue of separate enrollment. It is a constitutional question.

I hope that all can agree that we do not want a constitutional cloud hanging over what I think we will eventually pass in the form of whatever kind of line-item veto or enhanced rescission we come up with here in our debate on a final vote. We do not want that cloud hanging over forever.

The pending amendment simply allows a speedy resolution of this constitutional issue. It does not allow a legal challenge to hang over all the bills for years upon years. Let us provide an expedited judicial review, which the Senator from Illinois suggested. As I understand it, it is identical to what was passed in the House of Representatives.

Possibly this is something that can be passed by a voice vote, since I know of no objection to it on this side of the aisle.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the intentions of the Senator from Illinois. I am in agreement, except with one caveat; that is, that the opening paragraph of the amendment says any Member of Congress may bring an action in U.S. District Court for the District of Columbia for declaratory judgment and injunctive relief on the ground that any provision of this act violates the Constitution.

I have not seen the House language, I say to my friend from Illinois. But I am concerned about any provision of the act which is unconstitutional, and whether the entire act would be unconstitutional, if that was the intent of the amendment. If it was the intent of the amendment, would a severability clause added to the amendment be acceptable to the Senator from Illinois?

Mr. SIMON. Mr. President, if my colleague will yield, Mr. President, I am sure we can work that out. If the Senator's staff will work with my staff overnight, I think we are reaching a point of agreement.

Mr. LEVIN. Will the Senator from Arizona yield briefly?

My understanding is that language tracks the Gramm-Rudman judicial review language as well. That may be helpful as a precedent as you review this overnight.

Mr. McCAIN. I thank the Senators from Illinois and Michigan.

I would like to ensure—and I think the Senator from Illinois is in agreement with me. If one minor provision of the act is declared unconstitutional, I would not want the entire act to be declared unconstitutional. I know what

the opponents of this legislation are trying to get at. It is primarily separate enrollment. I understand that. If it were declared unconstitutional, then obviously, the entire act would be out. If it is a minor aspect of it, I would like to not see the entire legislation knocked out.

So I look forward to working with the staff of the Senator from Illinois overnight, and obviously with the good counsel of the Senator from Michigan. I hope we can work that out during the course of the evening.

I thank the Senator.

Mr. SIMON. I thank my colleague from Arizona.

Mr. McCAIN. Mr. President, we will not accept the amendment at this time until we get the language worked out and also in keeping with the wishes of the majority leader that we not do any amendments this evening. But I also would like to assure the Senator from Illinois that I think it is entirely fair and justified to see an expedited review of this legislation.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. EXON. Madam President, I have been listening all afternoon to the excellent presentation by Senator BYRD from West Virginia and learned a great deal. I think we would all agree that the Senator from West Virginia is a very talented and experienced constitutional lawyer. I thought he brought up some excellent points today, and I simply say that I think it is very important that the Congress listen to somebody with the experience of Senator BYRD and not get ourselves into a situation where we, once again, try, and maybe this time pass, some version of a line-item veto and then have it promptly set aside by the courts. None of us want that. There have been a lot of arguments back and forth, and I will submit for the RECORD at this juncture a statement by Walter Dellinger in front of the Judiciary Committee in January of this year which disagrees with the holding of Senator BIDEN of the Judiciary Committee, the former chairman, with regard to this concept of enrollment.

I ask unanimous consent that that be printed in the RECORD at this point.

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

EXCERPT OF MR. DELLINGER'S TESTIMONY BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, JANUARY 1995

As much as I regret saying so, I think that Senator Biden's proposal for separate enrollment also raises significant constitutional issues, you know, that would atomize or dismember one of these large appropriations bills into its individual items which the President could then sign. I think it is either invalid under the clause, in my view, or, at a minimum, it raises such complicated questions under the Presentment Clause that it is a foolhardy way to proceed because if we and all of our predecessors are right, I think that which has to be presented to the President is the thing that passed the House and the Senate, and that which passed the House and the Senate is the bill they voted on on final passage, not some little piece of it or a series of little pieces of it. So I have doubts about it.

Mr. EXON. Mr. President, during the extensive debate that has gone on now since 2:15 this afternoon, a lot of things have been talked about. I simply emphasize once again that, as far as this Senator is concerned, I am working very hard and have been for many years to try to come up with something that we can generally agree on, get it passed, hoping it is constitutional. I go way back to 1986 when the then Indiana Senator, Dan Quayle—the predecessor to Senator COATS, who was in the chair most of the afternoon—and I combined at that time on what was called the pork-buster bill. That launched one of the first recent initiatives trying to do something about putting some brakes on some of the pork that goes into the bills.

So, therefore, I wanted to march shoulder to shoulder, as I did with the chairman of the Budget Committee, Senator DOMENICI, this year in introducing S. 4. And then came, of course, S. 14, which came after S. 4. It was introduced by Senator McCAIN and others. We held a very interesting hearing on that. It now seems that many of the things embodied in S. 4 have changed to the new concept offered by the majority leader last night. I think some significant changes were made that brings the proposal that is now before the body much, much closer to S. 14, which Senator DOMENICI and myself introduced under the number S. 14.

So I think we are making progress. I think we are going to pass something now. But I certainly hope that we recognize and realize that nothing is perfect, and the substitute offered last night, which I understand has been agreed to by most of the Senators on that side of the aisle in the majority, is something that we are looking at. I think some changes would be in order, and I certainly hope that we will not dismiss out of hand the detailed presentation made by Senator BYRD today. The points he made, I thought, were tremendously important, and we should take a look at that.

I am not sure where and when it came after the introduction of S. 4 and S. 14, which were the two principal bills in this area, that had nothing about actions of an enrollment clerk. I am not sure yet how that has become such a centerpiece. I hope that those on that side of the aisle will at least listen to those of us here who would like to suggest and have a vote on what we may think would be a better way that would keep us, hopefully, away from the courts intervening and saying that we have done something unconstitutional.

I simply say that I believe there are some concerns with regard to an enrollment clerk. I listened to the Senator from Indiana this afternoon talk about how computers could be used to expedite this process and it would not be as laborious as indicated in the presentation by Senator BYRD. I wonder if we recognize that the Constitution probably does not allow computers to sign bills or "billettes," as they were called today by Senator BYRD in his rather extensive debate.

When you start talking about this enrollment proposition, I do not believe that the Framers of the Constitution ever envisioned that an enrollment clerk would be involved in such an intricate way. If the enrollment clerk would be required to enroll all of these bills separately, given that, we also have to recognize that the Speaker of the House of Representatives, the President pro tempore of the Senate, and the President of the United States all have to sign these. I suspect and would hope that we would not have changed the system so much that we do not require the signature of those key officers, as established in the Constitution, and that they can sign through a computer. It might well be that we have advanced to the point where the computer can sign the name of the President of the United States. But I suspect that that might be somewhat suspect from a constitutional standpoint.

I simply say, Mr. President, that all we are trying to do here is to move ahead aggressively. Let us have an open debate. Let us not try to shut off debate, because this is a very important matter. Certainly, when you are talking about matters like this, matters that we debate at some length regarding the constitutional amendment to balance the budget—an item, by the way, on which this Senator sided with those on the majority side of the aisle. I still think constructive debate, dialog and discussion is part of the Senate process, and we should not try to move as quickly on everything as does the House of Representatives.

I remind all that the U.S. Senate is not the House of Representatives. If there is one thing that was made clear by the Framers of the Constitution, they felt that the U.S. Senate should be the more deliberative body. That does not mean we should be so deliberative that we get nothing done. Nor does it mean that we have to race down the track like they do in the House of Representatives to meet some magic 100 days that I think means little, if anything, if we are going to properly discharge our duties in the manner in which we have traditionally done it in the U.S. Senate.

I was extremely disappointed by the vote on the balanced budget amendment. However, we cannot spend the

rest of the session licking our wounds and assigning blame. The world did not come to a screeching halt because the balanced budget amendment failed to carry the day. We continue to run deficits and we continue to pile up debt. It is time to move forward on a bipartisan basis. It is time to balance the budget with or without a balanced budget amendment.

Oftentimes, during the balanced budget amendment, I found people talking by each other, as I thought we did to some extent this afternoon. I was here all afternoon. I listened very carefully to the Senator from Indiana. I thought the Senator from Indiana was setting up a straw man and knocking the straw man down, because I have not seen anybody on this side of the aisle or that side of the aisle who has been up talking against the concept, at least, of enacting some kind of enhanced rescission line-item veto. Call it what you will.

So I hope that we are not going to be talking a great deal during this debate assuming that there are people on this side of the aisle that are trying to stop this. I assure you, Mr. President, and I assure all Members on both sides of the aisle that I see no determination on either side of the aisle of a filibuster.

But I do see a desire to thoroughly think things through and then move ahead.

But back to the situation at hand. A long time ago, I hitched my wagon to fiscal discipline and responsibility. I certainly do not plan to switch horses because of one setback in the form of the constitutional amendment to balance the budget.

Nebraskans care more about what we leave than what we take. I do not choose to leave other's children or my grandchildren trillions of dollars in debt.

I will not leave them a Nation where we spend 17 cents of every tax dollar for interest on the debt. I will not rob them of thousands of dollars that they will have to pay to service the debt even before we begin to start reducing the principal. That is what the debate on the balanced budget amendment and it is what the debate here is all about—how do we best do these things in a fashion that gets them done?

I will not cheat them, my children or grandchildren, out of the legacy they so richly deserve. We must do everything in our power to blot out the red ink.

I am a realist, though, Madam President. The legislation before the Senate today will not break the back of the deficit, and we should all understand that. It will not cause the mountain of debt to vanish into thin air. But it will rein in pork-barrel spending, and that is an enormous step in the right direction.

Madam President, there is a common thread between this legislation and the balanced budget amendment. When we debate either measure, this Chamber sounds like a revival tent of sinners repenting. Senators vow to refrain from wasteful spending.

I say, "All evidence to the contrary." We have been out of control and spending abounds. The only thing in short supply is self-restraint.

Revenue acts are chocked full of special interest tax credits and expenditures. Appropriations bills are larded with pet projects that cost the taxpayer billions of dollars. There are groaning with pork that is carefully tucked away—so carefully placed that the President cannot extract it without bringing down the entire bill.

Our colleagues have become quite skillful in slipping in these projects. The President has a tough choice to make. Will the President veto an appropriations or revenue bill just to get rid of the pork?

My colleagues know the drill and how it works. The President brings out the scales and weighs the good against the bad. More often than not, the President holds his nose and signs the bill.

The obvious solution is to grant the President the line-item veto, more properly called, I suspect, an "expedited" or "enhanced" rescission authority. That is what we are about and I think that we are going to accomplish it this time.

Suffice it to say, there are few in this body and even fewer in the House who have firsthand experience with or have ever experienced a line-item veto. It is my hope that the limited few, with firsthand experience, will be listened to.

Today, 43 of the 50 State Governors have some form of veto authority. As Governor of the State of Nebraska, I was privileged to have that line-item veto. It was an invaluable weapon in my arsenal to control spending by my State legislature.

I think the President of the United States, President Clinton and all the Presidents that come after him, should have a line-item veto authority so that they can take similar action, as I think the President of the United States can and should do if we can do it in a fashion—and I emphasize, Madam President, if we can do it in a fashion—that is not on its face constitutionally suspect.

I have long believed that the President should have this power. All but two Presidents in the 20th century have advocated some type of line-item veto authority. President Clinton strongly supports it.

On the first day of the 104th Congress, I joined in introducing the legislative line-item veto proposal, known as S. 14. This bipartisan compromise was cosponsored by the distinguished Republican and Democratic leaders, the chairman of the Budget Committee, Senator DOMENICI, and Senators BRADLEY, CRAIG and COHEN. The original S. 14 stood in stark contrast to some of the other line-item veto proposals.

I am not saying that ours was perfect and I do not think others were.

S. 14, though, would have forced Congress to vote on the cancellation of a budget item proposed by the President. However, it needed only a simple majority of both Houses of Congress to override the President's veto. This proposition was a viable alternative if it was still a fact, as I suggest it was and maybe still is, that S. 4 as introduced would fall to a filibuster. I do not think any of us wanted that.

S. 4, as originally introduced, would be the legislative equivalent of shooting oneself in the foot, in my view. If we are serious about reducing the deficit, tax expenditures should be included in any line-item veto legislation. Anything else would be a half measure. The significantly revised S. 4 that has been introduced by the Republican leader as of yesterday has come a considerable distance towards addressing the concerns that this Senator had with that portion of S. 4. But S. 4 also had a lot of good things in it.

Mr. President, a little history, I think, is in order. On February 3, 1993, the Budget Committee held a hearing on the impact of tax expenditures on the Federal budget. What we found was rather startling. At that time, tax expenditures were projected to cost more than $400 billion and were slated to increase to $525 billion by the year 1997. Today, tax expenditures are $450 billion and are projected to rise to $565 billion in 1999.

Like entitlement programs, tax expenditures cost the treasury billions of dollars each year. And like entitlements, they receive little scrutiny once they are enacted into law. Even though they increase the deficit like mandatory programs, tax expenditures escape any sort of fiscal oversight. Indeed, by masquerading as tax expenditures, a program or activity that might not otherwise pass congressional muster could be indirectly funded. Certainly I would say that we have to take a look at these things and a close look.

Office of Management and Budget Director Alice Rivlin correctly summed up the situation, and I quote:.

> Tax expenditures add to the Federal deficit in the same way that direct spending programs do.

If we are willing to subject annual appropriations to the President's veto pen, then that same oversight should be granted to the President on tax expenditures. Pork is pork. We should be willing to say "no" to both spending pork and tax pork. The revised S. 4 finally recognizes some of its earlier shortcomings, in the view of this Senator.

For too long, many of our colleagues have clung to the thin reed that we can

solve the deficit by cutting only appropriated spending. Unfortunately, the reed has given way and we are sinking in an ocean of red ink.

In spite of the pay-as-you-go provisions of the 1990 Budget Enforcement Act, entitlement spending is the largest and fastest growing part of the Federal budget. The terrible truth is that entitlement or mandatory spending is projected to grow from about 55 percent of the Federal spending in the current fiscal year to 62 percent in the year 2005.

The surge occurs in Federal health care programs. They are the only programs that will grow at a rate significantly faster than the economy, increasing from 3.8 percent of the gross domestic product in fiscal year 1995 to 6 percent of GDP in 2005.

On the other hand, discretionary spending, which currently makes up only about one-third of all of the Federal budget, has been significantly curbed. It is expected to decline as a percent of the economy over the same time period.

However, we cannot take much comfort in this success story. As much as we cut away at the fat and well into the bone in appropriated spending, we get to a point of diminishing returns. We will not be able to balance the budget if we rely essentially only on appropriated spending, as anyone who understands the budget process knows. Sooner or later we must look the deficit squarely in the eye and make some tough and painful choices. Entitlement spending and tax expenditures are two that we can no longer avoid.

The new found Republican realism about a sunset provision in the amended S. 4 is helpful in improving chances to pass the legislative line-item veto. This is a brandnew legislation that is untried and untested. The sunset provisions will allow Congress to look at any glitches and problems that may arise. If for some reason the line-item veto does not perform to our expectation, we can trade it in and start anew.

I also have been stressing that the only way to bring down the deficit is on a bipartisan basis. I support the line-item veto legislation, but some of my colleagues have doubts. A sunset provision will ease some of those concerns because this bill will not be carved in stone. We will be able to revisit the bill at a day certain and make some changes if necessary.

During markup, I offered several sunset provisions that failed on party line votes. I am pleased that the majority has reconsidered.

The legislative line-item veto does not exist in a vacuum. We must revisit the entire Budget Act in 1998. That is when the caps and other major provisions, including the one that creates a 60-vote point of order and the system of sequesters, expires. What better time to reexamine the legislative line-item veto?

Madam President, I have finally had an opportunity to review the majority party substitute version of the line-item veto legislation. I must say at the outset that I am extremely disappointed by the manner in which this bill was brought to the floor and how the majority party apparently hopes to force this bill through very quickly.

As the majority leader knows and as the chairman of the Senate Budget Committee knows, there are many on this side of the aisle who would like to see a line-item veto bill pass this Senate. I think it will. We have been working on a bipartisan basis to do so. As evidence of the bipartisan effort, I note that the majority leader and the minority leader were cosponsors of S. 14 as introduced by Chairman DOMENICI and myself. As a long-time supporter of the line-item veto legislation, I am very encouraged that this topic is finally being debated on the floor of the Senate.

I hope and trust that the majority leader will back off of some of the tactics and the "hurry up" actions that have been so far demonstrated.

I am reminded of what the great historian Barbara Tuchman wrote about the 14th-century knights of war:

> They were concerned with action, not the goal—which was why the goal was so rarely attained.

If we can have a free and open debate, absent hardball politics, and if we can keep our focus on the attainable goal and not just partisan reactions, we can prevail.

Madam President, I have some concerns regarding the substitute that is before the Congress, although I think it is a vast improvement over what we have considered previously. Although I understand the need for changes and compromises, this bill raises some questions that I think need to be fully explored.

For example, the majority party has chosen to vest in the enrolling clerk the power to divide up appropriations bills into many, perhaps hundreds, of pieces. How might such a procedure actually work in practice? Is such a procedure realistic? Legislative drafters already are coming up with ways to get around this bizarre mechanism.

There are many other troubling questions regarding the substitute, but I think they can be corrected if we can work together, at least corrected to satisfy this Senator and most on this side of the aisle.

For example, what is to prevent the Congress from enacting provisions that do not take effect until other specified provisions take effect? Or, what about a provision that spends $80 million if, and only if, a second provision spends $20 million, but suspends $100 million if the second provision is not enacted? What about a provision that funds every item specified in a separate piece of legislation?

The majority substitute does not allow the President to veto these provisions effectively. The legislative process may end up the victim much more so than all would like to see.

The measure before Members raises constitutional questions as well, as Senator BYRD so eloquently pointed out earlier today. It would be very unfortunate if after all of these years the Congress was finally successful in passing a line-item veto, only to have it declared unconstitutional by the U.S. Supreme Court. Other proposals such as S. 14 do not have that potential Achilles heel.

There are also issues which the substitute does not address that I think it should. I believe that most Members would agree as they look at the measure objectively. For example, the President cannot—I emphasize cannot—reduce any amount. The President can only sign or kill it. He cannot scale it back to a more reasonable amount. Under S. 4, the President had that option of reducing the amount.

In closing, let me say, Madam President, what about the goal of reducing the deficit? S. 14 wisely includes a lockbox to ensure that any money saved in rescission goes to reduce the deficit. The Republican substitute includes no deficit reduction lockbox. I think it should. And I think when my friends on that side of the aisle take a look at that, they will agree.

In conclusion, then, I believe the substitute needs further consideration, although I am disappointed by the process used by the majority leader to force a cloture vote immediately—supposedly tomorrow—to cut off debate on this important matter. I am encouraged that the substitute bill has moved in the right direction by including tax expenditures, which previous versions of that did not. Yet it is far from a perfect bill and could be improved by addressing some of the concerns that I have mentioned and others that will be addressed by Senator LEVIN and other of my colleagues.

Mr. President, in the hours and days ahead, I hope we can put aside overheated rhetoric and partisanship on the legislative line-item veto. No Senator has a monopoly on all of the issues. No Senator is all right or all wrong. No Senator has all the answers.

I hope that we can accommodate as many views as possible during the upcoming debate. If we stay on this track, Madam President, we will pass a legislative line-item veto—or call it what you will—that is as good as a promise that I think we can do in keeping faith with the American people. I thank the Chair.

I yield the floor.

Mr. MCCAIN addressed the Chair.

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

Mr. MCCAIN. I will be very brief. I have a lot of responses to the statement from Senator EXON, but I think

for the record, it might be interesting to point out that I count 22 of the 34 amendments from that side come from Senator EXON.

One, sunset in 1997; sunset in 1998. When I see the amendments, I understand the frustration of the majority leader. I can assure the Senator from Nebraska there may be changes made to this bill. One thing I can assure the Senator from Nebraska. We will not change the two-thirds majority required to override the President's veto.

If there is anything that is clearly unconstitutional, it is to call a veto a majority vote by one House. I would be more than happy to respond to the other remarks of the Senator from Nebraska after the Senator from Michigan and then the Senator from Wisconsin finish their statements.

I also finally state unequivocally, the Senator from Indiana on the floor here was not setting up any straw men. The Senator from Indiana has been involved in this issue with me for 8 years. The Senator from Indiana does not set up straw men.

I have watched the debate, and the Senator from Indiana has conducted, I thought, a very illuminating and important debate between himself and Senator BYRD. Senator BYRD, as always, does an outstanding job, and I am proud of the outstanding job defending his point of view and his perspective that the Senator from Indiana conducted himself in such fashion. I am proud. I reject any allegation that he sets up any straw men.

I yield the floor.

Mr. EXON. Madam President, if I could correct just one impression that the Senator from Arizona said about the filing of amendments.

As a manager of the bill, I filed a whole series of amendments before 1 o'clock today, which I had to do to protect this side from a whole series of important matters that we thought were necessary on this side.

I simply advise my colleague from Arizona that as of the breakdown, the Senator from Nebraska has only four amendments, and I think we will dismiss two of those, which gives the manager of the bill only two amendments. And I think, by any measure, that is reasonable.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me comment on a couple of the points the Senator from Nebraska made in which I concur. He indicated most, if not all of us, support some form of line-item veto, and I think he is right. I think that just about every Member of this body wants to give the President greater control over individual items in appropriations bills. I am one of those. I happen to support S. 14. I think it is constitutional, which is very important to me, and I think it gives the President additional power without running into the clear provisions of the Constitution relative to the presentment clause.

I also agree with the Senator from Nebraska when he says not to rely too much on line-item veto to cure our budget problems and our deficit problems. It has proven historically not to be a significant cure in States when it comes to the amount of money which has been vetoed by Governors. It is a deterrent. That is worth something, clearly.

We, at one point, submitted a budget, I believe, to President Reagan and said, "If you had line-item veto, what would you veto?" And I think his total vetoes came to be about 1 or 2 percent of the deficit that year, a very small percentage of the deficit. So it is not a major cure for willpower.

It may or may not do some good, depending on how the President uses it. It actually can do some harm if he uses it wrong. Nonetheless, the Senator from Nebraska is correct that it is not going to significantly reduce the deficit. It may help somewhat slightly, but do not rely on it too heavily.

Further evidence of that is the fact that the President controls every line of the budget that he submits to the Congress. Each line in those budgets is a line which has been approved by the President or the President's staff.

During the 12 years of the two Reagan administrations and the Bush administration, six times out of the 12 years, the appropriations in Congress exceeded those requests. Six times Congress reduced appropriations below the level requested by those two Presidents.

If you look at the average appropriations level that the Congress appropriated compared to the appropriations requested by the President, again, where the President has control over every line, in the Reagan years, the average appropriation by Congress was $1.7 billion less than requested by President Reagan, and the appropriations during the Bush years were $3.7 billion less than the appropriations requested by the President.

So we cannot just say Congress has been the source of the deficit problem. It has been a joint problem. Presidents, as well as Congress, have contributed to it at least equally—at least equally. And if you look at averages, slightly more by the executive branch than by the legislative branch. So when we talk about those add-ons, those back-home projects, that does not explain the deficits that we have run up during the 1980's. It is much deeper than that. It is much more complicated than that, and if we think line-item veto is going to cure it, we are making a mistake, because it will not. Will it help? I think it could.

In my book, it has to be constitutional or I cannot vote for it. S. 14 is constitutional and I am able to support that and vote for it as a substitute to the substitute when we get to it. But the Dole substitute before us, I believe, is unconstitutional and is unworkable.

Before the Dole substitute was presented to us, we had two line-item veto bills reported out of the Budget and Governmental Affairs Committees, two different line item vetoes. One was an enhanced rescission and one was expedited rescission. One clearly constitutional, one of debatable constitutionality.

But now we have a third one, a very different bill than was reported by either the Budget or the Governmental Affairs Committee.

The top constitutional experts of the Clinton administration and the Bush administration do not probably agree on a whole lot, but they do agree on one thing. As much as they want to see the enactment of a line-item veto, because both President Bush and President Clinton want line-item veto, both their top constitutional experts have serious constitutional problems with this separate enrollment approach which is now before us. I think it is fair to say that both—and I am going to read their words —believe that this approach is unconstitutional.

The Constitution, as Senator BYRD has gone through this afternoon, establishes the method by which laws are enacted and by which they are repealed. It specifies a bill becomes a law when it is passed by both Houses of Congress, signed by the President, or if the bill is vetoed by the President, when that veto is overridden by a two-thirds vote in each House.

The substitute before us purports to create a third way by which a law can be made, by giving the Clerk of the House of Representatives and the Secretary of the Senate the power to enroll and to send to the President for his signature bills that have never passed either House of the Congress.

Madam President, I do not believe that we can or should seek to override constitutionally mandated procedures by statute. We cannot do it if we wanted to, but we should not do it and should not try to do it.

Article I, section 7 of the Constitution says that each "bill which shall have passed the House of Representatives and the Senate shall be presented to the President for signature."

The Constitution does not say that pieces and parts of bills passed by the Congress may be presented to the President for signature. It does not say that line items or paragraphs or subparagraphs of bills passed by the Congress shall be presented. It says that bills passed by the Congress shall be presented to the President for signature.

Lewis Fisher of the Congressional Research Service explained the problem several years ago when he testified

relative to an early version of this separate enrollment approach, and this is what Dr. Fisher said.

He said under that bill:

The enrolling clerk would take a numbered section or unnumbered paragraph and add to it an enacting or resolving clause, provide the appropriate title and presumably affix a new Senate or House bill number. Such a bill, in the form as fashioned by the enrolling clerk, and submitted to the President would not appear to have passed the House of Representatives and the Senate.

In other words, the bill that is presented, or the bills, the wheelbarrow full of bills that is presented to the President, has not passed the Senate and the House. It is different from the bill that we passed. It is bits and pieces of a bill that we passed, and that is the problem with the Dole substitute before us. It purports to give to the Clerk of the House of Representatives or to the Secretary of the Senate the power to attest and to send to the President for his signature bills which have not been passed by the House or the Senate.

Under the Constitution, a bill cannot become law unless that bill has passed both Houses of Congress.

Madam President, I have no doubt that the Congress could, after passing an appropriations bill, take that bill up again, divide it into 100, 200, even 1,000 separate pieces and pass those pieces again as freestanding measures. Those separate bills then would have been approved by the Congress and could be sent to the President for signature. I even suppose that we could adopt some form of streamlined procedures for consideration of these separate parts, these separate pieces of legislation.

While that approach would result in the President spending hours and hours signing various pieces of a single appropriation bill, it at least would be constitutional. We would have adopted the same bills that the President is signing. But the bill before us contains no requirement for any consideration of the separate measures by the Senate and the House. Rather, it directs the enrolling clerks to create such separate bills and to send them to the President as if—as if—passed by the Congress.

The Supreme Court held in the Chadha case that the legislative steps outlined in article I of the Constitution cannot be amended by legislation. We cannot amend article I of the Constitution by legislation. We may want to do it. We may have a good motive in doing it. Our goal may be important and great. But we cannot amend the Constitution by legislation. And this is what the Chadha Court said:

The explicit prescription for legislative action contained in article I cannot be amended by legislation. The legislative steps outlined in article I are not empty formalities. They were designed to assure that both Houses of Congress and the President participate in the exercise of lawmaking authority.

The bicameral requirements—the presentment clauses, the President's veto, and the Congress' power to override a veto—were intended to erect enduring checks on each branch and to protect the people from the improvident exercise of power by mandating certain prescribed steps. To preserve those checks and to maintain the separation of powers, the carefully defined limits on the power of each branch must not be eroded.

With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

Madam President, President Clinton favors a line-item veto. His top aide, the top official of the administration on matters of constitutional law, Assistant Attorney General Walter Dellinger, testified earlier this year that the enhanced rescission bill introduced by the Senator from Arizona would probably be found to be constitutional, a conclusion with which I happen to disagree but nonetheless the top constitutional lawyer in this administration found that the approach of Senator MCCAIN would likely be found to be constitutional.

However, even Mr. Dellinger could not find a way to get around the constitutional problems with the Dole substitute now before us. The separate enrollment approach, Mr. Dellinger testified, runs into the plain language of the presentment clause in article I. This is what Mr. Dellinger said:

As much as I regret saying so, I think that the proposal for separate enrollment also raises significant constitutional issues. I think it is either invalid under the presentment clause or at a minimum it raises such complicated questions under the presentment clause that it is a foolhardy way to proceed.

This is the sentence that I now want to emphasize of Assistant Attorney General Dellinger.

If we and all our predecessors are right—we and all of our predecessors in that office are right—

that which has to be presented to the President is the thing that passed the House and the Senate and that which passed the House and the Senate is the bill they voted on final passage, not some little piece of it or a series of little pieces of it.

Now, on March 16, just a week ago, in a memorandum to Judge Mikva, White House Counsel, Dr. Dellinger, reiterated the constitutional problems with the amendment now before us, with the Dole substitute, and this is what he said.

On what seems to us to be the best reading of the presentment clause, what must be presented to the President is the bill in exactly the form in which it was voted on and passed by both the House of Representatives and the Senate rather than a measure or a series of measures that subsequently has been abstracted from that bill by the clerk of the relevant House.

That is the top constitutional official in the administration, in this administration that wants line-item veto. That is what they have concluded. The best reading of the presentment clause says that the bill going to the President has to be the same bill in the same form that we passed.

He went on to state—but, of course, this constitutional question is open to debate like all constitutional questions, I presume. He also said that it would have a better chance to be ruled constitutional if it made some provision, in this approach, for Congress to take up the separate bills and to pass them en bloc.

The substitute before us, Madam President, contains no such provision to address the constitutional infirmity that Mr. Dellinger pointed out.

Now, President Bush has also been a strong advocate of line-item veto, but the top constitutional law expert of his administration also has taken the position that separate enrollment is unconstitutional. Former Assistant Attorney General Timothy Flanagan testified before the Judiciary Committee as follows:

One type of line-item veto statute would attempt to avoid the problem of the Constitution's all-or-nothing approach to Presidential action on bills by providing that after a bill had passed the House and Senate, individual titles or items of the bill would be enrolled and presented to the President as separate bills.

Such an approach suffers from a number of constitutional defects. First and foremost, the Constitution plainly implies that the same bill upon which the Congress voted is to be submitted to the President. If the Constitution's text is to be read otherwise to permit the presentment requirement to be met by dividing a bill up into individual pieces after Congress has passed it and before presentment, then there is no logical reason why the opposite process could not be permitted. Congress could require individual appropriation bills as well as others to be aggregated into a giant omnibus bill before presentment to the President as a single opus.

And again this is what President Bush's top constitutional lawyer in the Justice Department is telling us. He concluded:

In my view, the Constitution permits neither result but requires that the bill be presented to the President as passed by Congress.

As passed by Congress.

So the top constitutional experts, Madam President, of both this administration and the prior administration agree that the separate enrollment approach taken by this substitute has great constitutional problems.

Now, the amendment before us attempts to address the constitutional problems with the separate enrollment approach by stating that each, each of the separate bills enrolled and sent to the President "shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution."

Now we are going to amend the Constitution by a statutory deeming process, and how convenient.

I suppose we could pass other laws, under this theory, which contravene the Constitution, and deem those provisions to be constitutional as well. We do not have that power. We did not have it before Chadha, when the Supreme Court wrote that we cannot amend the Constitution by legislation. And we do not have it after Chadha.

It does not do any good to deem separate measures as bills. The question is not whether they are bills in an abstract sense, the question is whether they are bills "which shall have passed" both Houses of Congress as required by the Constitution.

These bits and pieces, the product of disassembling a bill, these parts have not passed either House in that form and may never have passed either House in that form. No amount of deeming, as convenient as it is, can change that.

The Constitution does not say that pieces and parts of bills passed by the Congress may be presented to the President. It does not say that line-item vetoes or paragraphs or subparagraphs of bills passed by Congress shall be presented to the President. It says that the actual bills passed by Congress shall be presented to the President for signature.

This may all sound like process and a technicality, but it is the essence of what we do around here. A vote for a bill is not the same thing as a separate vote on each of its provisions. The bill is a whole and we finally vote on it as a whole. We all vote for bills. I think every one of us has said on the floor of this Senate or on the floor of the House or in a speech somewhere: I do not agree with every provision in this bill but I am going to vote for it because on balance there are more good provisions than bad provisions.

When we, as Members of the Senate, vote for final passage of a particular bill, we are not voting on each provision as though standing alone. We are voting for the whole. And the reality is—our real world is—that if we chop up a bill into its component parts for the President to sign we would be creating very different bills from the one bill that actually passed the Congress.

Let me just take the supplemental appropriations bill that we just passed. This was a defense supplemental appropriations bill that was adopted last week. By my count, there are approximately 78 separate items in this bill and that does not include suballocations, which would make it a much larger number of items. But just not including suballocations, I think there are 78 separate items in this bill. Each of these would be enrolled under the Dole substitute before us. That includes 12 paragraphs of appropriations for military personnel, 20 paragraphs of rescissions—20 paragraphs of rescissions of DOD appropriations—and 18 paragraphs of rescissions of non-DOD funds. There are also 20 general and miscellaneous provisions in here, in this bill we just passed, which would have to be enrolled separately under the amendment before us.

I voted for this supplemental bill. I did not vote for each of those 78 items separately and I would not have voted for a lot of those separately. Under the approach that is before us now, the President would be voting—each separate 78, the President would be deciding on whether to sign 78 separate bills, whereas we did not vote separately on 78 separate bills, and a whole bunch of those may not have passed as 78 separate bills. And the whole bill may not have passed had some of those 78 separate items not been included in the bill.

If we had a separate vote on each of the separate items in the defense appropriations bill, some might have passed, some might not have passed. But we did not do that. We voted on the package. If we had voted again on each of these items separately, the final outcome might have been very different. Some may have voted for the final bill, this full bill, specifically because of the inclusion of specific items in the package. That may have actually won the vote of some of us. We do that all the time. "Unless these provisions, 1, 10, 30, and 38, are in this bill, I cannot vote for it." If those items were in separate bills, some of us may have chosen not to vote for this single supplemental appropriations bill.

Let me just give a couple of examples. Section 108 of the defense appropriations bill contains a requirement for a report on the cost and the source of funds for military activities in Haiti. This is a separate section of the bill, section 108. Under the substitute before us, it would be separately enrolled and the President could veto it. But some of us may have voted for the funds provided in this bill for operations in Haiti only because there was another provision in this bill requiring a very important report. Would the appropriation have passed without the reporting requirement? We do not know. We did not vote on it.

Section 106 of this bill contains defense rescissions. Those rescissions are intended to pay for the appropriations that are made in the bill. We are rescinding some previous appropriations in order to pay for some current appropriations. Under the amendment before us, each of the rescissions would be separately enrolled and sent to the President for signature. The President could veto any or all of the rescissions. But how many of us would have voted for the appropriations if they were not paid for by the rescissions? Would the appropriations have passed without the rescissions? That is a very basic point. That was a matter of real contention, as to whether or not we should be appropriating money in this supplemental unless we were defunding, unappropriating, rescinding previous appropriations. Would that bill have passed without those rescissions? We do not know. We did not vote on that.

Under the substitute before us, the President will decide whether to sign separately the rescissions and the appropriations. That is very different from what we voted on, one package with both.

The supplemental appropriations bill that we passed last week was actually a rather simple bill as appropriations measures go. We routinely pass appropriations bills that contain hundreds, even thousands of items. Here is a quick listing of last year's appropriations bills, how many items they had, not including what are now called suballocations. I will get to that issue in a moment. But without getting even to pulling apart paragraphs, just looking at paragraphs themselves, numbered or unnumbered, without subdividing paragraphs into suballocations, last year's appropriations bills had the following number of items: Commerce, Justice, and State had 214; Defense, 262; Transportation, 150; foreign ops, 150; Agriculture, 160; Treasury-Postal, 252.

I will stop there, and I ask unanimous consent the list be printed in the RECORD.

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

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

Commerce, Justice and State Appropriations—214
Defense Appropriations—262
Transportation Appropriations—150
Foreign Operations Appropriations—151
Agriculture Appropriations—162
Defense Construction Appropriations—45
Veterans Affairs, HUD, and Indep. Agencies—174
Treasury, Postal Service Appropriations—252
Legislative Branch Appropriations—114
District of Columbia Appropriations—86

Mr. LEVIN. Madam President, I am told one of the omnibus appropriations bills that passed the Congress in the mid-1980's had over 2,000 line items. Again, I think that is without those suballocations, so we could multiply that significantly.

Some of the items, by the way, some of the items in appropriations bills increase spending levels. We know that. That is what is usually thought of when we increase spending.

But other items in appropriations bills decrease spending levels or they set conditions on spending or they prohibit spending for certain purposes. We have provisions in appropriations that reduce or limit spending. Those are rescissions. There are also conditions placed on expenditures, and prohibitions, again, for spending for particular purposes.

If those provisions are placed in separate sections, as they frequently have

been in the past, they could be vetoed under the substitute before us. The President could use the line-item veto to actually repeal, to stop, the prohibitions on spending that we put in the appropriations bills. That would increase spending. They are not uncommon. Limitations on appropriations or on rescissions are not uncommon. We have plenty of them just voted on. Yet, a line-item veto could be used. When used against rescissions or prohibitions on limitations, it could end up increasing spending and not cutting spending.

The bottom line is that Members who vote for an appropriations bill usually do not support every item in it. We do not vote on each of those items separately. We would not know what the result would be if we cast such votes on each item separately. We finally vote on an entire packet. That is the bill that we pass, and that is the bill that must be sent to the President under the Constitution. I believe that in an appropriations bill of any size, each of us likes some of the provisions and dislikes others. That balancing is the essence of the legislative process. It is what enables us to legislate. In many cases, it is what enables us to cut appropriations.

For instance, I may be willing to accept a significant cut in a program that affects my State because I know that a sacrifice will be shared, because I know that in the bill it causes a cut in a program that is good for my State where other programs that benefit other States are being cut in the same bill. That does not mean that I would have voted for the cut on the one appropriation involving my State as a freestanding measure. It is because the pain is distributed as part of a package so that we are often able to support an overall measure.

The Constitution says one thing that is so critical to this substitute. Only those bills which shall have passed the Senate and the House of Representatives are to be sent to the President for signature. The substitute before us says something quite different; that the President would get pieces of bills that we have passed instead of the bills themselves. That approach is plainly at odds with the requirements of the Constitution, and we should reject it.

Madam President, I do not know if there are others who are waiting to speak. I have some additional points that I want to make on the practical problems with the enrollment process that relate to an amendment that I will be offering tomorrow. I am wondering if I might ask my friend from Wisconsin about how long he expects to be, if I may ask unanimous consent to make that inquiry.

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

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I think roughly half an hour.

Mr. LEVIN. Madam President, I will try to conclude in about 10 minutes and then give my friend some time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LEVIN. Madam President, the majority leader said yesterday that the Senate would have an easy time adopting this substitute. One of the reasons was that most of its provisions have been considered by the Senate and passed. There is a lot of new language in the substitute. It is worth taking some time to analyze that new language. For example, the first half of the substitute is devoted to points of order against any appropriations bill that fails to include in the bill language detail that is in the committee report. I do not think that has been proposed before.

We tried to check the separate enrollment approach. I do not believe that has ever been part of the bill before. I do not think it has been considered by the Senate. If I am wrong, I will stand corrected. But it is going to have a significant impact on the appropriations process. It is going to be much more rigid. We are going to have much lengthier, cumbersome appropriations bills. But, nonetheless, whether it is good or bad, it is different from what we have had before.

But I want to focus on a different provision. That is the definition of the term "item." This provision is the key to the entire bill because an "item" is what must be separately enrolled. That is the test of whether or not the enrollment must be made separate by the clerk. There is some very significant new language in this substitute which again, to the best of our ability, does not appear in previous legislation that we have considered.

The term "item" means (a) with respect to an appropriations measure; No. 1, any numbered section; No. 2, any unnumbered paragraph, or, No. 3, any allocation or suballocation of an appropriation made in compliance with section (2)(a) contained in a numbered section or an unnumbered paragraph.

It is those words "allocation or suballocation" which are the new material. The earlier bills referred to items as being either numbered sections of a bill or unnumbered paragraphs of a bill. So the enrolling clerk could take any numbered section or any unnumbered paragraph and separate it out and enroll it. That is what has been considered in these bills today relative to separate enrollment. But now in the substitute before us we have an additional thing that has to be subdivided out. That is something called an allocation or a suballocation of an appropriation that is contained in either a numbered section or an unnumbered paragraph.

How do we break the allocation or suballocation out of a bill and enroll it as a separate bill? We do not have to wonder totally about that because the Senator from Indiana has already asked the enrolling clerk to put together a sample appropriations bill for us based on last year's Commerce-State-Justice appropriations bill and has asked the enrolling clerk to take that actual bill and to subdivide it according to this substitute. That is what the Senator from Indiana called a trial run. He is a very, very thorough and a very thoughtful Senator and took the time to go to the enrolling clerk and say, "Here, take last year's State-Justice-Commerce appropriations bill and apply the approach that is used in the substitute to that bill."

He explained on the floor the other day—and he explained again this afternoon—that we have all kinds of new technology. We can use computers. We can punch buttons, and we can subdivide bills in pieces. We do not have to have the enrolling clerks in green eyeshades who are trying to figure out what is going on and type things out in longhand. We have computers. "Modern technology" is what the Senator referred to; "miracle of modern technology." It is no longer a difficult process. He used the words "easy, accurate and fair." I believe those are his words. I hope I am quoting him correctly. He quoted the enrolling clerk last week. He said it is at least 1,000 times faster than the old system with today's technology. Then he said he asked the enrolling clerk to do a trial run. He took the largest bill that we passed, State-Justice-Commerce and Judiciary, and asked him to separately enroll it.

Well, the stack of paper which we got from the enrolling clerk was pretty thick. Here is a copy of the way it came out. This is what we sent to the President last year. This is what goes to the President this year. The pamphlet was about 50 pages long. There are 582 bills in here, or items. This is just one appropriation bill. This is a 3-inch-thick stack. Mind you, this is not a 3-inch bill. This is 582 bills here that go to the President—each separate, signed by the Speaker, signed by the President of the Senate, sent to the President for signature. But that is only the writer's cramp part of it. That is interesting, but that is just hours and days of the President's time.

Another interesting question is what is in these pieces of paper, this trial run, this bill, that was said to be so successful by our friend from Indiana. What is the product when you punch the computer and come out with 582 pages, when you suballocate a paragraph, you rip out a paragraph, and you get a bill that can stand on its own, with four corners? We tried looking at that. Here is one of the bills. The Chair has good eyes, but I am afraid this is far away. I will read it. It has all the formal headings, and it sure looks like a bill. If you took a quick glance at that, you would say it is a bill. It

has fancy writing at the top; it is italicized. All good bills are italicized. "103d Congress, second session, in Washington," and then it says, "An act making appropriations for the Department of Commerce, Justice, and State, related agencies * * * be it enacted * * * the following sums are appropriated out of the Treasury"—and then you get to the text of the bill. What looks like a bill is incomprehensible. This is the text of that bill. It says, "of which $200,000 shall be available pursuant to subtitle (b) of title I of said act."

That is the bill the President is supposed to sign in this test run. What act? This act? No, not this act. If you go back to the bill which no longer exists, which has been cut up like a salami into all these slices, then you can figure out that they are not relating to this act. It is some other act. It is the crime bill of last year. The computer generated this in a successful trial run. Hundreds of pages are just like this.

(Mr. SANTORUM assumed the chair.)

Mr. McCAIN. If the Senator will yield, has the Senator ever examined the appropriations bills that are normally passed through here and tried to ascertain which funds went where, under what circumstances, and maybe he can explain why it takes days, weeks, sometimes months, to figure out who got what money under what circumstances? I suggest—and I ask the Senator from Michigan if that is more complicated than that is, since I have spent a lot of years trying to figure out where the pork goes in appropriations bills and it has taken weeks and months for experts to figure it out. I think it might be easier to figure it out that way. All they have to do is pick up the phone and ask, "What is that $200,000 or $300,000 for?" And then they can respond.

Mr. LEVIN. Where do you look to find out?

Mr. McCAIN. You call up the people who wrote the bill.

Mr. LEVIN. The bill——

Mr. McCAIN. It is far better, in my view, to have a single line there than the pork that is hidden away and tucked into little areas of the appropriations bills which sometimes people never ever find.

Mr. LEVIN. I tell my friend that at least you can find them if you look. In this bill you cannot find them. That is the bill.

Mr. McCAIN. That is the bill. That applies to a certain section, which all you have to do is ask, "What does it apply to?" If the President asks that and it applies to a piece of pork, he can say, "Fine, I will veto that."

Mr. LEVIN. That is the whole bill. It says, "$200,000 shall be available pursuant to subtitle (b) of title"——

Mr. McCAIN. Yes, and they might say, "Well, it is a special project in Michigan." And the President might say, "Fine, thanks. Now I know that, and I will veto it."

Mr. LEVIN. There is no way of knowing if it is a special project. This is the entire bill.

Mr. McCAIN. All they have to do is ask.

Mr. LEVIN. If I can say to my friend from Arizona, when the computer split up this appropriations bill into these pieces, this is the bill which the President signed. He can ask day and night for all the information he wants. That is what the bill says. In an appropriations bill now, sure it may take you some time to figure out what the crosswalks are, but you can find out from that bill and the conference report for that bill exactly what it is. In this, 571 bills that are going to the President, each one a separate bill, and it is gibberish, you cannot figure out what that is.

Mr. McCAIN. If I can respond to my colleague, and I know we are skirting the rules of the Senate. All I have to do is ask, "What section is that under; what part of the entire bill was enrolled by the enrolling clerk?" There was a bill that was enrolled, and what does that apply to? I think that is pretty easy. I thank my colleague for his patience.

Mr. LEVIN. My understanding is that the whole bill is not enrolled by the clerk. I am wondering whether the Senator is saying the bill, before it was disintegrated, was enrolled.

Mr. McCAIN. It was passed by both Houses. So all I had to do was pick up the bill and say, "See what was in it." That is not really difficult.

Mr. LEVIN. My question of my friend was, Was the bill that was passed ever enrolled?

Mr. McCAIN. Portions were enrolled that have appropriations associated with them, obviously. But the bill as passed is available for reference to be looked at to find out where that applies to. In my view, that is far better than looking through bills. And I have spent hours in fine print, and we find out we are spending $2.5 million to study the effect on the ozone layer of flatulence in cows, and nobody knew it was in there until long after it was spent. That is what we are trying to stop here by having a single bill there that says exactly what that is being spent for. All you have to do is go back to the original legislation that was passed and you will know—the President will know whether or not to veto it.

Mr. LEVIN. My question is, When the Senator says the legislation that was passed, the legislation no longer exists, and would my friend agree that what he called "the bill, as passed" was never enrolled? Would he agree?

Mr. McCAIN. I would agree that the relevant portions of the bill that were going to be signed into law were enrolled.

Mr. LEVIN. Would the Senator agree that the bill as passed—passed as one bill—was never enrolled as a bill?

Mr. McCAIN. No. I agree that the relevant portions that are important to the taxpayers of America were enrolled in each separate bill. Again, I thank my friend from Michigan.

Mr. LEVIN. Mr. President, let us go back to what goes to the President. That goes to the President. It is without meaning. Nobody can look at this bill. This is now a bill. This is no longer a part of a bill. This is the bill. Nobody looking at that is going to be able to say what it means. One is going to have to go back to a bill, which no longer exists, and was never enrolled, to try to figure out what that means. Let me go into some more detail as to what the complications are when one does that.

This is another line that comes out of the bits and pieces of Commerce, State, Justice. This goes to the President. This is the bill. This is it. It is one of 572 bills that go to the President. It reads, after the italic and all of the other stuff—this is the total text:

. . . of which $6 million is available only for the acquisition of high performance computing capability.

If he signs that, that is the law of the land. That is a law. The $6 million is available only for this. That is a limitation on something. It is a limitation on the expenditure of funds.

What is it or what was it a part of?

Let us go back and look at what that was a part of. That was part of the Patent and Trademark Office appropriations, State, Commerce, Justice, which said the following, "For necessary expenses of the Patent and Trademark Office provided by law, including defense of suits . . . $83 million to remain available until expended."

That is another bill, by the way. That goes to the President just that way.

Now, if the President signs the $83 million, he then, if you look back at the bill that was passed but never enrolled, gets to this section: "Of which $6 million is available only for the acquisition of high performance computing capability."

That is a restriction on the money. That is a restriction on the $83 million. It is a limit. If this is vetoed, then he has greater use of the $83 million, not less.

This is an example where an appropriations bill's limitation, restriction, limits the use of money, does not enlarge it.

And so, now what? Now we have an appropriation of $83 million and if the President signs that, if he does not want to be limited in that way, he now has $83 million to spend without any limit. That is supposed to be an elimination of pork, to give the President $83 million unlimited instead of $83 million with a restriction on it?

And then the one that I discussed with the Senator from California. This is a bill that goes to the President. The total bill, total text: "Of which not to exceed $11 million shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and".

That is the text of a bill that goes to the President of the United States. The Senator from California said, "Well, gee, the President should probably veto that. We do not need new furniture and furnishings."

This says no more than $11 million, not to exceed $11 million. This is a restriction on how much money will be spent on furniture. This does not say that $11 million must be spent. It says not to exceed. It is exactly the opposite of how the Senator from California interpreted this. And that is the problem of giving this kind of gibberish to the President. There is no context.

In trying to give the President more power, we are creating an approach here which is going to be so cumbersome, so empty, such a void, so much of an unrecognizable mishmash, hundreds and hundreds and hundreds of bills to the President like this.

By the way, a lot of Governors have the line-item veto. A lot of States have the line-item veto. I do not think there is one State in the United States which has a separate enrollment approach. If there is, I would like to know about it.

This makes it impossible to know what you are signing. The bill that passed the legislature, in this case the Congress, no longer exists. It was not enrolled as a bill. It was split up, sliced like a salami, sliced into bits and pieces, and the bits and pieces go to the President. And somehow or other, the President is going to figure out the context.

Well, I think we can do a lot better than that as a legislative process. That is not what this process is all about.

Again, this is not my summary here. This is not my test case. This is a real test case of the Senator from Indiana, who gave a real bill to an enrolling clerk and said, "Apply the Dole approach, the separate enrollment approach, with these suballocations"—I emphasize the word "suballocations," because that is what these are —"and apply it to a real bill." That is a test case, said to be successful. "Punch a computer button, folks. It will solve our problems for us." It is going to create a lot more problems than we solve.

I have no doubt that we could craft 582 separate bills that actually put together the right allocations and suballocations and the right conditions so that it all made sense and the bills could then really be signed or vetoed independent of each other. They really could be bills. They would not just be like pieces of a puzzle thrown up into the air and then coming down in 582 pieces. We could do that. We could actually craft 582 bills. It would be a lot of work, but it is doable. But it is not doable this way.

It would probably take a lot of effort of the Appropriations staff working around the clock for weeks to do it. We would then all have to review it carefully to make sure that they really did it right. Are the right conditions attached to the right appropriations?

There is a name for that process. It is called legislation. That is what the name of that process is: legislation. It is something that we do as Members of Congress. It cannot be done by an enrolling clerk and it cannot be done by a computer.

So I say to my colleagues, wherever you are on this subject, whether you are sure you are for the substitute or not, get a copy of this separately enrolled document which the Senator from Indiana got produced from the enrolling clerk. Get a copy of it before you vote on the substitute before us, because whichever way you are voting on it, this is what we are going to be producing for ourselves if it passes. And we ought to be very careful.

It is worth taking the time to analyze this process and to make sure, in trying to give the President additional power, we are not creating total uncertainty, total confusion, total chaos and, I think, at the end of the game, probably, instead of reducing expenditures, perhaps increasing expenditures.

I yield the floor.

I took much more than the 10 minutes I said I would take at the end.

I thank my friend from Wisconsin for his patience.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my friend from Michigan for a very intelligent and persuasive argument.

I am sure, as the Senator from Michigan mentioned, he knows that the legislation will be written differently. The process will change. In fact, this whole line-item veto is a change in the process.

The Senator from Michigan knows very well that in envisioning the separate enrollments taking place that there will be legislation written in a different fashion so that they will be clear. Even if they are not totally clear, the President of the United States can ask what it applies to before he signs or vetoes a bill.

Finally, I found it interesting that the President of the United States, in his comments today, did not find it a difficult task. In fact, he said, I believe, that he looked forward to having lots of signing pens and does not view with such alarm the process or obstacles that he may face as outlined by the Senator from Michigan.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Chair, and I thank the managers.

I ask unanimous consent that the Simon amendment be temporarily set aside so I can offer two amendments.

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

AMENDMENT NO. 356

(Purpose: To amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation)

Mr. FEINGOLD. Thank you, Mr. President. I send amendment numbered 356 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 356.

Mr. FEINGOLD. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

At the end of the pending amendment #374, add the following:

SEC. . TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.".

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not designate any such amounts of new budget authority, outlays, or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.".

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.".

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"SEC. 408. Point of order regarding emergencies.".

Mr. FEINGOLD. Thank you, Mr. President.

This amendment is based upon legislation, S. 289, the Emergency Spending Control Act of 1995, which I introduced on January 26 with the Senator from Arizona [Mr. MCCAIN], the manager of the bill before the Congress, as well as the Senator from Kansas [Mrs. KASSEBAUM], the Senator from California [Mrs. FEINSTEIN], and the Senator from Colorado [Mr. CAMPBELL].

This is a measure which had passed the other body in the 103d Congress by an overwhelming vote, and was designed to limit consideration of nonemergency matters in emergency legislation.

The Washington Post, in an editorial dated August 22, 1994, called this legislation "a good idea." And it is a good idea.

The line-item veto legislation before Congress is intended to allow the President to remove pork-barrel spending from appropriations bills. This amendment is designed to prevent some of that pork from getting into appropriations bills in the first place.

Anyone who has watched the congressional appropriations process at any length knows exactly what we are talking about. An emergency appropriations bill begins moving through the legislative process and it is almost as if a red alert is sounded that a fast-moving appropriations vehicle is on the launch pad.

What happens, Mr. President, is staff begin drafting legislative language to insert some project that did not get funded in the regular appropriations bill or got left out in the conference committee cutting floor, to insert into this bill.

In some cases, the proponents simply do not want to wait for a regular appropriations bill to present their arguments on behalf of an item. They just see this opportunity of an emergency bill to shortcut the whole process.

Mr. President, that is the way things have operated in Congress for many years. That is the way the Federal dollars have poured into special projects that might not otherwise be able to compete for limited Federal funds. That is the way that public confidence in our ability to achieve fiscal discipline has been eroded over the years.

Mr. President, it is time that we stop this abuse of the legislative process. Emergency spending bills should be limited to what they are supposed to be for—emergency spending. They should not become vehicles for an odd assortment of spending projects.

As the Washington Post said in its editorial last year, there should be no "hitchhikers in an ambulance." Specifically, Mr. President, my amendment limits emergency spending bills solely to emergencies by establishing a new point of order against nonemergency matters other than rescissions of budget authority or reductions in direct spending, spending in any bill that contains an emergency bill or an amendment to an emergency measure or a conference report that contains an emergency measure.

Mr. President, as an additional enforcement mechanism this amendment adds further protection by prohibiting the Office of Management and Budget from adjusting the caps on discretionary spending or from adjusting the sequester process for direct spending and receipt measures for any emergency appropriations bill if the bill includes extraneous items other than rescissions of budget authority or reductions in direct spending.

Mr. President, though this proposal, like the underlying line-item veto measure, can help in the fight to reduce the deficit, I want to stress that process rules themselves do not solve the deficit problem. No rule can—whether it is a procedural rule of the Senate, a statute, or even a constitutional amendment.

The only way we can lower the deficit is through specific policy action. Still, Mr. President, the budget rules can help Members maintain the kind of discipline that is necessary to achieve our goals of deficit reduction.

Mr. President, I am delighted that the main coauthor of this amendment, or the bill that led to this amendment, is the manager on the majority side, Senator MCCAIN, who called me after the election and said, "Aren't there some reforms items we can work on together?" And this is one of the first we chose to work together on.

In general, Mr. President, the rules require that new spending—whether through direct spending, tax expenditures, or discretionary programs—be offset with spending cuts or revenue increases.

However, the rules provide for exceptions in the event of an emergency, and I think, rightly so. The deliberate review through the Federal budget process, weighing one priority against another, in some cases may not permit a timely response to an international crisis, a national disaster, or some other emergency.

In other words, Mr. President, we do not ask that earthquake victims find a funding source before we send them aid. Mr. President, the emergency exception to our budget rules designed to expedite a response to an urgent need has become something very different. It has become a loophole, abused by those trying to circumvent the scrutiny of the budget process.

These abuses have taken essentially two different forms: First, declaring some expenditure to be an emergency that is truly not an urgent or unexpected matter. A second approach is adding nonemergency matters to emergency legislation that is receiving the special accelerated consideration that appropriate emergency measures are supposed to get.

Mr. President, this amendment does not prevent every abuse of the emergency spending exceptions to our budget rule. In fact, it is only aimed at the second problem I just identified. That is, adding those nonemergency matters to emergency legislation. This proposal will not stop Congress and the President from declaring a matter to be an emergency thus funding it by adding it to the deficit when it is not truly urgent or unexpected.

I am not saying we should not do that. I am saying that is something we must address in the future.

In fact, we saw this recently as last year when the Department of Defense's continuing peacekeeping operation in Somalia, Bosnia, Iraq, and Haiti were declared emergencies, suddenly with the costs added to our Federal budget deficit.

In most cases, those operations had been ongoing for significant periods of time. They were not sudden, urgent, or unforeseen costs which would have justified circumventing budget rules.

I offered an amendment last year during floor consideration of H.R. 3759 to strike these questionable provisions. Although there were only a handful of votes for this amendment, a number of Members expressed concern about whether such spending was appropriately tied to the California earthquake emergency. The basic problem is that when these spending items are packaged together on a fast track, it is difficult to separate questionable items for fear of jeopardizing the entire measure which is supposed to respond to some very immediate human needs in places such as California after the earthquake.

Although this amendment does not address this particular problem, it is aimed at limiting the abuses surrounding emergency measures by helping to keep those measures clean of extraneous matters on which there is not even an amendment to make an actual emergency designation.

When the appropriations bill to provide relief for the Los Angeles earthquake was introduced last session it officially did four things: Provided $7.8 billion for the Los Angeles quake, $1.2 billion for the Department of Defense peacekeeping operations that I mentioned, $436 million for Midwest flood relief, and $315 million more for the 1989 California earthquake.

Mr. President, it went a lot further than that. By the time the Los Angeles earthquake bill became law it also provided $1.4 million to fight potato fungus, $2.3 million for FDA pay raises,

$14.4 million for the National Park Service, $12.4 million for the Bureau of Indian Affairs, $10 million for a new Amtrak station in New York. I guess we got on the wrong side of the country on that one.

Mr. McCAIN. Will the Senator respond to a question?

Mr. FEINGOLD. I am happy to respond.

Mr. McCAIN. Is the Senator from Wisconsin saying the San Andreas fault extended all the way to New York City?

Mr. FEINGOLD. Apparently, under a new geographical approach used by the Senate on this bill. We are hoping to change that.

Mr. McCAIN. I thank the Senator.

Mr. FEINGOLD. To continue the litany, including the Amtrak station in New York, we not only had a geographical amazement with regard to our continent, we had $40 million for the space shuttle in the California earthquake bill, $20 million for a fingerprints lab, $500,000 for the U.S. Trade Representative travel office, and $5.2 million for the Bureau of Public Debt.

Mr. McCAIN. Does the Senator say $20 million for a fingerprints lab?

Mr. FEINGOLD. That is what I understand.

Mr. McCAIN. Where is the location of that fingerprints lab?

Mr. FEINGOLD. I guess more the eastern side of the United States than the west.

Mr. McCAIN. I thank the Senator.

Mr. FEINGOLD. Although nonemergency matters attached to emergency bills are still subject to spending caps established in the current budget resolution as long as total spending remains under those caps, as the Senator well knows, these unrelated spending matters are not required to be offset with spending cuts.

In the case of the Los Angeles earthquake bill because the caps have been reached, the new spending was offset by rescission, but in my view those rescissions might otherwise have been used for deficit reduction. We lost an opportunity for deficit reduction of those offsets because they had to be used to offset the items I have just listed that did not belong in the California earthquake bill.

Moreover, by using emergency appropriations bills as a vehicle these extraneous proposals avoid the examination through which legislative proposals must usually go to justify Federal spending.

If there is truly a need to shift funds to these programs, an alternative vehicle—a regular supplemental appropriations bill, not an emergency spending bill—is what should be used.

Mr. President, the amendment I am offering today will end that kind of misuse of the emergency appropriations process. It is a reasonable first step toward cleaning up our emergency appropriations process.

Adding nonemergency extraneous matters to emergency appropriations not only is an attempt to avoid legitimate scrutiny of our normal budget process, it can also jeopardize our ability to actually provide relief to those who are really suffering from a disaster to which we are trying to respond.

Just as importantly, adding superfluous material to emergency appropriations bills degrades those very budget rules on which we rely to impose fiscal discipline. Mr. President, I think that only encourages further erosion of our efforts to reduce the deficit.

This amendment that I am offering today to the line-item veto proposal passed the other body in the last Congress with overwhelming bipartisan support, first as a substitute amendment on a vote of 322 to 99, and then as amended by a vote of 406 to 6.

So I urge my colleagues to support this effort to end this abusive practice. As I indicated in my opening remarks, this amendment is both consistent with and complementary to the underlying bill. It is an attempt to impose a prior restraint on Congress so that this kind of spending is not added in the first place to an emergency spending bill.

This amendment is an attempt to make a fundamental change in the way Congress has done business in the past. Slipping pork projects into appropriations bills may at one time have been the hallmark of a successful legislator, but I hope in this new era of fiscal constraint it is time that this practice ended. I hope that this amendment will receive the broad bipartisan support that it surely deserves.

I wish to conclude this part of my remarks by again thanking the Senator from Arizona for his work with me on this and for his rather effective questioning during my presentation.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I congratulate the Senator from Wisconsin on this amendment. I think it is a very important one. I say with some modesty, Mr. President, I believe that I have come over the years to have a degree of expertise on pork-barrel spending. I have found over the years that perhaps one of the most egregious abuses of the legislative process is the issue which the amendment of the Senator from Wisconsin addresses. That is, when we have a genuine emergency which requires near immediate action because it is clear that there are American citizens who need help, and it is our responsibility as a Congress to cooperate with the executive branch and provide that much-needed emergency relief—in the case that the Senator from Wisconsin was describing, the terrible and tragic earthquakes in California—all too often we discover it is used as a vehicle for pet projects, appropriations which have no relation to the emergency, bear no relation to the emergency, and in fact are an egregious abuse and misuse of the taxpayers' dollars.

I would suggest, if the Senator from Wisconsin took the time, he and I could go back through virtually every emergency appropriations bill over the past 10 or 15 years and would find similar abuses, some of them a bit amusing.

As I mentioned, San Andreas fault stretched all the way to New York City in one case and, of course, fingerprint labs would probably not have been appropriated in that fashion, at least without some discussion and debate.

But the point is that rather than look back and criticize, as I know neither the Senator from Wisconsin nor I wish to do, it is time to look forward, and that is to enact the amendment of the Senator from Wisconsin to prevent it in the future, so there will not be any temptation involved.

I thank the Senator from Wisconsin not only on this bill but a variety of other issues where he has worked on legislation which would restore, to some degree anyway, the image that the American people want to have of this body, one that is responsible with their tax dollars, behaves responsibly, and is not going to act in a fashion that makes them lose their confidence in their ability to trust our Government.

Mr. President, I suggest to the Senator from Wisconsin that on this amendment it is possible it may be accepted. I have obviously some objections to a voice vote at this time. But I know that the Senator from Wisconsin may want the yeas and yeas, and that is perfectly acceptable. But I might suggest that he wait until tomorrow to ask for the yeas and nays in case it happens to be acceptable. It may save time of this body.

So I assure the Senator from Wisconsin, if it is objected to, I would also make sure that the yeas and nays are ordered and it not be disposed of on a voice vote without his permission.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona. That sounds like a very reasonable approach to this amendment. I hope it can be accepted.

I wish to again thank him for his willingness and effort to work on a bipartisan basis, and also for his personal efforts and the efforts of his staff over the years to identify those pork projects. I think it is one of the reasons that these kinds of amendments have a chance of prevailing in this environment.

Mr. President, I ask unanimous consent to set aside my first amendment so that I can call up my second amendment.

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

AMENDMENT NO. 362 TO AMENDMENT NO. 347

(Purpose: To express the sense of the Senate regarding deficit reduction and tax cuts)

Mr. FEINGOLD. Mr. President, I have a second amendment No. 362 pending at the desk that I call up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. SIMON, proposes an amendment numbered 362 to amendment No. 347.

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

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

The amendment is as follows:

At the end of the pending amendment No. 347, add the following:

SEC. . SENSE OF THE SENATE REGARDING DEFICIT REDUCTION AND TAX CUTS.

The Senate finds that—

(1) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of $190 billion;

(2) continuing annual Federal budget deficits add to the Federal debt which soon is projected to exceed $5 trillion;

(3) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(4) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(5) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(6) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(7) efforts to reduce the Federal deficit should be among the highest economic priorities of the 104th Congress;

(8) enacting across-the-board or so-called middle class tax cut measures could impede efforts during the 104th Congress to significantly reduce the Federal deficit, and;

(9) it is the Sense of the Senate that reducing the Federal deficit should be one of the Nation's highest priorities, that enacting an across-the-board or so-called middle class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit.

Mr. FEINGOLD. I thank the Chair. I also ask unanimous consent that Senator SIMON of Illinois be added as a cosponsor to this sense-of-the-Senate amendment having to do with tax cuts.

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

Mr. FEINGOLD. I thank the Chair.

I rise now to urge my colleagues to support the amendment that I have offered with the Senator from Arkansas [Mr. BUMPERS] and the Senator from Illinois [Mr. SIMON], expressing the sense of the Senate that reducing the Federal deficit should be one of the Nation's highest priorities, and that enacting an across-the-board, so-called middle-class tax cut during the 104th Congress would actually hinder efforts to reduce the Federal deficit.

I have argued against broad tax cuts on a number of occasions, and I am especially pleased to be joined by the Senator from Arkansas and the Senator from Illinois in this effort. And I might note that the manager of the bill on the minority side, Senator EXON, was one of the first people to identify the absurdity in the rush to tax cuts. He has been a very key leader on this issue, both in his own right and as the ranking member of the Budget Committee.

All of these Senators are passionate advocates for deficit reduction. I am also pleased to see that many others share our concern that broad tax cuts will impede our efforts to reduce the deficit.

Today's Washington Post featured a story that included a number of statements from colleagues in which they expressed their concerns about broad tax cuts at this time. The ranking member of the Finance Committee, Mr. MOYNIHAN, of New York, was quoted as saying that deficit reduction was the issue and that tax cuts were out of order. With his usual eloquence, the senior Senator from New York has nicely summarized the matter in two short statements. Mr. President, deficit reduction is the issue and tax cuts are out of order.

Mr. President, the underlying measure before us proposes to enhance the ability of the President to pare down spending by exercising something like a line-item veto authority. In great part, this measure is before us because of those continued budget deficits. Although we certainly will not balance the budget simply by granting the President some form of a line-item veto authority, many of us do feel that such authority can in a small way help alleviate some of the pressure on the deficit.

Mr. President, the amount of pork that the President can trim from our budget pales in comparison to the effect a broad middle-class tax cut will have on our deficit or that our resistance to such a tax cut could have on reducing the deficit.

The President's budget proposes $63 billion in tax cuts. If the only change we made to that budget was to eliminate those tax cuts, we would save not only that $63 billion but another $9 billion in interest costs for a total savings of $72 billion in additional deficit reduction. In fiscal year 2000 alone, we could lower the deficit by $24 billion more than is projected, achieving nearly $4 billion in deficit reduction just from interest savings.

Mr. President, forgoing the tax cuts imposed by the Contract With America produces even more telling results. If we just could resist the tax cuts called for in the Contract With America, we would save this country over $200 billion and about $20 billion in interest costs alone.

Assuming those tax cuts were offset with spending cuts, doing nothing more to the budget than forgoing those proposed tax cuts could reduce the deficit by $80 billion in fiscal year 2000 and we would be approaching an annual deficit of $114 billion.

Mr. President, at this point I am delighted to ask unanimous consent that the senior Senator from Nebraska, Senator EXON, also be added as an original cosponsor of the sense-of-the-Senate resolution.

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to compliment my friend and colleague from the State of Wisconsin. Let me just make a brief statement in support of the amendment he is offering. The numbers speak for themselves, I suggest. The Joint Committee on Taxation has estimated that the tax cuts in the so-called Contract With America will worsen the deficit by over $700 billion over the next 10 years. Added to that the Congressional Budget Office has estimated that we will need to cut spending by $1.2 trillion to balance the budget over the next 7 years. What this means is that if we want to cut taxes as proposed in the Contract With America, we will have to make some pretty dramatic additional cuts in spending.

My position is that I am all for tax cuts but we have to cut the deficit first, then consider what we can do, if anything, about tax cuts.

I thank my friend from Wisconsin. I think it is a good amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from Nebraska. He is the perfect person to be describing the specifics of what this does about reducing our Federal deficit. Nobody knows the issue better. I can only say my only regret is that the Senator has chosen not to seek reelection. I think his being here in the next 6 years would be one of the keys to eliminating this Federal deficit, but we will certainly be delighted to have the benefit of his great skills in the area of deficit reduction over the next several months.

Does the Senator have a question?

Mr. McCAIN. I thought the Senator was finished. I am sorry.

Mr. FEINGOLD. I will continue just a brief time longer.

Mr. President, let me take a couple of other points on this matter of the sense-of-the-Senate resolution.

Some proponents of these tax cuts argue that they have to be a high priority because the American people are insisting on them. The Senator from

Louisiana [Mr. BREAUX] a distinguished member of our tax-writing committee, had a very good response to this contention.

In today's Washington Post he was quoted as saying, "We do not have a lot of people marching on Washington asking for tax cuts."

The Senator from Louisiana hit the nail on the head. There is no great demand for tax cuts, but there is widespread support for us to cut spending and to use those savings to reduce the deficit.

I have been speaking out on this issue for several months now, basically since November 8 when I first saw the Republican contract and then after I saw the President's proposal on December 15. I took issue with the President's proposed tax cuts last December on the day he announced them, and I did so because I felt tax cuts were just not fiscally responsible right now.

I concede that I would be tempted to make this argument even without strong support from my constituents. Sometimes that is part of this job. The voters elect you to make some tough calls, not to constantly stick out your finger to test the political winds before every vote. On this issue, the people of Wisconsin have been overwhelmingly supportive. They realize what they would get back in lower taxes—a meaningful amount to many people—was simply not worth the devastation it would cause our Federal budget. In just the last few weeks, the phone calls and letters to my office have been running 7 to 1 in favor of reducing the deficit over cutting taxes. Here are just a few of the things they have been saying.

A gentleman from Janesville wrote:

As popular as a "middle class tax cut" may be, this is not the time for such action. . . . I urge you to keep your eye on the prize. Concentrate your efforts on balancing the budget and then, begin to pay down our national debt. Please, do not make this process more difficult by returning a pittance to this over taxed citizen.

A woman from Prairie du Sac wrote:

. . . any tax cut at this time would be pure folly. . . . Reducing the deficit must be the number one priority of this Congress now and for many years to come. Our country's economy is dependent on this. . . .

And a gentleman from Minong, just a few miles from the Minnesota border, wrote this to me:

It's not that I don't believe the middle class deserve a tax cut. I just don't think we can afford to cut taxes when we can't cover our budget right now. . . . When we are out of debt, then the time has come to grant tax cuts. Not before.

My office has received hundreds of calls and letters that are similar to these.

And, though I do not presume to speak for the constituents of other Members, I think this view is widely shared outside Wisconsin as well.

A USA Today/CNN poll published on December 20 found that 70 percent of those polled said if Congress is able to cut spending, then reducing the deficit is a higher priority than tax cuts.

A Washington Post-ABC News poll from January 6 showed that people favored deficit reduction over tax cuts by a 3-to-2 margin.

And in a column in today's Washington Post, James Glassman notes that an NBC-Wall Street Journal poll found only 13 percent of respondents said taxes were the "most important economic issue facing the country" while nearly three times as many said it was the deficit.

Mr. President, while polling often can be one-dimensional measures of opinion, there was nothing one-dimensional about the response to the field hearings of the House Budget Committee on this matter.

The crowds that attended those hearings showed clear, vocal majorities supporting deficit reduction over tax cuts.

Mr. President, it is frustrating to hear constituents, who could certainly use the money, urge Congress to make deficit reduction a higher priority than tax cuts, and then watch the rush to see who can propose the bigger tax cut.

In his column, Mr. Glassman calls upon Republicans to immediately shelve their plans to cut taxes this year and instead devote all their energy to cutting spending.

I will add that I think both Democrats and Republicans should shelve plans to cut taxes.

Let us focus on the task of identifying spending that can be cut, and then use the savings we achieve from those cuts to reduce the deficit.

Mr. President, I ask unanimous consent that copies of the column by James Glassman, and the story headlined "Senate GOP Prepares to Invalidate Tax Provisions of House 'Contract,'" both from today's Washington Post, be included in the RECORD at this point.

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

[From the Washington Post, Mar. 21, 1995]

SHELVE THE TAX CUTS

(By James K. Glassman)

Republicans should immediately shelve their plans to cut taxes this year and instead devote all their energy to cutting spending.

Don't get me wrong. I think taxes are too high. They now consume a bigger share of the average family's expenses than housing, food, clothing and medical costs combined. High taxes are a drag on economic growth and a license for government to increase wasteful spending. And our current tax system bears much of the blame for the shamefully low U.S. savings rate.

For these reasons, tax reform is a necessity, and a flat tax or a consumption tax is almost certainly the best answer. But such changes can't possibly be approved in 1995—or even 1996. Americans need a full-scale debate, preferably during a presidential campaign.

Instead of building support for major reform later, the Republican strategy this year is to enact a typical Christmas-tree tax bill, festooned with baubles for businesses, investors, retirees and middle-class families. President Clinton introduced his own, smaller tax cut plan in February.

Tax relief is normally a crowd pleaser, but not today. On fiscal matters, Americans seem to have just one thought in mind: Balance the budget. Only 13 percent of respondents to an NBC-Wall Street Journal poll said taxes were the "most important economic issue facing the country" while nearly three times as many said it was the deficit.

"They aren't thinking taxes now," says Kellyanne Fitzpatrick of the Luntz Research Cos. of Arlington, the firm that helped House GOP leaders draw up the Contract With America. "People are vehement about having spending cuts first."

Politicians are at last starting to notice how the public is ordering its priorities. On Capitol Hill last week, I found no members who were truly enthusiastic about tax cuts. Economists aren't clamoring for them either. With gross domestic product rising nicely, the cuts aren't needed as a short-term economic stimulus; on the contrary, they'll probably boost inflation.

So the logical conclusion is to forget taxes entirely for this year. Unfortunately, the Contract has a mind of its own.

Last week, the tax-relief bill passed the Ways and Means Committee on a party-line vote. It includes a reduction in the capital-gains rate, a tax credit of $500 per child for families earning up to $200,000, a revival of IRAs, a modest credit to make up for the "marriage penalty" on two-earner couples and a few other goodies. Over the next five years, the changes in the bill will make the deficit a total of about $190 billion larger than current projections.

The bill is scheduled for a vote in the House next week, and already dozens of Republicans are asking House Speaker Newt Gingrich to scale it back. They know that, based on projections by the Congressional Budget Office, we can allow federal spending to rise another $350 billion between now and 2002 and still balance the budget—but only if we refrain from reducing tax revenue.

If the tax bill passes, it goes next to the Senate Finance Committee, whose chairman, Sen. Bob Packwood (R-Ore.), has indicated that his panel would give it a frosty reception. Packwood is a big thinker who almost certainly would prefer reforming the whole tax system—but only after spending is cut, a step he believes will lead to lower interest rates as the government's borrowing requirements fall.

Either a consumption tax or a flat tax would remedy two of the greatest problems of the current system—that it's too complicated and that it imposes marginal rates so high they discourage investing. The flat tax also has an amazing appeal that many politicians have overlooked: Americans at all income levels believe it's more fair than what we have now; they suspect that fat cats use loopholes to avoid their fair share.

Under the flat tax proposed by House Majority Leader Dick Armey (R-Tex.) earlier this year, a married couple making less than $26,200 would pay no federal income tax. Beyond that, the rate would be 17 percent on all income, with no deductions allowed.

A flat tax could easily be linked by law to a balanced-budget requirement: At the start of each year, Congress would have to set a single rate (whether it's 17, 18 or 22 percent) that would bring in enough revenues to cover federal expenses. That would be as powerful a deterrent to overtaxing and overspending as any constitutional amendment.

Fitzpatrick says that Luntz has conducted polling nationwide and focus groups in three cities, and the results are clear: "The flat tax is a big home run for everybody."

She added, however, that Americans are so intent on balancing the budget that "some people in the focus groups actually complained that they themselves would pay zero under a flat tax. They want to contribute something to balancing the budget."

Gingrich would be nuts to ignore that kind of sentiment. He should postpone the tax-relief vote indefinitely, concentrate on spending cuts and lay the groundwork for Republicans to run on a flat-tax platform next year—unless Clinton is cleaver enough to beat them to it.

[From the Washington Post, Mar. 21, 1995]

SENATE GOP PREPARES TO INVALIDATE TAX PROVISIONS OF HOUSE 'CONTRACT'

(By Eric Pianin and Dan Morgan)

Senate Republicans have begun moving on several tracks to rearrange key tax and spending provisions of the House GOP's "Contract With America."

Senate Finance Committee Republicans emerged from a weekend retreat with their Democratic colleagues resolved to block passage of the House GOP's $188 billion tax cut package and to put off action on tax reliefs proposals until Congress completes work on the major deficit reduction this summer.

Finance Committee Chairman Bob Packwood (R-Ore.) said yesterday that Congress would reduce the deficit by "an immense magnitudes beyond what people believe is possible," but that major tax reductions along the lines advocated by House Republicans were not in the cards.

"To the extent that we can both reduce the deficit to zero over seven years and have tax cuts, so much the better," Packwood said in a speech to the national Association of Manufacturers. "But I don't think we should put the priority of tax cuts first and then reducing spending later."

House Republican leaders plan to complete work on their tax package—including both a $500-per-child tax credit for families making up to $200,000 a year and a sharp reduction in the capital gains tax—before Congress leaves for the Easter recess. Nearly 100 Republicans plan to deliver a letter to the House GOP leadership today, urging that the credit be targeted to families making a maximum of $95,000 a year.

However, an aide to House Speaker Newt Gingrich (R-Ga.) said such a change is unlikely.

Sen. Daniel Patrick Moynihan (N.Y.), the ranking Democrat on the Finance Committee, who attended the weekend retreat, said Democrats and Republicans generally agreed that "deficit reduction was the issue" and that "tax cuts were out of order."

Sen. John Breaux (D-La.), another committee member at the retreat, said, "We do not have a lot of people marching on Washington asking for tax cuts."

But committee member Sen. Charles E. Grassley (R-Iowa) predicted that some "modest" tax relief would emerge from Congress later this year to satisfy the demands of Sen. Phil Gramm (Tex.), a Republican presidential candidate, and other conservatives sympathetic to the House tax proposals.

"They [the tax cuts] don't have to be as great as the House wants and they must be oriented toward the family," Grassley said.

The Senate also may put its imprint on a recision bill passed last week by the House that would pare $17.1 billion from spending that had been approved in the current budget. Cumulatively, the bill would reduce congressional ability to make spending commitments by $40 billion to $50 billion over five years.

The House legislation exempted defense and military construction accounts, but Sen. Mark O. Hatfield (R-Ore.), who chairs the Senate Appropriations Committee, said yesterday that he has directed that those accounts be screened for possible cuts as well.

Some Democrats and Republicans say deficit reduction should take precedence over everything, including tax cuts and increases in Pentagon spending, or the spending cuts could be branded as imprudent and unfair.

The liberal-leaning Center on Budget and Policy Priorities concluded that 63 percent of the House cuts are in programs for low-income families and individuals. Hatfield suggested yesterday in an interview that military spending could not be "disconnected" from the deficit problem any more than the tax cut issue could be.

"They're asking people to make sacrifices at the same time they're saying military spending must escalate," he said.

On Sunday, House Budget Committee Chairman John R. Kasich (R-Ohio) said House Republican leaders had agreed to freeze defense spending at the current $270 billion for at least the next five years, rather than increasing it.

Hatfield, who was attacked by senators within his own party for casting the lone Republican vote against the balanced budget amendment, indicated that the size of the Senate's spending recision package would be in the same "ballpark" as the House-passed version, but with different spending cuts.

In addition to possibly tapping defense and military contruction, Hatfield said the Appropriations transportation subcommittee that he chairs probably would make deeper cuts than the House did.

"We'll never balance the budget on the baseline of discretionary spending," Hatfield said, referring to the one-third of the total budget that does not cover interest on the debt or Social Security, Medicare and other such "entitlement" programs.

Speaking to reporters after his speech to the manufacturers association, Packwood said that he agreed with Republican budget committee leaders in the House and Senate that the budget could be balanced by 2002 merely by slowing the growth of spending by $1 trillion or more, but that "nothing is sacred," including Social Security and other entitlement programs.

"I have said all along Social Security should be on the table," he said, but "we haven't crossed that yet." Packwood said that while cuts in Social Security benefits have been ruled out by Republican leaders, his committee would consider trying to eliminate a bias in a formula that overstates cost-of-living adjustments in Social Security payments.

Mr. FEINGOLD. Mr. President, I understand the majority leader intends to stack votes on amendments offered tonight for some time to be determined and I ask unanimous consent, on the amendment I just proposed, it be in order to ask for the yeas and nays.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I will defer the request for the yeas and nays on the first amendment in response to the suggestion of the manager, the Senator from Arizona. I thank both the managers for their kindness and cooperation in my opportunity to offer these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask for the regular order with regard to the Simon amendment No. 393.

Mr. McCAIN. Mr. President, I object.

Mr. President, I had not finished with the debate on the amendment.

Mr. EXON. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I just want to briefly respond to the amendment of the Senator from Wisconsin. I know there will be objection on this side, as he knows. The so-called Contract With America was clear on the point that middle-income Americans—middle-class Americans—deserve a tax cut. I understand the Senator from Wisconsin's zeal to balance the budget. I appreciate it. I believe I share it.

I would like to point out that in 1950, a median-income family of four in America—that is a man, woman, and two children—sent $1 out of $50 of their income to Washington, DC, in 1950. In 1990 that same family of four, median-income American family, sends $1 out of every $4 to Washington, DC, in the form of taxes. Then, when you put on State and local taxes, they rapidly jump up into the 40 percent bracket. If we do not add another entitlement program between now and the turn of the century, if we do not add one penny to Federal spending, that number will be $1 out of every $3.

I say to my friend from Wisconsin, we cannot afford to lay this burden on middle-income Americans or we will see the disappearance of middle-class America. They are staggering under a crushing tax burden. I believe it makes it much more difficult to both reduce the deficit and enact tax cuts, but I, frankly—maybe the Senator from Louisiana has not heard of people marching on Washington, saying "cut taxes." Around April 15 there will be people marching on my office and calling my office when they file their income taxes again this year and find out that, again, their taxes have gone up and it will now require, I believe the date is May 15, to which they will work in order to pay their State and local and Federal taxes before they start earning a penny for themselves and their families.

I understand very well what this $4.8 trillion debt, now projected by 1996 to be a $5.2 trillion debt, can do to America. But I also know what a crushing tax burden means to the average American family which is bearing an enormous burden and that burden has contributed significantly to the most startling and, in my view, alarming polling

number, polling statistic, that we got out of the 1994 elections. That is that the majority of Americans who voted in the 1994 election do not believe that their children will be better off than they are. They believe that for a variety of reasons, I say to my friend from Wisconsin. But one of the reasons they say that is that they do not believe they will have enough income to provide for their children's futures.

The essence of the American dream, as most of us know it, is that people came to this country, worked hard, put in sweat and blood and tears in order to ensure the future generations—their children—would have a better opportunity than they.

I say to my friend from Wisconsin, that is not the case anymore. One of the reasons for that is because they see so many of their hard-earned dollars going to Washington and to State and local taxes, so they do not believe they will be able to afford to pay for their medical bills, their children's education, and the other necessities that are required for people, not only for the rest of their lives but to ensure the future of their children.

But I do not disagree with the Senator from Wisconsin about the daunting task we face when we say we are both going to reduce the deficit and the debt and at the same time relieve the tax burden on middle-income Americans.

Mr. President, I apologize for interrupting the Senator from Nebraska. I just wanted to respond to the Senator from Wisconsin on this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will be very brief. I had an opportunity to speak, but this may be the only debate on this amendment the way this is structured.

Let me make two quick points. First of all, I am pleased to note this is a nonpartisan issue. Everyone watching should be aware things are not breaking down on a partisan basis. There is a disagreement on the Republican side and there is a disagreement on the Democrat side whether we can go with tax cuts. I think it is heartening for people to realize the Senate can function in this way and we can resolve the issue on other than a Democrat or Republican basis, and I hope that is the way this tax cut debate will continue.

The other point I would just make in response to the Senator from Arizona is that I am also willing to examine the impact that this issue of tax cuts and deficit reduction has on the bottom line for American families. I had a meeting yesterday in Wisconsin with a business advisory group, and the business men and women there were absolutely convinced that doing the tax cut, rather than using the money for deficit reduction, would mean that the actual budgetary picture of those individual families would be worse with the tax cut, for two reasons. One, they believed if we do not reduce the deficit as dramatically as we can right now, in other words not using the tax cuts, that the interest we have to pay on the Federal debt will inevitably cause them to have less money of their own because so much of our national economy will be going toward paying the horrible burden that the interest on the debt already causes.

The other point was very specific. Their belief was that the increase in interest rate that will occur because of the failure to deal with the deficit, and possibly because of the tax cuts, could generate an inflationary effect and would mean a greater increase in their costs monthly in the form of interest on car payments and home payments.

So I think the Senator's analysis is a fair approach, not just the macroeconomic one of what happens to the whole society and our deficit, but the macroeconomic issue of what happens to those individual families. I hope, as we go on this debate, that we will look at it from both points of view. Both are central to this issue.

I thank the Chair. I yield the floor.

Mr. EXON. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is amendment 393 offered by the Senator from Illinois.

AMENDMENT NO. 393, AS MODIFIED, TO AMENDMENT NO. 347

(Purpose: To provide for expedited judicial review)

Mr. EXON. Mr. President, the Senator from Illinois and the Senator from Arizona have been working on the language of the Senator's amendment on judicial review that was debated briefly an hour or so ago. Senator SIMON has given me language that he believes addresses the concerns of the Senator from Arizona regarding severability. Senator SIMON asked me to seek to modify his amendment to reflect the changes.

So, Mr. President, on behalf of the Senator from Illinois, I send a modification of his amendment numbered 393 to the desk, and I ask that it be so modified.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

The amendment (No. 393), as modified, to amendment No. 347, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that a provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(d) SEVERABILITY.—

If any provision of this Act, or the application of such provision to any person or circumstance is held unconstitutional, the remainder of this Act and the application of the provisions of such Act to any person or circumstance shall not be affected thereby.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Illinois, as modified.

The amendment (No. 393), as modified, was agreed to.

Mr. EXON. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 402 TO AMENDMENT NO. 347

(Purpose: To provide a process to ensure that savings from rescission bills be used for deficit reduction)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 402 to amendment No. 347.

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

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

The amendment is as follows:

At the end of the matters proposed to be inserted, insert the following:

SEC. .

(a) Not later than 45 days of continuous session after the President vetoes an appropriations measure or an authorization measure, the President shall—

(1) with respect to appropriations measures, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each out year by the amount by which the measure would have increased the deficit in each respective year;

(2) with respect to a repeal of direct spending, or a targeted tax benefit, reduce the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by the amount by which the measure would have increased the deficit in each respective year;

(b) EXCEPTIONS.

(1) This section shall not apply if the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, before the President orders the reduction required by subsections (a)(1) or (a)(2).

(2) If the vetoed appropriations measure or authorization measure becomes law, over the objections of the President after the President has ordered the reductions required by subsections (a)(1) or (a)(2), then the President shall restore the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 or the balances under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the positions existing before the reduction ordered by the President in compliance with subsection (a).

Mr. EXON. Mr. President, let me just briefly address this because I had talked briefly about it earlier. This amendment would add to the bill what is called a lock box to insure that any and all savings achieved as a result of the line-item veto under the bill would go to deficit reduction. This is simply a truth-in-advertising amendment. All this amendment does is to ensure that, if you promise deficit reduction in a veto, you actually have to deliver deficit reduction at the end of the day.

I have nothing further on the amendment at the present time. I assume we will have, if it is not accepted, probably a vote on it on tomorrow.

Mr. MCCAIN. Mr. President, I am in support of the concept of this amendment. I think clearly any savings should go to reduce the deficit. There are objections on this side of the aisle at this time.

So I withhold approval. But hopefully some of those objections can be satisfied before being voted on tomorrow.

I agree with the Senator from Nebraska that any savings should go to deficit reduction rather than expenditures on other Government programs.

Mr. EXON. Mr. President, I thank my colleague from Arizona.

Mr. MCCAIN. Mr. President, it has been a long day for the Senator from Nebraska. I will try to be relatively brief. I do not believe there are any more amendments proposed for tonight.

I would just like to make some additional comments and then proceed to wrap up, since we will be beginning at the hour of 9:30 in the morning, it is my understanding.

Mr. President, I wanted to discuss this issue that has been heavily argued today as far as the constitutionality of separate enrollment. Earlier today, he included in the RECORD a statement from Mr. Johnny Killiam, who is the senior specialist on American constitutional law in the Congressional Research Service. The subject of this memorandum is the separate enrollment bill and the Constitution. I am not going to read the entire thing. I would like to again repeat the concluding paragraph of his 12-page dissertation on the constitutionality of separate enrollment.

He says:

In conclusion, we have argued that the deeming procedure may present a political question unsuited for judicial review, and, thus, that Congress would not be subject to judicial review. We have considered, on the other hand, that the courts may find that they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the court, and even if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of the principle that a bill in order to become law must be passed in identical versions by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct. Indeed, there are questions about all three. In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

What Mr. Killiam has said—and it is a very in-depth and in some ways esoteric discussion—various cases have appeared before the Supreme Court, and he argues at the end of his dissertation that there are arguments that lead in favor of the constitutionality of separate enrollment, but it could be subject to judicial review.

And his last sentence, I think, is probably the most operative, where he said:

In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

I also say to those who are concerned about the constitutionality of this issue, the Simon amendment—and a similar amendment was adopted by the House of Representatives—will call for expedited judicial review. We will find out. I am not using that as an argument for somebody who feels there is a clear constitutionality problem here and believes it is unconstitutional to therefore vote for this legislation just because it is going to receive judicial review. But I am saying to those who may have some doubts that this issue will be resolved and resolved in a very short period of time.

I also want to take a few minutes to quote from Judith Best, who has been a well-known expert on this particular issue. It is a very short quote. This part of her dissertation, entitled "The Constitutional Objection."

The objection is that the proposal is unconstitutional—

Meaning separate enrollment is unconstitutional.

because it would change the Constitution, specifically the veto power, by act of Congress alone. The response is as follows: Article I, section 5 of the Constitution permits this procedure. Nothing in Article I, section 7 is violated by this procedure. Under this proposal, all bills must be presented to the President. He may sign or veto all bills. He must return vetoed bills with his objections. Congress may override any veto with a two-thirds majority of each House. Under Article I, section 5, Congress possesses the power to define a bill. Congress certainly believes that it possesses this power, since it alone has been doing so since the first bill was presented to the first President in the first Congress. If this construction of Article I, section 5 is correct, the definition of a bill is a political question and not justiciable. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment to issues to a coordinate political department. A textually demonstrable constitutional commitment of the issue to the legislature as found in each House may determine the rules of its proceedings. Congress may define as a bill a package of distinct programs and unrelated items to be separate bills. Either Congress has a right to define a bill or it does not. Either this proposal is constitutional or the recent practice of Congress informing omnibus bills containing unrelated programs and nongermane items is constitutionally challengeable. If the latter, the President would be well advised to bring such suit against the next omnibus bill.

I think, basically, Professor Best lays it out there. The Congress has a right to determine what a bill is. The Congress may define as a bill a package of distinct programs and unrelated items. And her argument, which I support, is that therefore the Congress of the United States can define a single enrollment which was part of a package as a bill as well.

But we will probably have much more debate on that in the couple of days ahead. I want to express again my admiration for Senator BYRD, the Senator from West Virginia, for his erudite and compelling and well-informed arguments. I watched a great deal of the debate today between the Senator from Indiana and the Senator from West Virginia. I think it was edifying, and I think many of my colleagues had the opportunity to observe them. I think most of the arguments concerning constitutionality, enrollment, and other aspects of the line-item veto were well described. I, again, express my admiration for the talent and enormous knowledge that the Senator from West Virginia possesses.

Again, I want to emphasize again that a lot of time has been taken, and more time will be taken on the floor on this issue. This is a fundamental and structural change in the way we do business. I believe it deserves thorough ventilation and debate. At the same time, I believe we can probably bring it to a close. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, I ask unanimous consent that at 10:30 a.m. on Wednesday, Senator BRADLEY be recognized to offer an amendment on tax expenditures on which there be the following time limitation prior to a motion to table, with no second-degree amendments to be in order prior to the motion to table: 30 minutes under the control of Senator BRADLEY, 15 minutes under the control of Senator McCAIN.

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

MORNING BUSINESS

Mr. McCAIN. I ask unanimous consent that there be a period for morning business.

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

REPORT ON THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, IEEPA. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6-months. Additionally, section 401(c) of the National Emergencies Act (NEA) (50 U.S.C. 1601 *et seq.*) requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from August 19, 1994, to February 19, 1995, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12924, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12924 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

BILATERAL COOPERATION/TECHNICAL ASSISTANCE

—As part of the Administration's continuing effort to encourage other countries to implement effective export controls to stem the proliferation of weapons of mass destruction, as well as certain sensitive technologies, the Department of Commerce and other agencies conducted a range of discussions with a number of foreign countries, including governments in the Baltics, Central, and Eastern Europe, the Newly Independent States (NIS) of the former Soviet Union, the Pacific Rim, and China. Licensing requirements were liberalized for exports to Argentina, South Korea, and Taiwan, responding in part to their adoption of improved export control procedures.

AUSTRALIA GROUP

—The Department of Commerce issued regulations to remove controls on certain chemical weapon stabilizers that are not controlled by the Australia Group, a multilateral regime dedicated to stemming the proliferation of chemical and biological weapons. This change became effective October 19, 1994. In that same regulatory action, the Department also published a regulatory revision that reflects an Australia Group decision to adopt a multi-tiered approach to control of certain mixtures containing chemical precursors. The new regulations extend General License G–DEST treatment to certain categories of such mixtures.

NUCLEAR SUPPLIERS GROUP (NSG)

—NSG members are examining the present dual-use nuclear control list to both remove controls no longer warranted and to rewrite control language to better reflect nuclear proliferation concerns. A major item for revision involves machine tools, as the current language was accepted on an interim basis until agreement on more specific language could be reached.

—The Department of Commerce has implemented license denials for NSG-controlled items as part of the "no-undercut" provision. Under this provision, denial notifications received from NSG member countries obligate other member nations not to approve similar transactions until they have consulted with the notifying party, thus reducing the possibilities for undercutting such denials.

MISSILE TECHNOLOGY CONTROL REGIME (MTCR)

—Effective September 30, 1994, the Department of Commerce revised the control language for MTCR items on the Commerce Control List, based on the results of the last MTCR plenary. The revisions reflect advances in technology and clarifications agreed to multilaterally.

—On October 4, 1994, negotiations to resolve the 1993 sanctions imposed on China for MTCR violations involving missile-related trade with Pakistan were successfully concluded. The United States lifted the Category II sanctions effective November 1, in exchange for a Chinese commitment not to export ground-to-ground Category I missiles to any destination.

—At the October 1994 Stockholm plenary, the MTCR made public the fact of its "no-undercut" policy on license denials. Under this multilateral arrangement, denials notifications received from MTCR members are honored by other members for similar export license applications. Such a coordinated approach enhances U.S. missile nonproliferation goals and precludes other member nations from approving similar transactions without prior consultation.

MODIFICATIONS IN CONTROLS ON EMBARGOED DESTINATIONS

—Effective August 30, 1994, the Department of Commerce restricted the types of commodities eligible for shipment to Cuba under the provisions of General License GIFT. Only food, medicine, clothing, and other human needs items are eligible for this general license.

—The embargo against Haiti was lifted on October 16, 1994. That embargo had been under the jurisdiction of the Department of the Treasury. Export license authority reverted to the Department of Commerce upon the termination of the embargo.

REGULATORY REFORM

—In February 1994, the Department of Commerce issued a *Federal Register* notice that invited public comment on ways to improve the Export Administration Regulations. The project's objective is "to make the rules and procedures for the control of exports simpler and easier to understand and apply." This project is not intended to be a vehicle to implement substantive change in the policies or procedures of export administration, but rather to make those policies and procedures simpler and clearer to the exporting community. Reformulating and simplifying the Export Administration Regulations is an important priority, and significant progress has been made over the last 6 months in working toward completion of this comprehensive undertaking.

EXPORT ENFORCEMENT

—Over the last 6-months, the Department of Commerce continued its vigorous enforcement of the Export Administration Act and the Export Administration Regulations through educational outreach, license application screening, spot checks, investigations, and enforcement actions. In the last 6-months, these efforts resulted in civil penalties, denials of export privileges, criminal fines, and imprisonment. Total fines amounted to over $12,289,000 in export control and antiboycott compliance cases, including criminal fines of nearly $9,500,000 while 11 parties were denied export privileges.

—Teledyne Fined $12.9 Million and a Teledyne Division Denied Export Privileges for Export Control Violations: On January 26 and January 27, Teledyne Industries, Inc. of Los Angeles, agreed to a settlement of criminal and administrative charges arising from illegal export activity in the mid-1980's by its Teledyne Wah Chang division, located in Albany, Oregon. The settlement levied criminal fines and civil penalties on the firm totaling $12.9 million and imposed a denial of export privileges on Teledyne Wah Chang.

The settlement is the result of a 4-year investigation by the Office of Export Enforcement and the U.S. Customs Service. United States Attorneys offices in Miami and Washington, D.C., coordinated the investigation. The investigation determined that during the mid-1980's, Teledyne illegally exported nearly 270 tons of zirconium that was used to manufacture cluster bombs for Iraq.

As part of the settlement, the Department restricted the export privileges of Teledyne's Wah Chang division; the division will have all export privileges denied for 3-months, with the remaining portion of the 3-year denial period suspended.

—Storm Kheem Pleads Guilty to Nonproliferation and Sanctions Violations: On January 27, Storm Kheem pled guilty in Brooklyn, New York, to charges that he violated export control regulations barring U.S. persons from contributing to Iraq's missile program. Kheem arranged for the shipment of foreign-source ammonium perchlorate, a highly explosive chemical used in manufacturing rocket fuel, from the People's Republic of China to Iraq via Amman, Jordan, without obtaining the required validated license from the Department of Commerce for arranging the shipment. Kheem's case represents the first conviction of a person for violating section 778.9 of the Export Administration Regulations, which restricts proliferation-related activities of "U.S. persons." Kheem also pled guilty to charges of violating the Iraqi Sanctions Regulations.

5. The expenses incurred by the Federal Government in the 6-month period from August 19, 1994, to February 19, 1995, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls where largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $19,681,000 most of which represents program operating costs, wage and salary costs for Federal personal and overhead expenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 21, 1995.*

To the Congress of the United States:

REPORT OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

In accordance with section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I am pleased to transmit to you the Annual Report of the National Science Foundation for Fiscal Year 1993.

The Foundation supports research and education in every State of the Union. Its programs provide an international science and technology link to sustain cooperation and advance this Nation's leadership role.

This report shows how the Foundation puts science and technology to work for a sustainable future—for our economic, environmental, and national security.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 21, 1995.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Schaefer, one of its assistant legislative clerks, announced that the Speaker has signed the following enrolled bill:

S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 21, 1995, she had presented to the President of the United States, the following enrolled bill:

S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Pursuant to the order of the Senate of March 20, 1995, the following report was submitted on March 20, 1995, during the recess of the Senate:

By Mr. PACKWOOD, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. No. 104-16).

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 Mrs. FEINSTEIN:

S. 580. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 581. A bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself and Mr. BROWN):

S. 582. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 583. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for two vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBB (for himself, Mr. CRAIG, Mr. AKAKA, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LUGAR, Mr. DEWINE, Mr. STEVENS, Mr. COCHRAN, Mr. WELLSTONE, Mr. FORD, and Mr. KERRY):

S. 584. A bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962; to the Committee on Armed Services.

By Mr. SHELBY:

S. 585. A bill to protect the rights of small entities subject to investigative or enforcement action by agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 586. A bill to eliminate the Department of Agriculture and certain agricultural programs, to transfer other agricultural programs to an agribusiness block grant program and other Federal agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. HEFLIN, Mr. DOLE, Mr. THURMOND, Mr. GRASSLEY, Mr. SIMPSON, Mr. KYL, Mr. EXON, Mr. CRAIG, Mr. FORD, Mr. LOTT, Mr. ASHCROFT, Mr. BAUCUS, Mr. BOND, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. COVERDELL, Mr. D'AMATO, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. BREAUX):

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 580. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

THE ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1995

Mrs. FEINSTEIN. Mr. President, I rise today to introduce, and now send to the desk, the Illegal Immigration Control and Enforcement Act of 1995. This bill incorporates many of the concepts in the immigration package that I introduced in the last session of Congress. New proposals have been added, however, after consultation with many, including California's law enforcement officials and others interested in curbing illegal immigration.

Mr. President, I offer this legislation not to compete with Senator SIMPSON's S. 269, which he introduced on January 24, but rather to complement it. Little in this bill is duplicative of Senator SIMPSON's legislation. I am convinced that, combined, these two bills could offer a strong, straightforward program to stop illegal immigration.

There simply is no time to lose. The crisis of illegal immigration continues in California and throughout the Nation.

Too many people are still able to illegally cross our borders, and too few States, most notably California, carry the burden of having to support, educate, and often incarcerate the hundreds of thousands who enter this country illegally each year.

There is no doubt in my mind that our border enforcement has improved in the last 2 years and I want to thank this administration for an unprecedented commitment to that end. I am equally convinced, however, that steps already taken have been insufficient to fully address the problem.

Despite its major flaws and probable unconstitutionality, proposition 187 in California was overwhelmingly approved by voters last November. The message was clear: Stop illegal immigration. If Congress does not heed this warning, I fear an even more serious backlash nationwide against all immigrants, including those who want to come to our country legally.

IMPACT ON CALIFORNIA

One reason proposition 187 passed by such a large margin is that Californians know the impact of immigration on our State. According to 1993 INS statistics, 45 percent of the Nation's illegal immigrants are now in California. That means between 1.6 and 2.3 million illegal immigrants now reside in our State; 15 percent of California's State prison population—or almost 20,000 inmates—is comprised of incarcerated illegal immigrants; 45 percent of all persons with pending asylum cases reside in California; 35 percent of the refugees to this country claimed residency in California in 1993; and almost 30 percent of the legal immigrants in this have country chosen to live in California.

According to the Governor of our State, illegal immigration in fiscal year 1995–96 will cost California an estimated $3.6 billion, including an $2.66 billion for the federally mandated costs of education, health care, and incarceration. By anyone's estimation, that is a staggering sum, and a tremendous burden on just one State.

THE NEED FOR IMMIGRATION REFORM

I believe our Federal response to the problem of illegal immigration must address four key goals: First, control illegal immigration at the border; second, reduce the economic incentives to come to the United States illegally; third, deal swiftly and severely with document forgers and alien smugglers; and fourth, remove criminal aliens from our Nation's prisons and jails, while assuring that their sentences are served in their countries of origin.

BORDER CONTROL

This legislation requires that at least 700, and up to 1,000, new Border Patrol agents be hired in each of the next 3 fiscal years. It differs from the crime bill in one critical respect. The crime bill authorized the hiring of up to 1,000 new agents in each of Fiscal Years 1996, 1997 and 1998. This bill further requires that a minimum of 700 agents per year be hired. It thus adds a floor to the crime bill which will assure that no fewer than 2,100 new agents, and up to 900 support personnel, will be on board by the end of Fiscal Year 1998 for a total of 7,082 Border Patrol agents.

It mandates the hiring of sufficient INS border inspectors to fully staff all legal crossing lanes at peak periods. The bill also provides for improved border infrastructure and Border Patrol training.

REDUCING INCENTIVES

Second, this legislation substantially expands existing employer sanctions and wage and hour law enforcement programs to reduce the biggest incentives for undocumented persons to come to this country, namely jobs.

Central to this effort is the creation of a counterfeit-proof work and benefits authorization verification system. Any employer—and any provider of federally funded benefits—ought to be 100 percent certain that a candidate is here legally. A counterfeit-proof verification system is the only way this can be achieved.

In addition, this bill dramatically increases the civil fines for anyone who knowingly hires, recruits, or refers illegal aliens for hiring. This is important

because today the civil penalties for illegally hiring an illegal immigrant are very low. Fines range between just $250 and $2,000—per alien hired—for a first offense.

This bill would increase that range from $1,000 to $3,000 for the first offense.

Second offenses would carry per alien fines of between $3,000 and $7,000, and third or later offenses would cost $7,000 to $20,000 per alien—that is more than double the current $3,000 to $10,000 liability.

It dramatically increases the criminal penalties for a pattern or practice of hiring illegal immigrants. This bill doubles the maximum criminal fine, and triples the maximum jail sentence, for anyone who facilitates a fraudulent application for benefits by an unlawful alien by counterfeiting the seal or stamp of any Federal agency. If this bill is enacted, the new maximums will be $500,000, or 15 years in jail, or both.

It provides for additional INS and Department of Labor inspectors to enforce existing laws and provides for the hiring of additional assistant U.S. attorneys to more aggressively prosecute these crimes.

SMUGGLING AND DOCUMENT FRAUD

Shutting down false document mills, counterfeiters, smugglers, and smuggling organizations is the third priority at the core of this legislation.

Smugglers and forgers will find this to be a very tough bill indeed. This legislation broadens current Federal asset seizure authority to include those who smuggle or harbor illegal aliens, and those who produce false work and benefits documents.

It imposes tough minimum and maximum sentences on smugglers, and it imposes those penalties for each alien smuggled. At the moment, penalties are assessed per transaction, no matter how many illegal immigrants a smuggler takes across our borders.

This bill increases the penalty for smugglers in the event that an alien is injured, killed, or subject to blackmail threats by the smuggler.

It makes it easier to deport so-called weekend warriors—legal permanent residents, green card holders, who are in the United States, smuggle illegal immigrants for profit, and then try to use their immigration status to avoid being deported from the United States.

It dramatically increases penalties for document forgers or counterfeiters. First offenders will be sentenced to 2½ to 5 years, 5 to 10 years with any prior felony conviction, and 10 to 15 years with two or more prior felonies. Currently, document forgers can receive as little as 0 to 6 months for a first offense.

CRIMINAL ALIENS

This legislation is intended to once again signal that the President must have the authority, by treaty, to deport aliens convicted of crimes in this country for secure incarceration in such aliens' home countries.

Although we have prisoner transfer treaty agreements with many nations now, they are subject to the consent of the prisoner to be transferred. If the prisoner does not consent, he is not transferred.

This legislation eliminates that obstacle. It also would speed up the deportation process and make more criminal aliens deportable by broadening the definition of an aggravated felony for which aliens may already be deported to include document fraud crimes not now independent grounds for deportation; it classifies as aggravated felonies certain offenses punishable by 3 years, rather than for which an alien has actually been sentenced to 5 years or more. As a result, it would definitely increase the number of criminals who would qualify for deportation as having committed aggravated felony.

In addition, courts would have the authority to require that, in order to receive a sentence of probation rather than a prison term, an illegal alien convicted of a crime would be required to consent to being deported as a condition of probation. This would give prosecutors the option of ejecting from the country relatively low-level offenders after trial without going through an additional, and often lengthy, deportation hearing.

SPONSORS OF LEGAL IMMIGRANTS

Before concluding, let me note just one other feature of the bill which pertains to immigrants who have lawfully come to the United States on the basis of a citizen's—usually an immediate relative's—sponsorship. The legislation would require anyone who sponsors a legal immigrant for admission to the United States to make good on their promise of financial support should the legal alien require assistance before becoming a citizen.

In addition, past proposals to strengthen sponsorship agreements typically exempted sponsors from liability for medical costs.

This legislation would make sponsors responsible for the costs of medical care, requiring them to obtain health insurance for the immigrant they have sponsored. The insurance would be of a type and amount to be specified by the Secretary of Health and Human Services, and would be required to be purchased within 20 days of an immigrant's arrival in this country. A safety valve is built into the bill, however, for sponsors who die, or who become impoverished or bankrupt.

BORDER CROSSING FEE

This bill also provides a funding mechanism for this package with a border crossing fee of $1 per person, which could yield up to $400 million per year. The border control, the infrastructure, the training, the additional narcotics abatement efforts provided in this bill all could be underwritten by such a fee.

CONCLUSION

In conclusion, Mr. President, immigration is too much at the core of what America means to each of us individually, and to our society collectively, to politicize and polarize the coming debate. If we are to map common ground together, it is the spirit of compromise that must prevail. We owe America—America the Nation and America the idea—no less.

I look forward to continuing to work closely with the chairman of my subcommittee, Senator SIMPSON, with Senators KENNEDY and SIMON, and with all of my Republican colleagues on the subcommittee to present the full Judiciary Committee and the Senate with the best possible comprehensive illegal immigration legislation as quickly as possible.

By Mr. HATFIELD (for himself and Mr. BROWN):

S. 582. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

ENVIRONMENTAL AUDIT PRIVILEGE LEGISLATION

• Mr. HATFIELD. Mr. President, with the recent changes in Congress, we are presented with an important opportunity to take a fresh look at many aspects of our Federal legal and regulatory system. A return to federalism is underway including a movement to allow greater flexibility in administering Federal programs. I support a full review of the Federal regulatory straitjacket we have helped create and believe that greater flexibility should be extended to both the public and private sectors of this Nation.

As my colleagues know, it is difficult to have a conversation these days with a business leader or a local government official without the topic turning to the increasingly onerous burden of Federal regulations—particularly environmental regulations. It is now clear the many of our laws and regulations designed to ensure a safer environment are now having the unfortunate effect of discouraging sound environmental practices.

The legislation I will introduce today makes the point that the Federal Government should encourage responsible actions by businesses with incentives and flexibility, rather than through threats and penalties. Given the limited resources available for environmental enforcement and monitoring, it is vital that companies self-police and be willing partners in the implementation of the Nation's environmental programs. There is no other way to protect our people, our communities, and our environment.

In an effort to advance this idea, I am introducing the Environmental Audit Privilege Act. I am pleased to be joined in this effort by my friend from Colorado, Senator HANK BROWN.

This legislation will create new incentives for companies to police their own environmental actions by establishing a limited legal privilege for businesses that voluntarily audit their compliance with environmental laws and promptly proceed to correct any violations discovered.

In 1993, Oregon became the first State to codify a privilege for environmental audits. Under the Oregon law, an internal environmental audit, undertaken voluntarily, cannot be used against the company in a trial or administrative action, unless efforts to comply were not promptly initiated and pursued with reasonable diligence or the privilege was invoked for fraudulent purposes. The Oregon law garnered support not only from the business community, but also from the Oregon Department of Environmental Quality and the State attorney general. These supporters have told me of the positive effects this law has had in Oregon.

Six other States have created a similar privilege, including Colorado, Indiana, Kentucky, Arkansas, Illinois, and Wyoming. Nearly two dozen other States are considering bills to create an environmental audit privilege. Supporters of these State provisions argue that their efforts are undermined by the absence of a Federal counterpart. To avoid the State privilege, a litigant must simply file suit in Federal court, where it is possible the State privilege will not be recognized.

The legislation I put forward today is an extension of legislation I introduced in the 103d Congress which was based solely on the Oregon law. A new section has been added to this bill as a result of the very constructive efforts of Senator BROWN. This new section is based on a worthy idea pioneered by the State of Colorado.

The audit privilege portion of my bill strikes an equitable balance between protecting a company's right to self-police and ensuring that businesses comply with environmental regulations. There are clear limits on the privilege, however. The privilege would cease to exist if used for fraudulent activities or if waived by a company. Furthermore, the privilege is moot if the company does not promptly act to achieve compliance when a violation is discovered in an audit. This factor ensures a strong incentive for companies to immediately correct any potential or real problem in their activities.

Even if the company proceeds immediately to correct a violation, the privilege is not absolute. The privilege only extends to information in the audit report, not to the violation itself. It would not bar enforcement action for environmental violations; no environmental law is decriminalized nor are enforcement agencies barred from pursuing action. This protection does not prevent an agency or an injured party from pursuing legal action against a violator on the basis of independent evidence of the violation.

Oregon's law has expanded employee involvement, which has made audits more complete and accurate, and it has helped employees connect their daily jobs with environmental compliance. It has also created new incentives for companies to independently pursue compliance while encouraging businesses to adopt more systematic approaches to examining and correcting their environmental activities.

Last, but by no means least, lawyers are no longer needed in Oregon to shield audit documents under the attorney-client privilege. Companies can now feel secure in keeping records, and they have had much greater success in dealing with chronic problems. Removing lawyers from audits substantially reduces the cost of auditing and improves the frankness of information flowing within companies.

The legislation I am introducing today also includes a very important section which I will refer to as voluntary disclosure. This section provides protection for companies that wish to step forward and voluntarily disclose inadvertent violations of environmental laws that come to light through the conduct of a voluntary environmental audit. Again, these provisions are based on a law first passed in the State of Colorado. It has been a pleasure to have worked with Senator BROWN and his fine staff over the past several months to reach agreement on this important section of the bill.

Under this section, if an audit reveals a previously unknown environmental violation, the company will be immune from administrative, civil, or criminal penalties if it: First, promptly and voluntarily discloses the violation to the regulatory agency; second, takes prompt steps to correct the problem; and, third, fully cooperates with the regulatory agency. As with the privilege, this protection does not prevent an agency or an injured party from pursuing legal action against a violator on the basis of independent evidence of the violation.

While Oregon did not include such provisions in its law, I believe providing protections for voluntary disclosures is a meritorious idea, and one certainly worthy of the full consideration of the Senate. As one of my colleagues recently noted, sunlight is an excellent disinfectant. Thus, while the privilege portions of this bill allow an environmental audit to remain secret, the voluntary disclosure provisions would give the public access to this important information and would require any violations be addressed promptly.

Last week, President Clinton announced his plans to encourage environmental audits as part of a package of regulatory reform measures. I want to commend the President and those at EPA who have recognized the benefits of encouraging companies to engage in this type of self-analysis. I believe both business profitability and the environment will benefit from these efforts, and I look forward to working with the administration on the legislative side of this effort.

I am aware the administration has serious misgivings about codifying and audit privilege and has raised questions about the voluntary disclosure protection in this bill. I admit this is an issue that excludes great common sense appeal upon first glance, but which certainly grows more complex with each level of further analysis. While I am not a lawyer, my further analysis leads me to the conclusion that this idea is sound and that the Nation would benefit from the debate this legislative proposal will inevitably generate.

Self-enforcement by responsible companies is vital to the success of our environmental objectives. It is a fact that most companies want to police themselves. Not only is it morally correct, it is also consistent with a total quality management approach to business management, for companies to take a proactive approach to environmental safety. It makes business sense and is less costly for a company to find and rectify a violation than it is to face regulatory, civil, or criminal action. Incentives for self-enforcement will help free up the very limited resources of Federal and State environmental and enforcement agencies, allowing them to pursue the most severe, egregious, and dangerous violations of our environmental laws.

Federal policy must promote the delicate balance between protecting our environment and allowing business to flourish. The Environmental Audit Privilege Act will provide companies with greater flexibility and with incentives for compliance with environmental protection regulations. Such protections will signal an important step toward ensuring the success of our businesses and of our environmental programs.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

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 "Voluntary Environmental Audit Protection Act".

SEC. 2. VOLUNTARY SELF-EVALUATION PROTECTION.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 179—VOLUNTARY SELF-EVALUATION PROTECTION

"Sec.
"3801. Admissibility of environmental audit reports.
"3802. Testimony.
"3803. Disclosure to a Federal agency.
"3804. Definitions.

"§ 3801. Admissibility of environmental audit reports

"(a) GENERAL RULE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an environmental audit report prepared in good faith by a person or government entity related to, and essentially constituting a part of, an environmental audit shall not be subject to discovery and shall not be admitted into evidence in any civil or criminal action or administrative proceeding before a Federal court or agency or under Federal law.

"(2) EXCLUSIONS.—Paragraph (1) shall not apply to—

"(A) any document, communication, data, report, or other information required to be collected, developed, maintained, or reported to a regulatory agency pursuant to a covered Federal law;

"(B) information obtained by observation, sampling, or monitoring by any regulatory agency; or

"(C) information obtained from a source independent of the environmental audit.

"(3) INAPPLICABILITY.—Paragraph (1) shall not apply to an environmental audit report, if—

"(A) the owner or operator of the facility that initiated the environmental audit expressly waives the right of the person or government entity to exclude from the evidence or proceeding material subject to this section;

"(B) after an in camera hearing, the appropriate Federal court determines that—

"(i) the environmental audit report provides evidence of noncompliance with a covered Federal law; and

"(ii) appropriate efforts to achieve compliance were not promptly initiated and pursued with reasonable diligence; or

"(C) the person or government entity is asserting the applicability of the exclusion under this subsection for a fraudulent purpose.

"(b) DETERMINATION OF APPLICABILITY.—The appropriate Federal court shall conduct an in camera review of the report or portion of the report to determine the applicability of subsection (a) to an environmental audit report or portion of a report.

"(c) BURDENS OF PROOF.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a party invoking the protection of subsection (a)(1) shall have the burden of proving the applicability of such subsection including, if there is evidence of noncompliance with an applicable environmental law, the burden of proving a prima facie case that appropriate efforts to achieve compliance were promptly initiated and pursued with reasonable diligence.

"(2) WAIVER AND FRAUD.—A party seeking discovery under subparagraph (A) or (C) of subsection (b)(3) shall have the burden of proving the existence of a waiver, or that subsection (a)(1) has been invoked for a fraudulent purpose.

"(d) EFFECT ON OTHER RULES.—Nothing in this Act shall limit, waive, or abrogate the scope or nature of any statutory or common law rule regarding discovery or admissibility of evidence, including the attorney-client privilege and the work product doctrine.

"§ 3802. Testimony

"Notwithstanding any other provision of law, a person or government entity, including any officer or employee of the person or government entity, that performs an environmental audit may not be required to give testimony in a Federal court or an administrative proceeding of a Federal agency without the consent of the person or government entity concerning the environmental audit, including the environmental audit report with respect to which section 3801(a) applies.

"§ 3803. Disclosure to a Federal agency

"(a) IN GENERAL.—The disclosure of information relating to a covered Federal law to the appropriate official of a Federal agency or State agency responsible for administering a covered Federal law shall be considered to be a voluntary disclosure subject to the protections provided under section 3801, section 3802, and this section if—

"(1) the disclosure of the information arises out of an environmental audit;

"(2) the disclosure is made promptly after the person or government entity that initiates the audit receives knowledge of the information referred to in paragraph (1);

"(3) the person or government entity that initiates the audit initiates an action to address the issues identified in the disclosure—

"(A) within a reasonable period of time after receiving knowledge of the information; and

"(B) within a period of time that is adequate to achieve compliance with the requirements of the covered Federal law that is the subject of the action (including submitting an application for an applicable permit); and

"(4) the person or government entity that makes the disclosure provides any further relevant information requested, as a result of the disclosure, by the appropriate official of the Federal agency responsible for administering the covered Federal law.

"(b) INVOLUNTARY DISCLOSURES.—For the purposes of this chapter, a disclosure of information to an appropriate official of a Federal agency shall not be considered to be a voluntary disclosure described in subsection (a) if the person or government entity making the disclosure has been found by a Federal or State court to have committed repeated violations of Federal or State laws, or orders on consent, related to environmental quality, due to separate and distinct events giving rise to the violations, during the 3-year period prior to the date of the disclosure.

"(c) PRESUMPTION OF APPLICABILITY.—If a person or government entity makes a disclosure, other than a disclosure referred to in subsection (b), of a violation of a covered Federal law to an appropriate official of a Federal agency responsible for administering the covered Federal law—

"(1) there shall be a presumption that the disclosure is a voluntary disclosure described in subsection (a), if the person or government entity provides information supporting a claim that the information is such a voluntary disclosure at the time the person or government entity makes the disclosure; and

"(2) unless the presumption is rebutted, the person or government entity shall be immune from any administrative, civil, or criminal penalty for the violation.

"(d) REBUTTAL OF PRESUMPTION.—

"(1) IN GENERAL.—The head of a Federal agency described in subsection (c) shall have the burden of rebutting a presumption established under such subsection. If the head of the Federal agency fails to rebut the presumption—

"(A) the head of the Federal agency may not assess an administrative penalty against a person or government entity described in subsection (c) with respect to the violation of the person or government entity and may not issue a cease and desist order for the violation; and

"(B) a Federal court may not assess a civil or criminal fine against the person or government entity for the violation.

"(2) FINAL AGENCY ACTION.—A decision made by the head of the Federal agency under this subsection shall constitute a final agency action.

"(e) STATUTORY CONSTRUCTION.—Except as expressly provided in this section, nothing in this section is intended to affect the authority of a Federal agency responsible for administering a covered Federal law to carry out any requirement of the law associated with information disclosed in a voluntary disclosure described in subsection (a).

"§ 3804. Definitions

"As used in this chapter:

"(1) COVERED FEDERAL LAW.—The term 'covered Federal law'—

"(A) means—

"(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

"(ii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(iv) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

"(v) title XIV of the Public Health Service Act (commonly known as the 'Safe Drinking Water Act') (42 U.S.C. 300f et seq.);

"(vi) the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.);

"(vii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(viii) the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ix) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

"(x) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

"(xi) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.);

"(B) includes any regulation issued under a law listed in subparagraph (A); and

"(C) includes the terms and conditions of any permit issued under a law listed in subparagraph (A).

"(2) ENVIRONMENTAL AUDIT.—The term 'environmental audit' means a voluntary and internal assessment, evaluation, investigation or review of a facility that is—

"(A) initiated by a person or government entity;

"(B) carried out by the employees of the person or government entity, or a consultant employed by the person or government entity, for the express purpose of carrying out the assessment, evaluation, investigation, or review; and

"(C) carried out to determine whether the person or government entity is in compliance with a covered Federal law.

"(3) ENVIRONMENTAL AUDIT REPORT.—The term 'environmental audit report' means any reports, findings, opinions, field notes, records of observations, suggestions, conclusions, drafts, memoranda, drawings, computer generated or electronically recorded information, maps, charts, graphs, surveys, or other communications associated with an environmental audit.

"(4) FEDERAL AGENCY.—The term 'Federal agency' has the meaning provided the term 'agency' under section 551 of title 5.

"(5) GOVERNMENT ENTITY.—The term 'government entity' means a unit of State or local government.".

(b) TECHNICAL AMENDMENT.—The analysis for part VI of title 28, United States Code, is amended by adding at the end the following:

"179. Voluntary Self-Evaluation Protection ..... 3801".

SEC. 3. APPLICABILITY.

This Act and the amendment made by this Act shall apply to each Federal civil or criminal action or administrative proceeding that is commenced after the date of enactment of this Act.

SUMMARY OF HATFIELD/BROWN VOLUNTARY ENVIRONMENTAL AUDIT PROTECTION ACT

The "Voluntary Environmental Audit Protection Act" amends Title 28 of the U.S. Code by adding Chapter 179 entitled "Voluntary Self-Evaluation Protection." The purpose is to protect environmental audits and provide qualified penalty immunity for voluntary disclosures made as a result of conducting environmental audits. The Act consists of the following four sections:

A. § 3801. ADMISSIBILITY OF ENVIRONMENTAL AUDIT REPORTS

Generally, environmental audit reports prepared in good faith are not subject to discovery and are not admissible in any federal administrative or judicial proceeding.

Exclusions: The protection against admissibility does not apply to documents or information: Required to be collected, maintained or reported under environmental laws; available due to the agency's own observation, sampling or monitoring; or available from an independent source.

Waiver: Waiver can only occur by an express waiver by the owner or operator of the facility that initiated audit.

Inapplicability: The protection is not applicable if: An environmental audit report shows non-compliance with an environmental law and the entity does not promptly initiate actions to achieve compliance and pursue those actions with reasonable diligence, or the protection is claimed for a fraudulent purpose.

Determination of Applicability: A federal court determines the applicability of the protection in an in camera review of an audit report or portion of an audit report.

Burden of Proof: The person or government entity invoking the protection has the burden of demonstrating its applicability and if there are instances of non-compliance, that appropriate efforts to achieve compliance have been initiated. The party seeking discovery of the audit report has the burden of proving that the protections were waived or that the privilege was invoked for a fraudulent purpose.

Other Statutes/Requirements: The Act does not affect any existing statutory or common law rules of evidence, discovery or privilege (such as attorney-client privilege and work-product doctrine).

B. § 3802. TESTIMONY

Any person that performs an environmental audit is not required to give testimony relating to the audit in an administrative or judicial proceeding. This applies to officers and employees of the person or government entity as well as the person or government entity itself.

C. § 3803. DISCLOSURE TO A FEDERAL AGENCY

The Act defines a disclosure as "voluntary" if: it arises out of an "environmental audit" (as defined); it is made promptly after learning of the information; actions are undertaken to achieve compliance; and the person or entity making the disclosure provides additional relevant information as requested by the appropriate agency.

Involuntary Disclosures: Otherwise voluntary disclosures will not be voluntary if the person or government entity has committed repeated violations of federal or state environmental laws or orders during the three years prior to the disclosure.

Presumption of Voluntariness: Disclosures are presumed to be voluntary, and unless rebutted, the person or government entity is immune from administrative, civil or criminal penalties for the violation(s) disclosed.

Rebuttal of Presumption: The federal agency has the burden of rebutting the presumption of voluntariness of the disclosure.

D. § 3804. DEFINITIONS

"Covered Federal Law" includes FIFRA, TSCA, the Clean Water Act, the Oil Pollution Act of 1990, the Safe Drinking Water Act, the Noise Control Act, RCRA, the Clean Air Act, CERCLA, EPCRA and the Pollution Prevention Act of 1990, and any regulations or permits issued thereunder.

"Environmental Audit" is a voluntary and internal review, assessment, evaluation or investigation that is initiated by the person or government entity, carried out by the person or government entity or its employees to determine compliance with any covered Federal law.

"Environmental Audit Report" generally includes any reports, findings, opinions, observations, and conclusions relating to an environmental audit.

"Government Entity" means any unit of state or local government.

OVERVIEW OF STATE ENVIRONMENTAL AUDIT PRIVILEGE LAWS

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Issues	AR [1]	CO [2]	IL [3]	IN [4]	KY [5]	OR [6]	WY [7]
Environmental Audit Report: Requires documents comprising environmental audit report to be prepared as a result of an environmental audit and labeled "Environmental Audit Report: Privileged Document.".	Yes	No	Yes	Yes	Yes	Yes	Yes
Voluntary Disclosure:							
Immunity or reduction in penalties for voluntary disclosure	No	Yes	No	No	No	No	Yes
Immunity from criminal charges for voluntary disclosure	No	Yes	No	No	No	No	No
Waiver of Privilege:							
Expressly	Yes	Yes	Yes	Yes	Yes	Yes	Yes
By implication	Yes	Not stated	Not stated	Yes	Yes	Yes	Yes
By failing to file a petition for in camera review or hearing (# of days to file petition after filing or request for the environmental audit report).	Yes (30 days)	Not stated	Yes (30 days)	Yes (30 days)	Yes (20 days)	Yes (30 days)	Yes (20 days)
By introduction of any part of the environmental audit report by party asserting the privilege	No	Not stated	Not stated	Not stated	Yes	Not stated	No
Privilege is lost if:							
Asserted for fraudulent purposes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Material is not subject to the privilege	Yes	Not stated	Yes	Yes	Yes	Yes	Yes
Material shows evidence of non-compliance and efforts to achieve compliance were not promptly initiated and pursued with reasonable diligence.	Yes	Yes	Yes	Yes	Yes	Yes	Yes
In a criminal proceeding, the legal official has a (need, substantial need, compelling need, or compelling circumstances) requiring the otherwise unavailable information.	Not stated	Yes	Not stated	Yes	Yes	Yes	Yes
Burden of Proof:							
Party asserting the privilege has burden of proving privilege and reasonable diligence toward compliance.	Yes	Yes [8]	No [9]	Yes	Yes	Yes	Yes
Party seeking disclosure has burden of proving fraudulent purpose	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Legal official or party seeking disclosure has burden of proving conditions for disclosure	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Provision for disclosure of only the portions of the environmental audit report relevant to the issues in the dispute.	Yes	Not stated	Yes	Yes	Yes	Yes	Yes

[1] Enacted February 17, 1995. Effective 90 days after the legislative session ends. Act No. 350 of the 1995 Session.
[2] Effective June 1, 1994. Colorado Revised Statutes Section 13–25–126.5.
[3] Effective January 24, 1995. Illinois Public Act 88–0690.
[4] Effective July 1, 1994. Indiana Code 13–10.
[5] Effective July 15, 1994. Title XVIII, Kentucky Statute § 224.01–040.
[6] Effective 1994. Or. Rev. Stat. § 468.963.
[7] Enacted February 18, 1995. Effective July 1, 1995.
[8] Party asserting privilege has burden of proving a prima facie case.
[9] Party asserting privilege has burden of proving privilege, but adverse party has burden of showing lack of reasonable diligence toward compliance.

SUMMARY OF 1995 STATE AND FEDERAL LEGISLATIVE INITIATIVES FOR THE ENVIRONMENTAL AUDIT PRIVILEGE

[1995 Coalition for Improved Environmental Audits—Revised Mar. 10, 1995]

State and legislative status	Reference No.	"Environmental Audit Report" label required on privileged document?	Immunity for voluntary disclosure?	Immunity includes criminal charges?
Arizona: Approved by Senate. Sent to House	S.B. 1290	NO	YES	YES
Arkansas: Signed into law on 2/17/95	Act No. 350 of 1995 Session	YES	NO	NO

SUMMARY OF 1995 STATE AND FEDERAL LEGISLATIVE INITIATIVES FOR THE ENVIRONMENTAL AUDIT PRIVILEGE—Continued

[1995 Coalition for Improved Environmental Audits—Revised Mar. 10, 1995]

State and legislative status	Reference No.	"Environmental Audit Report" label required on privileged document?	Immunity for voluntary disclosure?	Immunity includes criminal charges?
Georgia: Introduced in Senate	S.B. 244	NO	NO	NO
Hawaii:				
Introduced in House	H.B. 390	YES	NO	NO
Introduced in Senate	S.B. 1304	NO	YES	YES
Idaho: Approved by Senate. Sent to House	S. 1142	YES	YES	YES
Kansas: Approved by Senate. Sent to House	S.B. 76	YES	YES	YES
Massachusetts: Introduced in House	H. 3426	NO	NO	NO
Mississippi: Bill passed both Houses. Returned to Senate for concurrence 3/7/95	S.B. 3079	NO	YES [1]	YES
Missouri: Bills introduced in House and Senate	H.B. 338	NO	YES	YES
	S.B. 350	NO	YES	YES
	S.B. 363	YES	YES [1]	NO
Montana: Introduced in House	H.B. 412	YES	YES	YES
Nebraska: Introduced to Legislature	L.B. 731	NO	YES	YES
New Hampshire: Introduced in House	H.B. 275	NO	YES	YES
New Jersey: Bills introduced in Assembly and Senate	A.B. 2521	NO	YES	YES
	S.B. 1797	NO	YES	YES
North Carolina: To be introduced in larger regulatory reform proposal		NO	NO	NO
Ohio: A bill similar to S.B. 361 of 1994 to be introduced		NO	YES	YES
Oklahoma: Introduced in House	H.B. 1388	YES	YES	YES
South Carolina: Introduced in Senate	S.B. 15	NO	YES	YES
Tennessee: Introduced in Senate	S.B. 1135	YES	YES	YES
Texas:				
Introduced in House	H.B. 2473	YES	YES	YES
Senate bill to be introduced	S.B. ____	YES	YES	YES
Utah: Bill passed both Houses 3/1/95. Sent to Governor	S.B. 84	NO	NO	NO
Virginia: Bill passed both Houses 2/16/95. Sent to Governor	H.B. 1845	NO	YES	NO
West Virginia: Bills introduced in Senate and House	H.B. 2494	NO	NO	NO
	S.B. 362	NO	NO	NO
Wyoming: Signed into law on 2/18/95	Act No. 26 of 1995 Session	YES	YES [1]	NO
Federal: Introduced in the House on 2/24/95 with 6 co-sponsors	H.R. 1047	NO	YES	YES

[1] Voluntary disclosures warrant either de minimis or reduced penalties.

Note: Other States with proposals not yet introduced: Alabama, California, Florida, Michigan, and Minnesota.

ASSOCIATED OREGON INDUSTRIES,
Salem, OR, March 17, 1995.

Re legislation for a Federal environmental audit privilege.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I understand you are favorably inclined to introducing legislation this Congress for a federal environmental audit privilege. Your bill would be modeled along the lines of the law Associated Oregon Industries pushed through the Oregon legislature in 1993. On behalf of Associated Oregon Industries' 2,400 primary members and 14,000 associate members, I applaud you efforts to actively pursue a federal law protecting environmental audit reports.

Oregon's environmental audit privilege was signed into law by Gov. Barbara Roberts on July 22, 1994. Oregon's law is the first of its kind in the nation. Since enactment, other states have adopted similar laws.

As a whole, Oregon industry works hard to comply with today's complex and voluminous environmental laws. Perfect compliance at all times, however, is a virtually unattainable objective for large facilities. Compliance is made all the more difficult when reports, generated during a company's voluntary environmental audit, are not confidential. Prior to Oregon's law, environmental agencies could obtain such audit reports and use them against a company in an enforcement action. By making environmental audit reports privileged. Oregon's law protects companies from "hanging themselves" as long as actions are taken to correct any violations found.

Though Oregon's regulated companies are reacting positively to the new state protections, Oregon's new law does not complete the protection circle. The Environmental Protection Agency is not bound by Oregon's environmental audit privilege and occasionally inspects Oregon companies. This is why a federal environmental audit privilege is needed.

Thank you for your efforts. I look forward to working with you.

Sincerely,

JAMES M. WHITTY,
Legislative Counsel.

PORT OF PORTLAND,
Portland, OR, March 20, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Port of Portland, I want to express the Port's strong support for the environmental auditing privilege and voluntary disclosure bill that you are sponsoring.

The Port conducts periodic environmental audits at all of its facilities. The enactment of a federal environmental auditing privilege and voluntary disclosure provision will encourage many more businesses, especially medium- and small-sized businesses, to start environmental auditing. By limiting the fear that their voluntarily prepared environmental audit reports will be used against them in enforcement proceedings, your bill will spur this auditing activity.

In addition to the environmental audit report evidentiary privilege, I understand your legislation includes a voluntary disclosure component to protect persons who discover inadvertent environmental violations from criminal or civil penalties, if they report the violations to the proper authorities and remedy them promptly. We believe this voluntary disclosure provision is as important as the environmental auditing privilege. We are pleased to see that your bill includes both of these elements.

Your environmental audit privilege and voluntary disclosure legislation should result in more companies conducting environmental audits and in a substantial overall increase in compliance with environmental requirements. Thank you for your efforts. Please let me know if there are steps we can take to support passage of this measure.

Sincerely,

DAVID LOHMAN,
Director, Policy and Planning.

LITTON CORP.,
Arlington, VA, March 14, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I am writing on behalf of Litton Industries, Inc. to express Litton's strong support for the environmental auditing privilege and voluntary disclosure bill that you are co-sponsoring with Sen. Brown, and that we understand you intend to introduce imminently.

Litton is a leader in worldwide technology markets for advanced electronic and defense systems, and a major designer and builder of large, multimission combat ships for the U.S. Navy and allied nations. Litton employs approximately 30,000 people at numerous facilities across the country, including approximately 200 people in our Grants Pass, Oregon facility.

Litton conducts periodic environmental audits at all of its U.S. facilities. The enactment of a federal environmental auditing privilege and voluntary disclosure provision will encourage many more businesses, especially medium- and small-sized businesses, to start environmental auditing programs, without fear that their voluntarily prepared environmental audit reports will be used against them in enforcement proceedings.

In addition to the environmental audit report evidentiary privilege, we understand that your legislation includes a voluntary disclosure component which protects persons who discover inadvertent environmental violations, report the violations to the proper authorities, and remedy them promptly from criminal or civil penalties. Litton views the voluntary disclosure provision to be as important as the environmental auditing privilege, and we are gratified that your bill will include both of these elements.

Litton believes that your environmental audit privilege and voluntary disclosure legislation will result in more companies conducting environmental audits, and in a substantial overall increase in compliance with environmental requirements. Litton commends and will support your environmental

audit privilege and voluntary disclosure bill. We believe that it represents a superior approach to environmental compliance because it emphasizes improved environmental quality rather than increased environmental enforcement. Thank you for your efforts.

Sincerely,

MARK V. STANGA,
Environmental Affairs Counsel.

ONTARIO PRODUCE,
March 17, 1995.

Senator MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I would like to give my support for your bill providing for a federal environmental audit privilege similar to the Oregon law. It would allow businesses to realistically correct problems without creating more problems for themselves.

Very truly yours,

ROBERT KOMOTO.

AT&T,
Washington, DC, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We at AT&T were pleased to learn that you plan to introduce a bill establishing a privilege for environmental audits and a limited "safer harbor" for those who voluntarily correct and disclose environmental infractions.

AT&T has a strong record of environmental compliance, has performed environmental self-audits for many years, and is continuously improving its environmental compliance management systems. AT&T has played a strong role in protecting our environment through voluntary reductions in materials usage and recycling.

Environmentally responsible companies such as AT&T, which perform voluntary self-assessments, are presently placed in the uncomfortable position of creating documents in the course of their voluntary compliance efforts which government agencies and special interest groups will try to use against them in penalty actions and citizen's suits.

Similarly, enforcement agencies often assess large penalties as a consequence of a responsible company's voluntarily disclosure of an environmental infraction discovered through voluntary audits and self-assessment processes and voluntarily corrected. Absent these voluntary audit and self-assessment procedures, such violations would likely continue uncorrected, undisclosed, and unpenalized. Thus, current enforcement policy works as a disincentive to voluntary compliance, and thus works against the environment.

AT&T salutes your efforts to legislatively remedy this problem. AT&T would fully support a bill that would, under appropriate conditions, protect environmental audits from disclosure and create a safe harbor for companies that have voluntarily discovered, corrected, and disclosed environmental violations to the government.

We look forward to working with you, your staff, and other interested parties toward the enactment of such legislation. Such legislation would add a measure of fairness to the enforcement process and would remove disincentives to engage in voluntary audits, compliance management, and disclosure activities.

By eliminating some of the inequities and disincentives in the current enforcement scheme, we believe Congress will cause a higher level of voluntary compliance by American business with concomitant benefit to our environment.

Very truly yours,

NORM SMITH.

GEORGIA-PACIFIC CORP.,
Washington, DC, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Georgia-Pacific Corporation is very supportive of the need for the Congress to enact an environmental audit protection bill. The State of Oregon has passed legislation to afford legal protection to the environmental audits we perform in our manufacturing facilities to help us in compliance with a host of environmental permits (air, water, solid waste, hazardous materials).

The corporation is moving aggressively to increase the audit program at every location to accomplish not only basic compliance, but more importantly to elevate the importance of environmental performance in the daily operation of our mills and plants. We are ranking environmental performance on an equal status of employee safety.

The potential misuse of this information in third party litigation is a major problem. We have experienced such misuse in Mississippi in connection with our water discharge permit at paper mill. If public policy demands proper compliance and monitoring, it should encourage—not discourage—more auditing by companies. We have been disappointed by EPA's own policy on environmental audits that discourages auditing.

A number of States have enacted or are considering legislation this year. However, this public policy should be uniform nationwide. Thus, G–P's strong support for audit protection legislation. G–P management in Oregon has advised us of your interest in leading such legislation. Because of your knowledge of our company in the State and your responsible record on environmental issues, we strongly urge you to take a leadership role on environmental audits.

I can assure you that should you introduce legislation to afford appropriate protection to environmental audits, G–P will not only be appreciative of this effort, but we will work very hard in support of your effort with other Senators.

Sincerely,

JOHN M. TURNER,
Vice President.

THE GEON CO.,
Cleveland, OH, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Geon Co. strongly supports the Voluntary Environmental Audit Protection Act, which we understand will be introduced tomorrow. This Act will benefit not only responsible members of the regulated community, but the public as well, by encouraging companies to implement strong and effective environmental auditing and oversight programs.

It has been our experience that most potential compliance problems are discovered and corrected through voluntary self-audits. The fear of discouraging past compliance problems, especially when they may give rise to huge potential civil penalties, is a very real disincentive to proactive compliance programs that rely on internal and external self-audits.

Although the U.S. EPA has claimed that voluntary self-disclosure issues can be addressed as a part of its enforcement policies and that legislation is unnecessary, we have, unfortunately, first-hand current experience that the EPA has been woefully remiss in adopting or even pursuing any enforcement policies that affect the purpose to which your bill is addressed, and those policies the EPA has recently proposed would fall far short of their state objectives.

We believe that current EPA enforcement policies often single out for punishment environmentally responsible proactive companies, which are thereby placed at a competitive disadvantage with their less proactive competitors.

Sincerely,

WILLIAM F. PATIENT,
Chairman of the Board,
President and Chief Executive Officer.

POLAROID CORP.
Cambridge, MA, March 15, 1995.

Re support for environmental audit privilege and voluntary disclosure legislation; The Voluntary Environmental Audit Protection Act.

Hon. MARK HATFIELD,
US Senate, Hart Senate Office Building, Washington, DC.

HON. SENATOR HATFIELD: Polaroid Corporation wishes to express its support for legislation that you and Senator Brown intend to introduce which will allow for a Federal Environmental Audit Privilege and for Voluntary Disclosure Protection. Polaroid is a worldwide manufacturer of various Imaging Products, and the majority of its manufacturing facilities are located in the Commonwealth of Massachusetts.

Polaroid believes that the fundamental policy justifications underlying the proposed "Voluntary Environmental Audit Protection Act" are consistent with this nation's laudable goals of encouraging higher levels of responsible environmental protection rather than simply continuing the promotion of "command and control" style environmental regulations. The substantial and measurable levels of environmental improvement that have been achieved in the United States over the past twenty-five years are, in large part, the result of the combined actions of the US Congress, the administrative agencies of the Executive, and American Industry. But new, more positive and cost effective incentives than those needed in the 1970's and 80's are required to enhance environmental protection and improve environmental performance in the 1990's. Polaroid supports this legislation and your actions involved in introducing and overseeing its passage.

Sincerely,

HARRY FATKIN,
Division Vice President,
Health, Safety & Environmental Affairs.

ENVIRONMENTAL AUDITING ROUNDTABLE,
North Ridgeville, OH, March 16, 1995.

Hon. MARK HATFIELD,
US Senate, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATFIELD: Following are the views of the Environmental Audit Roundtable on the "Voluntary Environmental Audit Protection Act" that you and Senator Brown are introducing. The intent of the bill is to encourage environmental auditing for compliance and effective management systems to ensure compliance and continual improvement.

The EAR, representing over 800 members, is the largest body of professional Environmental Health and Safety Auditors in the world.

As a general rule, our organization should be silent on activity that are external to the auditing process unless those activities promotes improvement in audit quality. We believe the concept of improving disclosure through a privilige mechanism will improve the quality of the audit process in the followng ways:

1. Removing the fear of penalty when non compliance is inadvertent will promote disclosure between the auditors and the audited entity.

2. The concept will encourage implementation of Environmental Audits.

3. The concept will facilitate the flow of information from the regulated community to the agency with regard to understanding and implementing environmental regulation. For small and medium size enterprises that do not have large EH&S staffs it is essential that an open dialogue with state and federal agencies be promoted to assist in understanding and implementing regulations. In addition, this exchange of information will provide valuable feedback on ways in which to make the regulation more understandable and efficient. Under our current regime of command and control there is little or no information flow from the regulated community to the agencies because the consequences are unpredictable.

4. The International Standards Organization (ISO) will be issuing a series of standards in early 1996 that could revolutionize the approach for managing and improving environment performance. Linkage between our national regulatory scheme and this international effort will depend on the agencies ability to communicate with its regulated customers. The concept of disclosure will elevate the level of communication.

In conclusion EAR believes that the legislation will promote environmental dialogue at all levels and improve the quality of the audit process. We believe the current regulatory mechanism of police and fine should be replaced with a cooperative program of disclose and correct. Legislation that promotes information exchange between state and federal agencies and their regulated customers creates fertile fields for innovative solutions and continual improvement.

Regards,

RONALD F. BLACK.

PHILIPS ELECTRONICS CORP.,
Washington, DC, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Philips Electronics is pleased to support your legislation known as the Voluntary Environmental Audit Protection Act. This legislation makes eminent sense in that it removes the threat of unreasonable penalty for an action of good faith to correct certain situations arising from noncompliance with environmental law. Philips Electronics and the vast majority of U.S. manufacturers strive to be good corporate citizens with respect to environmental and other laws. Your legislation will create an enforcement atmosphere that will encourage such good corporate citizenry. We thank you for your leadership.

Philips Electronics North America Corporation employs nearly 30,000 Americans engaged in the manufacture and sale of consumer and industrial electronics products and electronic components under the brand names of Philips, Magnavox and Norelco. Annual sales of more than $6 billion rank Philips among the top 100 U.S. manufacturers.

Sincerely,

RANDY MOORHEAD.

COLLIER, SHANNON, RILL & SCOTT,
Washington, DC, March 15, 1995.

Re Senator Hatfield's and Senator Brown's audit and disclosure protection legislation.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Coalition for Improved Environmental Audits ("CIEA"), we write in support of your proposed legislation for environmental audit and voluntary disclosure protection. We applaud your efforts in conjunction with Senator Brown to introduce this legislation into the Senate. CIEA was formed to support legislative initiatives for the protection of environmental audits and voluntary disclosures; therefore, we wholly support your efforts to establish a qualified self-examination privilege that helps encourage companies to conduct comprehensive audits by reducing the risk that the audits will be used against them in enforcement proceedings. CIEA membership includes corporations and trade associations committed to establishing useful and effective environmental auditing programs. CIEA member companies own and operate facilities throughout the United States and welcome your proposed legislation to encourage and protect comprehensive environmental audits at their facilities.

CIEA supports your efforts to introduce legislation that establishes a federal environmental audit privilege and immunity for voluntary disclosures. The privilege will encourage corporations to establish useful and effective environmental auditing programs. The conditional immunity described in Section 3803 of the proposed legislation will encourage corporations to conduct candid assessments and timely remediation of any noncompliance with environmental laws. Recognition of a qualified environmental audit privilege and immunity provision will enhance compliance with environmental regulations without harming the ability of enforcement officials to prosecute significant wrongdoers.

U.S. industry can rely on a commitment made through legislation. Therefore, your federal legislation for the environmental audit privilege and voluntary disclosure protection allows U.S. industry to conduct environmental audits without the fear that the audit will end up being used against them. Now that federal legislation for the environmental audit privilege is moving forward (and seven States have enacted similar statutes) EPA should establish policy that reinforces this legislation.

The CIEA membership appreciates the opportunity to support your forthcoming legislation for the environmental audit privilege and voluntary disclosure immunity. We believe a reasoned discussion of the issues of environmental audit privileges will result in the passage of your bill, which will encourage and improve corporate environmental compliance.

Sincerely,

JOHN L. WITTENBORN,
STEPHANIE SIEGEL,
Counsel to the Coalition for Improved Environmental Audits.

THE BFGOODRICH CO.,
Akron, OH, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN HATFIELD: The BFGoodrich Company wishes to express its support for legislation that you and Senator Brown are introducing—"The Voluntary Environmental Audit Protection Act."

The BFGoodrich Company provides aircraft systems, components and services and manufactures a wide range of specialty chemicals. BFGoodrich manufactures in seven countries and operates an international network of sales offices and aircraft service centers with our Corporate headquarters in Akron, Ohio.

Because of the Company's international presence, we are exposed to a wide variety of environment, health and safety requirements. In order to ensure compliance with these requirements, our Company conducts environment, health and safety audits worldwide.

Only in the United States do we have a system where responsibly managed organizations suffer severe punishment for maintaining a review process to ensure compliance. Our current system is subject to the whim of U.S. EPA interpretations in the different regions of our nation. This does not allow for certainty in interpretation or fairness in enforcement.

Your proposed legislation, along with the legislation already enacted in those states that have chosen a new approach for the regulated community, will establish a mechanism where those who are sincere in trying to improve the environment will benefit—while those who continue to disregard good practices will be subject to the full enforcement of the law.

Your legislation is forward-looking and compatible with international programs. It will encourage our government agencies to focus their efforts on those who truly require oversight while encouraging greater disclosure of information and communications from the regulated community. Moreover, it will provide regulatory agencies with information to improve programs and better measure performance.

BFGoodrich supports your proposed legislation and actions aimed at introducing and overseeing its passage.

Sincerely,

JON V. HEIDER,
Executive Vice President and General Counsel.

CORPORATE ENVIRONMENTAL ENFORCEMENT COUNCIL,
Alexandria, VA, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN HATFIELD: On behalf of the members of the Corporate Environmental Enforcement Council (CEEC), I want to express to you support for legislation that you and Senator Hank Brown are introducing, "The Voluntary Environmental Audit Protection Act."

CEEC is an organization of 18 member companies comprised of corporate counsel and management from a wide range of industrial sectors that focuses exclusively on civil and criminal environmental enforcement public policy issues. CEEC's membership includes: AT&T, The BFGoodrich Company, Caterpillar, Inc., Coors Brewing Company, DuPont, Eli Lilly and Company, Hoechst Celanese Corporation, ITT Corporation, Elf Atochem, North America, Inc. Kaiser Aluminum & Chemical Corporation, Kohler Company, 3M, Owens Corning, Pfizer, Inc., Polaroid Corporation, Procter and Gamble, Textron and Weyerhaeuser Company.

We commend you and Senator Brown for this legislation because it is constructive environmental legislation. You have recognized that environmental audits are valuable

management tools for improving environmental compliance, that they are good for the environment, and that they will enhance all of our collective efforts to improve environmental performance.

Mr. Chairman, we thank you and Senator Brown, and your staffs, for developing this important legislation and stand ready to work with you to see it become law.

Sincerely,

CARL A. MATTIA,
Chairman of the Board; Vice President, Environment, Health and Safety, The BFGoodrich Co.

COORS BREWING CO.,
Washington, DC, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We are pleased to support you and Senator Brown in your efforts to enact the Environmental Audit Disclosure Protection Act.

Environmental audits are proven management tools. They provide the opportunity for companies and public facility operators to take a close critical look at their operations, determine compliance with the thousands of complicated, often confusing and overlapping environmental regulations and statutes now on the books and fix any problem discovered. In Colorado with the passage of a bill in 1994 that is very similar to yours, we are creating a climate of some certainty, wherein a company or facility operator knows what kind of enforcement treatment to expect before investing in expensive and time consuming environmental audits and then disclosing results to state regulatory authorities. We strongly believe this certainty, albeit limited, goes a long way toward promoting self-initiated audits.

However, that same certainty must be applied at the Federal level to allow the Colorado statute, and others like it, to be fully effective and widely utilized. That is why your bill is so important. The debate over proper Federal legal controls over the extent, form and utilization of voluntary self audits and the use of the information obtained has been a matter of controversy among regulators in Washington who hold unchallenged power and control under the current command and control system.

Stanley Legro, EPA's Chief Enforcement official from 1975–77, wrote an interesting article entitled "Self Audits and EPA Enforcement" in the Environmental Forum, December 1994. The article follows this letter. To paraphrase Mr. Legro, he says in order to reach the next plateau to improving the quality of the environment there must be a shift from the current enforcement mentality to providing incentives to increase compliance. In moving to that next plateau Mr. Legro says he "favors maximizing incentives for voluntary self audits."

We believe that your bill as drafted embraces Mr. Legro's thoughts by striking an appropriate and constructive balance between many of the relevant competing interests involved. The bill provides protection for responsible entities against being punished for doing the right thing without impending enforcement against those who flaunt environmental laws. It is truly refreshing without impeding enforcement against those who flaunt environmental laws. It is truly refreshing to see legislation that benefits the environment, benefits responsible industry, protects against abuses, imposes no costly mandates and doesn't spend a dime of taxpayers' money. Indeed, it may even reduce the need for, and expense of, certain enforcement resources.

Coors looks forward to assisting you and Senator Brown to secure early enactment of this legislation.

Respectfully yours,

ALAN R. TIMOTHY,
Director,
Federal Government Affairs.

[From the Environmental Forum, December 1994]

SELF AUDITS AND EPA ENFORCEMENT

(By Stanley W. Legro)

The high degree of interest in the public meeting held by EPA on auditing last summer is strong evidence of the continuing importance of this vital subject. Indeed, it may be fair to say that the subject of auditing necessarily raises the most fundamental issue affecting the EPA: What is the role of enforcement in achieving the agency's primary purpose for being?

The debate about voluntary self-audits and the use of the information obtained has been ongoing since the earliest days of the EPA. It was a hotly debated subject during my tenure as the agency's chief enforcement official from 1975–77. It continues to be a hotly debated issue today. Its long tenure and the agency's inability to come to closure on a decision are to a large extent attributable to the difficult policy choices involved.

The fundamental issue is whether the EPA's primary purpose to improve the quality of the environment is best achieved by providing positive incentives for voluntary compliance and remediation or by punishing, for past actions or omissions, those who have failed to meet their responsibilities to preserve and maintain the quality of the environment. These are not easily separable.

During the nascent stages of the agency, strong enforcement actions and substantial punishments for violators were necessary to convince both the public and those in regulated industries that environmental laws were to be taken seriously and that failure to comply could have serious consequences. During my tenure, there was still a substantial questioning among many in the regulated communities as to whether these environmental requirements were a passing fad that might be repealed by the next Congress and whether the EPA really meant business. An emphasis on vigorous enforcement was vital to send an unequivocal answer to those questions.

With the hindsight of time, I am convinced that the decision made then was the right one, emphasis on vigorous enforcement to send the clear message that our country had made a decision to improve the quality of the environment, and that those who tried to thwart the effort would face severe consequences. While our country still has much left to do, the progress to date is proof of the wisdom of choosing robust enforcement.

Today, we are faced with a somewhat different situation which, I believe, calls for a different emphasis. One should not gainsay the vital continuing role of vigorous enforcement. We must begin by leaving no doubt whatsoever that anyone who intentionally or recklessly harms or endangers the quality of our environment, no matter how long after the fact the transgression is discovered, should—indeed must—be subject to the full force of the law.

Nevertheless, now there is a high degree of awareness of the existence of environmental laws and regulations in general, as well as the specific requirements for compliance, among the regulated communities as well as among the public. There is relatively little incidence of knowing or intentional actions or omissions which harm or degrade the environment. From my present perspective, a much bigger barrier to continuing substantial progress is awareness of environmental problems on the ground so that appropriate remedial actions can be promptly commenced and effectively accomplished in a timely manner.

This brings us to environmental audits. What is the best balance between the carrot and the stick to achieve the best overall results? I recommend that today, while the stick should always remain within easy reach, the emphasis must be shifted to providing incentives for broad scale voluntary compliance. In my opinion, the emphasis today should be on those measures that will encourage environmental audits and the benefits which they can produce in the real world.

Accordingly, I suggest that the results of environmental audits should not be used by the EPA (or state or local) enforcement authorities to seek penalties for any past acts or omissions unless it is shown that such acts or omissions were intentional with knowledge that they would or were likely to result in serious harm to the environment or were reckless.

At the same time, I recommend that the results of environmental audits be provided to the agency, and that they serve as a benchmark for future remediation and correction of practices, processes, and existing pollution which they have revealed. In other words, prospectively the results of environmental audits will be used to set a high standard, but one that is fair because it offers an opportunity to take those actions which would avoid or alleviate the environmental harm.

If the EPA discovers a violation by its own inspection or as a result of information received from a third party, I believe that it should pursue vigorously all remedies available. However, if the discovery is a result of a voluntary audit and is timely reported first to the EPA by the source, policy considerations weigh in favor of encouraging voluntary self audits and prompt follow-up corrective actions.

We also need to consider the nature and extent of privilege, the right to confidentiality for the results of environmental audits. Some jurisdictions have adopted this approach. I have researched and considered the issue at length. It is my conclusion that the use of a privilege approach by the EPA is an unsatisfactory solution which does not protect the environment nor provide maximum incentive to initiate self audits. (However, it is vital to have a privilege from disclosure to private parties and to any state or local officials who refuse to join in the recommended EPA approach.)

From the perspective of the EPA, the purpose of this, as any other policy, is to improve the environment. The agency seeks to provide incentives for self audits to discover and to commence prompt and effective remedial measures. The self audit is merely a means; without assuring that the audit results are put to use, the policy fails. The remedial measures are the end. A privilege approach gives no assurance that problems discovered will result in remedial actions taken. Indeed, the privilege approach may actually discourage prompt remedial measures in many cases.

From the perspective of the corporate executive, the privilege approach is also unsatisfactory for at least two reasons. First,

some information resulting from the audit is likely to be subject to mandatory disclosure under certain environmental laws and securities laws. Such partial disclosure will often lead to investigations or audits that independently uncover most, if not all, of the information for which the privilege is claimed. Second, and even more important from the point of view of a corporate official deciding whether to undertake a voluntary self audit, a privilege does nothing to eliminate liability for past violations; a self audit increases the availability of evidence to authorities to prove those violations. For these reasons, a privilege approach would not be the best policy for the EPA.

In sum, in order to maximize the incentives to conduct self audits and to apply the information obtained to realize the greatest environmental improvement, I recommend the following commitment by the agency's enforcement authorities:

The EPA will continue to apply the full penalties for past violations discovered by EPA inspections or by a means other than as a result of a voluntary self audit and timely reporting by the source. Penalties will not be assessed for past violations discovered by a voluntary self audit and voluntarily reported to EPA, unless the past violation was intentional or resulted from reckless conduct. Last, once a violation has been discovered and reported, the source will be required promptly to take prospective actions necessary to prevent a continuance or recurrence of the problem and to commence appropriate remedial measures to protect and restore the quality of the environment.

All policy choices must be measured against the standard of achieving the greatest amount of improvement in our environmental quality. Today, I believe the balance should favor maximizing the incentives for voluntary self audits. Voluntary environmental self audits, reporting past violations and pollution which requires remedial actions discovered by those audits to the EPA, and undertaking prompt and effective remedial measures offer the best opportunity to achieve our national policy objectives in the shortest period of time. This is the right policy choice for the EPA today.

AMERICAN FOREST & PAPER ASSOCIATION,
Washington, DC, March 20, 1995.

Hon. MARK HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: I want to express the support of the American Forest & Paper Association (AF&PA) for the efforts you and Senator Brown have undertaken with regard to granting a limited privilege to internal, voluntary environmental audits.

AF&PA is the major trade association representing the forest products industry in this country. We account for 7 percent of all U.S. manufacturing output and directly employ 1.6 million workers in the manufacture of forest and paper products and the recovery and recycling of paper. We contribute $49 billion in direct payrolls to local economies and rank among the top ten employers in 46 of the 50 states.

AF&PA member companies are regulated under a wide range of environmental programs, including the Federal Water Pollution Control Act, the Clean Air Act, and the Resource Conservation and Recovery Act. The Association strongly supports public policies that will serve to increase compliance with environmental laws by granting a limited protection for information developed by companies through voluntary, internal environmental audit programs. Some states, including Oregon and Colorado, have already enacted statutes providing such protections, and we believe the positive experience gained in these instances bolsters the case for a similar statute at the Federal level.

Accordingly, AF&PA strongly supports the leadership you and Senator Brown have shown in this field. Although we have not had the opportunity to analyze your draft legislation in detail, we believe that it will help to lay the foundation for a necessary Federal debate. As a matter of policy, such audits help to increase compliance with environmental safeguards, and should be encouraged. When our analysis of your proposal is completed, AF&PA will share that review with you and your staff. We look forward to working with you to expedite consideration of this important issue.

Sincerely,

B. ROLAND MCELROY,
Vice President,
Government Affairs.

ELF ATOCHEM NORTH AMERICA, INC.,
Arlington, VA, March 21, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

Subject: "Voluntary Environmental Audit Protection Act" to amend Title 28 of the United States Code.

DEAR SENATOR HATFIELD: On behalf of Elf Atochem North America, Incorporated, I am writing to express our strong support for the proposed "Voluntary Environmental Audit Protection Act" introduced by both you and Senator Hank Brown. Our company has developed a strong audit program which will be further strengthened with passage of this proposed legislation. The ability to move rapidly to fix problems and share concerns throughout the company, without the legal concerns that presently overshadow any audit program, will be greatly enhanced.

We are aware of the U.S. Environmental Protection Agency's (EPA) effort to amend its current audit policy. However, in our view EPA still takes the position that "no good deed goes unpunished," by providing for penalties when a company voluntarily discloses violations that would not have been found but for the use of good environmental management through auditing.

For some time, our management has been actively involved in the conceptual issues concerning auditing and environmental management. Frank Friedman, Elf Atochem N.A. Senior Vice-President for Health, Environment and Safety, is author of the leading book on environmental management, "A Practical Guide to Environmental Management" (Fifth Edition 1995) published by the Environmental Law Institute. At EPA's request, Mr. Friedman was the lead-off speaker at the Agency's review of its audit policy in July 1994. In his testimony, Mr. Friedman counseled, as did many others, on the need "for EPA to develop other indicators of enforcement success rather than just on the basis of the number of cases brought".

There is no question that EPA should retain a strong enforcement program, but it is equally important that enforcement be put in context, namely, as a vehicle for assuring environmental compliance. If compliance is achieved voluntarily; if problems are disclosed and dealt with more rapidly, and more companies develop in-depth audit programs, then EPA's enforcement goals are readily achieved.

We also have, at this time, one important comment on the proposed legislation. Proposed Section 3803(b) limits voluntary disclosure if a company has "committed repeated violations". We assume this language applies to companies operating a single "facility". If not, such a provision disadvantages companies operating multiple facilities with respect to the audit disclosure protections provided in the proposed bill. In such cases, if a violation has occurred at one facility and a company wants to make certain that this will not occur elsewhere it will be penalized. We are sure this is not the intent of the bill and it should be clarified.

Again, we wish to commend you and your staff for the careful and thoughtful way in which this proposed legislation was crafted. The proposed bill recognizes that if companies have strong, voluntary auditing programs in place, compliance will follow. Because this legislation represents sound public policy that will advance protection of human health and the environment, Elf Atochem (as will, we are certain, other members of the regulated community) is committed to supporting passage of this legislation.

Sincerely,

CHARLES A. KITCHEN,
Director, Government Relations.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 1, 1995.

Hon. JOEL HEFLEY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HEFLEY: I am writing to express EPA's opposition to the environmental audit privilege/penalty immunity provisions currently contained in H.R. 1047. Our concerns include the following:

1. Environmental damage or even disasters caused by recklessness or gross negligence would go unpunished under certain provisions. Specifically, regardless of the harm inflicted on people or the environment, H.R. 1047 would eliminate all punishment for certain criminal and other violations if they are "voluntarily" disclosed. As we read H.R. 1047, a "voluntary disclosure," for which total immunity from civil and criminal penalties is granted, includes information that is required to be reported—including notification of emergencies as well as routine reports, such as Discharge Monitoring Reports under the Clean Water Act. Truly "voluntary" disclosures should be encouraged, but not by granting blanket immunity for criminal and other harmful acts.

2. The bill encourages litigation that will further burden our already taxed judicial system. Specifically, the bill uses many vague terms for lawyers to argue over. For example, H.R. 1047 would allow violators to argue that many routine business activities are "compliance evaluations" simply to evade disclosure. This kind of litigation will drain both private and government resources and in some cases prevent quick action to address environmental emergencies—despite the exceptions in the bill.

3. The evidentiary privilege in this bill appears to go far beyond the attorney-client and work product privileges by potentially shielding from the government and the public virtually all factual information about environmental noncompliance—including facts underlying a self-evaluation that might be crucial in holding violators accountable for their actions. It appears that the privilege would apply to much more than just audit reports and over documents related to self-evaluations.

4. It makes sense to give substantial penalty reductions to those who come forward, disclose their violations, and promptly correct them. The penalty immunity provision

in the bill, however, gives violators an unfair economic advantage over their law-abiding competitors because it does not allow federal and state governments to recover from the violator even the economic benefit they gained from their noncompliance.

As you may know, Administrator Browner asked the Office of Enforcement and Compliance Assurance last May to reassess EPA's environmental auditing policy to see if we needed new incentives to encourage voluntary disclosures and prompt correction of violations uncovered in environmental audits. Our review has been open and inclusive. In July 1994, and again in January 1995, we held public meetings, and an Agency auditing workgroup has met and continues to work with key stakeholders. We have involved industry, trade groups, state environmental commissions and attorneys general's offices, district attorneys' offices, and environmental groups. We have identified approaches that seem to have broad support among these groups.

Consistent with prior correspondence between several House members and Administrator Browner, we expect to announce the results of our reassessment process shortly. The issues surrounding environmental auditing, voluntary self-evaluations and voluntary disclosure are complex, and we are eager to share what we have learned with the Congress in hearings. We think it is crucial that the House take the time to hold appropriate hearings on the full range of views on these issues, and to consider alternative approaches that would have the support of a wide range of stakeholders. Unfortunately, H.R. 1047 falls far short of that mark.

I look forward to working with you and other members on these very important and complex issues.

Sincerely,

STEVEN A. HERMAN,
Assistant Administrator.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 1995.

Mr. STEVEN A. HERMAN,
Assistant Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MR. HERMAN: I am writing in response to your letter of March 1, 1995. While I appreciate the Office of Enforcement and Compliance Assurance taking the time to comment on H.R. 1047, I am disappointed that your letter merely recasts the unsubstantiated objections that the Environmental Protection Agency routinely has made for many years.

Let me respond to each of your specific concerns and take the opportunity to explain why protections for legitimate environmental audits and voluntary disclosures are critical for the public health and the environment.

1. You argue that the voluntary disclosure provisions would grant blanket immunity from criminal penalties and would include information that is required to be reported under environmental laws, such as Discharge Monitoring Reports, etc.

H.R. 1047 does not grant blanket immunity from prosecution. In fact, there is no immunity from prosecution, but simply immunity from administrative, civil and criminal penalties. Further, the immunity is not a "blanket" immunity; there are two important limitations. First, the presumption against imposition of penalties is a rebuttable presumption. If the presumption can be rebutted by the EPA (i.e., notice was not given promptly, the information was not learned as a result of an environmental audit or the problem is not corrected) then penalties can be assessed. Second, if a regulated entity has demonstrated a pattern of disregard for environmental laws, they are not eligible for penalty immunity for voluntary disclosures. In addition, information that is voluntarily disclosed that may be required to be reported under an environmental law would only be subject to the immunity if it was learned as a result of performing the environmental audit. This is a significant limitation.

2. Your letter states that the legislation will encourage litigation because it is vague and would allow violators to argue that many routine business activities are compliance evaluations to evade disclosure. You do not believe that the exceptions in the bill will prevent such evasion and, consequently, such litigation.

H.R. 1047 does not privilege any reports or data that are already required to be compiled or reported. Nor does it restrict EPA's ability to request additional data. The definition of a voluntary environmental self-evaluation is clear in the bill. To qualify, the evaluation must be initiated and carried out by the person for the purpose of determining compliance with environmental laws. The EPA itself has defined environmental auditing in its 1986 policy statement in broader terms. Thus, in this legislation, there are no vague terms behind which persons can hide to evade disclosure of anything that is already required to be reported. It is disingenuous for the EPA to suggest increased litigation as a reason to oppose this bill, when many EPA programs have just that effect.

3. You argue that the evidentiary privilege goes beyond the common law attorney-client and work product privileges.

While H.R. 1047 does provide a more expanded privilege than the attorney-client privilege, it does not protect the facts that are required to be provided to the EPA. The EPA still has complete access to the date and reports as it had before. Moreover, the EPA can still obtain additional information through investigations, information requests, sampling and monitoring, etc. Facts available to the EPA in documents required to be maintained by entities, reports that must be provided to the EPA and information obtained from independent sources are all still available to the EPA under H.R. 1047. Presumably, these are the facts the EPA believes are necessary to ensure compliance with environmental laws.

4. Finally, you argue that the penalty immunity in the legislation gives violators an unfair economic advantage over their law-abiding competitors because it does not allow federal and state regulators to recover the economic benefit gained from noncompliance. Your concern that a violator will derive an economic benefit is misplaced.

Under H.R. 1047, as soon as a person voluntarily discloses a violation, that person must promptly achieve compliance in order to receive penalty immunity. These steps include installing whatever equipment may be required. In cases where there are environmentally irresponsible companies that have avoided installing the requisite equipment, any economic benefit that they may have derived will surely be cancelled out—and then some—by having to quickly retrofit their plants to come into compliance. It will likely cost them significantly more to come into compliance at a later date than it did for their competitors who designed compliant systems from the outset. Further, how would the EPA propose to determine any such economic benefit while assuring the certainty required for companies to utilize the voluntary disclosure provisions? I believe this would be terribly difficult to predict with certainty.

In addition to the specific responses above, several other points must be considered regarding H.R. 1047. Administrator Browner has emphasized that "enforcement is not an end in itself." She has noted that the EPA must change its ways; that the agency must do everything it can to focus on compliance, and that obstacles to compliance must be eliminated. H.R. 1047 does just that.

As the EPA recognizes, an environmental enforcement policy should not discourage compliance. Unfortunately, current EPA and Department of Justice policies do precisely that. Under the current enforcement scheme, responsible entities that work to achieve environmental goals find themselves exposed to greater liability than those in the regulated community who do less or do nothing at all.

The result of all this is that responsible members of the regulated community are discouraged from conducting self-evaluations and from voluntarily disclosing violations because of the tremendous risk of civil and criminal enforcement. This negatively impacts compliance which, in turn, negatively impacts public health and the environment. In the end, the environment is the loser.

Since the EPA's goal is compliance, not punishment, as stated by the president last Thursday in announcing his regulatory reform package, then surely it makes sense to encourage compliance. This view is not without precedent at the federal level. Other federal agencies have recognized the need to encourage compliance, and have done so by implementing protections similar to those in H.R. 1047. The Federal Aviation Administration's policy serves as a perfect example that compliance should come first.

The FAA policy is designed to provide incentives for deficiencies to be identified and corrected by the companies themselves, rather than risk air safety by awaiting the results of an FAA inspection. In implementing the FAA policy, agency officials emphasized that "aviation safety is best preserved by incentives . . . to identify and correct their own instances of noncompliance and invest more resources in efforts to preclude recurrence, rather than paying penalties". Surely, environmental protection is at least as important as aviation safety and, therefore, deserves the same incentives to enhance compliance.

H.R. 1047 is critical because it provides incentives to maximize environmental compliance and allocates resources to compliance, not enforcement. I reiterate that intentional violators cannot benefit from the legislation. And while responsible members of the regulated community will indeed benefit in terms of receiving much needed protections and certainty, the real beneficiary of H.R. 1047 is the environment.

I look forward to your participation in this debate as the legislative process moves forward.

Sincerely,

JOEL HEFLEY,
Member of Congress.●

By Mr. STEVENS:

S. 583. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for two vessels; to the Committee on Commerce, Science, and Transportation.

VESSEL DOCUMENTATION LEGISLATION

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide certificates of documentation for the vessels *Resolution* and *Perserverance*.

The hovercraft *Resolution*, Serial Number 77NS8701, and *Perserverance*, Serial Number 77NS8901, were built in 1983 and 1985, respectively, by British Hovercraft Corp. Limited in East Cowes, Isle of Wight, England.

They are 70 feet in length, and have a maximum operating weight of 32 tons.

The craft were sold to Hovertravel, a United Kingdom company, which operated the craft in a passenger ferry operation from the Isle of Wight, England.

The two hovercraft were sold by Hovertravel to the U.S. Navy in 1986 *Resolution*, and 1989 *Perserverance*.

They were modified by Textron in Panama City, FL to be used as training craft for U.S. Navy personnel to learn to operate hovercraft.

After being declared surplus by the U.S. Navy, ownership of the vessels now resides with Champion Constructors, Inc., a subsidiary of Cook Inlet Region, Inc. of Anchorage, AK.

Because the vessels were built in England, they are undocumented, and require a waiver of the Jones Act to be operated in the U.S. coastwise trade.

Champion Constructors, Inc. intends for the vessels to be used between points in Alaska transporting cargo and passengers.

It is my understanding that no other hovercraft of this type and size exist.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the vessels RESOLUTION (Serial Number 77NS8701) and PERSERVERANCE (Serial Number 77NS8901).•

By Mr. ROBB (for himself, Mr. CRAIG, Mr. AKAKA, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LUGAR, Mr. DEWINE, Mr. STEVENS, Mr. COCHRAN, Mr. WELLSTONE, Mr. FORD, and Mr. KERRY):

S. 584. A bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962; to the Committee on Armed Services.

PURPLE HEART LEGISLATION

• Mr. ROBB. Madame President, I introduce legislation which will correct an inequity that unfairly denies due recognition to some of America's worthiest veterans.

Specifically, this bill would entitle prisoners of war from World War I, World War II, and Korea to receive the Purple Heart Medal for wounds which were sustained while being captured or while in captivity. Currently, only those veterans who suffer wounds while being captured or in captivity after April 25, 1962, are eligible for the Purple Heart Medal.

While we might debate how best to recognize their sacrifice and hardship, one thing is abundantly clear; we should not differentiate between prisoners of war based solely on the date of the war in which they were captured.

Madam President, as a Vietnam veteran who has had the privilege of leading marines in combat, and as a member of the Senate's Select Committee on POW/MIA Affairs, I am acutely aware of the hardships endured by service personnel who have been captured by hostile military forces. All of these servicemen have suffered mental and physical abuse, and many were tortured, beaten and starved while in confinement.

Our prisoners of war from World War I, World War II, and Korea suffered various wounds and innumerable atrocities at the hands of their captors. Many continue to suffer from physical difficulties associated with their capture and confinement. The Purple Heart Medal would serve to put their service and sacrifice on par with the veterans of other wars, and will remind Americans of their sacrifices. It seems a fitting and overdue recognition.

Madam President, I ask unanimous consent that the text of the bill, the supporting resolutions of the Military Order of the Purple Heart and the Disabled American Veterans, and the letters of support from the DAV, American Legion, AMVETS, and the Jewish War Veterans of the United States, be printed in the RECORD. I would also like to thank my colleagues, Senators AKAKA, COCHRAN, CRAIG, DEWINE, FORD, HARKIN, KERRY, LUGAR, ROCKEFELLER, STEVENS, and WELLSTONE for joining me as original cosponsors of this bill.

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

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AWARD PURPLE HEART.

(a) AUTHORITY TO MAKE AWARD.—(1) Subject to paragraph (2), the President may award the Purple Heart to a person described in subsection (b) who was taken prisoner and held captive before April 25, 1962.

(2)(A) Except as provided in subparagraph (B), an award of the Purple Heart under paragraph (1) may be made only in accordance with the standards in effect on the date of the enactment of this Act for the award of the Purple Heart to a person described in subsection (b) who has been taken prisoner and held captive on or after April 25, 1962.

(B) An award of a Purple Heart may not be made under paragraph (1) to any person convicted by a court of competent jurisdiction of rendering assistance to any enemy of the United States.

(b) ELIGIBLE PERSONS.—(1) A person referred to in subsection (a) is an individual—

(A) who is a member of the Armed Forces of the United States; and

(B) who is wounded while being taken prisoner or held captive—

(i) in an action against an enemy of the United States:

(ii) in military operations involving conflict with an opposing foreign force;

(iii) during service with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(iv) as the result of an action of any such enemy or opposing armed force; or

(v) as the result of an act of any foreign hostile force.

(2) Any wound of a person referred to in paragraph (1)(A) that is determined by the Secretary of Veterans Affairs to be a service-connected injury arising from being taken prisoner or held captive under a circumstance referred to in paragraph (1)(B) shall also meet the requirement set forth in paragraph (1)(B).

(c) RELATIONSHIP TO OTHER AUTHORITY TO AWARD THE PURPLE HEART.—The authority under this Act is in addition to any other authority of the President to award the Purple Heart.

THE MILITARY ORDER
OF THE PURPLE HEART,
Springfield, VA, February 14, 1995.

JAMES CONNELL,
Department State Director,
Richmond, VA.

DEAR MR. CONNELL: I received a call from the Senator's office requesting a copy of the Resolution "to authorize the award of the Purple Heart Medal."

Enclosed is a copy of Resolution No. 94-038, passed by the Convention Body at the National Convention of the Military Order of the Purple Heart, in Des Moines, Iowa.

If I can be of further assistance, contact this office.

Sincerely,

EDMUND E. JANISZEWSKI,
National Legislative Director.

RESOLUTION NO. 94-038

Re to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

Committee: Legislative/Service.

Committee Action: Approve.

Whereas: Current law provides for the award of the Purple Heart Medal to POWs under certain circumstances, who were captured on or after April 25, 1962; and

Whereas: Senator Robb of Virginia has proposed a bill to award the Purple Heart Medal to POWs captured prior to April 25, 1962; and

Whereas: Presidents Kennedy and Reagan have issued Executive Orders allowing for the award of the Purple Heart Medal to civilians wounded under certain circumstances to include terrorists attacks; now, therefore be it

Resolved: That the Military Order of the Purple Heart support legislation proposed by Senator Robb, which is attached to this resolution; and be it further

Resolved: That the Military Order of the Purple Heart of the United States of America seek legislation, to negate the award of

the Purple Heart Medal to any civilian under any circumstances; and finally be it

Resolved: That copies of this resolution be forwarded to the 62nd National Convention of the Military Order of the Purple Heart of the United States of America, for adoption by the delegates in assembly at Des Moines, Iowa, August 8th thru August 13th, 1994.

Submitted by Edmund F. Janiszewski, National Legislative Director, July 14, 1994.

Convention Action: Approved by Convention Body August 11, 1994.

DISABLED AMERICAN VETERANS,
Washington, DC, September 6, 1994.

Hon. CHARLES S. ROBB,
State Office of Senator Charles S. Robb, Richmond, VA.

DEAR SENATOR ROBB: Thank you for providing us with a copy of your draft bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

This measure has the support of the Disabled American Veterans. The delegates to our 1994 annual National Convention adopted a resolution (copy enclosed) supporting legislation for this purpose, and your draft bill is consistent with that resolution.

We appreciate the changes you made to address our concerns, and we appreciate your efforts on behalf of this deserving group of veterans.

Sincerely,

RICHARD F. SCHULTZ,
National Legislative Director.

NATIONAL INTERIM LEGISLATIVE COMMITTEE RESOLUTION

AUTHORIZE THE PURPLE HEART MEDAL TO FORMER POWS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN WAR FOR INJURIES RECEIVED DURING CAPTIVITY

Whereas, Title 32, U.S. Code, effective April 25, 1962, authorizes the award of the Purple Heart to prisoners of war for wounds or injuries sustained as a result of beatings and other forms of physical torture while in captivity; and

Whereas, prior to April 25, 1962, the Purple Heart Medal for former prisoners of war was only awarded to those who were wounded or injured in action prior to or at the time of capture or in an attempted or successful escape; and

Whereas, former prisoners of war of World War I, World War II and the Korean War were physically abused, beaten, tortured and placed on forced work details, without concern for their health by enemy guards and hostile civilians; and

Whereas, many of these servicemen, while in captivity, suffered from physical abuse, malnutrition and exhaustion, as well as received wounds and injuries as a result of direct and indirect action at the hands of their captors; NOW

Therefore, be it Resolved that the Disabled American Veterans in Nation Convention assembled in Chicago, Illinois, August 20–25, 1994, supports the enactment of legislation to provide the same consideration to the award of the Purple Heart Medal to former prisoners of war held captive prior to April 25, 1962, as afforded those captured after that date.

THE AMERICAN LEGION,
Washington, DC, August 29, 1994.

Mr. JIM CONNELL,
Deputy State Director, State Office of Senator Charles S. Robb, Richmond, VA.

DEAR MR. CONNELL: Members of the staff of the American Legion have reviewed Senator Robb's proposed bill authorizing award of the Purple Heart medal. You have satisfied the concerns we outlined in our March 31, 1994 letter and we have no objection to the proposed bill as it now reads. The Legion, however, still has no resolution recognized by the membership on this subject and therefore, cannot specifically and formally endorse the bill at this time.

In most cases dealing with presentation of military awards and decorations, we defer to the Department of Defense and their appropriate directives. If your proposed bill complements a service regulation you should encounter few objections.

Sincerely,

GERALD M. MAY,
Assistant Director,
National Legislative Commission.

AMVETS,
Lanham, MD, August 25, 1994.

Hon. CHARLES S. ROBB,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBB: I am writing to express AMVETS' support for your bill to award the Purple Heart to certain military personnel who were taken prisoner before April 25, 1962.

We are pleased that your bill will recognize the sacrifices made by those who suffered at the hands of the enemy, whatever the period of conflict.

I would also like to express AMVETS' opposition to awarding the Purple Heart to civilians who suffer injuries because of terrorist action. While we in no way minimize anyone's suffering, there is a fundamental difference between the responsibilities incumbent upon each service member and their civilian counterparts. That alone justifies the limitation on the eligibility for the award.

Thank you again for working for America's veterans, and we look forward to working with you in the future.

Sincerely,

DONALD M. HEARON,
National Commander.●

By Mr. LAUTENBERG:

S. 586. A bill to eliminate the Department of Agriculture and certain agricultural programs, to transfer other agricultural programs to an agribusiness block grant program and other Federal agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURE MODERNIZATION ACT

● Mr. LAUTENBERG. Mr. President, I rise to introduce the Agriculture Modernization Act. It would eliminate the Department of Agriculture, spinning off some programs to other parts of the Federal Government, and sell the two USDA buildings on the Mall.

This legislation acknowledges what we all know: the Great Depression ended 50 years ago and it's 1995. Many USDA activities should go the way of the WPA and other programs which, like the USDA's commodity price programs, were set up to deal with the devastation caused by the Depression. With recovery, they were disbanded.

House Budget Committee Chairman JOHN KASICH and Senate Majority Leader BOB DOLE have proposed eliminating four departments of government as part of their deficit reduction plan: Commerce, Education, Energy, and Housing and Urban Development.

If we want to scale back government, and eliminate wasteful bureaucracies, the USDA is an excellent place to start. It is the most obsolete and bloated of all Cabinet departments. The USDA tops the list for personnel, budget, and subsidies to those who need them least.

In scaling back Government, let's start with a department that provides pork for agribusinesses that don't need it before we eliminate one that helps our children get an education and start on life.

In evaluating the Kasich-Dole proposal, it is important to understand that the USDA has 109,000 employees, more than the other four departments combined. Furthermore, USDA's $62 billion budget dwarfs the budgets of Commerce, Energy, Education and HUD. Indeed, it is almost as large as these four departments combined.

The Agriculture Modernization Act will eliminate wasteful programs in USDA. It will transfer important programs to agencies better suited to administer them, like HHS taking over the Food Stamp Program.

And it will put all the money spent on commodity programs into a block grant which will be phased out completely over 5 years. This will permit the States to help recipients of agricultural entitlement programs adjust to a scaling back, and then loss, of benefits.

This bill will reduce the deficit by approximately $25 billion over 5 years. The Republican leaders have laid out ambitious deficit reduction goals to slice $500 billion off the Federal budget in the next 5 years. They propose to accomplish this without touching Social Security.

That's going to mean very deep cuts. I'd like to see us start on subsidies to agribusiness and waste at USDA before we cut the safety net out from under our Nation's families and children.

The Department of Agriculture's time has come and gone. It began under President Abraham Lincoln. In the 1860's, 60 percent of Americans were farmers and the USDA had 9 employees. Now only 2 percent of Americans are farmers and USDA has 109,000 employees worldwide.

That's one bureaucrat for every five farmers.

The commodity programs began in the Great Depression, when we did not know if America could feed itself. When we didn't know if grocery stores would have food on their shelves.

But American agriculture is much different today. Our stores are stocked with inexpensive foods. And our most competitive commodities are fruits, vegetables, meats, and poultry that don't receive any price subsidies.

It's time to extend free market principles to agriculture.

There are 75,000 farmers with incomes over $250,000 per year who get an

average of $26,000 in agricultural subsidies. My small businesspeople in New Jersey making a lot less don't get subsidies. And, the Republicans want to reduce the school lunch program, nutrition programs, take away summer jobs from kids, cut assistance to seniors and others for heating bills, and cut housing aid to AIDS patients, among others.

I say we should start with USDA. No more aid for dependent agribusinesses.

I support entitlement programs for kids and other groups in need. I think we should have a social safety net. But, agribusiness is not on my list of deserving beneficiaries.

This bill sets priorities for deficit reduction. We should start by cutting obsolete programs and programs that benefit those who don't need Government assistance.

Mr. President, I ask unanimous consent that an accompanying factsheet be inserted in the RECORD.

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

THE AGRICULTURE MODERNIZATION ACT OF 1995

This bill will eliminate the USDA in 1996. This will be accomplished by eliminating some programs, phasing out the commodity programs over five years and by transferring some agencies and functions to other departments.

PROGRAMS TO BE ELIMINATED

Market Promotion Program.
Export Enhancement Program.
Rural Telephone Program.
Rural Electricity Program.
Animal Damage Control Program.
Commodity Credit Corporation.

BLOCK GRANT—ADMINISTERED BY THE DEPARTMENT OF COMMERCE (PHASED OUT OVER FIVE YEARS)

All commodity programs including: Feed grains, wheat, rice, cotton, tobacco, dairy, soybeans, peanuts, sugar, honey, and wool.

DEFICIT REDUCTION

This legislation will save approximately $25 billion over five years, not including administrative savings resulting from transferring duplicative functions to other departments and agencies. See attachment for details.

PROGRAMS TO BE TRANSFERRED

Health and Human Services:
Food Stamps, School Lunch, WIC and other nutrition programs. Nutrition programs that are entitlements will remain so.
Food Safety and Inspection Service.
Food and Consumer Service.
Parts of the Animal and Plant Health Inspection Service.
Commerce:
Economic research and statistical programs.
Agriculture research programs.
Regulatory programs.
Economic development programs.
Parts of Animal and Plant Health Inspection Service.
Interior: Forest Service, Natural resource, conservation and environmental programs.
Treasury: Credit and loan programs.
FEMA: Crop insurance.
EPA: Rural Utilities Service Water and Sewer Programs.•

By Mr. HATCH (for himself, Mr. HEFLIN, Mr. DOLE, Mr. THURMOND, Mr. GRASSLEY, Mr. SIMPSON, Mr. KYL, Mr. EXON, Mr. CRAIG, Mr. FORD, Mr. LOTT, Mr. ASHCROFT, Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. COVERDELL, Mr. D'AMATO, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. WARNER):

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, throughout our history, the American people have revered the flag of the United States as the symbol of our Nation. The American flag represents in a way nothing else can, the common bond shared by a very diverse people. Yet whatever our differences of party, politics, philosophy, race, religion, ethnic background, economic status, social status, or geographic region, we are united as Americans. That unity is symbolized by a unique emblem, the American flag.

As Supreme Court Justice, John Paul Stevens said in his dissent in the 1989 Texas flag-burning case:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

For over 200 years, this proud banner has symbolized hope, opportunity, justice and, most of all, freedom, not just to the people of this Nation, but to people all over the world. I believe that the American flag is equally worthy of protection as the ideals for which it stands.

This February 23 marked the 50th anniversary of one of the most dramatic moments in our Nation's history; the raising of the American flag on the Island of Iwo Jima by U.S. marines during World War II. That heroic image instantly came to symbolize the determination and courage of all of the brave Americans fighting in that great struggle for the very survival of America as a free nation. Fifty years later, it remains one of our Nation's most powerful images, reminding us that throughout our history, through the generations, from the Battle of Bunker Hill to Operation Desert Storm, on every continent and ocean, in every corner of the world, Americans have fought, and in many cases given their lives, fighting under this flag and for the Nation and the ideals it represents. By protecting that flag against acts of physical desecration, we honor their memory and their sacrifice.

I am proud to rise today to introduce a constitutional amendment that would restore to Congress and to the 50 States the right to protect our unique national symbol, the American flag, from acts of physical desecration.

Restoring legal protection to the American flag is not a partisan issue. Forty-three Senators, both Republicans and Democrats, have joined with Senator HEFLIN and myself as original cosponsors of this amendment.

Restoring legal protection to the American flag would not overturn the first amendment. Rather, it would overturn an interpretation of that amendment by the Supreme Court, in which the Court, by the narrowest of margins, five to four, held that flag burning was a form of protected free speech. Distinguished jurists regarded as great champions of the first amendment agreed that physical desecration of the American flag does not fall within the ambit of the first amendment. In the case of Street versus New York, then Chief Justice Earl Warren wrote: "I believe that the States and the Federal Government have the power to protect the flag from acts of physical desecration and disgrace." Justice Abe Fortas wrote: "The States and the Federal Government have the power to protect the flag from acts of desecration committed in public." Justice Hugo Black, generally regarded as a first amendment absolutist, stated: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." I believe the Court majority in the Texas versus Johnson case had it wrong; burning the flag is conduct and may be prohibited. This amendment would correct that error and restore to Congress and the State the power they historically had to protect the American flag from acts of physical desecration.

Restoring legal protection to the American flag would not place us on a slippery slope precisely because the flag is so unique as our national symbol. There is no other symbol, no other object, which represents our Nation as does the flag. Accordingly, there is absolutely no basis for concern that the protection we seek for the American

flag could be extended to cover any other object of form of political expression.

Restoring legal protection to the American flag would not infringe on free speech. Freedom of speech is not and has never been absolute. We have laws against libel, against slander, and against obscenity. As a society, we can and do place limitations on both speech and conduct. The classic example is, of course, the prohibition against shouting fire in a crowded theater. You can't hold a demonstration in a courtroom. You can't make speeches using a bullhorn at 2 a.m. in a residential neighborhood. You can't destroy Government property or buildings as a means of protest. Right here in the U.S. Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries. I believe flag burning is in the same category as obscenity—conduct which is beyond the pale of acceptability even in a free society.

For many years, our flag was protected, by Federal law and laws in 48 States, from acts of physical desecration. No one can seriously argue that freedom of speech or freedom of expression was diminished or curtailed during that period. Restoring the protection of law to our flag would not prevent the expression, in numerous ways safeguarded under the Constitution, of a single idea or thought. It merely prevents conduct with respect to one unique, symbolic object, our Nation's flag.

The effort to restore legal protection to our national symbol is a movement of the American people. It has been initiated by grassroots Americans; 91 civic, veterans, and patriotic organizations, led by the American Legion, joined together in the Citizens Flag Alliance, working to build support across this Nation for a constitutional amendment to restore the historical protection of our flag. Forty-six States have passed resolutions urging Congress to send a flag protection amendment to the States for ratification.

Let this be clear: the Citizens Flag Alliance came to me, Senator HEFLIN, and other Members of Congress, before last November. We did not come to them. This effort is not generated from Capitol Hill. The Citizens Flag Alliance presented us with a report on their effort. They asked us for our support for their cause. We were pleased to agree. It is now up to Congress to heed the voice of the American people and pass this amendment.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.".

Mr. HEFLIN. Mr. President, I rise today in support of a constitutional amendment to prevent the desecration of the American flag. As an original cosponsor along with Senator HATCH and 42 of our colleagues, I urge our colleagues to join in protecting the sanctity of this symbol of our great Nation. As I have said before on the Senate floor, I feel that the Supreme Court's decision in Texas versus Johnson, incorrectly places flag burning under the protection of the first amendment. In my judgement, it is our responsibility to change that decision and return the flag to the position of respect it deserves.

Few people would disagree with the argument that the American flag stands as one of the most powerful and meaningful symbols of freedom ever created. In the dissent in Texas versus Johnson, Chief Justice Rehnquist states in his opening paragraph:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way * * * Johnson did here.

Justice Stevens calls the flag a national asset much like the Lincoln Memorial. He states that:

> Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag.

I must agree with Chief Justice Rehnquist and Justice Stevens in their belief that the flag should be protected from such desecration. However, I believe that the flag also has a tangible value. I feel that the court could have expressed an opinion that would have allowed protection to both values, for in that case, the flag was stolen.

The flag holds a mighty grip over many people in this country. Its mystical appeal is as unique to every person as a fingerprint. Thousands of Americans have followed the flag into battle and thousands of these Americans have left these battles in coffins draped proudly by the American flag. Nothing quite approaches the power of the flag as it drapes those who died for it, or the power of the flag as it is handed to the widow of that fallen soldier. The meaning behind these flags goes far beyond the cloth used to make the flag or the dyes used to color Old Glory red, white, and blue. The flag reaches to the very heart of what it means to be an American. It would be a tragedy for us to allow the power of the flag to be undermined through the legal desecration of the flag. Allowing the legal burning of that flag creates a mockery of the great respect so many patriotic Americans have for the flag.

JUDICIALLY WRONG

As I have stated before, I feel on many different levels that the Supreme Court's decision was wrong. I feel it was wrong for me personally, it was wrong for patriotism, it was wrong for this country, but perhaps most importantly, this decision was judicially wrong.

I want to emphasize that although I am a strong believer in first amendment rights, I recognize that first amendment rights are not absolute and unlimited. There have been numerous decisions of the Supreme Court that limit freedom of expression.

Some of history's great protectors of the freedom of speech have agreed that the first amendment is not absolute. Many of these protectors have agreed that the flag is a symbol of such profound importance that protecting it is permissible. Later in this speech I will be quoting from some of the protectors of both the flag and the first amendment such as Supreme Court Chief Justice Earl Warren, Justice Hugo Black, Justice John Paul Stevens, and Justice Oliver Wendell Holmes.

In a landmark case reflecting the Supreme Courts long held belief that the freedom of expression is not absolute, the court in *Shenk* v. *United States*, 249 U.S. 47 (1919) stated that:

> The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.

Justice Oliver Wendell Holmes stated that:

> The question in every case is whether the words [actions] used are used in such clear circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that the Congress has a right to prevent.

Clearly the indignation caused by the Johnson decision and the fisticuffs which have broken out in flag burning attempts show that flag burning should not be protected by the first amendment. What if the flag burning had occurred in wartime? Certainly, a clear and present danger would be present.

Justice Stevens wrote in *Los Angeles City Council* v. *Taxpayers for Vincent* 466 U.S. 789 (1984) that:

> The first amendment does not guarantee the right to imply every conceivable method of communication at all times and in all places.

Arguments have been made that limitations on the freedom of expression refer only to bodily harm, however, the Supreme Court has recognized the need for individuals to protect their honor, integrity, and reputation when injured by libel or slander. See: *New York Times* v. *Sullivan*, 376 U.S. 254 (1964) (providing

standards regarding the libel of public figures); *Time* v. *Hill*, 385 U.S. 374 (1967) (providing standards regarding libel of private individuals).

These holdings protect an individual's honor from defamation. I see no reason why the honor of our flag should not be protected.

Arguments have also been made that limitations on free speech involve only civil suits. However, the Court has continually upheld criminal statutes involving obscene language and pornography. There is: *New York* v. *Ferber*, 458 U.S. 747 (1982) (upholding a New York statute regarding child pornography); *Miller* v. *California*, 413 U.S. 15 (1973) (this case provides much of the current legal framework for the regulation of obscenity).

The U.S. Supreme Court has even upheld criminal statutes involving draft card burning. In *United States* v. *O'Brian*, 391 U.S. 367 (1968), the Court upheld the Federal statute which prohibited the destruction or mutilation of a draft card. In reaching this decision the Court expressly stated:

> [W]e cannot accept the view that an apparently limitless variety of conduct can be labeled "speech" whenever the person engaging in the conduct intends thereby to express an idea.

Certainly the people of America have a right to expect that the honor, integrity, and reputation of this Nation's flag should be protected. If draft card burning can be prohibited, surely burning the American flag can also be prohibited. Does a draft card have more honor than the American flag? Certainly not.

In an earlier decision involving the desecration of the flag, Chief Justice Earl Warren wrote in dissent in *Street* v. *New York*, 394 U.S. 577 (1969):

> I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * * however, it is difficult for me to imagine that, had the Court faced this issue, it would have concluded otherwise.

In this same case, Justice Hugo Black dissented stating:

> It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

I do not think that anyone can question that Hugo Black and Earl Warren were champions of the first amendment, but they recognized that the flag was something different, something special. The Supreme Court substantiated this view in *Smith* v. *Coguen*, 415 U.S. 566 (1974), when the majority of the Court noted that:

> [C]ertainly nothing prevents a legislature from defining the substantial specificity what constitutes forbidden treatment of the United States flags.

Finally I would like to quote from Justice Stevens in *Texas* v. *Johnson*, when he says about the flag:

> It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other people who share our aspirations. The symbol carries its message to dissidents both home and abroad who may have no interest at all in our national unity and survival.

I am a strong believer that the rights under the first amendment should be fully protected and do not feel that an amendment changing these rights should be adopted except in very rare instances. The Founding Fathers, in drafting article V of the Constitution, intended that if it would be extremely difficult to amend the Constitution, requiring a two-thirds vote of both Houses of Congress and a difficult ratification process requiring the vote of three-fourths of the States. The history of this country shows that only 27 amendments to the Constitution have been adopted and only 17 after the Bill of Rights—containing the first 10 amendments—were ratified.

Some may ask why have a constitutional amendment; why not try legislation? To those I would say the Senate has passed statutes concerning flag desecration. As a body we have tried to oppose the protection of flag desecration, but statutory law has not worked. We have a number of groups that have joined together to form the Citizen's Flag Alliance. There are about 90 organizations in this wide-ranging coalition. In addition, 46 States' legislatures have passed memorializing resolutions calling for the flag to be protected by the Congress.

In my judgment, we should heed this call and act decisively to ensure that the American flag remains protected and continues to hold the high place we have afforded it in both our hearts and history. The flag is indeed an important national asset which we must always support as we would support the country herself. In closing, I want to share with you the eloquent words of Henry Ward Beecher's work, "The American Flag," which expresses this sentiment:

> A thoughtful mind, when it sees a national's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the Nation that sets it forth.

Mrs. FEINSTEIN. Mr. President, I compliment my colleague on the Judiciary Committee and the Senator from Alabama for his very thoughtful statement and constitutional amendment. I would very much appreciate being listed as a cosponsor of that amendment.

I thank the Senator for his words because I think they were cogent. I also believe they reflect the views of the American people.

Mr. HEFLIN. I thank the Senator.

Mr. MACK. Mr. President, this past election demonstrated the desire of American citizens everywhere for change. People are frustrated with the direction in which this country has been heading and the skewing of priorities and values. One example of how standards and basic values are slipping was the 1989 Supreme Court ruling which permitted the desecration of our Nation's flag.

The American flag has always been a symbol of freedom and democracy throughout the world. It has guided thousands upon thousands of American service men and women as they have fought and died in defense of our basic freedoms.

The Court's decision struck at the heart of everything we hold dear in America. The flag is our most cherished symbol of liberty and is recognized throughout the world as an emblem of hope for those struggling for freedom. We should not condone its willful destruction.

Mr. President, I support the proposal for a constitutional amendment to protect the sanctity of the American flag. With this amendment, the first amendment can be upheld while we clearly declare our reverence for and dedication to our most cherished symbol of freedom—the American flag.

Mr. CRAIG. Mr. President, I am pleased to join my distinguished colleagues in proposing a constitutional amendment to protect the flag of the United States.

We Americans are not one race, nor are we one creed. We are an amalgam of the world's people come together to form a nation. And to symbolize that union, we have chosen a fabric that weaves together our many races, customs, and beliefs: the American flag.

No other emblem, token, or artifact of our Nation has been defended to the death by legions of patriots. No other has drawn multitudes from abroad with the promise of freedom. No other has inspired generations with the belief that life, liberty, and the pursuit of happiness are the birthright of every human being.

Old Glory holds a unique place in the hearts of Americans, and that is why they have requested—indeed, demanded—unique protection for it.

Several years ago, Congress attempted to fashion legislation for this purpose, but it just did not work.

Some people probably thought that was the end of the story. They were wrong. The American people did not give up; they continued to debate and discuss this matter. And they succeeded in passing memorials in 43 States urging Congress to take action to protect the flag from physical desecration. Some of my colleagues may recall last year, on Flag Day, I placed those memorials in the CONGRESSIONAL RECORD for all to see.

Mr. President, the legislatures submitting those memorials represent nearly 229 million people—more than 90 percent of our country's population. They did not pass these memorials easily or swiftly. In legislature after legislature, the record shows these memorials were given serious and thorough consideration.

Now it is time for the U.S. Congress to match that resolve. Today, in response to the demand of the American people, we are offering this amendment. Mr. President, I urge all my colleagues to join us in supporting this necessary and appropriate measure to safeguard the flag of our Nation.

Mr. KEMPTHORNE. Mr. President, I rise today in strong support of efforts to protect the flag of the United States. I am pleased to join my colleagues in introducing a resolution proposing a constitutional amendment to prohibit the desecration of the flag.

Mr. President, the support for this amendment is, quite simply, overwhelming; 46 State legislatures have already passed memorializing resolutions requesting the Congress to pass an amendment to protect the flag. I am pleased to note my home State, Idaho, passed just such a resolution 2 years ago. In asking the Congress to present an antiflag desecration amendment to the States for ratification, the Idaho Legislature stated,

> . . . the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal . . . .

Should not the symbol of this ideal be protected? Since 1777, when the Second Continental Congress passed a resolution describing what the flag of the fledgling Nation should be, the Stars and Stripes has stood for all that we hold dear. While great leaders of this Nation have come and gone, the flag has been an American constant. Through the Civil War, two World Wars, the Depression, and times of domestic crisis, Old Glory has flown proudly, serving as a symbol to all the world that freedom, justice, and liberty remain alive in the United States.

As a member of the Senate Armed Services Committee, I have had the opportunity to meet the men and women of our Armed Forces around the world. These individuals put their lives on the line regularly, so that we may live in peace and safety. And while they are serving us, the American public, they do so under the Stars and Stripes. For those who are stationed overseas, the flag represents the rights and freedoms which they stand prepared to defend, even while on foreign ground. It also stands for their home, the Nation which proudly awaits their return when their duties are done. For those who have finished their service to their country, the flag is a constant reminder that the ideals for which they fought still live, and that their sacrifices were not in vain.

In 1867, Senator Charles Sumner expressed his sentiments about the flag. His words, I think, are most appropriate to be repeated at this time. He said:

> There is the national flag. He must be cold, indeed, who can look upon its folds rippling in the breeze without pride of country. If in a foreign land, the flag is companionship, and country itself with all its endearments . . . White is for purity; red for valor; blue, for justice. And altogether, bunting, stripes, stars, and colors, blazing in the sky, make the flag of our country, to be cherished by all our hearts, to be upheld by all our hands.

Mr. President, how can we continue to uphold the flag to the honor it deserves if we allow it, the symbol for all for which this Nation stands, to be willfully desecrated and defiled? The courts have said we can not protect the flag by statute; our only remedy is to amend the Constitution. So, I stand here today to express my wholehearted support for the resolution which will be introduced today to propose just such an amendment. I hope my colleagues will join me in acting to protect our flag and all that it represents of our past, our present, and our future.

Mr. PRESSLER. Mr. President, I rise to announce my cosponsorship of a joint resolution to amend the U.S. Constitution to allow Congress and the States to prohibit the desecration of the American flag.

Having served two tours in the Vietnam war as a second lieutenant in the Army, our flag has a deep personal meaning for me. I experience a feeling of pride when I see the Stars and Stripes flying in front of a military base, on top of the U.S. Capitol Building here in Washington, or in a small town parade in South Dakota. I feel sick to my stomach when I think of its desecration by my fellow Americans.

The American flag is a dramatic living symbol of the principles for which this great country stands—liberty, due process, justice for all. Our flag is an emblem of the ideals which set our Nation apart from all others.

When someone willfully desecrates the flag, he or she is committing a malicious act of violence that incites those Americans who have dedicated their lives to uphold the values we cherish. It tramples the honor of millions of soldiers—men and women—who served, fought, and died to preserve the values which the flag represents. It strikes at the honor of the untold number of civilians who have worked in industries behind the lines to support our military forces.

Mr. President, in Johnson versus Texas (1989), the Supreme Court ruled that desecrating the flag is free speech protected by the first amendment. In response, Congress overwhelmingly passed the Flag Protection Act of 1989. However, the following year, in United States versus Eichmann (1990), the Court struck down this statute as an impermissible infringement on the first amendment.

I disagree with the Supreme Court's rulings. I believe it is entirely appropriate for Congress to enact legislation to protect from desecration the primary symbol of our great Nation. However, unless the Johnson and Eichmann decisions are overturned by a subsequent Court, it is clear that only a constitutional amendment will ensure the validity of any State or Federal statute banning flag desecration.

Opponents of our effort to protect the flag argue that free speech is among the most sacred rights enjoyed by Americans. They believe that this amendment limits their right to freedom of speech. I certainly agree with the need to vigilantly guard the first amendment. No other society on this planet is more tolerant of different viewpoints and opinions than America. But flag desecration is more than just speech. It is among those acts of public behavior so offensive and harmful that they fall outside of the protections of the first amendment.

For example, one of the famous limits of free speech is that one cannot shout "fire!" in a crowded movie theater. Malicious and defamatory speech, such as slander and libel, also are not protected by the first amendment. Obscenity does not enjoy the protection of the first amendment. We do not permit people to freely deface a synagogue or church buildings in the name of free speech. Likewise, physical desecration of the flag through burning, trampling, or any other method is not free speech protected by our Constitution. It is offensive conduct that does not deserve protection by the first amendment.

I am therefore proud to join with my colleagues in supporting a constitutional amendment to protect the American flag. Since the Johnson ruling, 43 States have passed resolutions calling on Congress to pass a flag desecration amendment for consideration by the States. Mr. President, I urge my colleagues to carry out the clear will of the American people by supporting this resolution.

Mr. D'AMATO. Mr. President, generations of immigrants have surmounted incredible obstacles to reach our shores and experience true American freedom. Our Nation's flag has welcomed these weary travelers for hundreds of years. For these people, the U.S. flag is more than just a simple patchwork of cloth, it is the patchwork of our values, our beliefs, and our freedoms. It is our history .

During this history, many brave Americans sacrificed their lives for the flag. At Malmedy, Khe Sanh, Inchon, Iwo Jima, Kuwait City, and in numerous other places, Americans fought and died for democracy, freedom, and justice. Indeed, our flag represents these virtues. It would be an insult to their memory if we allowed the continued desecration of our flag. This practice must end, and end now.

Ms. SNOWE. Mr. President, I am proud to join Senators HATCH, HEFLIN, and others in cosponsoring the proposed constitutional amendment to

grant to States and Congress the power to prohibit the physical desecration of the flag of the United States. Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. Our free speech rights do not entitle us to simply consider the flag as personal property, which can be treated any way we see fit including physically desecrating it as a legitimate form of political protest.

The flag is not just simply a visual symbol to us—it is a symbol whose pattern and colors tell a story that rings true for each and every American. The 50 stars and 13 stripes on the flag are a reminder that our Nation is built on the unity and harmony of 50 States. And the colors of our flag were not chosen randomly: red was selected because it represents courage, bravery, and the willingness of the American people to give their life for their country and its principles of freedom and democracy; white was selected because it represents integrity and purity; and blue because it represents vigilance, perseverance, and justice. Thus, this flag has become a source of inspiration to every American wherever it is displayed.

For these reasons and many others, a great majority of Americans believe—as I strongly do—that the American flag should be treated with dignity, respect, and care—and nothing less.

Unfortunately, not everyone shares this view. In June 1990, the Supreme Court ruled that the Flag Protection Act of 1989, legislation adopted by the Congress in 1989 generally prohibiting physical defilement or desecration of the flag, was unconstitutional. This decision, a 5-to-4 ruling in U.S. versus Eichman, held that burning the flag as a political protest was constitutionally protected free speech. The Flag Protection Act had originally been adopted by the 101st Congress after the Supreme Court ruled in its Texas versus Johnson case that existing Federal and State laws prohibiting flag burning were unconstitutional because they violated the first amendment's provisions regarding free speech.

I profoundly disagreed with both rulings the Supreme Court made on this issue. In our modern society, there are still many different forums in our mass media, television, newspapers and radio and the like, through which citizens can freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens.

The constitutional amendment being introduced today has been carefully drafted to simply allow the Congress and individual State legislatures to enact laws prohibiting the physical desecration of the flag, if they so choose. It certainly does not stipulate or require that such laws be enacted. When considering the issue, it is helpful to remember that prior to the Supreme Court's 1989 Texas versus Johnson ruling, 48 States, including my own State of Maine, and the Federal Government had anti-flag-burning laws on their books for years.

Whether our flag is flying over a ball park, a military base, a school, or on a flag pole on Main Street, our national standard has always represented the ideals and values that are the foundation this great nation was built on. And our flag has come not only to represent the glories of our Nation's past, but it has also come to stand as a symbol for hope for our Nation's future. Mr. President, I urge my colleagues to support this important amendment.

Mr. FORD. Mr. President, there are many reasons for protecting the unique symbol of the American flag, from the basic liberties it represents to the promise of a better future. But some of the greatest reasons for protecting the flag occurred thousands of miles away from our own shores.

For example, 50 years ago, just days after American troops had claimed victory at Iwo Jima, six soldiers helped raise the American flag on the highest point of the island. You can see a soldier on the far left with both arms reaching skyward. It's unclear whether he's just released the flag pole, or if he's trying to touch the flag he fought so hard for, one last time.

And perhaps it was the last time he touched the American flag, for 26 days later, he died on the island he had helped claim.

The soldier was Pvt. Franklin Sousley of Kentucky, and his image in this famous photograph not only has frozen in time his historic efforts, but tied them inextricably to the symbolism of the American flag.

The flag that flew at Iwo Jima serves as a reminder of how war changes the course of a life, of a nation, of a world, so that even individuals who were never there, recognize that those hours of destruction and suffering have altered the future irrevocably.

But Private Sousley's outstretched arms also mirror the actions of the millions who've reached out for all that our flag symbolizes, from the basic liberties written into our Constitution to the dreams of a better future for their families.

That is why I believe so strongly that the physical integrity of the American flag must be protected. Back in 1989, the U.S. Supreme Court declared unconstitutional a Texas flag desecration statute, ruling that flag desecration was free speech protected under the first amendment.

In response to that decision, the Senate overwhelmingly passed the Flag Protection Act, which was also declared unconstitutional. The Supreme Court's action made it clear that a constitutional amendment is necessary for enactment of any binding protection of the flag.

Up to this point, neither House of Congress has been able to garner the two-thirds supermajority necessary for passage of a constitutional amendment. But because grassroots support for this amendment continues to grow, I have joined with Members on both sides of the aisle to again try passing this amendment. I am hopeful that this time we'll get the necessary votes.

Clearly no legitimate act of political protest should be suppressed. Nor should we ever discourage debate and discussion about the Federal Government. The narrowly written amendment gives Congress and the States the "power to prohibit the physical desecration of the flag of the United States," without jeopardizing those rights of free speech.

Fifty years ago, the American flag flying over Iwo Jima literally meant life for the flyers of crippled B-29's who would have died at sea if they had not had the island to land on.

Today, the flag that hangs in schoolrooms, over courthouses, in sports stadiums, and off front porches all across America, has a bit of the battle of Iwo Jima woven into its fabric.

Mr. President, I would say that's something worth protecting.

Mr. THURMOND. Mr. President, I rise today as an original cosponsor of a proposed constitutional amendment authorizing the Congress and the States to prohibit the physical desecration of the American flag.

In June of 1989, the Supreme Court issued a ruling in Texas versus Johnson which allows the contemptuous burning of the American flag. Immediately after that ruling, I drafted and introduced a proposed constitutional amendment to overturn that unfortunate decision.

After bipartisan discussions with Members of the Senate and President Bush, the Senate voted on a similar proposal which I cosponsored. During this time, the Supreme Court ruled in U.S. versus Eichman that a Federal statute designed to protect the flag from physical desecration was unconstitutional. The Texas decision had involved a State statute designed to protect the flag.

On June 26, 1990, the Senate voted 58-42 for the proposed constitutional amendment, 9 votes short of the two-thirds needed for congressional approval.

Opponents of this proposed amendment claimed it was an infringement on the free speech clause of the first amendment. However, the first amendment has never been construed as protecting any and all means of expressive conduct. Just as we are not allowed to falsely shout "fire" in a crowded theater or obscenities on a street corner as

a means of expression, I firmly believe that physically desecrating the American flag is highly offensive conduct and should not be allowed.

The opponents of our proposal to protect the American flag have misinterpreted its application to the right of free speech. Former Chief Justice Warren, Justices Black and Fortas are known for their tenacious defense of first amendment principles. Yet, they all unequivocally stated that the first amendment did not protect the physical desecration of the American flag. In Street versus New York, Chief Justice Warren stated, "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

In this same case, Justice Black, who described himself as a first amendment "absolutist" stated, "It passes my belief that anything in the Constitution bars a State from making the deliberate burning of the American flag an offense."

Mr. President, the American people treasure the free speech protections afforded under the first amendment and are very tolerant of differing opinions and expressions. Yet, there are certain acts of public behavior which are so offensive that they fall outside the protection of the first amendment. I firmly believe that flag burning falls in this category and should not be protected as a form of speech. The American people should be allowed to prohibit this objectionable and offensive conduct.

It is our intention with this proposed constitutional amendment to establish a national policy to protect the American flag from contemptuous desecration. The American people look upon the flag as our most recognizable and revered symbol of democracy which has endured throughout our history.

Mr. President, I urge my colleagues to join the sponsors and cosponsors of this proposed constitutional amendment to protect our most cherished symbol of democracy.

Mr. GRASSLEY. Mr. President, I am pleased to join the chairman of the Senate Judiciary Committee, Senator HATCH, and my other distinguished colleagues in cosponsoring this resolution to amend the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

Let me state from the outset, as I have stated before, this amendment will merely restore the power to Congress and the States to prohibit flag desecration—a power that we believe they have always had.

Unfortunately, the Supreme Court incorrectly interpreted the Constitution's first amendment. The Court failed to discern the difference between protected speech, and an act—a type of hate crime of physical desecration of the flag.

Therefore, our amendment does not tamper or tinker with the Constitution's Bill of Rights that protects speech.

But, Mr. President, for argument's sake, assume this amendment does tamper with the speech clause.

Let us ask ourselves a question. If we had to choose, should we amend the speech clause to: protect the American flag from acts of desecration; or protect our reelection to office by restricting the right of voters to hear words of opposition and opponents to speak against us—the incumbents?

I regret, Mr. President, that too many Senators have sided with incumbent protection instead of flag protection.

Remember, the Senate in 1990 fell 9 votes short of the 67 needed to pass a flag protection amendment to the Constitution because, by and large, it was argued that there is something very special, and untouchable about the speech clause.

Mr. President, you may be astonished to learn that 28 of the 42 Senators who voted against amending the speech clause to protect the American flag, had either sponsored, cosponsored, or voted to facilitate the passage of a constitutional amendment pegged the "incumbent protection bill."

This speech clause amendment was aimed at overturning the Supreme Court's Buckley versus Valeo decision. The Court said the first amendment speech clause is violated by restrictions on money used on political communication during campaigns.

So while these Senators supported incumbent protection, they strongly opposed flag protection.

Had only 9 of these 28 Senators had their priorities straight, the Senate would have passed the flag protection amendment 5 years ago.

And let us keep in mind, during the 200 years following 1789, over 10,000 constitutional amendments were introduced to the various Congresses.

In fact, in 1990, 525 out of 535 U.S. Representatives and Senators had sponsored or cosponsored amendments to the Constitution for everything under the Sun—from ERA to D.C. statehood.

So, the fact is, a vast majority of Congressmen and Senators do support amending the Constitution.

And more to the point at hand, many of those 28 Senators—who were happy to amend the speech clause to protect their incumbency, but joined in killing an amendment to protect the American flag—are still serving in the 104th Congress.

Mr. President, in fact, enough are still serving, that if they would change their priorities and their votes, this time our efforts to pass an amendment to protect the American flag will succeed.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 39, a bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

S. 125

At the request of Mr. MOYNIHAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 125, a bill to authorize the minting of coins to commemorate the 50th anniversary of the founding of the United Nations in New York City, New York.

S. 216

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 243

At the request of Mr. ROTH, his name was added as a cosponsor of S. 243, a bill to provide greater access to civil justice by reducing costs and delay, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 332

At the request of Mr. CONRAD, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 332, a bill to provide means of limiting the exposure of children to violent programming on television, and for other purposes.

S. 351

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 397

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. CAMPBELL], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 397, a bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes.

S. 412

At the request of Ms. SNOWE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 412, a bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes.

S. 434

At the request of Mr. KOHL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

S. 440

At the request of Mr. WARNER, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 511

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 511, a bill to require the periodic review and automatic termination of Federal regulations.

S. 530

At the request of Mr. GREGG, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 571

At the request of Mrs. BOXER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 571, a bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the names of the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENTS SUBMITTED

THE LEGISLATIVE LINE ITEM VETO ACT

DASCHLE (AND OTHERS) AMENDMENT NO. 348

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. EXON, and Mr. GLENN) submitted an amendment intended to be proposed by them to amendment No. 347 proposed by Mr. DOLE the bill (S. 4) to grant the power to the President to reduce budget authority; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

"(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) DEFICIT REDUCTION.—

"(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

"(H) CONSIDERATION OF HOUSE COMPANION BILL.—

"(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

"(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

"(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

"(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

"(4) CONFERENCE.—

"(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(1)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) The term 'budget item' means—

"(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

"(B) a targeted tax benefit.

"(3) The term 'cancellation of a budget item' means—

"(A) the rescission of any budget authority provided in an appropriation Act; or

"(B) the repeal of any targeted tax benefit.

"(4) The term 'companion bill' means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

"(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on

the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012A, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012A and 1017".

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

"Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.".

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

DASCHLE (AND OTHERS) AMENDMENT NO. 349

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. EXON, Mr. FORD, Mr. CONRAD, Mr. DORGAN, Mr. KOHL, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. ROBB, Mr. KERRY, Mr. FEINGOLD, Mr. HARKIN, Mr. REID, Mr. HOLLINGS, Mrs. BOXER, and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Balanced Budget Act of 1995".

SEC. 2. ENFORCEMENT OF A BALANCED BUDGET

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) require that the Government balance the Federal budget without counting the surpluses of the Social Security trust funds;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—

"(1) POINT OR ORDER.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) unless that resolution—

"(A) sets forth a fiscal year (by 2002 or the earliest possible fiscal year) in which, for the budget as defined by section 13301 of the Budget Enforcement Act of 1990 (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund), the level of outlays for that fiscal year or any subsequent fiscal year does not exceed the level of revenues for that fiscal year;

"(B) sets forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through and including the fiscal year described in paragraph (A);

"(C) includes specific reconciliation instructions under section 310 to carry out any assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues.

"(3) NO AMENDMENT WITHOUT THREE-FIFTHS VOTE IN THE SENATE.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, motion, or conference report that would amend or otherwise supersede this section.".

(c) REQUIREMENT FOR 60 VOTERS TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY-DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

BYRD AMENDMENTS NOS. 350–354

(Ordered to lie on the table.)

Mr. BYRD submitted five amendments intended to be proposed by him to the bill, S.4, supra, as follows:

AMENDMENT NO. 350

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 351

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 352

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 353

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 354

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

HATCH (AND OTHERS) AMENDMENT NO. 355

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. ROTH, and Mr. HEFLIN) submitted an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 3, line 21, after "separately" insert ", except for items of appropriation provided for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 104–317)".

FEINGOLD AMENDMENT NO. 356

Mr. FEINGOLD proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the end of the pending amendment No. 347 add the following:

SEC. . TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.".

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence; "However, OMB shall not designate any such amounts of new budget authority, outlays or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.".

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.".

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"Sec. 408. Point of order regarding emergencies.".

BUMPERS AMENDMENT NO. 357

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill S. 4, supra; as follows:

At the appropriate place insert the following:

The Senate finds that, according to the Congressional Budget Office, the federal budget deficit will be $177 billion for fiscal year 1995;

That estimates from both the Congressional Budget Office and the Office of Management and Budget indicate that, without substantial reductions in federal spending and/or increases in federal revenues; annual federal budget deficits will remain at unacceptable levels;

That the congressional budget process, as embodied by legislation and Senate rules, requires that legislation which would reduce federal revenues be offset by legislation that either reduces mandatory spending or increases an alternative source of federal revenue by an equivalent amount;

That certain members of both political parties have proposed amending the congressional budget process to permit reductions in the discretionary spending caps contained in the annual budget resolutions to offset reduced revenue resulting from tax cuts;

That changing the congressional budget process to permit discretionary spending cap cuts to be used as an offset for tax cuts could actually cause the federal budget deficit to rise;

That reductions in federal spending should be used to reduce the federal budget deficit.

Now, therefore, it is the sense of the Senate that: the congressional budget process should not be amended to permit the use of "savings" associated with reductions in discretionary spending to offset lost revenues resulting from tax cuts.

HOLLINGS AMENDMENT NO. 358

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 4, supra; as follows:

At the appropriate place insert the following:

SEC. .—CONGRESS SHALL NOT LEGISLATE AD HOC CHANGES IN ECONOMIC INDICATORS.

(a) PURPOSE.—The Congress declares it essential that the Congress shall not arbitrarily change economic indicators. Therefore:

(1) Economic indicators shall be devised by statistical agencies using the best scientific practice within the constraints of their budgets; and

(2) Congress shall not coerce Federal statistical agencies into making changes in economic indicators that are counter to the best scientific practice.

DASCHLE AMENDMENTS NOS. 359–360

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to amendment No. 347. by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 359

On page 5 of the amendment strike all after 'taxpayers' on line 19 through 'taxpayers' on line 20.

AMENDMENT NO. 360

On page 5 of the amendment strike all after 'revenue' in line 14 through line 20 and

insert the following: "over the following 10 fiscal years.".

BINGAMAN AMENDMENT NO. 361

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 5, between lines 3 and 4, add the following: "any prohibition or restriction against expenditure, or".

FEINGOLD AND OTHERS AMENDMENT NO. 362

Mr. FEINGOLD (for himself, Mr. SIMON, and Mr. EXON) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the end of the pending amendment No. 347, add the following:

SEC. . SENSE OF THE SENATE REGARDING DEFICIT REDUCTION AND TAX CUTS.

The Senate finds that—

(1) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of $190 billion;

(2) continuing annual Federal budget deficits add to the Federal debt which soon is projected to exceed $5 trillion;

(3) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(4) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(5) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(6) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(7) efforts to reduce the Federal deficit should be among the highest economic priorities of the 104th Congress;

(8) enacting across-the-board or so-called middle class tax cut measures could impede efforts during the 104th Congress to significantly reduce the Federal deficit, and;

(9) it is the Sense of the Senate that reducing the Federal deficit should be one of the nation's highest priorities, that enacting an across-the-board or so-called middle class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit.

HOLLINGS AMENDMENT NO. 363

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 4, supra; as follows:

At the appropriate place, insert the following:

"SEC. . PAY-AS-YOU-GO.

"At the end of title III of the Congressional Budget Act of 1974, insert the following new section:

"'ENFORCING PAY-AS-YOU-GO.

"'SEC. 314. (a) PURPOSE.—The Senate declares that it is essential to—

"'(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

"'(2) continue the pay-as-you-go enforcement system.

"'(b) POINT OF ORDER.—

"'(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

"'(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any one of the three following periods—

"'(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"'(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"'(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

"'(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term "direct-spending or receipts legislation" shall—

"'(A) include any bill, resolution, amendment, motion, or conference report to which this subsection otherwise applies;

"'(B) include concurrent resolutions on the budget;

"'(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

"'(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

"'(E) include tne estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

"'(F) except as otherwise provided in this subsection, include all direct-spending legislation as that term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

"'(4) BASELINE.—Estimates prepared pursuant to this section shall use the most recent Congressional Budget Office baseline, and for years beyond those covered by that Office, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to "outyears" in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

"'(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

"'(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"'(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"'(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

"'(f) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.'"

BRADLEY AMENDMENT NO. 364

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 5, strike lines 13 through 20 and insert the following:

"(5) the term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

EXON (AND OTHERS) AMENDMENTS NOS. 365-366

(Ordered to lie on the table.)

Mr. EXON (for himself Mr. DASCHLE, Mr. FORD, Mr. CONRAD, Mr. DORGAN, Mr. KOHL, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. ROBB, Mr. KERRY, Mr. FEINGOLD, Mr. HARKIN, Mr. REID, and Mr. HOLLINGS) submitted two amendments intended to be proposed by them to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 365

At the end of the bill, insert the following new title:

TITLE II—BALANCED BUDGET

SEC. 201. SHORT TITLE.

This title may be cited as the "Balanced Budget Act of 1995".

SEC. 202. ENFORCEMENT OF A BALANCED BUDGET.

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) require that the Government balance the Federal budget without counting the surpluses of the Social Security trust funds;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—

"(1) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) unless that resolution—

"(A) sets forth a fiscal year (by 2002 or the earliest possible fiscal year) in which, for the budget as defined by section 13301 of the Budget Enforcement Act of 1990 (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund), the level of outlays for that fiscal year or any subsequent fiscal year does not exceed the level of revenues for that fiscal year;

"(B) sets forth appropriate levels for all items described in subsection (a)91) through (7) for all fiscal years through and including the fiscal year described in paragraph (A);

"(C) includes specific reconciliation instructions under section 310 to carry out any assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues.

"(3) NO AMENDMENT WITHOUT THREE FIFTHS VOTE IN THE SENATE.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, motion, or conference report that would amend or otherwise supersede this section.".

(c) REQUIREMENT FOR 60 VOTES TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

AMENDMENT NO. 366

At the end of the bill, insert the following new title:

TITLE II—BALANCED BUDGET

SECTION 201. SHORT TITLE.

This title may be cited as the "Balanced Budget Act of 1995".

SEC. 202. ENFORCEMENT OF A BALANCED BUDGET

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) require that the Government balance the Federal budget without counting the surpluses of the Social Security trust funds;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—

"(1) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) unless that resolution—

"(A) sets forth a fiscal year (by 2002 or the earliest possible fiscal year) in which, for the budget as defined by section 13301 of the Budget Enforcement Act of 1990 (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund), the level of outlays for that fiscal year or any subsequent fiscal year does not exceed the level of revenues for that fiscal year;

"(B) sets forth amounts for the deficit that for any fiscal year are equal to or less than the amounts set forth for the deficit for that fiscal year in the most recently adopted concurrent resolution on the budget;

"(C) sets forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through and including the fiscal year described in paragraph (A);

"(D) includes specific reconciliation instructions under section 310 to carry out any assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues.

"(3) NO AMENDMENT WITHOUT THREE-FIFTHS VOTE IN THE SENATE.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, motion, or conference report that would amend or otherwise supersede this section.".

(c) REQUIREMENT FOR 60 VOTES TO WAIVER OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

EXON AMENDMENTS NOS. 367–372

(Ordered to lie on the table.)

Mr. EXON submitted six amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 367

At the appropriate place in the bill, insert the following:

SEC. .—CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced Federal budget would require; and

(2) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that—

"(A) fails to set forth appropriate levels for all items described in subsection (a) (1) through (7) for all fiscal years through 2002;

"(B) for the unified Federal budget, sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year the exceeds the level of revenues for that fiscal year; or

"(C) relies on the assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues, without including specific reconciliation instructions under section 310 to carry out those assumptions.".

(c) REQUIREMENT FOR 60 VOTES TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY-DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

AMENDMENT NO. 368

At the end of the bill, insert the following new section:

SEC. . SAVINGS ACHIEVED FROM LOWERING DISCRETIONARY SPENDING LIMITS MUST GO TO DEFICIT REDUCTION.

It is the sense of the Congress that any savings achieved from lowering or extending the discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974 must be devoted exclusively to reducing the deficit.

AMENDMENT NO. 369

At the appropriate place in the bill, insert the following:

SEC. .

It is the Sense of the Senate that discretionary spending cap reductions, under section 601 of the Congressional Budget Act of 1974, shall not be used to offset direct spending or revenue legislation.

AMENDMENT NO. 370

In the language proposed to be inserted, strike section 5(5) and insert "(5) The term 'targeted tax benefit' shall have the same meaning as the term 'tax expenditure' as defined in section 3(3) of the Congressional Budget Act of 1974.".

AMENDMENT NO. 371

In the language proposed to be inserted, strike section 5(5) and insert "(5) The term 'targeted tax benefit' means a provision in any bill that provides special treatment to a particular taxpayer or limited class of taxpayers.".

AMENDMENT NO. 372

In section 5(5)(B) of the language proposed to be inserted, strike "when compared with other similarly situated taxpayers".

EXON (AND DASCHLE) AMENDMENTS NOS. 373–374

(Ordered to lie on the table.)

Mr. EXON (for himself and Mr. DASCHLE) submitted two amendments intended to be proposed by them to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 373

Strike section 5(5)(A) of the language proposed to be inserted and insert "(A) estimated by the Joint Committee on Taxation as losing revenue for any one of the three following periods—

"(1) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"(2) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"(3) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget; and".

AMENDMENT NO. 374

In section 5(5)(A) of the language proposed to be inserted, strike "within the periods specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974".

EXON AMENDMENTS NOS. 375–386

(Ordered to lie on the table.)

Mr. EXON submitted 12 amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 375

At the appropriate place in the matter proposed to be inserted, insert the following:

SEC. .

(a) Not later than 45 days of continuous session after the President vetoes an appropriations measure or an authorization measure, the President shall—

(1) reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each out year to reflect the amount contained in vetoed items.

(ii) with respect to a repeal of direct spending, adjust the balanced for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the amount contained in vetoed items.

(B) Exception: This provision shall not take effect if the vetoed appropriations measure or authorization measure becomes law.

AMENDMENT NO. 376

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . LOCK BOX SENSE OF THE CONGRESS.

It is the sense of the Congress that any savings achieved through the veto of any items under this Act shall be devoted exclusively to deficit reduction.

AMENDMENT NO. 377

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall—

"(A) clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates; and

"(B) if the special message proposes to cancel direct spending, include a means to reduce the legal obligation of the United states to beneficiaries under the direct spending program sufficient to achieve the proposed reduction in direct spending.

"(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

"(E) if the President proposes to cancel direct spending, a proposal for a means to reduce the legal obligation of the United States to beneficiaries under the direct spending program sufficient to achieve the proposed reduction in direct spending; and

"(F) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) DEFICIT REDUCTION.—

"(A) DISCRETIONARY SPENDING LIMITS AND DIRECT SPENDING BALANCES.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit or direct spending, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(5) EXCEPTION.—The President shall not propose to cancel budget authority provided in an appropriations Act that is required to fund an existing legal obligation of the United States, unless the legal obligation was established in that appropriations Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

"(H) CONSIDERATION OF HOUSE COMPANION BILL.—

"(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

"(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

"(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

"(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

"(4) CONFERENCE.—

"(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(1)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations but such term does not include any appropriations for social security;

"(2) the term 'direct spending' shall have the same meaning given such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 but such term shall not include spending for social security;

"(3) the term 'budget item' means—

"(A) an amount, in whole or in part, of budget authority provided in an appropriation Act;

"(B) an amount of direct spending; or

"(C) a targeted tax benefit;

"(4) the term 'cancellation of a budget item' means—

"(A) the rescission of any budget authority provided in an appropriation Act;

"(B) the repeal of any amount of direct spending; or

"(C) the repeal of any targeted tax benefit;

"(5) the term "companion bill" means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message; and

"(6) the term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012A, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012A and 1017".

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

"Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.".

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

AMENDMENT NO. 378

In section 6 of the language proposed to be inserted, strike "on September 30, 2000" and insert "at noon on January 20, 1997".

AMENDMENT NO. 379

In section 6 of the language proposed to be inserted, strike "2000" and insert "1998".

AMENDMENT NO. 380

At the appropriate place in the matter proposed to be inserted insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

AMENDMENT NO. 381

At the appropriate place in the bill, insert the following:

SEC. .—TO PROVIDE FOR 10 YEAR BUDGET RESOLUTIONS

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) set forth with specifity the policies that achieving such a balanced Federal budget would require; and

(2) enforce through the congressional budget process the requirement to achieve a balanced Federal budget by 2002 as well as the years thereafter.

(b) BUDGET RESOLUTIONS SHALL PROVIDE FOR 10 FISCAL YEARS.—

Strike the following provisions from section 301(a) of the Congressional Budget Act of 1974,:

"Content of Concurrent Resolutions on the Budget.—On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1st of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1st of such year, and planning levels for each of the four ensuing fiscal years, for the following—"

and insert:

"SEC. 301. (a) Content of Concurrent Resolutions on the Budget.—On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1st of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1st of such year, and planning levels for each of the nine ensuing fiscal years, for the following—"

Strike the following provision from section 302 of the Congressional Budget Act of 1974,:

"(2) For the Senate, the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of social security outlays for the fiscal year of the resolution and for each of the 4 succeeding fiscal years, total budget outlays and total new budget authority among each committee of the Senate which has jurisdiction over bills and resolutions providing such new budget authority."

and insert the following:

"(2) For the Senate, the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of social security outlays for the fiscal year of the resolution and for each of the 9 succeeding fiscal years, total budget outlays and total new budget authority among each committee of the Senate which has jurisdiction over bills and resolutions providing such new budget authority."

Strike the following provision from section 302 of the Congressional Budget Act of 1974,:

"(2) In the Senate—At any time after the Congress has completed action on the concurrent resolution on the budget required to be reported under section 301(a) for a fiscal year, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that provides for budget outlays, new budget authority, or new spending authority (as defined in section 401(c)(2)) in excess of

(A) the appropriate allocation of such outlays or authority reported under subsection (a) or

(B) the appropriate allocation (if any) of such outlays or authority reported under subsection (b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year or provides for social security outlays in excess of the appropriate allocation of social security outlays under subsection (a) for the fiscal year of the resolution or for the total of that year and the four succeeding years."

and insert the following:

"(2) In the Senate—At any time after the Congress has completed action on the concurrent resolution on the budget required to be reported under section 301(a) for a fiscal year, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that provides for budget outlays, new budget authority, or new spending authority (as defined in section 401(c)(2)) in excess of

"(A) the appropriate allocation of such outlays or authority reported under subsection (a) or

"(B) the appropriate allocation (if any) of such outlays or authority reported under subsection (b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year or provides for social security outlays in excess of the appropriate allocation of social security outlays under subsection (a) for the fiscal year of the resolution or for the total of that year and the nine succeeding years."

AMENDMENT NO. 382

At the end of the matter proposed to be inserted, insert the following:

"It is the sense of the Congress that all concurrent resolutions on the budget should cover the upcoming 10 fiscal years."

AMENDMENT NO. 383

At the appropriate place in the bill, insert the following:

SEC. . CONGRESS SHALL NOT LEGISLATE AD HOC CHANGES IN ECONOMIC INDICATORS.

(a) PURPOSE.—The Congress declares it essential that the Congress shall not arbitrarily change economic indicators.

(b) SENSE OF THE CONGRESS—It is the sense of the Congress that—

(1) economic indicators shall be devised by statistical agencies using the best scientific practice within the constraints of their budgets; and

(2) Congress shall not coerce Federal statistical agencies into making changes in economic indicators that are counter to the best scientific practice.

AMENDMENT NO. 384

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . BALANCED FEDERAL BUDGET.

It is the sense of the Congress that beginning with the concurrent resolution on the budget for fiscal year 1996 all concurrent resolutions on the budget should set forth levels and amounts for all fiscal years through and including a fiscal year in which outlays do not exceed receipts, without counting the surpluses of the Social Security Trust Funds.

AMENDMENT NO. 385

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . CBO BASELINE.

It is the sense of the Senate that the Senate Committee on the Budget, during deliberations on the Fiscal Year 1996 Budget Resolution and for the purpose of preparing the Committee report, use the current-law, capped baseline of the Congressional Budget Office for all revenue, spending, and deficit comparisons.

AMENDMENT NO. 386

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . SENSE OF THE SENATE ON USE OF THE CBO BASELINE.

It is the sense of the Senate that the concurrent resolution on the budget for fiscal year 1996 should use the baseline used by the Congressional Budget Office in its evaluation of the President's budget.

MURKOWSKI AMENDMENT NO. 387

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 5, between lines 12 and 13, insert the following:

"Any condition on an item of appropriation not involving a positive allocation of funds and explicitly prohibiting the use of any funds shall be enrolled with the item of appropriation.".

MURRAY AMENDMENT NO. 388

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 5, line 7, after "and" insert the following: "shall not mean appropriations authorized in a previously passed authorization bill; and,".

PRYOR AMENDMENT NO. 389

(Ordered to lie on the table.)

Mr. PRYOR submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

At the appropriate place insert the following:

"The President may not rescind any budget authority provided for social security.".

WELLSTONE AMENDMENT NO. 390

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 5, delete lines 13 thru 20 and insert in lieu thereof the following:

(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

SIMON AMENDMENTS NOS. 391–392

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 391

In the language proposed to be inserted, strike section 5(5) and insert "(5) The term 'targeted tax benefit' shall have the same meaning as the term 'tax expenditure' as defined in section 3(3) of the Congressional Budget Act of 1974.".

AMENDMENT NO. 392

Strike section 5 of the language proposed to be inserted and insert (5) The term "targeted tax benefit" means any provision "(A) estimated by the Joint Committee on Taxation as losing revenue for any one of the three following periods—

"(1) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"(2) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"(3) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget; and.

"(B) having the practical effect of providing more favorable tax treatment to a particular taxpayer on limited group of taxpayers."

SIMON (AND LEVIN) AMENDMENT NO. 393

Mr. SIMON (for himself and Mr. LEVIN) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the appropriate place in the pending amendment, insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered, and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

GLENN AMENDMENTS NOS. 394–398

(Ordered to lie on the table.)

Mr. SIMON submitted five amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 394

At the appropriate place insert the following:

SEC. . EVALUATION AND SUNSET OF TAX EXPENDITURES.

(a) LEGISLATION FOR SUNSETTING TAX EXPENDITURES.—The President shall submit legislation for the periodic review, authorization, and sunset of tax expenditures with his fiscal year 1997 budget.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

(d) CONGRESSIONAL BUDGET ACT.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"TAX EXPENDITURES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains a tax expenditure unless the bill, joint resolution, amendment, motion, or conference report provides that the tax expenditure will terminate not later than 10 years after the date of enactment of the tax expenditure.".

AMENDMENT NO. 395

At the appropriate place insert the following:

SEC. . EVALUATION AND SUNSET OF EXISTING TAX EXPENDITURES.

(a) SUNSET OF EXISTING TAX EXPENDITURES.—All tax expenditures in existence at the time of enactment of this Act shall expire if not specifically reauthorized by the Congress before January 1, 2005. Any tax expenditure reauthorized under this Act at the same level of cost as the revenue baseline of the existing tax expenditure shall not be subject to the pay as you go requirements under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

AMENDMENT NO. 396

On page 4, line 22 strike the period following "1985" and insert the following:

", except that it shall not include provisions estimated by the Joint Committee on Taxation as producing aggregate cost savings during the periods specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974."

AMENDMENT NO. 397

On page 5, strike lines 13 through 20 and insert the following:

"(5) The term "targeted tax benefit" means any provision that has the practical effect of providing a benefit in the form of a different tax treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer of a class of taxpayers. Such provision does not include:

"(A) any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status; or

"(B) any provision affecting the deductibility of mortgage interest on ownership of occupied residences."

AMENDMENT NO. 398

At the appropriate place insert the following:

SEC. . ANNUAL PERFORMANCE PLANS AND REPORTS AND PILOT PROJECTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(d) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

BRADLEY AMENDMENTS NOS. 399–400

(Ordered to lie on the table.)

Mr. BRADLEY submitted two amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 399

In the pending amendment strike all after the first word and insert:

term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

AMENDMENT NO. 400

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction and Budget Control Act of 1995".

SEC. 2. JOINT RESOLUTION ALLOCATING APPROPRIATED SPENDING.

(a) COMMITTEE ON APPROPRIATIONS RESOLUTION.—Section 302(b) of the Congressional Budget Act of 1974 is amended to read as follows:

"(b) COMMITTEE SUBALLOCATIONS.—

"(1) COMMITTEES ON APPROPRIATIONS.—(A) As soon as practical after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House shall, after consulting with Committee on Appropriations of the other House, report to its House an original joint resolution on appropriations allocations (referred to in the paragraph as the 'joint resolution') that contains the following:

"(i) A subdivision among its subcommittees of the allocation of budget outlays and new budget authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution.

"(ii) A subdivision of the amount with respect to each such subcommittee between controllable amounts and all other amounts. The joint resolution shall be placed on the calendar pending disposition of such joint resolution in accordance with this subsection.

"(B)(i) Except as provided in clause (ii), the provisions of section 305 for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of joint resolutions reported under this paragraph and conference reports thereon.

"(ii)(I) Debate in the Senate on any joint resolution reported under this paragraph, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

"(II) The Committee on Appropriations shall manage the joint resolution.

"(C) The allocations of the Committees on Appropriations shall not take effect until the joint resolution is enacted into law.

"(2) OTHER COMMITTEES.—As soon as practicable after a concurrent resolution on the budget is agreed to, every committee of the House and Senate (other than the Committees on Appropriations) to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made—

"(A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction; and

"(B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this paragraph.".

(b) POINT OF ORDER.—Section 302(c) of the Congressional Budget Act of 1974 is amended by striking "such committee makes the allocation or subdivisions required by" and inserting "such committee makes the allocation or subdivisions in accordance with".

(c) ALTERATION OF ALLOCATIONS.—Section 302(e) of the Congressional Budget Act of 1974 is amended to read as follows:

"(e) ALTERATION OF ALLOCATIONS.—

"(1) Any alteration of allocations made under paragraph (1) of subsection (b) proposed by the Committee on Appropriations of either House shall be subject to approval as required by such paragraph.

"(2) At any time after a committee reports the allocations required to be made under subsection (b)(2), such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.".

SEC. 3. AMENDMENTS TO APPROPRIATIONS BILL.

Section 302 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (g) as subsection (h); and

(2) inserting after subsection (f) the following:

"(g) AMENDMENTS TO APPROPRIATIONS ACT REDUCING ALLOCATIONS.—

"(1) FLOOR AMENDMENTS.—Notwithstanding any other provision of this Act, an amendment to an appropriations bill shall be in order if—

"(A) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill; or

"(B) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill and the 4 succeeding fiscal years.

"(2) CONFERENCE REPORTS.—(A) It shall not be in order to consider a conference report on an appropriations bill that contains a provision reducing subcommittee allocations and discretionary spending included in both the bill as passed by the Senate and the House of Representatives if such provision provides reductions in such allocations and spending that are less than those provided in the bill as passed by the Senate or the House of Representatives.

"(B) It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill that does not include a reduction in subcommittee allocations and discretionary spending in compliance with subparagraph (A) contained in the bill as passed by the Senate and the House of Representatives.".

SEC. 4. SECTION 602(b) ALLOCATIONS.

Section 602(b)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) SUBALLOCATIONS BY APPROPRIATIONS COMMITTEES.—The Committee on Appropriations of each House shall make allocations under subsection (a)(1)(A) or (a)(2) in accordance with section 302(b)(1).".

ABRAHAM AMENDMENT NO. 401

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 3, line 17, strike everything after the word "measure" through the word "generally" on page 4, line 14, and insert the following in its place:

"first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

"(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

"(A) shall be disaggregated without substantive revision,

and

"(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

"(b) The new bills resulting from the disaggregation described in paragraph 1 of subsection (a) shall be immediately placed

on the calendar of both Houses. They shall be the next order of business in each House and they shall be considered and voted on en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to."

EXON AMENDMENT NO. 402

Mr. EXON proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill, S. 4, supra; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. .

(a) Not later than 45 days of continuous session after the President vetoes an appropriations measure or an authorization measure, the President shall—

(1) with respect to appropriations measures, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each out year by the amount by which the measure would have increased the deficit in each respective year;

(2) with respect to a repeal of direct spending, or a targeted tax benefit, reduce the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by the amount by which the measure would have increased the deficit in each respective year.

(b) Exceptions:

(1) This section shall not-apply if the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, before the President orders the reduction required by subsections (a)(1) or (a)(2).

(2) If the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, after the President has ordered the reductions required by subsections (a)(1) or (a)(2), then the President shall restore the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 or the balances under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the positions existing before the reduction ordered by the President in compliance with subsection (a).

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of Daniel R. Glickman to be Secretary of Agriculture.

The hearing will take place Tuesday, March 28, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington DC 20510. For further information, please call Mark Rey at (202) 224-2878 or Camille Heninger at (202) 224-5070.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Tuesday, March 28, 1995, on reducing the cost of Pentagon travel processing. The hearing will be at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 21, at 9:30 a.m., in SDG-50, to discuss the confirmation of agriculture Secretary-designee Daniel Robert Glickman.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COATS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 21, 1995, at 9:30 a.m., on telecommunications policy reform/cable rates, broadcast and foreign ownership.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, at 10 a.m., to hold a hearing on S. 5 and H.R. 7.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, at 2 p.m., to hold a hearing on S. 5 and H.R. 7.

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

SPECIAL COMMITTEE ON AGING

Mr. COATS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, at 9:30 a.m., to hold a hearing on the topic of health care fraud.

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

SUBCOMMITTEE ON AGING

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Labor and Human Resources be authorized to meet for a hearing on bringing title III into the 21st century, during the session of the Senate on Tuesday, March 21, 1995 at 10 a.m.

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

SUBCOMMITTEE ON ENERGY PRODUCTION AND REGULATION

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Production and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 21, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 10 a.m. The purpose of the hearing is to receive testimony on S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Colombia River Power System.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, to conduct a hearing on U.S. and Foreign Commercial Service.

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

SUBCOMMITTEE ON READINESS

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 2:30 p.m., on Tuesday, March 21, 1995, in open session, to receive a report on military capabilities and readiness.

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

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Finance Committee be permitted to meet Tuesday, March 21, 1995, beginning at 10:30 a.m., in room SD-215, to conduct a hearing on the administration's proposal to impose capital gains tax on individuals who renounce their U.S. citizenship.

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

ADDITIONAL STATEMENTS

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week of the 104th Congress, to announce to the Senate that during the past week, 10 people were murdered by gunshot in New York City, bringing this year's total to 130.

Three weeks ago, I shared with the Senate a letter from Sarah Brady, chairman of Handgun Control, Inc., and wife of James Brady, the former White House Press Secretary who was critically wounded in the assassination attempt against President Reagan. The letter contained the results of a joint study by the International Association of Chiefs of Police and Handgun Control, Inc., providing convincing evidence that the Brady law, which went into effect just over 1 year ago, is doing exactly what its proponents had anticipated: keeping guns out of the hands of criminals.

Today I would like to add to this the results of two other studies which further attest to the effectiveness of the Brady law. These studies, one conducted by the Federal Bureau of Alcohol, Tobacco and Firearms, and the other by CBS News, found that background checks mandated by the law have prevented as many as 45,000 people from illegally purchasing firearms.

This is no mean achievement. And it is only one of the benefits the Brady law has brought us. By substantially raising the fee for a Federal Firearms License, the law has also caused a significant decline in the number of licensed firearms dealers, which by 1993 had reached an astounding 284,000. Few are aware that prior to the Brady law, one could obtain a 3-year Federal Firearms License for just $30. Thanks to the Brady law, which raised that fee to $200, the number of federally licensed dealers has decreased by some 60,000 in just 1 year.

Mr. President, the Brady law will not in itself cure the problem of gun violence. But it is an important step in the right direction and it proves that we can make a difference in this fight.•

BETHEL COLLEGE WINS NATIONAL BASKETBALL CHAMPIONSHIP

• Mr. COATS. Mr. President, while the U.S. Senate discusses the most important issues facing our Nation, I rise today to talk about another issue that is near and dear to the hearts of the people in my State of Indiana. The Hoosier love for basketball has been captured on film and in folklore, and another chapter has been added to this rich Hoosier basketball history.

Bethel College, located in Mishawaka, IN, captured the NAIA Division II Men's Basketball National Championship. And this was no ordinary title game. The Pilots truly have added another thrilling page to the State of Indiana's basketball tradition.

The Bethel College Pilots played the championship game on the home court of their worthy opponent, Northwest Nazarene College. Just when it looked like the game was lost, Bethel senior Mark Galloway drilled a 3-point shot at the buzzer, sending the contest into overtime. Bethel then controlled the overtime, winning the national championship by a score of 103–95.

Along with his exciting game-saving shot, Mark Galloway finished as Bethel College's all-time leading scorer with 2,622 points.

Mr. President, the Bethel College Pilots, coached by Mike Lightfoot, finished the season with a 16-game winning streak and a record of 38–2, the best in school history. I know I speak for all basketball fans in Indiana when I salute the Pilots, and congratulate Bethel College for their exciting championship season.•

GREEK INDEPENDENCE DAY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 79, a resolution introduced by Senators SPECTER and LAUTENBERG regarding Greek Independence Day; further, that the Senate proceed to its immediate consideration, that the resolution and preamble be agreed to, 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.

So the resolution (S. Res. 79) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 79

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1995, marks the 174th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved, That March 25, 1995, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy". The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, MARCH 22, 1995

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Wednesday, March 22, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that the Senate then immediately resume consideration of S. 4, the line-item veto bill, and further, that at that time Senator THOMAS be recognized to speak and manage up to 60 minutes.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, I now ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture vote on the Dole substitute amendment to S. 4 occur at the hour of 6 p.m. with the mandatory live quorum being waived.

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

ORDER OF PROCEDURE

Mr. McCAIN. For the information of my colleagues, although the cloture vote on the majority leader's substitute amendment will occur at 6 p.m. tomorrow, other amendments will be offered throughout the day. Therefore, rollcall votes can be expected. The Senate has reached an agreement with respect to the Bradley amendment for a total of 45 minutes beginning at 10:30 a.m.; therefore, a vote can be expected prior to 12 noon.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:08 p.m., recessed until, Wednesday, March 22, 1995, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 21, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. BONILLA]

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 21, 1995.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Guam [Mr. UNDERWOOD] for 5 minutes.

RESOLUTION BARRING ELIMINATION OR CUT OF COMMISSARY AND EXCHANGE SERVICES

Mr. UNDERWOOD. Mr. Speaker, next month the Contract With America will reach its 100-day conclusion. At a time when Congress is acting on this contract, I rise to discuss another more enduring and longstanding contract with our active and retired members of the Armed Forces. Under this contract, the Government has agreed to provide commissary and exchange services to active and retired uniformed men and women as a form of indirect pay for their service and sacrifice. This contract has lasted more than 100 days. In fact, the commissary system dates back to 1825 when it was provided to service military personnel at remote posts where provisions were very expensive. Recent proposals to reduce or eliminate commissary and exchange services would jeopardize this contract.

Today I am introducing a concurrent resolution that will send a message that any elimination or cut in the commissary and exchange systems would be a breach of faith with our active and retired men and women in uniform and that if any reduction is enacted, then other forms of compensation should be paid to offset this loss.

The Department of Defense commissary and exchange system are proven parts of the military compensation package and contribute significantly to the morale and well-being of our men and women in uniform and their families. It is critical in retaining experienced members, it is valuable in recruiting new members, and reduces expenditures by the Federal Government for training and recruiting or for direct compensation which would have to be increased in order to maintain the same retention rate.

Commissaries and exchanges are critical in recruiting and retaining quality personnel and continue to be highlighted as a valuable aspect of military service. Among Armed Forces personnel, commissary privileges consistently rank among the top three benefits of military service, particularly among married personnel, and is one of the major factors in a service member's decision to remain in the armed services. The patron base includes 12 million individuals including active duty military, military retirees, selected and ready reserves, Medal of Honor recipients, 100-percent-disabled veterans, overseas civil service, and all their dependents.

For many of my constituents on Guam and for service men and women throughout the Nation, commissaries and exchanges translate into indirect pay for military families. A reduction would also translate into an erosion for many of quality-of-life facilities available to these individuals and their families. Profits from the exchange system are used to support many quality-of-life improvements such as the operation of youth centers, arts and crafts centers, recreational areas, and child development centers. Eliminating this exchange dividend would result in reductions in the quality-of-life facilities available to our armed services at a time when there have been many concerns raised about these issues.

The resolution that I am introducing today expresses the sense of Congress that first, if the commissary and exchange systems of the DOD are reduced or eliminated, the funds derived from the reduction or elimination should be used to increase other forms of compensation for current and retired members of the Armed Forces.

Second, the resolution states that if exchange stores are reduced or eliminated, funds should be provided by the Department of Defense to upgrade and avoid the erosion of morale, welfare and recreation activities, and other quality-of-life facilities provided to military personnel. The resolution ensures that the indirect pay on which service men and women rely will not be reduced and that the quality-of-life improvements on which the current system relies will not be eroded.

Most importantly, this resolution sends the message that a reduction in commissary and exchange systems would be a breach of faith in current and retired members who have earned this indirect pay through years of faithful service.

Let's make sure that we don't breach the more longstanding contract that all of us have with active and retired members of the Armed Forces. I invite and urge my colleagues to cosponsor this important resolution and to join me in support of our men and women in uniform.

Mr. VOLKMER. Will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would be glad to join with the gentleman in his resolution. I know that probably one of the reasons that we see this type of resolution coming forward is concern with what is going on as far as budgetary cuts that are occurring here in the Congress at this time by the majority party; is that correct?

Mr. UNDERWOOD. That is correct.

Mr. VOLKMER. We have seen a proposal that we saw in the defense rescissions bill that will cut back severely on veterans who have served this country in the past, to cut back medical care facilities for veterans that was proposed by the majority party; correct?

Mr. UNDERWOOD. That was correct, in last week's rescission bill. I urge all Members to cosponsor this resolution.

AMENDMENT PROHIBITING DESECRATION OF OLD GLORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. SOLOMON] is recognized during morning business for 5 minutes.

Mr. SOLOMON. I would love to respond to the last statement, but I will wait.

Mr. Speaker, today I will be introducing a resolution calling for a constitutional amendment prohibiting the physical desecration of the American flag. I am happy to say that this effort

has received wide support from my friends and colleagues on both sides of the aisle in both Houses of Congress, including my good friend SONNY MONTGOMERY standing over here, Senator ORRIN HATCH over in the Senate, as well as Senator HOWELL HEFLIN on a bipartisan basis. In fact, over 240 Representatives and 40 Senators have already answered the call to protect this our greatest national symbol, Old Glory.

I would like to emphasize, Mr. Speaker, the surge of support to extend this needed protection for the flag comes not in response to changes which have occurred inside the beltway but in response to a massive grassroots movement from across this Nation, all as well it should have been. In fact, 46 State legislatures have already passed resolutions asking Congress to allow them the chance to ratify this amendment.

Mr. Speaker, at 3 o'clock this afternoon, I will drop that constitutional amendment in the hopper over here and there will be a press conference out in the grassy triangle on the Senate side of the Capitol, where those of us who support this badly needed constitutional amendment will answer questions from the press.

At this time, I would like to yield to a truly great American. He is a Democrat on that side of the aisle, but he stands up for America's veterans and for the armed services.

Mr. MONTGOMERY. I thank very much the gentleman yielding to me. I certainly support very much the American flag amendment that the gentleman from New York will drop in the hopper at 3 o'clock. As the chairman of the Committee on Rules mentioned, we have 242 members who have signed up on the House side to sponsor this. We need 48 more Members to get the 290 when we do get the opportunity to bring this constitutional amendment resolution up that it will have a chance to pass.

I would like to thank the gentleman from Texas, Mr. GENE GREEN, a Member of Congress, who has been getting Democrats on this side of the aisle to sign that resolution. As the gentleman from New York said, it is nonpartisan. It comes about that we did pass a simple law in the Congress and signed by President Bush that said you cannot hurt this great American flag. This was turned down by the U.S. Supreme Court who said Congress does not have that authority.

So it becomes now to protect the flag. We have all the veterans organizations totally supporting this amendment. I stand right with the gentleman, side by side. We need to get this constitutional amendment. We need to get more signees on this side of the Capitol to be darned sure. We lost some of them last time as the gentleman remembers. We had over 290 signatures on the House side. When we brought the amendment up, we lost some and we did not pass it. We do not want that to happen this time.

Mr. SOLOMON. The gentleman is so right. He always does stand up for America. It is a crime today to destroy this dollar bill, it is a crime today to desecrate the Washington Monument. It is not a crime to desecrate Old Glory. That is a crime in itself. We are going to change that. I thank the gentleman and urge everyone to sponsor this constitutional amendment. We will have 290 votes in the very near future and Members ought to be an original cosponsor of the legislation.

You can be so if you sign on before 3 o'clock this afternoon.

WELFARE REFORM IS ASSAULT ON POOR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Massachusetts [Mr. FRANK] is recognized during morning business for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I too hope that the Members today and this week will stand up for America, that they will stand up for an America that has a sense of responsibility and compassion and the wisdom not to panic.

We have got some economic problems brought about by the changing nature of work which puts people without technological skills at something of a disadvantage, exacerbated by the increasing integration of the international economy. Those are things that we ought to be addressing.

But what the public is being offered by the Republican Party is an alternative explanation for that. It is a form of scapegoating. Working Americans who have found their economic futures insecure are being told it is the fault of those poor people and those immigrants and those women who keep having children so they can make the few bucks you get on AFDC.

In pursuit of that, what we will have this week brought forward by the Republican Party is an assault on people who are poor, who lack education, who lack skills, and most of all we will have an assault on children.

What we get in American politics today is a very selective quoting of the Bible. The part that says you shall not visit the sins of the parents on the children apparently has been written out of the editions of many people, because we are being told that children who make the terrible mistake of being born in the wrong circumstance, children who make the bad judgment to have a mother who was not married, will pay for that. Those children will see basic sustenance denied to them. The answer of our Republican friends is, "Oh, no, no, we're not going to cut that," although in fact they are cutting it "What we are doing is returning it to the States."

Well, understand one very important point. When there is a program which is important to the Republican Party, they federalize it. When we are talking about issues that the Republican Party or its major constituencies in the corporate community feel strongly about, they bring them to the Federal level. Where we have an issue which is not one that they favor, it gets sent back to the States with less money and in circumstances that invite the States to reduce things further. There will be no safeguards, there will be no requirements.

Today if you are a child born in those kind of circumstances, your lot is not going to be a happy one. The young child born to a single mother is those kind of circumstances will live a life that no child in America ought to live. And what is the response of the people on the other side? Let's make it worse. Let's penalize that family in the hopes that there will not be so many families like that in the future.

That is why a very wide range of organizations, religious groups, advocacy groups of various sorts are so unhappy with this.

Let's again be clear. The Republican Party says "Oh, no, we're just returning it to the States." When it came to prisons and how to sentence criminals, matters that have been State law since the beginning of this Constitution, they took it away from the States and gave them orders. When it came to lawsuits of any kind, not just manufactured products but automobile accidents, people slipping and falling on the stairs, the Republican Party put through an amendment that makes those matters of national concern. We are going to be debating term limits. I said to a couple of the Republicans, well, are we going to have uniform national standards?

They said, "Of course," some of the Republicans have said, "We can't leave that up to the States. That's too important." e fate of poor children, that is not too important. And we know that the States are subjected to a competition among themselves for industry, industry which can decide whether it is from overseas or here where to move. They will tell a State, "We don't think your taxes are low enough. We think your benefits are too high." So what we have is a deliberate dismantling of this safety net, sketchy as it now is, sent back to the States, and the absolute predictable conclusion is that poor 2- and 3- and 4-year-olds will be poorer and worse off in the future.

The same is true with the school lunch program and with other programs. The military budget will go up. The space budget will be protected. The House gym will stay open. We will be OK, but poor children will be the victims of an assault unlike any we have seen in a long time.

I hope that the House will indeed stand up for America by saying that is not the kind of country we want to live in.

A DISTURBING DECISION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, I am tempted to try and respond to the previous speaker, the gentleman from Massachusetts, and I will just simply say we will be debating welfare this week and if the gentleman represented a welfare program that was working, I do not think there would be the need for change and change is what we are trying to do to make it work better. I want to talk about a niche of the welfare problem.

In the 1980's, approximately one-half of the hemophilia community in the United States, that is between 8,000 and 10,000 people, became infected with the virus that causes AIDS through the use of contaminated blood clotting products, products which U.S. Government agencies have direct regulation and oversight over. More than 30 of my colleagues from both sides of the aisle have joined me already in offering H.R. 1023. It is a bill to establish a government compensation program for the victims of this tragedy. This bill is known as the Ricky Ray Hemophilia Relief Fund Act, named for the 15-year-old Florida boy who died of hemophilia-associated AIDS in 1992, that I knew.

Its premise is that the Federal Government which has taken on the unique obligation to safeguard the blood supply and regulate the sale of blood products failed to respond to clear warning signs in time to prevent the tragedy. Records indicate that there were serious red flags about the dangers of blood-borne diseases even in the early 1980's although our understanding of course of the implications of AIDS has evolved in the years somewhat after that.

Hemophilia sufferers are often described as the canaries in the coal mine because when something goes wrong with the blood supply they usually succumb first because they use a blood clotting factors known as Factor. A single dose of Factor is often manufactured from the pooled blood of thousands of people, placing hemophiliacs at an extraordinary risk for blood-borne diseases.

According to industry estimates from the early 1980's, the blood of one infected donor could end up contaminating between half a million to 5 million units of Factor, potentially infecting as many as 125 hemophiliacs in a given year. The risks for hemophiliacs were enormous during that crucial period of time and we are seeing the results today. Nearly 2,000 hemophiliacs died of AIDS between 1981 and 1993 from contaminated blood and many more including members of their families are now suffering from its debilitating effects. My view has been that the Federal Government must share their part of the responsibility for what happended with the industry that manufacturers blood products because we have responsibility for oversight.

The hemophilia community is currently seeking redress from four major pharmaceutical companies through the courts. They have always known that this would be an uphill fight. Manufacturers of blood products have special protection from liability under most State laws which grant them status as providers of services, not products, when they make blood products. As a result, seeking judicial redress for harm caused by these products is a very difficult undertaking. Still, hemophiliacs believed in their case and have pursued their legal options as is their right in a free society. However, over this weekend, something very disturbing happened. The Seventh U.S. Circuit Court of Appeals in Illinois issued an unsettling ruling in a pending negligence class action lawsuit.

Writing for the court in overturning an earlier ruling regarding certification of the class, Judge Richard Posner appears to have concluded that this group of victims may not constitute a class because doing so could "hurl the industry into bankruptcy."

The judge seemed highly concerned that despite the protections that already exist for blood product manufacturers under State law, a jury in a class action case could provide awards that would ruin the industry.

I am troubled by what appears to be a greater concern on the part of the judge for the solvency of a multibillion-dollar industry than the rights of victims to join together in seeking justice here in America.

As a member of this House, I have no intention of becoming involved in a pending matter before the judiciary obviously, especially since reports suggest that the claimants will appeal the ruling. Still as we seek to do our part in meeting Government's obligation to victims of hemophilia-associated AIDS, we have got to recognize that the judicial option may be closing for these victims, perhaps providing even greater impetus for relief coming from the U.S. Congress.

Therefore, I urge my colleagues to look closely at H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act. It is the right thing to do and may be the only way out for these folks. It is the right thing to do now, this week especially, because this is the week we are discussing meaningful ways to deliver relief to truly needy Americans. Believe me, these 8,000 to 10,000 victims are people who are in desperate need.

WELFARE REFORM OR CUTS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized during morning business for 5 minutes.

Mr. VOLKMER. Mr. Speaker, I would like to take a little of my time at first to talk about what I call the very mean-spirited, very radical welfare reform proposal that is being proposed by the majority Republican Party that would take money away from school lunches, from school breakfast programs, and take it away from needy kids.

I have spent some time in the last couple of weeks visiting with some of those programs. It is not just me saying this, but the State of Missouri, the Department of Elementary and Secondary Education, has analyzed their proposal and points out that there will be about 10 percent reduction in some of the programs for our school lunch kids. Then I look at the part that has to do with the food stamps and AFDC and I see further just cuts, not reform.

I thought we were here for welfare reform. This is not reform, these are just cuts. How do I say that? Not just me again, but again the State of Missouri saying the same thing, not HAROLD VOLKMER saying that. We know that they are cutting a total of well over 30, $40 billion from these programs, just cuts, to take things away, along with, just like last Thursday, we did the cuts from the elderly for the heating assistance in the winter, we cut back on the Job Training Partnership Act funds, and I will talk about those a little more and show how important they are, they cut that back.

Why did they do all of that? Why did they make all these big cuts? Well, here is why. They want to give later on, not next week, not this week, a big tax cut. Who gets the big tax cut? Well, if you make over $100,000, and members of Congress do that, folks, and they are doing it maybe a little bit for themselves, if you make over $100,000, you are going to get 51½ percent of the total cuts. People making that money get over half of it.

How did the people on the low end of the scale, say, zero to $30,000? They get 4.8 percent of the cuts. I guess they do not need anything. It is the wealthy that needs the money. How about people between the wages of $30,000 to $50,000? I have got a lot of those in my district. They are middle income. They should get some money. Well, they get 11.6 percent of the cut.

People with wages of $50,000 to $75,000, they get 16.4 percent of the cuts. And $75,000 to $100,000, now we are getting in the upper brackets again, 15.2 percent of the cuts. So we know what they are doing. They are taking the money from the poor, the needy, and kids, and they are going to give it to the wealthy.

The other thing I would like to talk about are three young ladies, and I met with these three young ladies this last weekend, Ms. Keneetha Jackson, Ms. Shauntel Freelon, and Ms. Reba Brown. Who are they? They have not made national news or anything, but who are they? They are three young ladies who have children who used to be on welfare. They are no longer on welfare. Nor do they ever want to be on welfare again. They have been through the welfare cycle. They are no longer on the welfare cycle because they used some training programs, including principally the Job Training Partnership Act which the Republicans just cut last Thursday in the rescission bill, just last week cut it. Yet that program was primarily responsible so these people did not have to continue to stay on welfare.

They did not want to be on welfare. They did not like being on welfare. But one of them specifically pointed out to me in going through their life's history, each one of them did, that she had no alternative, she tried working after she had her first baby, she tried working at McDonald's and fast food places and she could not make it, she could not provide for her children and do it. So she found out about training programs. She entered into it.

All three of these are very proud of the fact that they are no longer on welfare. We have a lot more people out there that same way that want to get off welfare. Under the Deal bill, which will be a substitute for the Republican proposal, they will have a lot better chance of getting off welfare, of being able to be trained to get off welfare.

I agree we need to get and help people off welfare. We do not need to just give people a handout which we have done in the past. But we need to give them a hand up. We need to help them get up out of there. It can be done.

Here are three success cases. I am going to ask all of you, I know there are a few people out there who know the answer to this but there are not very many. Which one of these 3 that I mentioned this coming May will get a bachelor's degree in business administration from my alma mater, the University of Missouri in Columbia. That is right, folks. They are all determined to continue on this road to success, out of welfare.

I can tell you, it is Ms. Keneetha Jackson. She will be proud to be up there in May getting her degree. Then she tells you, that is not the end. She wants to go further and she wants her children to go further.

I dare say that none of these former welfare mothers' children will ever be on welfare because they too know what their mother has done.

DISTORTION OF TRUTH AND PARTISAN BICKERING IN WELFARE REFORM DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Mr. Speaker, we have heard here this morning quite a bit of comment and suggestion about the debate that is going to take place on this House floor later today about welfare reform. Unfortunately, I would have to characterize it as partisan bickering. It is distortion of the truth and partisan bickering.

I really believe this Nation deserves better than partisan rhetoric, half truths, mistruths and bickering. We have a serious problem because of our welfare system. Yet the other side of the aisle, who controlled this body for so many years, did nothing to reform that system. Now that we have a reform plan before us, we have partisan rhetoric, bickering, and half truths.

Ladies and gentlemen, it is time to put America first. Cut out the rhetoric, the partisan bickering, the half truths.

If you have a better proposal, we will be glad to hear it. But it is time that we address that system. It is time that we put partisan bickering behind us. The American people want and should expect a welfare system that works.

We have a system now that does not ever encourage you to get off. We just keep paying. And, yes, some of the reforms are difficult. But why were those reforms not brought forth before? The majority of the experts on this in this country will tell you it is going to take tough reforms to change our welfare system.

What are we going to be debating here today? Yes, we have to talk about what is wrong with our system. Why we have so many people who get on AFDC and stay there for years. Why we have families that are on that program for generations and do not get off.

I think if anybody would look at the way the program is set up and would see how we dole out the money, they would realize psychologically it is a trap for people. It is not something that gives you the helping hand up and out.

That is what we will be debating here today. How do we get the people that are on AFDC into paying jobs? How do we give them the self-respect so that they can raise themselves and their families up in our society?

Funding for welfare programs is out of control. It fits right in with the need to balance the budget. Of course on the other side, all we get when we propose a cut is rhetoric and partisan bickering. They do not bring forward cuts to balance the budget. Goodness no, only give the Republicans a hard time because they are trying to balance the budget.

But the welfare costs are going to increase from $325 billion to almost $500 billion by 1998. How do we ever balance the budget with runaway welfare programs like that?

We have spent $5 trillion on welfare. The system has not worked. We still have people mired in this system. There are some very important provisions to the bill that we are going to talk about in the next few days, things that are supported by the great number of working American taxpayers. When we hear the partisan bickering and the rhetoric from the other side, we need to focus on the working American taxpayers who are not being represented in that type of debate.

We want to make a tough work requirement in our welfare system. We want to eliminate awards for having children out of wedlock to get more welfare. We will have many important elements to debate, those are just a few, in the days ahead. But what we do here today is for our children, for the next generation, for the long term, for the survival of our country.

DSG SPECIAL REPORT ON REPUBLICAN CONTRACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Colorado [Mr. SKAGGS] is recognized during morning business for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I wanted to advise Members of the publication today of the first special report being issued by the newly reorganized Democratic Study Group. It is a special report entitled "Cheating Children: The Real Meaning of the Republican Contract." It really is a catalog of the contract's attacks on the kids of America. It goes through in a very systematic fashion the various bills that we have already acted upon, particularly the welfare bill that will be in front of the House this week, and lays out exactly what each of them will do to the children of America.

First off, taking food from children. The welfare bill that we will have before us later this week when all is said and done with the various block grants on nutrition programs will mean a loss over the next 5 years of $6.5 billion compared to what would have been provided to hungry and needy kids. Where all does this take place? Well, in the very, very successful program for women, infants and children, early childhood care, we will have a cut that will deprive over 400,000 needy families that were otherwise entitled to help under the WIC Program.

School Lunch and School Breakfast Programs under the new block grant, even if fully funded at the authorized level, will be almost $2.5 billion below what would otherwise have been required under existing law, a really penny-wise and pound-foolish strategy

given all of the data we have about how effective these school feeding programs have been in improving learning in this country.

Food stamps will be cut by over $14 billion over the next 5 years under the welfare bill that will be coming up under Republican sponsorship, changes that would take food stamps away from over 2 million Americans over the next 5 years and reduce the level of support to the participants that remain.

At the level estimated by the Congressional Budget Office to be necessary to carry out the revised program if unemployment remains low, we would have those kinds of deficits in coverage, but just think what happens if the economy slows down and more families with children become eligible for assistance? And also keep in mind, and it is a sad statistic but one that puts this in perspective. One in five children in America today depends upon food on the table from the food stamp program.

Passing on from nutrition, which is certainly a central issue, to day care. Under the welfare bill that will be coming up from the Republican side, we will be cutting funding for child care programs by almost $2.5 billion over the next 5 years, or a 20-percent drop compared to where we would be under current law. Sadly, for all the talk about how important it is to move welfare families on to work, to free them from dependency, unlike the current law, the bill that the majority party would bring to the House will have no requirement that in States that have work requirements for welfare, no requirement that these families also get child care. Again parents bill be put to the Hobson's choice of no good child care but requirements for work in order to remain eligible for any kind of assistance to their children.

This bill will also greatly unravel the general safety net for kids in this country that is represented by aid to dependent children. Again, even if fully funded at authorized levels, which is a big question given the resort to annual appropriations rather than entitlement status, nearly $12 billion is to be cut compared with levels projected under current law. As the gentleman from Massachusetts commented a few minutes ago, it is truly a sad commentary that this bill will require that we deprive kids who happen to be born into the wrong kinds of family of any prospect for assistance when they are in need. The changes in the AFDC Program are estimated to leave something like 1.3 million needy children without assistance by the end of the century.

It is even worse when we look at disabled kids now entitled to some help under the Supplemental Security Income, where changes proposed in this legislation would cut nearly $11 billion over the next 5 years. Within 6 months, over a quarter of the 900,000 kids that now depend on SSI would lose assistance.

This is not good for America. It represents a perverse desire that in order to relax the capital gains tax formula for people over $100,000 a year, we are going to water down the baby formula for poor kids on WIC. Instead of putting money into the lock box for deficit reduction, we are going to have a tax cut that puts it into the safety deposit boxes of the wealthy.

PERSONAL RESPONSIBILITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Personal Responsibility Act. With this act, we will make tremendous strides in changing the incentive structure to make people more responsible for their actions. We will bring an end to the failed welfare system that has done so much more harm than good over the past 30 years. And we will do so over the objections of those who refuse to see the disaster that the system has become.

Mr. Speaker, can anyone seriously argue that the welfare system has been a success? The welfare system was supposed to be a safety net. Instead it has become quicksand that few people ever return from. Of familiar now on AFDC, 65 percent will remain on welfare for at least 8 years. The average length of stay for people on the rolls at any given time is 13 years, 13 years. And what do we as a nation expect in return for supporting people for years and years? Nothing. We have no real work requirement, job-training requirement, or education requirement for people receiving welfare.

Mr. Speaker, the welfare system has caused the disintegration of the family. Fathers have become irrelevant, replaced by a welfare check as the family provider. In 1965, 7 percent of children in this Nation were born out of wedlock. In 1990, 32 percent of children in this Nation were born out of wedlock. Could welfare have possibly been more destructive to the family? Mr. Speaker, as we study the welfare system, I am absolutely certain of one thing—we could do nothing worse than to preserve the current welfare system.

Mr. Speaker, the Personal Responsibility Act is about changing incentives. It is about forcing people to take responsibility for their actions. Unlike the current system, after 2 years on welfare, you will go to work. Unlike the current system, if you are under 18, you will not automatically receive a check for having a child. Unlike the current system, if you are on welfare, having an additional child will not automatically mean another check. Unlike the current system, if you father a child, we will find you, and you will take financial responsibility for your child.

The Personal Responsibility Act will give the States the ability to deal with these issues, and it will remove power from the hands of Federal bureaucrats. Contrary to the Democratic myth, in the area of child nutrition, we are increasing funding by eliminating the costly ransom taken by Federal bureaucrats. We will give the States the opportunity to make real change, as in Wisconsin where welfare payments were reduced for those who left school, and high school drop-outs returned to school to finish their degrees. We will give the States opportunity to get tough as in Michigan, where a serious work requirement for welfare recipients met with harsh criticism from liberals, and now the welfare rolls have fallen to their lowest level in 7 years.

Mr. Speaker, I challenge the other side to join us in an honest debate about the failed welfare system. I ask you to join the debate about changing incentives and forcing people to take responsibility for their actions. But I realize some of you cannot accept my challenge; I know that some of you are too dependent on the protecting the role of Government; to you I say this: If you can do nothing more than defend this morally bankrupt system, if you can do nothing more than obscure the facts in a desperate attempt to protect the status quo, well then I would have to say I feel sorry for you. Because the American people are calling out for change, and they expect more than weak and spurious defenses of a failed welfare system.

Mr. Speaker, I urge my colleagues to support this bill, to defeat the forces of the failed status quo, to confront those who will distort the truth, and to do what is right and long overdue for America.

CHEMICAL AND BIOLOGICAL WEAPONS POSE THREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Alabama [Mr. BROWDER] is recognized during morning business for 5 minutes.

Mr. BROWDER. Mr. Speaker, I was not surprised by yesterday's nerve agent incident in Tokyo. Now I am concerned about what might happen here in the United States.

Let me read, Mr. Speaker, from a special inquiry which I chaired in 1993 dealing with the growing threat of chemical and biological weapons. One of our conclusions was,

> The prospects for chemical and biological terrorism have probably increased as terrorists and sponsors of terrorism acquire chemical and biological warfare agents and weapons. As a consequence, the possibility of terrorist use of such agents against the United

States or one of its allies cannot be discounted and should not be ignored. The United States should strengthen emergency planning to respond to a potential terrorist use of chemical or biological weapons.

Well-trained and equipped military personnel can survive and fight a chemical war, but civilians cannot deal with chemical attack. Chemical weapons have been called the poor man's atom bomb because they are cheap and easy to make and because civilians are thoroughly panicked by chemical weapons.

Look at today's headlines.

The Washington Post, "Nations Unready To Thwart Mass Poisoning."

The Washington Times, "Subway Gassing Called a Preview of Terrorist Future."

USA Today, "Transit System Alert Urged. Officials Fear Copycat of Japanese Gas Attack."

The New York Daily News says, "New York's Subway Riders' Nightmare. We Have No Plan."

Mr. Speaker, it is only a matter of time before terrorists, extortionists or deranged individuals and groups targeted Americans. That is why I am asking American defense intelligence and emergency preparedness officials to tell me and the American people just what our Government is doing to prepare for chemical and biological terrorism here in the United States.

TAX RELIEF AND REDUCED SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. SAM JOHNSON, is recognized during morning business for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the gentleman that just spoke is quite right, and I think looking at old George Washington over there, he would have agreed that defending the country is primary in our interest. I think old George would also have agreed that we don't need welfare, and we don't need high taxes. In his day, there wasn't any income tax.

I stand here to tell you that a promise we made to the seniors that we would give them tax relief by eliminating the 85-percent tax on Social Security is in jeopardy. A promise we made to married couples that they would get relief from the marriage penalty is in jeopardy. A promise we made to give the people the option of using their IRA's to buy their first home, send their kids to college or help pay their medical bills is in jeopardy. And a promise to families to provide them with a $500 per child tax credit is in jeopardy.

Why? Because some of your Congressmen on both sides of the aisle want to lower the income level from $200,000 down to $95,000. It disappoints me that we have to have an income gap, but it irritates me that some Members want to lower it. Every single American deserves tax relief and it is preposterous that even the Members who signed the Contract With America are now reneging on the promise they made to the American people.

Believe me, I have heard the arguments. "Tax cuts are for the rich. They will increase the Federal deficit." Those are false statements. They really are. Those arguments are shortsighted and they have no concern for our current tax burden that is placed on every American taxpayer.

Did you know that in 1950, the typical American family with two children sent $1 out of every $50 it earned to Washington, DC? Last year, just 25 years later, that same family sent $1 out of every 4$ it earned to Washington, DC.

A family with five children making $200,000 a year is not rich. Besides, whose money is it, anyway? We are not taking it back from the Federal Government. We are giving it back to the people who earned it, you the voters, the constituency, the people of America.

The Government did not work to earn the money but I will bet you for sure the Government sure knows how to waste it.

Mr. Speaker, I would like to pose these questions to the American people. Are you taxed too heavily? Do you deserve tax relief? Do you believe the Government spends too much? Finally, do you believe that Republicans should keep our promises?

I urge each of you to call your representatives and let me know you support this bill. Pick up the phone right now and make your Congressman accountable. Tax relief combined with spending reductions will revive America's strength.

WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized during morning business for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, we had a member from the majority side a few minutes ago talking about joining the debate on welfare reform. I would be more than happy to join the debate with him, talking about the fallacies of both the original H.R. 4 that was introduced but also the H.R. 1214 that we are considering today and this week and which reminds me, since last year I heard from so many talk show folks about, I wonder how many of those people have read H.R. 1214 who are now talking about it as the greatest thing since sliced bread?

It is not as big as some of the bills we have considered but it is almost 400 pages and I hope that some of the proponents who talk about how great it is have had a chance to read it, like some of us have who were on the committees who dealt with it.

The school nutrition program will be hurt if we pass the, what is now H.R. 1214. The Republicans' shell game continues with our children hanging in the balance. As this flier states, "When It's Budget Cutting Time, You Always Shoot at the Easiest Target." You can see how the impact of that will be when you talk about the WIC program, or you talk about the children's nutrition program.

Your argument should be that we do need to reform welfare, and I agree with my colleagues on the other side of the aisle, but this bill that came out of both the Committee on Ways and Means and out of the committee I serve on was not a debate, it was just, "We have a plan and we are going to run over you as Democrats. We're not going to agree with you that we need to address children's nutrition through the School Lunch Program. We're just going to block-grant it. We're going to do what we want to do."

So there was not a debate. It was the majority saying we are going to do it the way that we want instead of really making it a bipartisan effort.

When I came to Congress in January, I thought that welfare reform would be a bipartisan effort, but I do not think we are going to see it today or this week because it has not been.

I agree we need to reform welfare. We need to take away the incentive of someone or the tragedy of a person being on welfare. But we do not need to cut the programs that provide the most effective safety net that we have for our children. We should require people to work. We should require a time limit about how long they are on there. We should require them to go to job training. We should require them to do all sorts of things. But when you take the school nutrition program and you say we are going to increase the authorization, whereas now a child shows up in school, they have a guarantee of that lunch if they are qualified and say we are going to authorize 4 percent more but next year in the Committee on Appropriations it may be cut and then we are going to let the State take 20 percent and spend it on something else because of the block granting. That is why this poster is so relevant: "When it's budget cutting time, the easiest target is a child."

Last week a colleague of mine from Texas talked about some of the highway demonstration projects in the rescission bill that were untouched. Yet we cut AmeriCorps, we cut job training, and most of these projects were not even requested by our local highway departments or transportation department.

How is it equitable that we cut school lunches but not highway projects? The chief financial officer for

the State of Texas has estimated that if this welfare bill passed today, this H.R. 1214 passes, it will cost the State of Texas over $1 billion in our next biennial, 1996–97. The Department of Human Services estimates that if this bill passes, it would cost the State of Texas $5.2 billion. The CBO has said that with growth in population and inflation, this reduction would be $2.3 billion.

I know I am throwing out lots of numbers and some of them may disagree, but no matter how you cut it, the people who are going to pass this bill this week really do not know what it is going to do because all they are doing is running that train and saying we are going to pass a welfare reform bill, even if it does cut WIC or school nutrition, or it cuts a lot of other programs that are really important and have a great deal of support.

If any of these are reduced fundings, particularly the one from the Congressional Budget Office estimates for savings and administrative costs, we are talking about stopping children from having a hot lunch. Yesterday I was in my district at J.P. Henderson Elementary School in Houston trying to show that the claim of the welfare reform is missing the point. Those children are eating that hot lunch and that is at a school that has easily 80 percent of the children have a reduced and free lunch.

We should not continue to be playing games with our children's future. We need to do welfare reform. We can take school nutrition programs out of the welfare reform just like the majority took the senior citizens nutrition out of welfare reform 3 weeks ago. It is just that again it is too often popular to hit the easiest target and not the senior citizens.

We do not consider buying text books, computers, or desks as welfare. We should not consider school nutrition welfare.

PICK ON SOMEONE YOUR OWN SIZE: KID'S VOICES HEARD AT CAPITOL RALLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 2 minutes.

Ms. PELOSI. Mr. Speaker, Sunday was a beautiful day at the Capitol because 2,000 children from all over this area from West Virginia to Pennsylvania came to oppose cuts in the school lunch programs proposed by the Republican majority. It was reported as the children's crusade against Republican budget cuts. Despite bus rides for as long as 5 hours, the children were very eloquent indeed.

A 10-year-old with the distinguished name of Touissant L'Ouvertuo Tingling-Clemmons said, "Children have to say no to a lot of things. Food should not be one of them."

Chastity Crites from West Virginia, a daughter of a construction worker, said she does not eat if he, her father, does not work except for school lunches.

A sixth grader from southeast Washington said, Marche was her name, "The food tastes so good and sometimes when we get to school we are hungry. Why would they cut school lunches?"

Why would they indeed? The issue of hunger in our country has never been a debatable one and indeed feeding the hungry has always enjoyed bipartisan support. In 1946 President Truman signed the Federal School Lunch Program into law. President Richard Nixon later said a child ill-fed is dulled in curiosity, lower in stamina and distracted in learning.

Why then is the Republican majority putting on the House table a proposal which will take food off the cafeteria table for America's children?

The extreme Republican proposal will cut, I repeat, it will cut the number of poor children who benefit from the program. It will cut the School Lunch Program benefits because it says that States must spend only 80 percent of the Federal school lunch funds on school lunches because it removes nutritional standards and removes eligibility requirements.

Mr. Speaker, this proposal will hurt our children, weaken our future and dim the prospects for our future. I urge our colleagues to think again about the Republican proposal to cut the School Lunch Program.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 29 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

We pray, O gracious God, that the words we use will foster truth and be delivered with understanding. May our expressions promote knowledge and our statements advance a clearer realization of our concerns. Help us, O God, to keep our vision on the ideals of equity and justice so that all we do, in thought, word and deed, be reflections of Your will for us and our desire to be faithful to that to which we have been called. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentlewoman from Connecticut [Ms. DELAURO] will lead the House in the Pledge of Allegiance.

Ms. DELAURO led the Pledge of Allegiance as follows:

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

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DOOLITTLE) laid before the House the following communication from the Clerk of the House of Representatives.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 1995.

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

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, in addition to Ms. Linda Nave, Deputy Clerk, I herewith designate Mr. Jeffrey Trandahl, Assistant Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 104th Congress or until modified by me.

With great respect, I am

Sincerely yours,

ROBIN H. CARLE,
Clerk.

FAIRWELL TO MARIAN VAN DEN BERG

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

Mr. HOYER. Mr. Speaker, I want to say that today the official reporters of debates, the reporters who chronicle all the proceedings on this floor, say farewell, farewell to a valued member of their staff, and of ours.

For the past 17 years, Marian Van Den Berg has been a transcriber with the official reporters. As we all know, working with the official reporters is not a 9-to-5 job. It often entails long hours, demands devotion far beyond that called for with ordinary jobs, and requires a high degree of competence. Marian has met all these criteria and more. She has been an outstanding, hard-working, always cheerful, always devoted member of our staff.

She is now leaving to pursue a new career.

Marian is a native of Annapolis, MD, I tell my friend, Mr. GILCHREST, one of his constituents. The daughter of champion swimmers, her mother was a swimmer of Olympic caliber. Marian herself lives near the bay in Annapolis and has had a lifelong love of the water and water activities.

She attended the University of Maryland, and then Strayer Business College and Strayer School of Court Reporting. While living in California, she worked at IBM. At home in Annapolis, she worked at the Naval Academy.

In addition to her work with the reporters, Marian worked 2 years with Representative Clark Thompson of Texas.

Her children are Susan and Rick, son-in-law, Tom, and she is the loving and proud grandmother of young Patrick—whose picture she shows at every opportunity.

Marian loves music of all kinds, is a jazz aficionado, is especially devoted to rock and roll, and plays a mean piano, I am told.

This exemplary employee of the House of Representatives will be greatly missed by her colleagues and by each and every Member of the House of Representatives and the American public whom she serves. Marian has touched the hearts of everyone who has had the good fortune to meet her and to work with her.

Marian, there are just a few of us on the floor, but if you would please rise we would like to give you a hand and thank you so much for all you have done for all of us.

Marian, God bless you and Godspeed.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. BARTLETT of Maryland. Mr. Speaker, our Contract With America states the following: On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We kept out promise.

The contract continues and in the first 100 days, we promised to vote on the following items: A balanced budget amendment—we kept out promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence—we're starting this today; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

WELFARE REFORM

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

Mr. DINGELL. Mr. Speaker, today we take up the welfare reform bill sponsored by our Republican colleagues. This would end cash assistance for mothers, children, and legal immigrants.

Last week my own cardinal for the archdiocese of Detroit said this: "The measure of any such reforms will be whether or not they enhance the lives and dignity of poor children and their families."

The truth is that these welfare reform proposals fail the cardinal's test and they fail the test which was set forth by the Catholic archbishops and bishops last week. Almost $70 billion will be removed from welfare programs; $2.2 million legal immigrants will lose eligibility; 6 million needy children will lose their cash support; 65,000 children in my own State will lose their lunch money.

The Republicans cut money but they do nothing to improve the way the welfare reform programs operate. That is not reform. It is wrong. It is mean-spirited.

These programs have flaws. They should be corrected. Protect the children. Be fair. Respect the dignity of human beings.

ANNOUNCEMENT OF SUPPORT FOR TERM LIMITS

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

Mr. BOEHNER. Mr. Speaker, I rise today to announce to all of my colleagues that I intend to support our term limits section of our Contract With America. This is a decision that did not come easily nor have I taken it lightly.

Many of my colleagues know I have long believed that term limits were not necessary, that the voters of our districts every 2 years could make that decision about whether they should send us back here or not.

But the fact is that some 22 States now have enacted term limits, not by polls, not by letters, but by actually going to the ballot box and casting their votes in favor of it. In 1992 my district voted overwhelmingly by 70 percent to support term limits. I believe that I have to respect the judgment of those in my district.

But when all of this became crystal clear to me was watching the Senate debate over the balanced budget amendment and watching the arrogance of six Democrat Senators who have voted for a balanced budget amendment 1 year ago, the identical language, thumb their nose at the American people.

We, ladies and gentlemen, do not have the right to thumb our nose at our constituents. We have a responsibility to respect their opinions, and I am proud to stand here as a new supporter of the term limit movement in this country.

WELFARE WEEK

(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, this is welfare week. For me it started not in the abstractions of bill language. It started on Sunday when I picked up my mentee, a 13-year-old who lives in a D.C. housing project, to bring to Sunday's school lunch rally at the Capitol. She gets her breakfast and lunch at school.

Welfare week continued for me at noon today when I went to the elementary school I attended as a child. Then we brought our lunch or went home to eat it. Today 95 percent of the children in my elementary school each lunch at school.

You can talk until you are red, white, and blue in the face about only cutting the growth in school meals. The truth is the School Nutrition Programs will lost $2.3 billion over 5 years under the contract. A cut in kids' lunches is a foul. Let us stop playing kids' games. Pick on somebody your own size.

REPUBLICANS CLEANING UP OUT-OF-CONTROL WELFARE SYSTEM

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

Mr. JONES. Mr. Speaker, the Liberals continue to exploit the hard work and innovative ideas of the Republican Party. The latest assault is our welfare

proposal. They claim it is unfair to children, mothers, and other recipients. Wrong. What we are doing, is cleaning up a system, which has spun out-of-control for years. Spending for this bureaucratic-laden system has reached $325 billion; if this continues, it will cost the country approximately $500 billion in 1998.

Instead, our proposal moves in the opposite direction. It saves the taxpayer approximately $60 billion over 5 years. Under the plan, people who honestly need a helping hand will be given job training and education to rejoin the work force.

The current welfare state has been the families downfall. Our plan will remedy this, we will offer incentives adding up to 10 percent to States which successfully reduce illegitimacy rates.

Let us work together, to create a system, which restores pride and opportunity for the American people.

STOP THE WAR ON KIDS

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

Ms. DELAURO. Mr. Speaker, on Sunday, thousands of children and their parents staged a "Lunch-In" on the steps of the Capitol to protest Republican plans to cut the School Lunch Program. The message that these families sent to the Republican majority is simple: Stop the war on kids.

We all agree that there is waste in Government and that there are programs that do not work and should be eliminated, but the School Lunch Program is not one of them. The School Lunch Program works. It works to help our kids stay healthy, alert, and ready to learn each day.

If we are going to cut spending and reform Government, why not start by cutting corporate welfare. We could save $5 billion if we eliminate the tax breaks given to pharmaceutical companies to manufacture offshore. Why not start there, instead of starting by cutting programs for our children. It is time to reform corporate welfare. Instead of cutting Aid for Families with Dependent Children, we should be cutting aid for dependent corporations. Let us stop the war on kids.

□ 1415

IT IS TIME TO OVERHAUL THE WELFARE SYSTEM

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

Mr. CHABOT. Mr. Speaker, we begin today to discuss the debate the Republican welfare reform plan.

Now, our Democrat colleagues have tried to put their own negative spin on our plan. However, they still have not got it quite right.

Let me explain the entire bill in a few simple words: Work, family, personal responsibility, and hope for the future. Now, how hard is that to understand?

Republicans are going to replace a failed system of despair with a more compassionate solution that will work to get people off the public dole. Through the dignity of work and the strength of families, we will offer hope for the future of millions of Americans.

Mr. Speaker, the time has come finally to completely overhaul the welfare system.

FEDERAL FOOD ASSISTANCE

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

Mrs. CLAYTON. Mr. Speaker, we begin the debate today on a proposal that would transform welfare eligibility, affect Federal spending, and shift social services responsibility from the Federal Government to the States.

This is major reform, without a doubt, welfare reform, they say. I support welfare reform.

Proponents of the Personal Responsibility Act say that the bill will result in saving over $60 billion. We say the bill cuts almost $70 billion from women, infants, children, and the elderly. Proponents say the bill will streamline bureaucracy. We say the bill creates 50 other bureaucracies. They say the bill will reduce deficits. We say the bill fuels the deficit by adding to health costs. It is penny wise and pound foolish. They say the bill puts people to work We ask where and how will they work?

It has been said that one person's profanity is another person's lyrics. This debate is not whether we are cursing. This debate is about whether we are cursing or cheering America.

The people will decide who we are benefiting and who we are hurting. This bill should be helping America and not dividing us.

THE ONE-PENNY BUDGET CUT

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

Mr. MARTINI. Mr. Speaker, last week I sent every Member of the House one penny.

One penny that is what we were talking about in the budget rescission passed last week.

The rescissions package the House passed represents approximately one one-hundredth of the Federal budget for fiscal year 1995.

If we cannot cut that from the budget, what are we doing here in Congress?

Mr. Speaker, my home State of New Jersey went through this same process years before Congress did.

Then, as now, the doomsayers said the difference of a penny would ruin the Garden State.

Well, the doomsayers were wrong then and they are wrong now.

We will show the American people that cutting one penny on the dollar off the budget will not ruin our Nation. Rather as Congress decides to make the difficult decisions to turn our fiscal situation around, our Nation will only get stronger, not weaker.

Mr. Speaker, for 40 years, the other party has shown that they do not have the resolve to cut even one penny. For America's sake, we do, and we did last week.

WASHINGTON POST POLL SHOWS MORE PEOPLE TRUST REPUBLICANS IN CONGRESS

(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, the Washington Post poll that my colleague just cited had other interesting numbers in it that he failed to mention:

More people trust Republicans in Congress to cut taxes rather than President Clinton.

More people trust Republicans in Congress to reform the welfare system than President Clinton.

More people trust Republicans in Congress to reduce the deficit than President Clinton.

More people trust Republicans in Congress to reduce crime than President Clinton.

More people trust Republicans in Congress to handle the Nation's economy than President Clinton.

And finally, more people trust Republicans in Congress to handle the main problems facing our Nation today, more so than the liberals and President Clinton. The poll is very clear, Mr. Speaker. They trust the Republicans. We are on track with welfare reform this week. We hope success will be here by the end of the week.

OSHA CUT WOULD DELAY PROTECTION FOR WORKERS

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

Mr. OWENS. Mr. Speaker, the action of the House last week in passing the DeLay amendment, which cut an additional $3.5 million from the current year budget for the Occupational Safety and Health Administration, was reckless, counterproductive, and just plain stupid. In the name of stopping the ergonomics standard, the House made cuts that cannot and will not

stop work on the standard, but will hurt health and safety by cutting workplace inspections and consultation visits. Thousands of workers will be hurt, and some may die if these cuts are allowed to stop the effort to make our workplaces less dangerous.

Mr. DELAY says we have to send a signal to OSHA not to ignore the moratorium bill. But that bill is not law; we do not have a one-House veto. Mr. DELAY cannot singlehandedly delay progress. And the Senate probably is not going to pass the silly moratorium bill in any event.

OSHA is following the law and doing the right thing—precisely what we all tell them we want—working with the business community, checking out their ideas in the field, consulting with workers and managers. At this point there is no ergonomics proposal, just ideas in draft form for tackling the single biggest source of injuries to American workers. Why in the world would we tell the agency not to try to figure out a cost-effective way to protect workers from carpal tunnel syndrome and back injuries?

Mr. Speaker, the DeLay amendment to delay protection for workers was reckless, counterproductive, and just plain stupid.

THE IMPORTANCE OF BIODIVERSITY

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

Mr. GILCHREST. Mr. Speaker, today I would like to bring to your attention two little known animals that are very important to the pharmaceutical industry in the United States. The existence of these animals brings new hope to high blood pressure sufferers and heart attack victims in this country.

First, high blood pressure sufferers look to the pit viper to provide an entirely new generation of extremely effective antihypertensives. Compounds found in the venom of these snakes have lead to greater understanding of the human mechanism for maintaining blood pressure. However, number of pit viper species are threatened with extinction.

Second, the Houston toad, on the brink of extinction due to habitat loss, produces alkaloids which scientists believe may prevent heart attacks. These alkaloids also appear to have analgesic properties more powerful than morphine. The Houston toad is native to the United States.

At least 500 species and subspecies of plants and animals in the United States have become extinct since the 1500's. Could one of those long-gone species have held the cure to AIDS, cancer, or the common cold?

Let us reauthorize a workable Endangered Species Act.

STOP PICKING ON KIDS

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

Mr. WYNN. Mr. Speaker, I come to deliver a message from our luncheon on Sunday: Stop picking on kids.

Little 10-year-old Touissant Clemmens probably said it best, "Children have to say no to a lot of things. Food should not be one of them."

Mr. Speaker, I cannot for the life of me understand why we are cutting $6 billion out of the School Lunch Program to provide tax breaks for the wealthy. I cannot understand why we are trying to replace a Federal bureaucracy with 50 State bureaucracies, and why that is a better idea. I cannot understand why we are eliminating national nutrition standards.

Does someone want to go back to calling catsup a vegetable?

I am concerned, because these cuts are going to finance tax breaks for the wealthy. Fifty percent of the tax breaks go to families making over $100,000, like Congressmen. I do not think we need a tax break.

Five hundred dollars per child for people making up to $200,000? I do not understand why. Twenty percent of the tax cuts go to the wealthiest 2 percent of the people in this country.

Mr. Speaker, you like to talk about the average American. Well, I will tell you, when the average American citizen figures out we are taking money out of the mouths of children to pay for tax breaks for the wealthy, I think they are going to resent it. I think they are going to resent it all the way to the 1996 elections.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOOLITTLE). The Chair will remind all persons in the gallery that they are guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

WELFARE REFORM BILL: NEW METHODS FOR COLLECTING FROM DEADBEAT PARENTS

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

Ms. DUNN of Washington. Mr. Speaker, today we begin the process of overhauling a welfare system that traps millions of Americans, especially women and children, in an endless cycle of poverty and hopelessness.

One of the most crucial provisions of the Republican welfare reform bill provides new methods for collecting money from deadbeat dads and mothers. Right now these irresponsible parents in my home State of Washington owe over $423 million, and $34 billion is owed nationally to the children and the families.

This is money that, in many cases, could be used to keep children off welfare. These uncaring parents provide neither hope nor a bright future for their children. What these deadbeat parents do instead is three things: They evade their most basic responsibility by failing to support their own flesh-and-blood children, they force their own children into welfare, and they force you, the American taxpayer, to pick up the tab for their irresponsibility.

Mr. Speaker, they force the Government to become the parent.

Mr. Speaker, unfortunately the status quo welfare system provides little relief to the families trapped by delinquency of the deadbeat parents. The child-support provision of our bill, which I am pleased to say has great bipartisan support, will begin the process of ending welfare as we now know it and putting our children first by requiring both parents to support their own children.

Mr. Speaker, I urge every Member to support this bill and the children.

INCREASE, NOT REDUCE, THE FOOD PROGRAM

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

Mrs. COLLINS of Illinois. Mr. Speaker, I went to the Henry Suder School in my district on last Friday for the School Nutrition Program, and while I was there, they gave me these paper dolls. They have been coming into the office over the last month or so. They are from various children who are at the school.

One little girl says, and this is to CARDISS COLLINS from Pearl Haye. It says,

> Children need quality, nutritious foods to help them grow. If there is no balanced food, they won't be healthy. They will not become healthy citizens. I like to eat well, and I like to learn a lot of skills. Please, increase, not reduce, the food program so that all kids can benefit from it.

You know, it is really amazing to me when people talk about cutting $60 billion out of the mouths of children. To snatch food right out of children's mouths is absolutely not comprehensible at all to me.

You know, I went to the school, and for lunch they had a little tray with a few little chicken fingers, french fries, a few carrots, an orange, and a carton of milk.

Why take that away from little kids? It does not make sense to do so.

MAKING GOVERNMENT LESS COSTLY AND LESS INTRUSIVE

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

Mr. LEWIS of Kentucky. Mr. Speaker, straight from the Democratic Party propaganda room, I give you the Washington Post's latest poll that says the momentum of the Republican Contract With America is slowing down.

Mr. Speaker, it is polls like this and scare mongering by our opponents that has given America 40 years of one party rule, bloated budgets, arrogance, and a country on the verge of bankruptcy.

Are the Republicans cutting wasteful spending? Are we working toward a balanced budget? Have we begun to end the arrogance of Washington knows best? And are we working hard to keep our word to the American people? The answer is yes.

Our journey is a difficult one. Fighting the scare tactics of the "let's party on" crown has not and will not be easy. But the American people know better. They may have been fooled when they voted for change in the 1992 election and ended up with the "let's party on" crowd's higher taxes, more Government spending, and a proposal for Government run health care.

But the 1994 election was different. And despite the naysayers who will fight our efforts every day preserving the status quo, we will succeed in cutting the waste and making Government less costly and less intrusive.

□ 1430

LET US KEEP THE FREE LUNCH PROGRAM

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

Mr. McDERMOTT. Mr. Speaker, yesterday morning I went to Hawthorne School in Seattle and talked to the whole student body, 650 squirming kids, all of whom had taken a paper dinner plate and written a note to me about the school lunch program. The kids actually know what is happening. In Seattle, 47 percent of the students take part in the reduced or free lunch program. There were almost 430,000 lunches served last year.

In the next school year, with the cuts in this bill we are going to deal with over the next couple of days, Seattle will lose $654,000. Now, that means the State legislature has got to pick up that amount. Some of my colleagues in my delegation pushed through an amendment that says it takes 60 percent to raise the taxes in the State of Washington. So how are you going to get that through?

But even more amazing, I picked up the Seattle paper, and one of my colleagues says we are going to save money by cutting regulations like that useless regulation that requires the schools to monitor the temperature of the milk. It is as though the Members on the other side never heard of the germ theory.

The reason you have cool milk being is to keep kids from getting sick.

Vote against this bill.

TITLE VII OF H.R. 4, CHILD SUPPORT ENFORCEMENT

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

Mr. WELLER. Mr. Speaker, as one of the chief sponsors of the Family Reinforcement Act, I rise in strong support of the goals of the child support enforcement provisions in the Personal Responsibility Act.—Our welfare reform initiative.

The strength of America's families is of utmost importance to the future of this country. We must act quickly and decisively to restore, encourage and protect our most fundamental unit of American society.

I am here today to voice my support for the commonsense goals of H.R. 4: reducing welfare dependency by ensuring that parents support their children; strengthening and streamlining the State-based child support system; and giving the States the tools they need to get the job done.

Too many single-parent families have had no where else to turn but to resort to Government support programs—and too many children go to bed hungry or do without—all because their dead-beat parents outrun the current bureaucratic and time-consuming child support collection system. This has got to stop. Republicans are working to change our child support collection system.

I applaud the child support enforcement goals of H.R. 4, and support its efforts.

DOMESTIC VIOLENCE

(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, one of the most disturbing problems facing our society today is domestic violence. Violence against women exists in big cities, and it also exists in small, rural communities, like those in my district in northern Michigan. For many years domestic violence was not discussed in public, because people thought it was a problem that should be dealt with from within the home.

Statistics show that crimes against women are rising at a faster rate than total crime. Even more disturbing is the fact that more than two-thirds of violent crimes against women are committed by husbands, boyfriends, or acquaintances. In fact, thirty-three percent of American women who are killed, are killed by a boy friend or husband.

Recently, we have had reason for hope, because President Clinton took on the fight against domestic violence. Because of his leadership and support, the Violence Against Women Act was passed into law.

President Clinton is the first President to attack this problem head-on. He has created a special Violence Against Women Office at the Department of Justice to spearhead the effort to fight violence against women. Today, the President announced approximately $26 million in STOP Grants to the States to fight violence against women.

I salute President Clinton's leadership in this fight, a fight which we all must join, to stop domestic violence.

TELL IT LIKE IT IS

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

Mr. BALLENGER. Mr. Speaker, I have asked groups of people back home if the news media have explained to them that the Republican School Lunch Program is increasing by over 4 percent per year for 5 years or that we are increasing funding for WIC, Women Infants, and Children's Program, by over $1 billion over 5 years? Their answer is they have not heard.

The Democrats started the lie about the cuts and the news media have compounded that lie. We are increasing funding for school lunch programs and also for WIC. I wish the other side would tell the truth, and likewise for the news media. It seems only Rush Limbaugh is telling the truth.

WELFARE REFORM IS NEEDED

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

Mr. GENE GREEN of Texas. Mr. Speaker, welfare reform is needed. Let us have a real debate on welfare reform. We can require work. Let us set time limits on assistance for the nondisabled. Let us require job training. Let us do a better job on collecting child support. I think that needs to be done.

But this bill today is more than that. This bill is about cuts in assistance to children. And whether you call it cuts or, under the newspeak, we call it limitations on increases, the American people want welfare reform, but they do not want cuts in our school lunches.

Yesterday I had lunch at the J.P. Henderson Elementary School in Houston, TX. Those children enjoyed their lunch. We had a burrito, and I will have

to admit it was harder for me to eat than it was for them to eat. But their lunch is important to them, as important as their school work, their room or their teachers, because a child who is hungry cannot learn. The American people understand that, and I hope people would understand in this Congress that they need to read their lips; they want welfare reform but they do not want cuts in school lunch programs, as this bill, H.R. 1214, will do.

WESTERN COMMERCIAL SPACE CENTER LEASE SIGNING

(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, last Friday the 25-year lease agreement between the Department of the Air Force and the Western Commercial Space Center was finally signed. Although the agreement had been agreed upon in principle for months, it was nearly derailed by an overzealous civilian bureaucracy. In essence, what would have taken less than 30 days in the private sector took several months because of the arcane manner in which government tends to operate.

This lease agreement paves the way for construction to begin on the first polar orbit commercial spaceport in America. Moreover, this agreement will usher in a new era of commercial launches from Vandenberg Air Force Base in California and will be a catalyst for greater private industry investment in commercial space activity across America.

Mr. Speaker, many people deserve thanks and credit for going the extra mile to work out this lease agreement. As we have discovered once again, when the national interest is involved—in this case the U.S. commitment to commercial space—both sides of the aisle can come together to do what is best for America.

REPUBLICAN RADICAL APPROACH TO CUTTING SCHOOL LUNCHES

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

Mr. VOLKMER. Mr. Speaker, Members of the House, as I traveled around my district over the weekend, I met with school administrators who are concerned about what is going to happen to the School Lunch Program under the Republican radical approach to cutting school lunches.

One of the biggest things that became apparent to me as I traveled around and talked to people, and I asked people what they knew about the Contract With America, I found very few that ever heard of it and about two or three of all the people I talked to even knew anything about it.

It seems all these speeches that are being given here every day about this contract are not soaking in back home.

One thing they did ask me about invariably, wherever I went, what has happened to the NEWT GINGRICH investigation? What happened to the book deal? What happened to the COPAC investigation? Why is not something being done about that?

That is what I hear about all over my district. That is what the people want to know: Why is not this House investigating the Speaker's actions and what he has done on the book deal and other things?

FEDERAL WATER POLLUTION CONTROL ACT

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing wetlands legislation intended to replace section 404 of the Federal Water Pollution Control Act. Section 404 governs wetlands regulation and has long been in need of review and reform.

The new section would classify wetlands by their function and value, and balance the farmers' and landowners' property rights with the need to protect our Nation's functionally important wetlands.

I strongly disagree with the current wetlands regulation process. The present section 404 is a bureaucratic quagmire that fails economically, constitutionally, and environmentally: Local development is constrained to spare the destruction of marginal wetlands, private property rights are ignored as Government declares citizens' property unusable, and State programs offer little to no incentive for local land owners to preserve and enhance vital wetlands.

The new legislation surpasses the current 404 program in many ways. Most importantly, the legislation recognizes that not all wetlands are the same. Wetlands would be classified into three types with the most valuable class being more strictly regulated than under current law. The middle class would be treated similarly to current law, but benefiting from the injection of a new balancing approach to the system. The third class, which provides no wetland functions and values, would be virtually unregulated.

The legislation also makes important strides in recognizing the rights of private property owners. For farmers, prior converted cropland would not be included within the scope of the wetlands regulation. Furthermore, land owners, who have lost the right to use a portion of their land due to a Government taking, would have the option to seek compensation at fair market value and transfer that the title to the Government, or to retain the title to the property land abide by the prohibition established for type A wetlands.

In addition, the legislation also provides for the protection and growth of our Nation's most functionally important wetlands. First, States are required to develop mitigation programs to enhance wetlands growth. Second, this legislation expands the list of activity that require permits in type A wetlands.

For all of these important reasons, I am pleased to offer this bill to the House.

VIOLENCE AGAINST WOMEN ACT

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

Ms. SLAUGHTER. Mr. Speaker, as one of the authors of the Violence Against Women Act, I was proud to join President Clinton at the White House earlier today to announce the appointment of former Iowa Attorney General Bonnie Campbell to direct the Violence Against Women Office at the Department of Justice.

The Violence Against Women Act, which passed with strong bipartisan support, is the first comprehensive Federal effort to fight violence against women. Long before Nicole Simpson was a household name, violence against women was one of America's most serious crime problems and most hidden secrets. Unfortunately, our local agencies were often inadequately trained, or hindered by scarce resources, and unable to tackle the problem.

Today, we say, "no more." Funding will begin to flow to the States to bolster their law enforcement, prosecution, and victim services that address violence against women. A national family violence hotline will be established. As a result of the rape victim shield law, which prevents abusive inquiries into one's past, victims will no longer be the ones put on trial. And individuals convicted of certain Federal sex abuse laws will be ordered to pay restitution to their victims.

Crimes against women are rising much faster than total crime.

Today we say, "no more."

REPAIRING A BROKEN WELFARE SYSTEM

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

Mr. RIGGS. Mr. Speaker, our welfare system is broken. It encourages dependency, destroys initiative, and robs the poor of hope. As Ronald Reagan said,

> You cannot create a desert, hand a person a cup of water, and call that compassion. And you cannot build up years of dependence on government and dare call that hope.

We need to break the cycle of dependency created by four decades and several trillion dollars of Federal payments. We need a welfare system that encourages personal responsibility, that requires work, and that gives States more flexibility to solve their own unique problems. This is not just a matter of fiscal responsibility, Mr. Speaker. For the sake of the people this Government has locked into a dehumanizing welfare system, we need to begin offering a hand up, not a handout. This is what the Republican welfare reform plan is all about—caring for the truly needy, while empowering people to help themselves. That is the American spirit, Mr. Speaker, and it is time we restore it to our welfare system.

WELFARE REFORM: REJECT THE REPUBLICAN PLAN

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

Mr. WATT of North Carolina. Mr. Speaker, the rich are getting richer, and the poor are getting poorer. Over the last 15 years the top 5 percent, the richest people in our country, have seen their income and assets grow tremendously. The bottom 20 percent, the poorest people, have seen their incomes drop. The middle has been frozen in the same place for that entire period of time.

What does that have to do with welfare reform which we are discussing today? The Republicans' block grant approach freezes welfare at the 1994 level for the next 5 years. At the same time, they propose a $190 billion tax cut, 70 percent of which will go to the rich. Well, their philosophy is take from the poor and give it to the rich. That is what they are proposing to do.

We should reject this welfare reform proposal and reject this reverse Robin Hood approach that the Republicans are advocating.

REPUBLICAN WELFARE REFORM ENCOURAGES RESPONSIBILITIES

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

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Personal Responsibility Act, because the current welfare system has been an utter and complete failure. The welfare system encourages people toward three extremely harmful actions. First: Don't get a job. Second: Don't get married. Third: Have children out of wedlock—repeatedly. The current system subsidizes each of these behaviors with a check from the Federal Government. Only the Federal Government could have designed such a destructive system.

Mr. Speaker, this bill will make real change in the system. It will change the incentives to encourage people to get a job, get married, and be responsible in having children. All the while, we will hear the cries from Democrats who are so wrapped up in defending the morally bankrupt welfare system that they fail to see its destructive nature.

□ 1445

DEMOCRATS SEEK WELFARE REFORM THAT MOVES PEOPLE INTO THE WORKFORCE

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

Mr. FORD. Mr. Speaker, I want to respond to my Republican colleagues by saying that there is nothing in this welfare reform package of a Personal Responsibility Act that says that we are going to send people to work. What the Democrats have said all along in our debate in the subcommittee and full committee is that we want to link welfare to work. We want people to be able to work, and we want to have a program that will assist them and move them into the workforce. I say to my colleagues, "You punish children, and you are just plain mean to children in this country, just for one purpose, and that is to say to the wealthiest of this Nation that we're going to pass you on a tax cut." It is wrong in the Personal Responsibility Act, for the Republicans to bring it to this floor, to be so cruel and to penalize children in this Nation at a time that we ought to be trying to protect our children because they will be the next generation that will carry this Nation forward.

REPUBLICAN WELFARE BILL PROMOTES FREEDOM AND REWARDS DETERMINATION

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, as my colleagues know, that is exactly what is wrong here, the Federal Government in control. They want to control our lives and every aspect of it. As my colleagues know, George Washington over there did not want welfare, he did not want taxes.

This week another historic debate is going to begin; another 40-year-old broken welfare program will end. Today the Republicans are going to bring forward a welfare bill that promotes freedom, rewards determination, and establishes self-esteem. Today mean-spirited Democrats, uncaring Democrats, will try to stop reform, cruel Democrats now defending a system that promoted dependency, rewarded complacency, and established self-defeat. They are the ones defending big government.

Mr. Speaker, that is why we believe in our Constitution. We believe that States, not the Federal Government, should be given the flexibility to design a program that will fix the problems that are unique to their communities.

Mr. Speaker, let us not just talk about ending welfare as we know it. Let us do it. Vote "yes" for America. Vote "yes" for welfare reform.

WELFARE SLOWLY DESTROYS THE WILL TO PERSEVERE

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

Mr. HEFLEY. Mr. Speaker, the welfare system has been called a waste, it has been called inefficient, it has been called a destroyer of families, and it has even been compared with slavery. I would argue that these criticisms are largely accurate.

To those who would defend the current welfare system, I challenge them to go outside the Capitol Building and walk around the streets of the District of Columbia or almost any major city in America. Here one can see the results of the welfare culture. Crime, corruption, teenage pregnancy, children without fathers, poverty, unemployment, and on and on it goes. In other words, an almost complete breakdown of community.

The problems that the District and other communities face are not because too little money is being spent on welfare. They exist because welfare creates a perverse set of incentives that suffocate the dignity of work and slowly destroy the will to persevere.

Mr. Speaker, Republicans have promised to not only reform welfare, but to replace welfare. We are committed to the belief that people are more important than government and that strong children are better than strong bureaucracies.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its Clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 889. An act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 889) "An Act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for

other purposes," requests a conference with the House on the disagreeing votes to the two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GRAMM, Mr. DOMENICI, Mr. MCCONNELL, Mr. GORTON, Mr. SPECTER, Mr. BOND, Mr. BURNS, Mr. BYRD, Mr. INOUYE, Mr. JOHNSTON, Mr. LEAHY, Mr. HARKIN, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. REID to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DOOLITTLE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 21, 1995.

Hon. NEWT GINGRICH,
The 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 envelop received from the White House on Friday, March 17, 1995 at 4:35 p.m. and said to contain a message from the President whereby he notifies the Congress of his intention to designate the West Bank and Gaza Strip as a beneficiary for the purposes of the Generalized System of Preferences.

With great respect, I am
Sincerely yours,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES' BENEFITS TO THE WEST BANK AND GAZA STRIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–47)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am writing to inform you of my intent to designate the West Bank and Gaza Strip as a beneficiary of the Generalized System of Preferences (GSP). The GSP program, which offers duty-free access to the U.S. market, was originally authorized by the Trade Act of 1974.

I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to the West Bank and Gaza Strip.

This notice is submitted in accordance with section 502(a)(1) of the Trade Act of 1974.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 17, 1995.*

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

In accordance with section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I am pleased to transmit to you the Annual Report of the National Science Foundation for Fiscal Year 1993.

The Foundation supports research and education in every State of the Union. Its programs provide an international science and technology link to sustain cooperation and advance this Nation's leadership role.

This report shows how the Foundation puts science and technology to work for a sustainable future—for our economic, environmental, and national security.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 21, 1995.*

REPORT ON DEVELOPMENTS RELATING TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–48)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, IEEPA. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the National Emergencies Act (NEA) (50 U.S.C. 1601 *et seq.*) requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from August 19, 1994, to February 19, 1995, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12924, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12924 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

BILATERAL COOPERATION/TECHNICAL ASSISTANCE

—As part of the Administration's continuing effort to encourage other countries to implement effective export controls to stem the proliferation of weapons of mass destruction, as well as certain sensitive technologies, the Department of Commerce and other agencies conducted a range of discussions with a number of foreign countries, including governments in the Baltics, Central and Eastern Europe, the Newly Independent States (NIS) of the former Soviet Union, the Pacific Rim, and China. Licensing requirements were liberalized for exports to Argentina, South Korea, and Taiwan, responding in part to their adoption of improved export control procedures.

AUSTRALIA GROUP

—The Department of Commerce issued regulations to remove controls on certain chemical weapon stabilizers that are not controlled by the Australia Group, a multilateral regime dedicated to stemming the proliferation of chemical and biological weapons. This change became effective October 19, 1994. In that same regulatory action, the

Department also published a regulatory revision that reflects an Australia Group decision to adopt a multi-tiered approach to control of certain mixtures containing chemical precursors. The new regulations extend General License G–DEST treatment to certain categories of such mixtures.

NUCLEAR SUPPLIERS GROUP (NSG)

—NSG members are examining the present dual-use nuclear control list to both remove controls no longer warranted and to rewrite control language to better reflect nuclear proliferation concerns. A major item for revision involves machine tools, as the current language was accepted on an interim basis until agreement on more specific language could be reached.

—The Department of Commerce has implemented license denials for NSG-controlled items as part of the "no-undercut" provision. Under this provision, denial notifications received from NSG member countries obligate other member nations not to approve similar transactions until they have consulted with the notifying party, thus reducing the possibilities for undercutting such denials.

MISSILE TECHNOLOGY CONTROL REGIME (MTCR)

—Effective September 30, 1994, the Department of Commerce revised the control language for MTCR items on the Commerce Control List, based on the results of the last MTCR plenary. The revisions reflect advances in technology and clarifications agreed to multilaterally.

—On October 4, 1994, negotiations to resolve the 1993 sanctions imposed on China for MTCR violations involving missile-related trade with Pakistan were successfully concluded. The United States lifted the Category II sanctions effective November 1, in exchange for a Chinese commitment not to export ground-to-ground Category I missiles to any destination.

—At the October 1994 Stockholm plenary, the MTCR made public the fact of its "no-undercut" policy on license denials. Under this multilateral arrangement, denial notifications received from MTCR members are honored by other members for similar export license applications. Such a coordinated approach enhances U.S. missile nonproliferation goals and precludes other member nations from approving similar transactions without prior consultation.

MODIFICATIONS IN CONTROLS ON EMBARGOED DESTINATIONS

—Effective August 30, 1994, the Department of Commerce restricted the types of commodities eligible for shipment to Cuba under the provisions of General License GIFT. Only food, medicine, clothing, and other human needs items are eligible for this general license.

—The embargo against Haiti was lifted on October 16, 1994. That embargo had been under the jurisdiction of the Department of the Treasury. Export license authority reverted to the Department of Commerce upon the termination of the embargo.

REGULATORY REFORM

—In February 1994, the Department of Commerce issued a Federal Register notice that invited public comment on ways to improve the Export Administration Regulations. The project's objective is "to make the rules and procedures for the control of exports simpler and easier to understand and apply." This project is not intended to be a vehicle to implement substantive change in the policies or procedures of export administration, but rather to make those policies and procedures simpler and clearer to the exporting community. Reformulating and simplifying the Export Administration Regulations is an important priority, and significant progress has been made over the last 6 months in working toward completion of this comprehensive undertaking.

EXPORT ENFORCEMENT

—Over the last 6 months, the Department of Commerce continued its vigorous enforcement of the Export Administration Act and the Export Administration Regulations through educational outreach, license application screening, spot checks, investigations, and enforcement actions. In the last 6 months, these efforts resulted in civil penalties, denials of export privileges, criminal fines, and imprisonment. Total fines amounted to over $12,289,000 in export control and antiboycott compliance cases, including criminal fines of nearly $9,500,000 while 11 parties were denied export privileges.

—Teledyne Fined $12.9 Million and a Teledyne Division Denied Export Privileges for Export Control Violations: On January 26 and January 27, Teledyne Industries, Inc. of Los Angeles, agreed to a settlement of criminal and administrative charges arising from illegal export activity in the mid-1980's by its Teledyne Wah Chang division, located in Albany, Oregon. The settlement levied criminal fines and civil penalties on the firm totaling $12.9 million and imposed a denial of export privileges on Teledyne Wah Chang.

The settlement is the result of a 4-year investigation by the Office of Export Enforcement and the U.S. Customs Service. United States Attorneys offices in Miami and Washington, D.C., coordinated the investigation. The investigation determined that during the mid-1980's, Teledyne illegally exported nearly 270 tons of zirconium that was used to manufacture cluster bombs for Iraq.

As part of the settlement, the Department restricted the export privileges of Teledyne's Wah Chang division; the division will have all export privileges denied for 3 months, with the remaining portion of the 3-year denial period suspended.

—Storm Kheem Pleads Guilty to Nonproliferation and Sanctions Violations: On January 27, Storm Kheem pled guilty in Brooklyn, New York, to charges that he violated export control regulations barring U.S. persons from contributing to Iraq's missile program. Kheem arranged for the shipment of foreign-source ammonium perchlorate, a highly explosive chemical used in manufacturing rocket fuel, from the People's Republic of China to Iraq via Amman, Jordan, without obtaining the required validated license from the Department of Commerce for arranging the shipment. Kheem's case represents the first conviction of a person for violating section 778.9 of the Export Administration Regulations, which restricts proliferation-related activities of "U.S. persons." Kheem also pled guilty to charges of violating the Iraqi Sanctions Regulations.

5. The expenses incurred by the Federal Government in the 6-month period from August 19, 1994, to February 19, 1995, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $19,681,000 most of which represents program operating costs, wage and salary costs for Federal personnel and overhead expenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 21, 1995.*

APPOINTMENT AS MEMBERS OF REVIEW PANEL PURSUANT TO CLAUSE 7, RULE LI OF HOUSE RULES

The SPEAKER pro tempore laid before the House the following communication from the Honorable VIC FAZIO, ranking minority member of the Committee on House Oversight:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, March 10, 1995.

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

DEAR MR. SPEAKER: Pursuant to House rule 51, clause 7, I have appointed the Honorable William J. Jefferson, and the Honorable

Ed Pastor, to serve on the review panel established by the Rule for the 104th Congress.

Best Regards,

VIC FAZIO,
Ranking Minority Member,
Committee on House Oversight.

PROVIDING FOR CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 117 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 117

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. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the text of the bill (H.R. 1214) to help children by reforming the Nation's welfare system to promote work, marriage, and personal responsibility, and shall not exceed five hours, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and three hours equally divided among and controlled by the chairmen and ranking minority members of the Committee on Economic and Educational Opportunities and the Committee on Agriculture. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

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

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. Speaker, House Resolution 117 is a rule providing for general debate on H.R. 4, the Personal Responsibility Act of 1995.

The rule provides 5 hours of general debate, with 2 hours allocated to the Committee on Ways and Means and 1½ hours each to the Committee on Economic and Educational Opportunities and the Committee on Agriculture.

Debate must be confined to the bill and the text of H.R. 1214, which the Committee on Rules intends to make its order as original text for amendment purposes in a subsequent rule—which we will put out of the Committee on Rules at about 5 p.m. this afternoon. After general debate, the rule provides for the Committee of the Whole to rise without motion.

No further consideration of the bill shall be in order except by subsequent order of the House.

Mr. Speaker, the Personal Responsibility Act that the full House will begin debating today is an extremely complex and important piece of legislation.

The House has considered this bill to date in a detailed and thorough manner.

House Republicans promised a comprehensive reform of our Nation's abysmal welfare system, and we have delivered.

H.R. 4 was introduced on January 4, 1995, the opening day of this session.

Three House committees—Ways and Means, Economic and Educational Opportunities, and Argiculture—held extensive hearings on welfare reform. All three committees conducted gruelling marathon markups, often deliberating late into the night.

Chairmen ARCHER, GOODLING, and ROBERTS then merged their versions of the package into one new bill, H.R. 1214 before us now. The Committee on Rules intends to make this new bill in order as original text for amendment purposes on the floor.

The committee is scheduled to meet at 5 p.m. this evening to report a rule providing for the amendment process for the bill.

The Committee on Rules held a 7½-hour hearing on Thursday, March 16, and took testimony from no less than 60 witnesses.

Members on both sides of the aisle suggested constructive amendments and there was an excellent debate about the many issues the bill addresses head-on.

Mr. Speaker, to demonstrate the importance of this legislation to the American public, the Republican leadership has set aside an entire week on the House floor for consideration of this bill.

If anyone should claim that this welfare reform legislation has been hasty or ill-conceived, I would ask—"Where was the welfare reform legislation when the Democrats held both Houses of Congress and the White House?"

Mr. Speaker, we certainly do not have the time to recount the President's many broken campaign promises, but the Clinton administration's failure to make good on its pledge to reform the welfare system has been outrageous.

Mr. Speaker, H.R. 4 tackles some of the most difficult issues of our day directly and head-on.

The bill makes fiscal sense by consolidating numerous major programs into block grants directly to the States, and that's the way it should be. Layers of bureaucracy in Washington will be made unnecessary.

The savings will be phenomenal—and the States will maintain maximum flexibility to help the poor in their areas, and they know how best to do it, not us inside the beltway.

The bill requires welfare recipients to work within 2 years, and bars receipt of benefits for more than 5 years.

Reasonable restrictions are applied to recipients on AFDC to encourage self-sufficiency; in other words, to stop them from being second, and third and fourth generation beneficiaries of welfare.

Mr. Speaker, H.R. 4 makes badly needed reforms to the Federal food stamp program, to the Supplemental Security Income program and family nutrition and child nutrition programs.

Mr. Speaker, as the House debates welfare reform this week, the public should take note of which of these proposals honestly addresses the problems of poverty in the United States of America.

Mr. Speaker, the American people will be asking, and Members had better be asking ourselves, which alternative defends the status quo. That is the question right here tonight, which alternative defends the status quo that has failed so miserably, and which alternative wrestles with the issues of illegitimate births, welfare dependency, child support enforcement, and putting low-income people back to work.

Mr. Speaker, the Personal Responsibility Act will prevail when scrutinized in this manner. I ask my colleagues to do this. During the recent debate on cutting spending I asked this House what is compassionate about adding another trillion dollars to the debt on the backs of our children and our grandchildren. Is that compassionate? The answer was no then. I ask my colleagues today now what is compassionate about continuing failed welfare programs that encourage a second, and third and fourth generation of welfare dependency? I say to my colleagues, "You know, and I know, the answer is 'nothing.'"

Mr. Speaker, that is why we must not defend the status quo. We must make the changes that are so necessary today. We can do it by voting for this bill.

Mr. Speaker, this rule was voted unanimously out of the Committee on Rules on Thursday afternoon on a bipartisan basis. The House is eager to begin this debate. We should do it now and get on with it.

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

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

Mr. Speaker, we support this first part of the rule providing for consideration of the Personal Responsibility Act. The 5 hours of general debate times it provides are essential for the thorough deliberation that is required for legislation as comprehensive and as drastic as this.

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As has been true of most of the elements of the Contract With America, this legislation was hastily drafted and has been sent to the House without the benefit of thorough and public discussion or debate. We hope these 5 hours of debate will help clarify the controversies surrounding this overhaul not only of AFDC, the program most of us think of when we talk about welfare, but also of the entire child welfare system, of disability benefits for children, and of all the major nutrition programs our Nation has provided for many years.

The Committee on Rules heard a full day of testimony from Members of the House, Democrats and Republicans alike, about the need for substantive changes in the legislation before us. There was bipartisan support for changes in several parts of the bill, including the paternity establishment section, which is so restrictive in nature that even if a mother fully cooperates, she and her child could be punished by the denial of cash aid, if a State dragged its feet on establishing paternity.

There was also bipartisan support for amendments to strengthen the child support enforcement section, and for amendments to provide more funding for child care for welfare recipients so the mother is able to work or to get job training.

Unfortunately, the Personal Responsibility Act fails to deliver what the American people want: A welfare system that expects parents to work to support their families, but that also protects vulnerable children.

We need to pass legislation that ensures parental responsibility while also protecting children, encourages State flexibility without totally abdicating Federal oversight, and protects taxpayer resources by applying fairness and common sense.

Not only is the Personal Responsibility Act weak on work requirements, but it contains no requirement for education, training, and support services. If we want poor parents to work, they will need these services. They will need child care and transportation, for example.

The goals of the bill include preventing teen pregnancy and out-of-wedlock births. Unfortunately and incredibly, family planning services, the key to reducing out-of-wedlock births, the vast majority of which are unintended, are not even mentioned in this bill, which does away with the 30-year-old requirement that States offer family planning services to all AFDC recipients.

Meanwhile, in just the past decade the percentage of all children born in the United States out of wedlock has doubled, more than doubled, to 32 percent. Thirty-two percent of all the babies born in this country are born out of wedlock, and there is nothing in this so-called reform bill that even tries to deal with this enormous problem.

Mr. Speaker, for these reasons and many others, the Personal Responsibility Act requires the lengthy debate that this rule provides. We support the rule and urge our colleagues to approve it so that we may proceed with consideration of this important and controversial legislation today.

Mr. McINNIS. Mr. Speaker, I yield such time as he may consume to the fine gentleman from Pennsylvania [Mr. GOODLING], the chairman of the committee.

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

This is probably the most important debate and perhaps the most important issue that we will face, perhaps during my lifetime, certainly the most important since I have been in the Congress of the United States.

What is at stake? Well, basically, what is at stake is this: What do we do to free millions of Americans from the shackles that the Federal Government has placed them in? All of the programs were well meaning. Over the years I sat behind several chairmen, one who used to say, "Bill, these programs just aren't working the way we had intended them." And that is true. So year after year, generation after generation, we have enslaved these people, so, unless we make a change, they will never have an opportunity to get part of that American dream. That is destructive to them. That is destructive to our society and to our country.

Making changes is very, very difficult. Change is something that people fear, and that is true in no place worse than in the Congress of the United States. But if we do not change, then, of course, we are going to continue to enslave the very people we have sent over $5 trillion to try to help. Year after year we will be doing this, and it is totally unfair to those people in our society.

So it would be my hope that we get away from the rhetoric and pay a little attention to the facts and see whether we can do better than we have done in the past. I think those people that we have tried to help are depending on us to make that change.

The first thing we have to do is admit that we failed. That should not be so difficult. It does not matter which side of the aisle we sit on. Just passing more programs and more programs and adding more money and more money has not worked. It has disadvantaged the disadvantaged. So it is time to make that change. An alcoholic has to admit that he has that problem before we can ever do anything to help him or for him to help himself to a recovery. It is true of any other drug addict. It is equally as true with the legislation we are dealing with today.

So I would call on my colleagues to listen carefully and participate intelligently. Let us not get up and give a lot of rhetoric that has nothing to do with the facts. We know the facts. We know the facts of how we failed, and we know the facts of what it is we are trying to do to see whether we can help the most vulnerable in this country receive a portion of the American dream that we on the Federal level have denied them from receiving all of these years.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield 4 minutes to the distinguished gentleman from Florida [Mr. GIBBONS], the ranking Democratic member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON].

Mr. Speaker, the first thing we should do in starting the debate on as serious a subject as this is to puncture the myths that surround this debate. The first myth I would like to puncture is that the Democrats support the status quo. That is absolutely not true.

As recently as last year, I introduced and held hearings on a very substantial welfare reform program. Unfortunately, it ran into a hurricane of Republican filibuster, and it got nowhere. But it was not that we did not try.

Second, the myth is that the Democrats have held control of this since 1935 and we have done nothing except perpetuate poverty and the miseries of welfare.

That is not so. In the Johnson and Kennedy eras, we made substantial reforms in the welfare program, and we created such programs as Head Start and Upward Bound and the Follow Through Program and programs for aid to college-bound students and for those who should be bound for college but unfortunately could not go.

As recently as in the 1970's, a Republican President, President Nixon, sent us a comprehensive welfare reform bill that unfortunately we rejected. It came to us at a time when President Nixon was encumbered by the Watergate scandal, and the bill got polluted in that environment. At that time, it is important to note, the President suggested that we federalize welfare, that we not dump it on the States as our Republican colleagues would do today, and that we take the entire responsibility because he thought, and I think, that every child is a citizen of the United States and every child should have a government that cares for him in a humane way. That was the thought of President Nixon, and we unfortunately did not adopt it.

Well, as we all know, Reagan was elected in 1980, and so we did nothing for 8 years. We could not even get a squeak out of him about making any changes in that program. But during the Bush administration, in 1988 we

made substantial reforms to the welfare program and crafted in it the requirement of work. But it was put in there in a workable manner so that if the woman needed a job and was able to work and had to have child care because she just could not leave her child or her infant at home unattended, she could get that, or if she needed training, she could get that. So the myth that we in the Congress have done nothing except perpetuate this is, I hope, punctured.

Let us look at the bill before us. This is a cruel piece of legislation. It punishes the children, the innocent children, because of the errors of their parent or parents. It punishes them not just at birth but it punishes some for a lifetime, and certainly it punishes others through all of their childhood era. It will deprive them of the basic necessities for food, of clothing, of housing, of education, of love. That is what this bill does.

There is a better way, a far better way, and we have put that forward. We will have alternatives for this program on the floor here, but they will receive scant notice. They will have perhaps an hour or so of debate time, and then it will all be over. But this bill will never become law. There is hope out there that something sensible will become law.

Mr. Speaker, let us get on with the debate.

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

Mr. Speaker, of course, I take strong exception to the comments about the Republican filibuster in the last year. There is no filibuster in the House of Representatives. Rather, it is the Republicans who are taking the bull by the horns.

Furthermore, as to the bill, the punishment to our children is, if we do nothing, if we maintain the status quo, that is where the real punishment to our children comes from. Frankly, I think it is somewhat baloney when they say this bill takes away love from children and will leave children out there hungry, and so on, and so forth. I think that is political rhetoric, and we need to get beyond that to the meat of the bill.

In that regard, Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Florida, [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Colorado [Mr. McINNIS], a new and hard-working member of the Committee on Rules, for yielding me this time.

Mr. Speaker, we are today indeed launching a very historic debate on welfare reform, as Chairman GOODLING has outlined. We are going to be struggling with some of the most vexing and challenging issues of our time that confront our country and, more importantly, confront the people of our country.

One thing is very, very clear: In this most important comprehensive reform on welfare programs that we have ever attempted in the House, there is no ultimate wisdom. There are going to be disagreements.

No one has all the answers, and it is likely that we will not get it exactly right on all fronts the first time we go through this, but we have got to start because we owe it to our children and others in need to make the best possible attempt to fix what is broken. And what is broken is the system that we have now. It is clearly broken, and it is failing. Doing nothing is not the right answer.

As the gentleman from Colorado [Mr. McINNIS] said and as many others are going to say, doing nothing only leads to more grief for more Americans, because we can see that we are running out of money and we can see that we are not succeeding in what we are trying to do.

This rule allows 5 hours of general debate to get the process started, and I look forward to a truly deliberative and productive process, bringing together the best judgments of every Member of this institution.

But first, let us review the facts. Mr. Speaker, in the early 1970's the United States declared war on poverty. That was the cry, and despite the best intentions and $5 trillion of taxpayer funds, we just about have to say that we lost the war, that it is time to surrender and do something different. Illegitimacy rates and welfare rolls continue to soar and as everybody knows, more people live in poverty today than when we started the war and before we spent the $5 trillion.

□ 1515

Worse still, the current system hurt some of the very people it was intended to help. The Republican welfare reform bill focus on three important things. First, it consolidates programs to minimize bureaucracy, fraud, and hopefully gets rid of some of the waste we have got, in order to ensure that our finite resources, and they are increasingly finite, reach those who truly need the help. In other words, we are not going to deal with the marginal cases. We are going to deal with the needy.

Second, the Republican plan is legislation that allows States the flexibility to enact programs that are best suited to their individual needs while at the same time providing accountability at the local level. It is not exactly the same in New York City as it is in Alaska, Florida, or someplace in the Midwest. We need that flexibility.

Finally, the bill does away with many of the destructive disincentives that have helped to perpetuate generations of dependency, and we all know that.

Although this bill is estimated to save taxpayers tens of billions of dollars over the next 5 years, we have managed to increase spending for important programs like WIC and school lunches, despite the rhetoric to the contrary we keep hearing, and we have changed the carrots and sticks to move people off welfare roles and on to payrolls.

Mr. Speaker, I spent a good deal of time this weekend meeting with people in southwest Florida in my district who are right on the front lines, people working within the current system who know the issues, who have the expertise to redflag possible problems with this reform. And there are some serious and legitimate concerns, especially about the block grant approach and the potential for abuse and unfair distribution of funds within States.

We have to make sure we build this into the block grant approach, some kind of safeguard to make sure dollars flow to the areas where they are most needed. And I support that. That is just one area that we need to explore through this process.

But we have so many opportunities to make improvements and do things better. I sat at a Headstart luncheon yesterday with youngsters in the prekindergarten and kindergarten program. This is a program that works. We are keeping it. We make sure it is funded.

The things that work, we are trying to save. It is the things that do not work we are trying to excise and replace with something better. I think the authors of our proposal have done yeoman's work in bringing us to this point. Obviously, it is not a finished product, but it is a place worthy of beginning debate. Let the debate begin and support the rule.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, I thank the ranking minority member of the Committee on Rules.

Mr. Speaker, I support the rule for the 5 hours of general debate on the Personal Responsibility Act of the welfare bill, but I must rise in strong opposition once again to the Personal Responsibility Act because when we see how cruel this particular bill would be to children in this country, and Republicans are saying that Democrats really do not want a welfare bill, that they have had all of these years in order to pass one. But I have chaired this subcommittee for many, many years, and we have tried to work with the Republicans in the past to structure a welfare reform system that would respond to the human needs of people in this country.

I think when we see the Family Support Act of 1988, which was brought on by the Democrats, or we have seen certain things put in place, and even under the Clinton administration,

when he was elected President and he campaigned on the fact that we wanted to end welfare as we know it, and I think we tried to fashion legislation and we tried to get Republicans to come around.

But even if you think not, I would say to the Republicans that it is a time that what we all want to accomplish in this is to try to make sure that we move people off welfare into the private sector workplace, if possible. That is what we all want to accomplish in this welfare reform bill, and the Personal Responsibility Act, it does not address that.

The work requirements are such that people can just roll off of welfare, move into no jobs at all, and therefore, under your work requirements, that will be counted. We have not placed people in the workplace. We have not identified a link between welfare to work at all. I think Democrats have said all along that we want work first.

If Republicans, we could sit down with Chairman SHAW and others and do that. But just look at one thing. When we reported this bill, the formula has changed four times on the allocation of the $15.4 billion. We see now that under the changes that have been made from what we reported from the subcommittee, we see Speaker GINGRICH'S State of Georgia gained $45 million in the back rooms of the Committee on Rules. His State is picking up an additional $45 million. We see that those same private deals reduced California's block grant funding over a 5 year period by $670 million. In every public discussion on this subcommittee, it was very clear that California's share was higher.

Look at the other ways under the Committee on Rules, in the back room of the Committee on Rules, we see New York will take a hit of $275 million. But we see the gentleman from Texas [Mr. ARCHER] took care of himself. He added an additional $20 million in the back room of the Committee on Rules. Not the subcommittee, not the full committee, but in the back room of the Committee on Rules.

Mr. Speaker, I think it is very clear that we are in the protecting the children of this country. We see the first State allocation of allocation formula being changed, just in back room dealings by the Republicans. You too are ashamed of this bill you are bringing to the House floor today.

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

Mr. Speaker, while I am a little baffled by the gentleman from Tennessee's allegations about the back room drafts on this, the rule has not even been reported. The Committee on Rules meets at 5 o'clock. I invite you to come up and see about the back room thing. There is going to be media there. There is no back room drafting.

Mr. Speaker, I yield 5 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Colorado for yielding.

Mr. Speaker, I would like to discuss this bill. I am in support of the rule which we have before us. I do disagree with those who would say that this bill is cruel, and I would hope that our debate through the general debate and through the amendment process which we are going to undertake will be one which is constructive. Because maybe this is not the final bill, and I think there are some very good ideas. Lord only knows there are a lot of people here who have worked in this particular area, and we need to work with them as well.

But welfare as we know it today has basically continued people in poverty. There has been a sense of hopelessness attached to it. No real opportunity to leave or really to improve your life unless you are so self-motivated you can do so. Frankly, it has been generational to some degree.

In Delaware, we put together a program in 1987 under a blueprint for change and it became one of the model States for the Family Support Act of 1988. We developed an employment and training program to target the needs of hard-to-employ long-term welfare client. We developed a case management approach to service delivery. We raised the case assistance standard of need to bring benefits in line with neighboring States or the national average, and we developed indigent medical care programs and other programs to help people off of welfare.

The statistics are interesting on that. Since 1986, over 5,600 clients have benefited, with 2,779, and that is about one-half, of course, working full-time and 2,075 leaving welfare all together. Additionally, child care for families and work education and training has been increased substantially. We dealt with the problem in the State of Delaware, and I was pleased to be able to be the Governor during that period of time, and I think we dealt with it successfully.

Now we look at this program and we look at what we have. We are going to have a lot of rhetoric about it. The truth of the matter is the President of the United States of America, a good proposal by the gentleman from Georgia [Mr. DEAL], which we are going to hear about, and this bill are not as different from each other as we are probably going to hear about.

They essentially call for an end of welfare at some period of time for all families. They all call for work after a couple of years so people would have to go to work. It is a big-bang solution to solving the problems of welfare.

The Republican bill does call for block grants and gives more State flexibility. But today the House does begin consideration of some very important changes in our Personal Responsibility Act and a dialogue with the American people and our welfare recipients on replacing that failed welfare system with one based on work, individual responsibility, family, hope, and opportunity.

This bill does represent fundamental and dramatic change. We are going to have to talk about it. In its best light this bill could provide opportunity for those who have none. Democrats and Republicans, all agree by removing welfare recipients into work we can help place welfare recipients on the road to self-sufficiency, opportunity, and hope for their future, where currently frankly there is none. And this is not mean-spirited Republican philosophy, but American values.

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

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I would like to mention to the gentleman, you have not only been a tremendous and a very valuable member of the team which has been working over the last year to craft the bill and to get us where we are today, but your model, the Delaware model, which is continuing now under the present Governor, but from the seeds that you planted in Delaware, you have set the pattern, as a few other Governors have in this country, in what welfare should be, and taking it from a program of dependence to a program promoting independence. I would just like to compliment the gentleman in the well for the great work he has done as a Governor and a Member of this House in reforming this very difficult task of reforming welfare as we know it today.

Mr. CASTLE. Mr. Speaker, I thank the distinguished chairman for his compliments, unsolicited, I might add. I might just say with respect to that, I think we as Republicans have a responsibility to make sure as we monitor this bill to make absolutely positive that the kinds of programs we want are being put into place in the States, with the child care, the training, the education which is necessary; that we make sure there is no hardship, and we are trying to do something about rainy day funds. But that we give people that opportunity.

I think that is what this is all about. I think there has been some misrepresentation, all the way from the food nutrition programs, which has been I think misrepresented as to its potential growth, through a lot of other things that are happening.

I would hope, Mr. Speaker, as this day wears on and as the next few days wear on, that that story comes out. If there are amendments we should adopt, so be it, we should adopt them. But when it is all said and done, I hope we will have a welfare system in place in this country that will allow people to look at it and know this is giving us

hope, it is giving us sustenance, it is going to carry us through, we are going to be able to take care of our families, but at some point we are going to have the hope to be able to grow through it, to be able to be employed, if one is employable, and take care of those who are not employable, and be able to actually make progress for many people in America.

I look upon this in an optimistic sense, not in the pessimistic sense that this is a bill to suppress people. I realize there is a different point of view on that. But I hope we listen to each other and balance this and carry it out before the week has ended and we actually can adopt a piece of legislation that all of us can be very proud of.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, I would like to thank my colleague who is in the well now, one who has worked on the Subcommittee on Human Resources of the Committee on Ways and Means and one who has been in the forefront of the work component of the Democratic piece for welfare recipients in this country. I thank our colleague from Michigan, who has worked so hard with the full committee ranking member and the ranking member of the subcommittee. So I just wanted to first commend the gentleman.

I want to refer to my colleague from Colorado by saying what I am really afraid of in all of this is if the formula allocation was changed four times from the subcommittee, what bothers me is what the gentleman from Delaware [Mr. CASTLE] talked about earlier.

Surely, I want to say we Democrats want to work with the Republicans, talk this out, work it out, craft a welfare reform package that will put people to work and put work first. But what we do not want to do is to see when we go back to the Committee on Rules that we are going to continue to bring a bill to this floor that will constantly change in the allocation formula, and other things that will change in this bill, that we did not report out of the full Committee on Ways and Means. It was a bad bill that we reported out. It is tough on kids, it is cruel to kids in America, and I think we have to continue to discuss this. The Personal Responsibility Act is a bad bill for kids in America.

Mr. LEVIN. Mr. Speaker, let me just talk about welfare reform for a few minutes.

Look, the status quo is dead. The only issue is what is going to replace the present welfare system, and here is the quandary before the Committee on rules. We have only a partial rule, but they are faced with a bill that is extreme. It is extreme.

The school lunch program was just the tip of the iceberg. Then over the weekend we heard complaints about the provisions on mothers under 18, kids being punished if they are mothers under 18, or if they are the second kid in the family, forever. Well, now there seems to be kind of a retreat from that extreme provision.

Then we also heard over the weekend about day-care. The troops are a little restless over there on the Republican side with the extreme provision. We had urged in committee and subcommittee, make welfare reform work, have day-care. Now maybe you are beginning to get the message.

The trouble is that you have many other extreme provisions in your bill. For example, there is no linkage of welfare to work. States can meet the participation requirements simply by knocking people off the rolls. Period. There is not one more dollar, in fact there are dollars less, for work to give States the ability to link welfare with work.

SSI, there is a potential of knocking 700,000 kids off the SSI rolls. There is some abuse in the program, but do not punish truly handicapped children because of the abuse of some families.

□ 1530

That is harsh. Foster care, we put a provision in the bill so you could not divert moneys from foster care to some other program and you delete that.

Legal immigrants, this bill takes billions and billions, about $15 billion under some estimates, in terms of benefits from legal immigrants. There needs to be reform, but there does not need to be a drastic, drastic kind of measure here.

The bill that was presented by the gentleman from Georgia [Mr. DEAL] and the gentleman from Texas [Mr. STENHOLM], unlike the GOP bill, in my judgment has attempted to face these issues fairly and squarely. When it was urged that they fell short, their sponsors had an open mind, rather than a deaf ear. The Republicans, in contrast, have it backwards. Weak on work and tough on kids.

The only hope for a bipartisan response now is to set aside this bill and see if we can put together one that will truly put into effect workable welfare reform. We owe it to our constituents to do that. The bill before us miserably fails.

We Democrats stand ready to work with you. The problem is, you have been totally unwilling to work with us.

Mr. McINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I want to take this time to commend my colleagues for working so hard to develop a welfare reform proposal which takes great steps in reforming the welfare system. I support H.R. 4 for many reasons.

One of the main reasons is that H.R. 4 reforms the welfare system by providing incentives that move people off welfare into work. Many States have already developed welfare to work programs that have experienced high success rates, my State of Illinois included.

In the 16th district of Illinois, which I represent, Project Prosper is enjoying fantastic success and job training and placement of their welfare recipients, and Project Prosper uses no Federal funds. Why? Because the developers of that project work day to day with the welfare recipients and are able to concentrate on individual needs of particular circumstances.

I stand firm with my colleagues here in Washington, my constituents back home and many people across the nation in my conviction that the States are in a much better position to create and operate welfare programs that best suit their constituencies. These local programs provide the necessary incentives that move the welfare recipients in the direction of financial independence.

The welfare reform debate continues, and it is important to keep in mind that since 1965, when it first began, the Federal program has spent a total of $5 trillion. For cash welfare programs alone, the Federal Government has spent $1.3 trillion; for medical programs, $1.8 trillion; for food programs, $545 billion; and for housing assistance, nearly $½ trillion dollars. With all the money plowed into the programs, what do we have? The same poverty rate in 1966 as we do today, 14 percent.

We want to change the system, give children of this country an opportunity and incentive to enjoy the American dream, to get off the welfare system, to know what the free enterprise system is about. That is the purpose of H.R. 4, to imbue that sense of personal responsibility back into the welfare system.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member on the Committee on Government Reform and Oversight.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the rule and 5 hours of general debate.

Mr. Speaker, if Attila the Hun were alive today and elected to Congress, he would be delighted with this bill that is before us today and proud to cast his vote for it. H.R. 4, the Personal Responsibility Act is the most callous, coldhearted, and mean-spirited attack on this country's children that I have ever seen in my life.

You know, I cannot help but wonder how that could be? How people could be so insensitive to the needs of kids.

Now, this bill is touted as welfare reform. It is intended to move Americans out of the welfare system. Well, if throwing children and low-income people in the streets is reforming the system, then I guess this bill succeeds at what it purports to do.

What the bill really succeeds in doing is something that is not discussed. It creates $69.4 billion in savings to pay for tax cuts for the rich folk of this country. That is what the Republicans are eager to do.

The first fundamental flaw of this bill is that H.R. 4 ignores the very basic reason that most Americans become welfare recipients and stay on welfare. They cannot find jobs. There are very few low-skill, entry-level jobs nowadays that pay a living wage, but instead of improving our job training program or increasing the minimum wage, or providing affordable child care or creating jobs or offering a possible alternative to poverty, this bill, which is a hatchet act, punishes Americans for being poor. This bill fails to create a single job and still creates a whole list of reasons to cut Americans and their kids off the welfare rolls.

This cut and slash bill guts our current system of a safety net for the needy by carrying a bad idea to the far extreme. It just wipes out the critical entitlement status of most of our current systems and replaces them with State block grants and Federal funds with no strings attached. Anybody in the State could do whatever they wanted to with these things. There are major problems with completely abolishing the Federal Government's most successful programs, such as the School Lunch Program, the Breakfast Program, the WIC Program and so forth, and putting them into State funds that are already inadequate or will be inadequate because they are already going to be cut and monitoring or establishing no kind of quality standards or no kind of monitoring standards by which the States can be held accountable.

Let us take the School Lunch Program. I mentioned earlier today that I had gone to the Henry Suder School in my district. In that school, 488 kids out of 501 are on the School Nutrition Program. I see some of my Members on the other side of the aisle laughing.

I ask this question, how many of them have ever been hungry? How many of them have ever known what it was not to have a meal? How many of them have ever known what it was not to have decent shoes, decent clothing, a nice place to live? I will bet most of them have had a nice room of their own, not shared with any brothers or sisters, maybe five or six, have always been able to get their shoes if they wanted, the clothing that they wanted, food that they needed, et cetera. They do not know about poverty.

So I challenge them to come to the Seventh Congressional District of Illinois, in my district, and walk in the path of these children that they are cutting off on welfare. Walk in the path of the truly needy people who live by welfare because they have no other means by which to live. Not everybody stays on welfare eternally. We all know that. Some people do get off. Occasionally people get off of welfare because they do find a job, because they are able to get a GED, because they are able to get their education. And it happens more than once. It happens time and time again.

There are some people, of course, who have been on welfare for a long period of time, but that is not the norm. And we all know it is not the norm, and why we stand here and say that it is does not make any sense at all to me.

Let me tell you, I have to wonder when I see young bright kids who have every opportunity to learn in this country but who are not able to do so because they live in hunger, because they live in poverty, because they have no real life, no real life, if you will, that we are accustomed to denied the opportunity to live to be full Americans because of their lifestyle, because of what they do not have, because of the things that are not given to them, because of the enrichment programs that we send our kids to but that they do not happen to have because they are poor and because they are on welfare. I dread to think of the time when a child of mine or yours, in fact, would be denied an opportunity to feed your grandchild or my grandchild or anybody else's because they have not been able to find a job, because they have been laid off from their job for a small period of time, a short time.

These are the things that we are talking about today. We are not talking about welfare forever. We are talking about welfare as a gap, a bridge, a bridge over troubled waters.

If you have never been there, do not knock it. You might drown.

Mr. McINNIS. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, as to the gentlewoman's comments from the State of Florida, I take strong exception to her comments that there is laughter on this side of the aisle. While we may disagree with her point, her comments are taken with respect.

I rather suspect that her comment about laughter was probably written into her speech.

Mr. Speaker, I yield 4 minutes and 30 seconds to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Speaker, I rise in strong support of the Republican welfare reform bill.

Our welfare system has failed us. Everybody agrees on that. Since President Johnson launched the War on Poverty in the 1960's, America has spend over $5 trillion on welfare programs.

But, over the last 30 years, the poverty level has actually increased, and America's poor are no better off now than they were then.

When you spend $5 trillion on anything, you are bound to get something back. And there have been some cases where people on welfare managed to climb out of poverty.

But, as a whole, the welfare system that we have now deserves nothing less than a complete overhaul. It traps recipients in poverty, it denies them opportunity and it has directly contributed to the moral breakdown of the family.

It is time to end welfare as we know it.

Recent Federal attempts to reform welfare have gone absolutely nowhere. So the Republican welfare bill takes the logical step of giving more authority to the States so that they can shape effective programs that really work.

Everyone acknowledges that the States have taken the lead in proposing bold changes to welfare. The real innovation in welfare has been going on in the State capitals, not in Washington.

The Republican bill acknowledges this by taking away power from Washington bureaucrats and giving it to local officials who actually have to make assistance programs work on a day-to-day basis.

This is a practical solution to a practical problem.

Mr. Speaker, President Clinton and the Democrats in Congress had their chance to reform welfare and did nothing. Talk about cruelty to children. In 1992, the President campaigned hard on a promise to end welfare as we know it. But it was not until last June that we finally saw his proposal, and then the Democratic Congress sat on it and every other welfare reform bill. It did nothing to change the status quo.

Now the Democrats are still talking a pretty good game, and in the next couple of days they are going to complain a lot about the Republican proposal.

But the fact is that it is the Republicans who are moving ahead and reforming welfare. If it was not for the Contract With America and the November 8th electoral earthquake, I am sure that we wouldn't be having this debate today.

The Members on the other side of the aisle had their chance on this issue and they dropped the ball. And now that they are behind the curve, they are resorting to distortions and false attacks like the bogus charge that the Republican welfare bill cuts funding to the Student Lunch Program.

By now, everyone on Capitol Hill should know that this bill *increases* funding for child nutrition programs by 4.5 percent per year for the next 5 years, and increases WIC spending by

3.8 percent per year over the same period.

But the cold, hard fact is that since Republicans have stepped up to the plate on welfare reform, the Democratic leadership's only response has been to respond with misleading, partisan attacks like the school lunch issue since they were unable to pass welfare reform when they had the chance.

Mr. Speaker, it is time to move past all of this and face the fact that the time for real welfare reform has come, and that the Republican welfare bill is going to pass.

I urge my colleagues to support H.R. 4 and to help end welfare as we know it.

□ 1545

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. I thank the gentleman for yielding me the time.

First of all, I would like to thank the Committee on Rules on both sides of the aisle and their staff for allowing a substitute that I have proposed to be considered and hopefully we will have the opportunity to debate that and proceed with determining where we stand on this issue.

Mr. Speaker, I think it is somewhat ironic that we come here to discuss a system that we call well-fair. Recognizing that my comments are a play on the phonetic pronunciation of that word rather than its literal spelling, nevertheless I would suggest that it is a system which is neither well nor fair. It is not well in that it has placed actually a plague on our society that has condemned many generations to repeat and to fall into its prey. It is certainly not fair, in that it does not reward work. In many cases it does exactly the opposite. But I would concur with the comments of our colleague on the other side of the aisle, the gentleman from Pennsylvania [Mr. GOODLING], earlier today in which he said that we do not need to spend our time with rhetoric discussing the failures of the current system. I do not come here to justify the status quo. I come here to change it. Our efforts in this debate should be focused on how do we best change the current system to secure for ourselves and for our constituency the kind of system that is humane, the kind of system that rewards work, and a system that moves people out of this cycle of welfare.

I have offered as I indicated a substitute that is the work of many of my colleagues that has grown out over a 2-year period. We will propose this substitute and I would briefly like to address some of the areas that I think its strengths are embodied in it.

First of all is that we emphasize work. We think that work should pay. That the only true way to break welfare is to put people into work. But we recognize that for many mothers with dependent children that there are two critical ingredients that are presently disincentives that we need to change into incentives. First of all, they need child care. Second, they need to make sure that by going to work, most of which will be at low-paying jobs, that they do not lose health care coverage for their children. Our bill significantly addresses both of these.

First of all, CBO has estimated that if we truly wish to move people out of welfare and into work, that the cost for child care alone will be increased by approximately $6.2 billion. We provide the funding in our proposal for doing that. We also consolidate our child care programs into one particular and single program.

Second, we recognize that we need an additional year of transitional Medicaid so that these mothers will not lose all health care benefits for their children. We likewise recognize that if you are going to move into the work force, you must have training. We have a 2-year time period for a work first program. We make those programs truly tailored to the needs of citizens who are going to be trained to go into the work force. At the end of that 2-year period if an individual has not found a job in the private sector, States will have two options. One is a private voucher that can be taken to a private employer to be used if they hire a welfare recipient. Second is to place them in a community service program where they can likewise learn job skills and later move into the private sector market.

Another important distinction is that we think we can pay for a change of the welfare system within the welfare system itself and we do not need to reach outside into nutrition programs, and we do not.

We, also in the process of doing this, cut the programs by about $25 billion within the welfare system. We spend $15 billion of that making the changes for additional child care and additional training, with a net of approximately $10 billion which will be used for deficit reduction, and our proposal will be the only plan that will apply the savings to deficit reduction.

As I said, we do not tamper with the children and elderly and WIC food programs. We think that they are working and that they are working well and do not need to be brought into this net. We do strengthen child support enforcement provisions. Currently it is estimated there are about $48 billion in child support payments out there, only $14 billion of which are actually collected. We have a very tough provision for a registry for enforcing child support. We likewise recognize that teen pregnancy is a big problem. We devote much of our attention to that. We think it is an issue that we should not mandate but give States the flexibility.

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

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. I thank the gentleman for yielding me the time.

Mr. Speaker, the American people are demanding dramatic change in their welfare system. They know it is broken and they are calling upon us in the House of Representatives now and later in the Senate to fix it. Unfortunately, I do not think we are doing it in exactly the right way. I do not think it is dramatic enough and I do not think there are enough changes in certain areas that we all know need changes.

The American people want people who are on welfare and can work to work. They want more responsibility for the individual. They definitely want to strengthen the family, and they want to protect children.

When I look at this bill that we are going to have in front of us by the majority, some of these things are being done, but some are very definitely not. I listened to the gentleman from Delaware [Mr. CASTLE] asking us to listen to each other. We have a rule in front of us today that is only partial. There was something like 130 amendments upstairs at the Committee on Rules. I am convinced we can make some good changes. The gentleman from Florida [Mr. SHAW], the chairman of the subcommittee that did welfare, accepted child support enforcement as part of welfare reform, and that was a very good move. So I would hope that before we finish we could accept amendments, that could make this a better bill. We need to improve the work section so that it helps people really go from welfare to work. We should accept amendments so we really protect children. To take away the minimum standards for safety, Federal standards for children is absolutely wrong. We know in our own States, every State, these systems are overburdened, we need this last safety net for abused children, Federal oversight. So I would hope that as we look at this bill now, as we talk about the rule, that as the day goes on, we have improvements we can all agree on.

When I say they are not dramatic, let me tell you block grants are not dramatic. What they do is take everything together, send it back to the States and say, "Now it's your problem." I think we can do better and I hope as the process goes on in the next couple of days we will.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. I thank the gentleman for yielding me the time.

Mr. Speaker, I am very tired of hearing the Democrats talk about cruelty to children. I think we have got to get squared away on just where this debate is going.

I will tell you, Mr. Speaker, that what I consider cruelty to children is that $34 billion owed to these children by deadbeat parents, who have not paid up and who have not been checked in recent years. In this Republican welfare approach, we have taken a long, hard look at deadbeat dads and moms and how to get those $34 billion back into the system because that is $34 billion that could be used to keep these children out of the welfare cycle, out of poverty.

Mr. Speaker, of that amount, $11 billion leaves the system as deadbeat parents leave the State to evade their responsibility. What they end up doing not only is not supporting their children but also with their irresponsibility requiring that these kids stay on welfare. Not only that, Mr. Speaker, but they also end up requiring that the Government take responsibility as the parent for these children.

I support this rule because I think we need to have open debate on this issue. Title VII is the child support enforcement part of this bill. The plan that we have put before the Congress and will be debating in the next few weeks requires a Federal parent locator service to be set up at the Federal level that will allow the States to access information and locate where those parents are to make them pay up. I think it is very responsible, Mr. Speaker. A lot of the information in this title VII has come from work between the parties. So this can be our bipartisan core of this bill that we all agree on to force these parents who have given up all responsibility for their supporting their flesh and blood children to get back in the system and keep these kids off welfare. That to me, the ultimate cruelty is something we can take care of in supporting this bill this week.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, today we will prove to Arkansans and to all Americans that we have heard their frustrations and are finally prepared to take action on welfare reform. Since I came to Congress in 1993, I have talked almost daily with constituents who are tired of sending their tax dollars to Washington to give people something for nothing. I join the people of the First District of Arkansas today in enthusiastically saying, "It's about time for welfare reform."

It has all been said, just everyone has not said it, but I will say it again here today. Welfare was intended to be a safety net for widows and children, but it has become a hammock that has encouraged laziness and idleness. Less than 12 percent of the people who receive welfare benefits today are actually working and that is why we focus our intentions on work.

We have been paying the other 88 percent to sit at home and watch their mailboxes. The Federal Government has been making bigger promises than Publishers Clearinghouse. But after this debate ends and the votes are counted, I am confident that the House of Representatives will have sent a message to their home districts, "No more something for nothing."

Over the next few days, we will talk about several proposals for changing our welfare system. I challenge all of my colleagues to look beyond their party identification and listen closely to the merits of each plan, to check their party affiliations at the door and look to program reform that is both realistic and puts principles and values back into our families.

The Deal substitute, which I helped to write and cosponsor, puts more people to work than the current system, while making it possible for people to find a job and stay in it. We offer more job training and more child care than the status quo, and for the first time we set a lifetime limit of 2 years on welfare.

Your choices are simple, if you look beyond party lines. Put more people to work in less time, or put fewer people to work over more years. Put these options with another favorite theme, greater State flexibility, and you have an even easier choice.

The substitute that will be offered by the gentleman from Georgia [Mr. DEAL], myself, and other conservative Democrats allows States to tailor welfare to fit their needs. We give States the option of denying benefits to teenage mothers, we let the States decide whether to continue giving more money to mothers who have more children while on welfare. We also let States decide whether they want to keep people in welfare programs for a additional 2 years under community service. And we give them the option of recycling a few needy people back into the welfare rolls after their time limit has expired.

We are also the only plan that dedicates the moneys that we save to deficit reduction. You will hear more about our plan and the differences between the Deal substitute and the other welfare reform plans that are offered. I encourage you to think of your constituents before your party identification and to look at the reality of our plan and what it does for the future not only for us, for this country but for our children and our children's children.

Mr. MCINNIS. Mr. Speaker, I yield the balance of the time remaining to the gentleman from Florida [Mr. SHAW].

The SPEAKER pro tempore. (Mr. DOOLITTLE). The gentleman from Florida is recognized for 2½ minutes.

Mr. SHAW. I thank the gentleman for yielding me the time.

Mr. Speaker, in listening to the debate from this side of the aisle, you would think that one of the words that really sticks in my head was one of the speakers, the gentlewoman from Illinois, for whom I have a great deal of respect, referred to our idea as something having to do with Attila the Hun. I hear the gentleman from Tennessee refer to us as mean. And I hear the other speakers refer to us as being tough on children and weak on work.

I would notice, however, a resounding silence in this Hall when it comes to anybody defending the system that we have today, defending the system that we were unable and unwilling to change while the Democrats controlled this body.

You look back at some of the good welfare proposals that have come down the pike, some that really helped. Take the earned income tax credit. That was a Republican proposal. Take the child care that has been put in place. And remember the great fight that we had with the committee, and we worked together on that particular bill. That was bipartisan in nature, and it was signed into law by a Republican President.

Now the time has come to change the balance of the program, to change, truly change welfare as we know it today. For the Republicans to carry forward, to fulfill the 1992 platform pledge of the Democrat Party.

□ 1600

This is the Republicans carrying through on the pledge of the Democrats because of the Democrats' failure to do this. We are going to, I hope and pray that we do pass a welfare bill, that we get rid of the cruelest system that has ever been known.

The cruelest system that is out here on the floor is existing law and we must change it, we must work together, we must move this process forward.

We have worked long and hard on the Republican side in order to change welfare. The bill of the gentleman from Georgia [Mr. DEAL], which will I understand be offered as a substitute sometime later this week, that bill itself comes a long way from where the Democrat party was just a few short months ago when we could not get a bill to the floor, when we could not reform welfare.

A few short months ago in the last years when the Democrats were in charge, we would have been glad to come forward and work on a bill such as that. But I tell all of my colleagues to read it carefully; come in with specifics. The Republican bill is weak on

work? Read the Deal bill. The Republican bill is the bill that stands for work. It stands for real reform and it stands for the empowerment of people.

Let us break the chains of slavery that we have created with welfare in this country and let us work together for a better America.

Mr. McINNIS. Mr. Speaker, 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.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. DOOLITTLE). The gentleman will state it.

Mr. McDERMOTT. Mr. Speaker, does the rule we have just adopted make in order general debate on H.R. 4 or H.R. 1214?

The SPEAKER pro tempore. The rule makes in order debate on H.R. 4.

Mr. McDERMOTT. As I understand it, Mr. Speaker, the committees of jurisdiction reported out three other bills, none of which is before the House today. Am I correct that H.R. 4 has not been reported out by any committee of jurisdiction?

The SPEAKER pro tempore. The gentleman is correct.

Mr. McDERMOTT. Mr. Speaker, continuing that inquiry, is it true that the Budget Act points of order which are designed to assure that the budget rules we established for ourselves are adhered to apply only to measures that have been reported by the committee of jurisdiction?

The SPEAKER pro tempore. The Chair observes that sections 302, 303, 311, 401, and 402 of the Congressional Budget Act of 1974 all establish points of order against the consideration of bills or joint resolutions as reported. That is, in each case the point of order against consideration operates with respect to the bill or joint resolution in its reported state. Thus, in the case of an unreported bill or joint resolution, such a point of order against consideration is inoperative.

Mr. McDERMOTT. In other words, Mr. Speaker, if we had followed the regular order and reported either H.R. 4 or H.R. 1214 from the committees of jurisdiction, several points of order would have applied. To get around those rules, the majority has instead put before the House an unreported bill making it impossible for those of us who believe the House should be bound by the rules it sets for itself to exercise those rights.

Mr. McINNIS. Regular order.

The SPEAKER pro tempore. The House has just adopted House Resolution 117.

Mr. McDERMOTT. It is my understanding that we went around the rules because we did not follow the rules.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. McINNIS. A point of order, Mr. Speaker, I thought it was a parliamentary inquiry, not a speech.

The SPEAKER pro tempore. The gentleman is correct.

HOUR OF MEETING ON TOMORROW

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

GENERAL LEAVE

Mr. ARCHER. Mr. speaker, I ask unanimous consent all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4, the Personal Responsibility Act of 1995.

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

There was no objection.

PERSONAL RESPONSIBILITY ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 117 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4.

□ 1604

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, with Mr. LINDER in the chair.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 1 hour; the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. CLAY], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from Texas [Mr. DE LA GARZA] will each be recognized for 45 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Republican welfare revolution is at hand. Today begins the demise of the failed welfare state that has entrapped the Nation's needy for too long. Today we begin to replace that disaster in social engineering with a reform plan that brings hope to the poor of this Nation and relief to the Nation's taxpayers. Working Americans who carry the load will get relief.

Government has spent $5.3 trillion on welfare since the war on poverty began, the most expensive war in the history of this country, and the Census Bureau tells us we have lost the war. The bill we bring to the floor today constitutes the broadest overhaul of welfare ever proposed. The status quo welfare state is unacceptable.

Today we have the chance to move beyond the rhetoric of previous years of endless campaign promises to end welfare as we know it. Today there must be no doubt. The rhetoric is stopping, the solution is beginning.

Our bill is constructed on three principles which strike at the very foundations of the Nation's failed welfare state. The three principles are personal responsibility, work, and returning power over welfare to our States and communities where the needy can be helped the most in the most efficient way.

The first and most fundamental principle captured by the title of our bill is personal responsibility, the character trait that build this country.

The current welfare system destroys families and undermines the work ethic. It traps people in a hopeless cycle of dependency. Our bill replaces this destructive welfare system with a new system based on work and strong families.

Virtually every section of the bill requires more personal responsibility. Recipients are required to work for their benefits. Drug addicts and alcoholics are no longer rewarded with cash payments that are often spent on their habit. Aliens who were allowed into the country because they promised to be self-supporting are held to their promise; fathers who do not live with their children are expected to pay child support or suffer severe consequences; and welfare can no longer be a way of life. After 5 years no more cash benefits will be provided.

This bill will reverse the decades-long Federal policy of rewarding unacceptable and self-destructive behavior. We will no longer reward for doing the wrong thing.

The second underlying principle of our bill flows naturally from the first. Able-bodied adults on welfare must work for their benefits. Here it appears that the Democrats have surrendered completely to Republican philosophy. On work we are all Republicans now, but it was not always so.

During the welfare debate of 1987 and 1988, Democrats perpetuated a system in which able-bodied adults could stay

on welfare year after year after year without doing anything. Now the Clinton administration and Democrats in the House are finally claiming they want mandatory work too, but the substitutes they will offer later do not require serious work.

That is not surprising. Conflict among Democrats on the basic issue of work was one of the reasons they did nothing on welfare reform in the last Congress. Another was the fact that it took the President almost 2 years to write a welfare bill, which he then let die without so much as a minute of debate in the House or the Senate.

If the Democrats were serious about welfare reform, they would have taken action last year when they had the chance. To the Democrats, welfare reform is not a policy objective, it is a political platform. It is an empty promise, it is a campaign device that is put on hold once they get elected.

House Republicans signed a Contract With America that promised we would provide a vote on the House floor on true welfare reform, and we are now fulfilling that promise within less than 80 days. We are proud to move forward to change America's failed welfare system.

The third principle which forms the foundation of our bill is our commitment to shrink the Federal Government by returning power and flexibility to the States and communities where the needy can be helped the most. My own mayor in Houston, TX, a Democrat, talked to me several weeks ago and said you can cut the amount of Federal money coming to Houston by 25 percent, but give me the flexibility without the Federal regulations and I will do more with 25 percent less.

Some say, however, that only those in their ivory towers in Washington care enough to help the needy and aid the poor; the only caring people in all of government throughout the United States are only here right in Washington. That is what they say. They say you cannot trust the States. These people seem to think that the Governors are still standing in the schoolhouse doors not letting people in. But rather it is the Democrats in Washington who are standing in the doors of our Nation's ghettos and not letting people out.

The current regulatory morass is shown on the chart standing next to me. It shows that the welfare system Republicans inherited consists of at least 336 programs in 8 domains of welfare policy. The Federal Government expects to spend $125 billion on these programs this year. Here it is, proof of the ridiculous tangle of overlapping bureaucratic programs that have been thrust upon the Nation since the beginning of the war on poverty, and the worst part is that the American taxpayers, working Americans are paying the bill.

But these 336 programs are only the tip of the iceberg. Imagine how many regulations had to be written to implement these 336 programs. Just let me show you. These are the regulations from just 2 of the 336 programs. They are standing right next to me here on the desk. They weigh 62.4 pounds. I guess I could probably lift them, but it would be easier with a fork truck.

I can think of no more fitting symbol of the failed welfare state than these pounds of Federal regulations. It is time to remove the Federal middleman from the welfare system. We can cut these unnecessary regulations, eliminate Federal bureaucrats and give our States and communities the freedom they need to help their fellow citizens. Our bill will end 40 of the biggest and fastest growing programs and replace them with 5 block grants. By ending counterproductive overlapping and redundant programs, we will win half of the battle. We are proud, though, that we have hit upon a much better approach to helping the poor than this top-heavy Federal system.

Our new approach recognizes that the action on welfare reform today is in the States already. While Washington twiddled its thumbs for the last several years, States all over the country were engaging in actual welfare reform.

The laboratories of democracy are in the States, not Washington, DC. Block grants will bring the decisions closer to the people affected by them, they will give Governors more responsibility and resources to design and run their own programs.

□ 1615

And once we have given the State this flexibility and eliminated the need for them to beg Washington for permission to operate outside the stack of rules in that pile on the desk, the reforms they have implemented thus far will be dramatically expanded and spread to every State.

Mr. Chairman, welfare today has left a sad mark on the American success story. It has created a world in which children have no dreams for tomorrow and grownups have abandoned their hopes for today.

The time has come to replace this failed system with a new system that uplifts our Nation's poor, a new system that turns the social safety net from a trap into a trampoline, a new system that rewards work, personal responsibility in families, a new system that lifts a load off of working, tax-paying Americans. It represents a historic shift long overdue.

Mr. Chairman, I submit the following correspondence for the RECORD.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Economic and Educational Opportunities, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: I am writing to congratulate you for your leadership in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. This achievement could not have occurred without the close working relationships developed between the Members and staffs of our two committees. Thank you for the outstanding cooperation we have enjoyed in developing this landmark legislation.

I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort, and to acknowledge your recent correspondence. On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you know, Republicans have been working diligently to combine social programs with similar or identical purposes into block grants. The procedure has been to identify all the programs with a similar purpose, end the spending authority for all but one of the programs with a similar purpose, and fund the resulting block grant at roughly the level of funding for all the constituent programs combined. Unfortunately, this common sense approach is not easily accomplished within the existing committee structure.

I want to thank you for agreeing to have the Committee on Ways and Means consolidate certain child protection provisions into a Child Protection Block Grant in Title II of H.R. 1157. In addition, H.R. 1157 contains provisions authorizing the transfer of funds from the temporary assistance block grant to food and nutrition programs and the child care block grant. It also contains a technical correction to ERISA Title I, concerning child support enforcement. Thank you for not objecting to the inclusion of this provision, and for bringing an additional technical correction to my attention. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up H.R. 1157.

Similarly, H.R. 999, as reported by the Committee on Economic and Educational Opportunities, contains provisions that fall within the jurisdiction of the Committee on Ways and Means. Specifically, H.R. 999 ends the at-risk child care and the AFDC and Transitional child care programs for consolidation into a Child Care Block Grant. H.R. 999 includes mandatory work requirements relating to the JOBS program. These provisions were later harmonized with similar provisions from H.R. 1157 in the leadership bill, H.R. 1214. H.R. 999 also includes provisions authorizing the transfer of child care and family and school nutrition block grant funds to the temporary assistance, child protection, and Title XX block grants.

Because of our prior consultations and to expedite consideration of this legislation on the Floor, the Committee on Ways and Means will not mark up H.R. 999. However, the forbearance in this case should not be considered as a permanent waiver of this Committee's jursidcition over these provisions, and it should not preclude the Committee from legislating in this area in the future should the need arise.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES,
Washington, DC, March 17, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to alert you to a provision in H.R. 1214, the Personal Responsibility Act of 1995, as reported by the Committee on Ways and Means which is in need of correction and involves an amendment to Title I of ERISA.

As contained in section 711 of the bill, subtitle H—Medical Support, the provision in question amends section 609 of Title I of ERISA to add a judgement, decree, or order issued by an "administrative adjudication" to the criteria required for such an order to be considered a "qualified medical child support order."

The term "administrative adjudication" is not defined in the bill or under current law. However, the intent appears to be to expand the definition to encompass orders issued through an administrative process established under state law.

Although our committee has no objection at this time to the inclusion in H.R. 1214 of this amendment to ERISA Title I, over which the Committee on Economic and Educational Opportunities has exclusive jurisdiction, it is our opinion that the technical flaw should be corrected before the bill is considered in the House. In this regard, I have referred the following technical correction to the House Legislative Counsel for inclusion in the final bill—ERISA section 609 (a)(2)(B)(ii)(II), as added by section 771(q)(3) of H.R. 1214, should be amended to read "(II) is issued through an administrative process established under state law and has the force and effect of law under applicable state law."

This is also to inform you that the Committee on Economic and Educational Opportunities will request that its members be appointed as the exclusive conferees on section 771, inasmuch as there are other technical changes to ERISA section 609 that will be necessary to remove current ambiguities to this section of ERISA Title I over which our Committee's exclusive jurisdiction has never been disputed.

Sincerely,

BILL GOODLING,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. FLOYD D. SPENCE,
Chairman, Committee on National Security, Rayburn House Office Building, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN SPENCE: Thank you for writing me regarding committee consideration of H.R. 4, the Personal Responsibility Act. In response to your letter, I would like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you noted, during its consideration of the child support enforcement title of H.R. 1157, the Committee on Ways and Means included a provision dealing with enforcement of the child support obligations of members of the Armed Forces falling within the jurisdiction of the Committee on National Security. I want to thank you for waiving your committee's jurisdictional prerogatives in this instance to expedite Floor consideration of this legislation, and I understand that you are reserving your Committee's jurisdictional prerogatives for future consideration of this provision.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON NATIONAL SECURITY,
Washington, DC, March 13, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Ways and Means has recently ordered reported H.R. 4, a bill that would reform the welfare system. During markup of the legislation, the committee adopted a provision dealing with the enforcement of child support obligations of members of the armed forces. This provision falls within the legislative jurisdiction of the Committee on National Security pursuant to House Rule X(k).

In recognition of your committee's desire to bring this legislation expeditiously before the House of Representatives, and with the understanding that a clause in the above described provision to which this committee objects has been removed from the bill, the Committee on National Security will not seek a sequential referral of H.R. 4. This forbearance should not, of course, be construed as a waiver of this committee's jurisdiction over the provision in question. This committee will seek the appointment of conferees with respect to this provision during any House-Senate conference.

I would appreciate your including this letter as a part of the report on H.R. 4 and as part of the record during consideration of the bill by the House.

With warm personal regards, I am

Sincerely,

FLOYD D. SPENCE,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, Committee on Commerce, Rayburn House Office Building, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for sharing with me your recent correspondence with the Speaker regarding committee consideration of H.R. 4, the Personal Responsibility Act. In response to your letter, I would like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you noted, during its consideration of H.R. 1157, the Committee on Ways and Means included provisions dealing with the Medicaid program. I want to thank you for waiving your Committee's jurisdictional prerogatives in this instance to expedite Floor consideration of this legislation, and I understand you are reserving your Committee's jurisdictional prerogatives for future consideration of these provisions.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON COMMERCE,
Washington, DC, March 15, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing for two purposes: first, to indicate that, in order to expedite Floor consideration, the Committee on Commerce will waive its right to mark up both H.R. 4, the Personal Responsibility Act, and H.R. 1214, the Personal Responsibility Act; and second, to indicate the Committee's interest in preserving its jurisdictional prerogatives with respect to a House-Senate conference on either of these two bills and any Senate amendments thereto.

H.R. 4, the Personal Responsibility Act of 1995, was introduced on January 4, 1995, and referred, by title, to the Committee on Ways and Means, the Committee on Agriculture, and the Committee on Economic and Educational Opportunities, as well as to other Committees. The Committee on Commerce received an additional referral on two of the eight titles: Title IV, Restricting Welfare to Aliens, and Title VIII, Effective Date. Within the Committee, the bill was referred to the Subcommittee on Health and Environment and the Subcommittee on Energy and Power for those provisions which fell within their respective jurisdictions.

H.R. 1214 was introduced in the House on March 13, 1995, and represents a consensus bill developed by the three Committees with primary jurisdiction for consideration on the House Floor in lieu of H.R. 4. In addition to the three primary Committees, H.R. 1214 was also referred to the Committees on Commerce, the Judiciary, National Security, and Government Reform and Oversight, in each case for consideration of those provisions as fall within the jurisdiction of the Committee concerned.

Staff of the Commerce Committee has carefully reviewed both the text of H.R. 4 and H.R. 1214 and has worked with the staff of the Committee on Ways and Means in drafting language contained in H.R. 1214 as it relates to provisions within this Committee's jurisdiction. Specifically, the following provisions of H.R. 1214 have been identified as falling squarely within the Commerce Committee's jurisdiction:

TITLE I

Section 106: Continued Application of Current Standards under Medicaid Program

TITLE II

Section 203: Continued Application of Current Standards under Medicaid Program

TITLE IV

Section 401: Ineligibility of Illegal Aliens for Certain Public Benefits Programs

Section 401(a): In general: Notwithstanding any other provision of law, any alien who is not lawfully present in the U.S. shall not be eligible for any Federal means-tested public benefits program.

Section 401(b): Exception for Emergency Assistance

Section 402: Ineligibility of Nonimmigrants for Certain Public Benefits Programs

Section 402(a): Notwithstanding any other provision of law, any alien who is lawfully present in the United States as a nonimmigrant shall not be eligible for any Federal means-tested public benefits program.

Section 402(b): Emergency Assistance—emergency medical care

Section 403: Limited Eligibility of Immigrants of 5 Specified Federal Public Benefits Programs

Section 403(a)(4): Notwithstanding any other provision of law, any alien who is legally present in the U.S. shall not be eligible for Medicaid.

Section 403(b)(4): Exceptions (Emergency Assistance, including emergency medical care)

Section 403(b)(5): Transition for Current Beneficiaries

Section 431: Definitions

TITLE VI

Section 601(d): Funding of Certain Programs for Drug Addicts and Alcoholics

Section 602(b): Establishment of Program of Block Grants Regarding Children With Disabilities

Section 1645(b)(2): Medicaid Program: For purposes of title XIX, each qualifying child shall be considered to be a recipient of supplemental security income benefits under this title

Section 602(c): Provisions Relating to SSI Cash Benefits and SSI Service Benefits

"Treatment of Certain Assets and Trusts in Eligibility Determinations for Children"

Section 602(e): Temporary Eligibility For Cash Benefits For Poor Disabled Children Residing in States Applying Alternative Income Eligibility Standards Under Medicaid

TITLE VII

Section 701(a)(1): State Obligation to Provide Child Support Enforcement Services

Section 702(b): Definition of Federal Medical Assistance Percentage

H.R. 4 and H.R. 1214 are an essential component of the House Republican Contract with America. The Members of the Commerce Committee have no desire to delay the House's consideration of this important measure. Therefore, at this time, I am waiving this Committee's right to take up both H.R. 4 and H.R. 1214. I wish to make clear that by waiving its opportunity to mark up these bills, the Committee does not in any way prejudice the Commerce Committee's jurisdiction with respect to H.R. 4 or H.R. 1214 or to any of the legislative issues addressed therein in the future. In addition, the Committee respectfully requests that if H.R. 4 or H.R. 1214 or any amendments thereto should be the subject of a House-Senate conference, the Commerce Committee shall receive an equal number of conferees as those appointed for any other House Committee with respect to the provisions contained in H.R. 4 or H.R. 1214, and any Senate amendments thereto, which fall within this Committee's jurisdiction.

Sincerely,

THOMAS J. BLILEY, JR.,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to congratulate you for your leadership in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you know, Republicans have been working diligently to combine social programs with similar or identical purposes into block grants. The procedure has been to identify all the programs with a similar purpose, end the spending authority for all but one of the programs, and fund the resulting block grant at roughly the level of funding for all the constituent programs combined. Unfortunately, this common sense approach is not easily accomplished within the existing committee structure.

I want to thank you for agreeing to have the Committee on Ways and Means to consolidate certain child protection programs under your Committee's jurisdiction into the Child Protection Block Grant in Title III of H.R. 1157. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up this legislation. Specifically, H.R. 1157 consolidates the missing and exploited children program, grants to improve the investigation and prosecution of child abuse cases, and the children's advocacy centers program. In addition, you requested that the Committee include in H.R. 1157 provisions concerning welfare and immigration, and the treatment of aliens.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. JAMES A. LEACH,
Chairman, Committee on Banking, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEACH: I am writing to congratulate you for your leadership in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Agriculture Committee and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you know, Republicans have been working diligently to combine social programs with similar or identical purposes into block grants. The procedure has been to identify all the programs with a similar purpose, end the spending authority for all but one of the programs, and fund the resulting block grant at roughly the level of funding for all the constituent programs combined. Unfortunately, this common sense approach is not easily accomplished within the existing committee structure.

I want to thank you for agreeing to have the Committee on Ways and Means consolidate the Family Unification Program under your Committee's jurisdiction into the Child Protection Block Grant in Title II of H.R. 1157. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up this legislation.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. WILLIAM F. CLINGER, JR.,
Chairman, Committee on Government Reform and Oversight, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN CLINGER: I am writing to thank you for your assistance in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economics and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

During its consideration of the child support enforcement title of H.R. 1157, the Committee on Ways and Means included a provision dealing with enforcement of the child support obligations of members of federal employees falling within the jurisdiction of the Committee on Government Reform and Oversight. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up this legislation.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

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

Mr. GIBBONS. Mr. Chairman, I yield 6 minutes to the gentleman from Tennessee [Mr. FORD], the ranking Democrat on the Welfare Subcommittee of the Committee on Ways and Means.

Mr. FORD. Mr. Chairman, we have now brought the welfare reform bill to the House floor, which is the Personal Responsibility Act.

Mr. Chairman, as we go through this bill over the next 5 hours tonight and as we take amendments on this bill tomorrow and maybe Thursday, we, as Democrats want to point out to the American people that what the Republicans have brought to this House floor

is a bill that is weak on work requirements. The Republican bill does not put work first, and the Democrats, we have said all along, if we are going to reform the welfare system in this Nation, is that we must make sure that those who are able to work should go to work and that the State and the Federal Government should participate in making sure that we link welfare to work.

When we look at the Republican bill, there is no requirement that any AFDC recipient actually go to work. States can fulfill there work requirements by cutting people off the welfare rolls. They can meet that 50-percent requirement by the year 2003, yes, you just roll them off, no work requirements for the first 2 years.

Democrats are saying what we want is a self-sufficiency plan. The day that you enter the welfare office is that you will have to sign up in a self-sufficiency plan which means that the States would have a responsibility. We would also fund the States to make sure that they would have the moneys necessary to do just that. For the first 2 years, as I have said, under the Republican bill recipients need not work. There is no work requirement that would say to the States, "You must place someone in the work force," and after 2 years under the Republican plan, the State only has to obtain 4-percent work participation; after the 2 years, only a 4-percent work participation.

The Democrats think that Republicans ought to come together and let us pass a bill that would say to the able-bodied men and women on welfare that, "You must work, and we are going to assist you in placing you in the work force."

And when you look at the Republicans, they have no commitment to move people from welfare to work. They only move you off of welfare, and they will place the problem and the burden on the cities and counties and neighborhoods throughout America. No resources are provided under the Republican plan to help States provide education, training, and there is no child care under this bill.

Democrats offered amendments in the subcommittee and the full committee to say to those mothers who want to go to work that we guarantee a minimum child care component in the welfare reform package. Democrats, once again, we put people first through a self-sufficiency plan that will place them in the work force.

The self-sufficiency plan would put people to work immediately, and those recipients would be able to go to work, and if they needed education, training, and child care, the Democrats wanted to provide that. Democrats put work first, because we do not use caseload reduction to fulfill the work requirement.

And like I said earlier, Democrats want to include the private sector, to make sure that the private sector can help us create some of the jobs that will be needed in order to put people to work.

And let us go on a little further than that. Child support enforcement, it was the Democrats who insisted upon the Republicans bringing this provision of this title to the bill to the House floor. We are proud of the fact that you did included 90 percent of what the Democrats wanted, but the other 10 percent is what the children of this Nation are in need of.

Why not put the drivers's license, attach them to make it possible to hold up those licenses or to make sure that when you get a ticket, in one State and you do not pay it, is that your license will be revoked until that ticket is paid? We are saying the professional license, why not, in the child support enforcement bill.

I commend you, I say to the gentleman from Florida [Mr. SHAW] and the gentleman from Texas [Mr. ARCHER], for bringing the title to this bill that will address child support enforcement, but, you know, and we know as Democrats, that you did not go far enough.

Or when we look at how you want to punish children. I mean, why take infant kids, why should we take innocent kids, infant kids to say that because of the behavior of your parents you will be penalized? Why would we say to kids who are born to welfare families in America that we are going to penalize kids?

The rhetoric that the Republicans have given us in saying that we need to change welfare, we would agree with that, but there is no need of us saying that we will not link welfare to work and make work first in priority in a welfare package. Democrats want a welfare reform bill, but we want a bill that will send people to work, hopefully in the private sector.

We want to make sure that the day you enter into the welfare office that you sign up with a plan, and that will be a self-sufficiency plan that will put you to work, keep you in the work force, and for you to provide for your children and not be mean to children, I mean, just plain mean to children, like this Personal Responsibility Act that is before this House today.

Mr. SHAW. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, today we begin taking the final steps to revolutionize welfare. We are keeping our pledge to the American people to replace the current failed system with one that encourages personal responsibility, family unity, and work.

Under our proposal dozens of programs are merged into block grants to provide States flexibility in meeting the cash welfare, child protection, child care, and nutrition needs of their residents. Overnight, States would have real incentives to get welfare recipients into work. States that are successful can save for recessions, expand child care, or invest in more job training. Individuals would have to work to keep cash welfare, food stamps and other benefits.

Working families will stop seeing Federal tax dollars subsidize behavior they know is destructive: Unmarried children will not receive welfare checks and an apartment if they have a baby; families already on welfare will not get added payments for having more children they cannot support; and aliens will no longer be eligible for several welfare benefits. Welfare will be transformed into temporary help, not a way of life.

Supplemental Security Income benefits are reformed to protect taxpayers and target help to the truly disabled. Drug addicts and alcoholics will no longer receive monthly disability checks because of their addiction. And by refocusing SSI children's benefits, we provide more help to severely disabled children while protecting taxpayers against fraud and abuse.

Child support enforcement is strengthened to achieve better coordination between States, surer tracking of delinquent parents, and more efficient collection of support. All agree that holding absent fathers accountable is critical to any real welfare reform, and our proposal does just that.

Under our proposal families on welfare are expected to work, just as taxpaying families must work to support themselves. So after a maximum of 2 years on welfare, and less if States choose, families must work or lose their welfare checks. After 5 years of cash welfare, families must become free of government dependence, period.

Despite these unprecedented changes, Democrats, who won the White House pledging to reform welfare and then did nothing for 2 years, are charging that Republicans are soft on work. This charge is simply incorrect, for numerous reasons.

Under the Democrat substitute offered by Congressman DEAL, States are required to provide 2 years of education and training, not work, for all recipients. So States like Massachusetts that want to get welfare recipients into work after 2 months, not 2 years, would be barred from doing so. As a result, the Deal substitute would prolong, not shorten, families time on welfare.

Further, under the Deal substitute, simply searching for a job satisfies the supposed requirement that people on welfare work first.

Finally, because the Deal substitute allows States to count everyone who leaves welfare as meeting the work requirement, the number of people required to work by the bill is actually lowered by 500,000 per month. Even if a

State somehow found a way to fail to meet this so-called requirement, no penalty would result.

Whether these and other flaws in the Deal substitute are due to drafting errors, oversights, or intentional omissions, the effect is the same: the Deal substitute offers too little, too late on requiring work for those on welfare. This debate will bring that into focus for many of my colleagues who I know want to support real welfare reforms. Unfortunately, especially on work, the Deal substitute is right on rhetoric but wrong on substance.

It's not hard to see which bill provides real welfare reform—the Personal Responsibility Act. Our plan is nothing short of a revolution in social policy that replaces the current failed welfare system with one that will better meet the needs of the poor and get millions into work and off welfare. That is the only way to solve the welfare mess, and we are here to deliver on our promise to do just that.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], a member of the welfare subcommittee, the Human Resources Subcommittee of the Committee on Ways and Means.

Mr. LEVIN. Mr. Chairman, you know, as I listened to the majority, this is, I think, very clear, Americans, the American people, want firmness. They do not want harshness. And you come across as harsh, harshly partisan, and also harsh on people and soft on work.

And let me explain why you are soft on work. It is very simple. The structure of this bill and other bills requires States to meet participation rights. It is a certain percent the first year, a certain percent the second year, et cetera into the next century.

Under the Republican bill, the States do not have to put a single person to work to meet participation requirements, not a single person. That is just the truth.

On page 22 of the bill it says that in plain English. And why does it say that? Because the majority bill does not provide any money to the States to help them put people on welfare to work. It was in your bill of a year ago. What happened to it?

You want to save money, I guess, for tax cuts for a privileged few instead of helping people get off of welfare into work. That is why you come across as soft on work, because you are, and that is why you come across as harsh, because you are. Firmness, yes; harshness, no.

And a rainy day fund? The Republican Governors themselves said $1 billion over 5 years is not enough to provide in cases of recession, in cases of inflation, and you just look the other way.

Now, why tough on kids? Look, we have done a lot of work on SSI. There is abuse in this program for kids. Some families are gaming the system, but most of these families are handicapped kids, parents struggling to provide a decent life for their handicapped children, and SSI says what you do to them; 21 percent would still qualify under the present program.

□ 1630

And the rest of them would be at the mercy of a State bureaucracy or off the rolls altogether. Those are the facts. You are going to eliminate from the rolls 700,000 kids by the year 2000.

Now, look, there is abuse, let us make that clear; but you are abusive in getting at abuse, you are harsh. You use a meat ax against handicapped children and their parents. And they say they do not want a bureaucracy, State or Federal, telling them what to do. They will account for the money, but they know best for their kids.

You turn your back on kids, you are soft on work, and that is why your bill is not worthy of passage.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I thank the gentleman from Florida for yielding this time to me.

Mr. Chairman, we stand here today at the threshold of righting a wrong. We have the opportunity to reverse an injustice that has plagued this country for decades. We can, and will, fix a broker welfare system that has literally trapped generations of Americans in a cycle of dependency from which there is little chance of escape.

We must not let this opportunity pass.

The Committee on Ways and Means took testimony from 170 witnesses. No one defended the status quo.

So we know the current system is broken, but what's wrong with it?

First, it discourages work. Second, it fosters out-of-wedlock births. Third, it is anti-family. And fourth, by the Federal Government deciding on a one size fits all welfare system for everyone from Los Angeles to Boston, it is anticommunity.

In our welfare reform package, we not only encourage work. We demand it from able-bodied people. Those who can work will work.

Unlike the Democrats whose answer to work is temporary subsidized employment we give people the dignity of work.

Our package fights illegitimacy by not giving cash benefits to children having children. And let me preempt those who try to paint us as cruel or mean: Noncash benefits such as Medicare, Food Stamps and child care will continue, to ensure the child is cared for. But giving 15-year-olds cash payments so they can move out of their parents' home and into Government apartments or trailers, is the cruelest thing you could do to that young parent and their baby.

By encouraging independence and concentrating on keeping families together, we provide recipients dignity, opportunity, and hope. Three characteristics missing from the current system.

The other side of the aisle hold tight to their belief that Federal bureaucrats based here in Washington are somehow more compassionate, and more capable of caring for the needy. To hear them tell it, our communities, local governments, and Governors will starve the children and give the money to the rich. Drop the heated and false rhetoric and let go of the status quo.

Let us bring Government closer to home. The welfare needs in the Fourth District of Michigan are different from those in Detroit. Just as the needs in New York are different from those in Dallas. Let us give these communities the freedom and flexibility to create innovative new programs based on their specific needs. By cutting out the Federal middle-man, we can save 10 to 15 percent of administrative costs right off the bat.

We're not cutting welfare benefits; and in some cases we are increasing them. What we are cutting is bureaucracy and that is driving the defenders of big Government and redtape crazy.

By giving hope and opportunity, we again make welfare a safety net and a helping hand, not a life sentence to poverty.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MATSUI], a member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. MATSUI. I thank the ranking member for this time.

You know, it is very interesting. I heard during the debate on the rule the gentleman from Delaware [Mr. CASTLE] say there is really not much difference between the different bills we have before us. Second, he also said that this is just the first step of the legislative process so that any imperfections or flaws could be changed as we move along.

I might just have to make a couple of observations. First of all, there is a big difference between what the Democrats are proposing and what the Republicans are proposing.

For example, on the issue of work, the Republican proposal, all they do is provide the same amount of resources currently existing in the system, they block grant it, send it to the States with very few restrictions or very few standards.

Well, how are you going to get people to work? We all know that in order to create jobs, in order to create people in the work force, you have to provide job training, you have to provide education, you have to provide day care and even transportation, because most

of these people on welfare do not have cars. So you have to provide them bus tokens.

The Republican bill does not provide any of that.

Nevertheless they expect within 7 years to get 50 percent of the American people on welfare off of welfare to jobs. We know that is not going to happen. In fact, the reason the Republicans are making that proposal without any additional resources is because in 2 or 3 weeks on the floor of the House of Representatives we are going to be debating a tax bill. That tax bill will cut taxes by $188 billion over 5 years, or $640 billion over 10 years.

Bear in mind this is not going to go to the middle class. In fact, the top 1 percent of the taxpayers in America will get 20 percent of that tax cut, and those that make over $100,000 a year will get 58 percent of that $640 billion tax cut.

So this is not a program to move people from dependency to independence, from welfare to work,; this is a program basically to give tax cuts to the very wealthy. We knew they were going to do that when they took power on November 8, and they are doing it now. The American public should begin to realize that.

I might just conclude by making one final observation. We have a safety net in America. When a child is in an abused family, we put him either in foster care or provide adoption services to him. The Republicans are going to eliminate that program and block grant it. Those standards to the States—and you know the reason we had to do this in the first place was, in 1980, 1980, the States were doing such a terrible job with these children that we had to take over and set forth national standards. In fact, standards—little things, what they would call additional paperwork, things like providing medical records for the child when the child moves from one foster care family to another, or maybe the child's educational records.

That is what we are really talking about here. That is why this bill is mean-spirited and that is why this bill should not pass.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. McCRERY], a member of the committee.

Mr. McCRERY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Personal Responsibility Act, H.R. 4, but I rise particularly, Mr. Chairman, to discuss the portion of the bill dealing with SSI disability for children.

This program has experienced explosive growth over the past few years. Since 1989, both the costs of the program and the number of children qualifying for the program have tripled. Why? Two things: First, this is the most sought after welfare program in America. The average monthly cash benefit of about $450 per child per month is the most generous cash payment in our welfare system. Second, a Supreme Court decision in 1989, the Zebley decision, radically liberalized the criteria under which children qualify for the program.

Besides the wasteful drain of taxpayer dollars, consider the harm this Federal program does to too many children. In testimony before a Federal commission studying this program, Dr. Bill Payne, a physician who oversees disability decisions in Arkansas, said, "There is no doubt in my mind that there are a lot of children that receive disability checks who are not really disabled at all."

Willie Lee Bell, principal of an elementary school in Lake Providence, LA, said students were refusing to perform academically so that they could qualify for disability checks. Mr. Bell told of a Lake Providence child who, prompted by a mother seeking SSI checks, fabricated a story of bizarre behavior so convincing that doctors committed him to a mental hospital, fearing that he was a threat to his family. A psychologist in another Louisiana Parish, Ray Owens, also said that parents were coaching children to do poorly, saying "The children are being doomed to failure."

Mr. Chairman, this is an abused program which begs for reform. Thankfully, some Democrats have also recognized the need for reform. I want to thank Mr. KLECZKA and Mrs. LINCOLN, particularly, for their assistance in researching the problems in this program and in helping to craft a thoughtful response to those problems.

The solution to the explosion in the growth of this program, Mr. Chairman, and to the harm it is doing to otherwise healthy children, is to overturn the Zebley decision, and to offer cash payments to only the most severely disabled children who, absent the cash assistance, would have to be institutionalized. For other, less severely disabled children, we will provide medical and nonmedical services designed to cope with the child's disability. These changes in SSI disability for children will restore integrity to this out of control Federal program, while providing even more helpful resources to the most severely disabled children in need.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN], a member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. CARDIN. I thank the ranking member for yielding this time to me.

Mr. Chairman, both Democrats and Republicans want to end the welfare system as we know it today. Both Democrats and Republicans understand the need to enact new legislation.

But there is a major difference on how the Democrats and Republicans want to proceed on ending our current welfare system. The Democrats want to require work, to get people off of welfare, to work. The Republicans reward States for doing nothing.

The requirements on the States under the Republican bill states that they are successful if they get a person off welfare even if that person does not become employed, even if that person becomes a ward of local government. The Republican bill rewards the States.

The Republican bill is weak on work. The Democrat bill is tough on work.

Both Democrats and Republicans establish national standards the States must meet in order to participate. Make no mistake about it. It may be a block grant, but the States still have requirements they must meet. The Republican bill micromanages the plans of the States by requiring the States to meet certain tests as they relate to teenage moms, how the States handle family caps.

The Democrats establish national standards on work. It requires the individual able-bodied person to work. It requires the States to have programs so that people can work.

The Republican bill does not provide the resources to the local governments. Even though H.R. 5 did, there was a change made. The Republicans all of a sudden needed some money for a tax cut. So they cut the program even though they know it is needed. The Democratic bill provides the resources so the States can provide the programs to get people back to work. That is, day care, health care benefits so that welfare people can work. The Republican bill dumps the problems on local governments.

We have a clear choice. The Republican bill gets people off of welfare, the Democratic bill gets people off of welfare. The Republican bill gets the people off welfare to nowhere; the Democratic bill gets people off welfare to work.

We are going to have a chance to come together, Democrats and Republicans, during this debate. It is called the Deal substitute, sponsored by the gentleman from Georgia [Mr. DEAL]. It is an opportunity for us all to come together on a bill that is tough on work, gets people off of welfare but gets them to work, rather than becoming a ward of our local governments. I urge my colleagues to support the bill that will be offered by the gentleman from Georgia, Congressman DEAL.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER], a member of the committee.

Mr. ZIMMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, as we debate the Personal Responsibility Act, I hope we do not lose sight, in all of the rhetoric, of

why we are here in the first place. We are not here because restructuring welfare will save Federal dollars, even though a bankrupt Nation cannot feed its children or protect its needy. We are here because welfare as we know it is an unmitigated failure and, if we do not uproot it, we will condemn literally millions of children to a life without hope and without access to the American dream.

□ 1645

The Personal Responsibility Act is not a perfect document. But it reflects the determination and courage of a new majority to address a critical problem that, until now, has simply not been a priority for Congress.

What it proposes is very straightforward:

It asks that people assume ownership of their own lives and not always expect others to pay for their mistakes.

It asks that parents be parents and that both mothers and fathers take responsibility for the children they have brought into the world.

And it asks that we, as a society, reestablish certain values that we agree must guide us—including both compassion and individual responsibility.

What the Personal Responsibility Act does not do is perpetuate three mistakes that have made the current system such a disaster: First, it does not assume that simply pumping more money into a failed system will make it work.

Second, it does not assume that patchwork efforts such as demonstration projects and pilot programs, which have taken the place of reform in the past, will add up to real reform. It proposes systemic reform instead.

Third, it does not assume that Washington knows what is best for everyone. Rather it restores to the States the power to make decisions about the needs of their own people.

No one can guarantee that welfare programs run by States will outperform those run by Federal bureaucrats, and that unknown is what has caused much of the apprehension about this bill, I think. But one thing I do know is that no State can mess up welfare as badly as the Federal Government has done. It is time to let innovation by the States take hold and give it a chance, and it has begun to succeed in many States, including my own State of New Jersey.

There are millions of men, women, and children now receiving welfare in our country. Among them are countless families who are now trapped in a system that was supposed to help free them and countless individuals who have been forced to trade self-reliance and self-respect for dependency as the price for receiving help.

Mr. Chairman, we can do better, a lot better. We must do better, and that is why the Personal Responsibility Act is before us today.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS], a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong opposition to this mean-spirited Republican bill. It is cruel. It is wrong. It is down right low down.

The Republican welfare proposal destroys the safety net that protects our Nation's children, elderly, and disabled. It is an angry proposal, a proposal devoid of compassion, and feeling.

Hubert Humphrey once said that "the moral test of government is how that government treats those who are in the dawn of life-the children; those who are in twilight of life—the elderly, and those who are in the shadow of life—the sick, the needy, and the handicapped."

Mr. Chairman, this welfare proposal attacks each and every one of these groups. It takes money out of the pockets of the disabled. It takes heat from the homes of the poor. It takes food out of the mouths of the children.

I am reminded of a quote by the great theologian, Martin Niemoller, during World War II:

> In Germany, they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

Mr. Chairman, this Republican proposal certainly isn't the Holocaust. But I am concerned, and I must speak up.

I urge my colleagues, open your eyes. Read the proposal. Read the small print. Read the Republican contract.

They are coming for the children. They are coming for the poor. They are coming for the sick, the elderly, and the disabled. This is the Contract With America.

I say to my colleagues—you have the ability, the capacity, the power—to stop this onslaught. Your voice is your vote. Vote against this mean-spirited proposal; raise your voice for the children, the poor, and the disabled.

A famous rabbi, Rabbi Hillel, once asked, "If I am not for myself, who will be for me? But if I am only for myself, what am I?"

What am I, Mr. Chairman?

I am for those in the dawn of life, the children. I am for those in the twilight of life, the elderly. I am for those in the shadow of life, the sick, the needy and the handicapped.

Yes, I am proud to be a liberal Democrat. I stand with the people and not for corporate interests.

Mr. SHAW. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, I would like to say to the gentleman on the floor, the gentleman from Georgia [Mr. LEWIS]. There is no one in this House that I have had more respect for than you. But for you to come on this floor and compare the Republicans to the reign of the Nazis is an absolute outrage, and I'm surprised that anybody with your distinguished background would dare to do such a horrible thing.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would tell the visitors in the gallery that, while we welcome you to enjoy these proceedings, you are not supposed to be involved in them, and, any more applause, and we will have to empty the galleries.

Mr. GIBBONS. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I can only repeat the old truth: "Sometimes the truth hurts."

Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I believe restoring American's trust in government is the single greatest challenge facing this Congress. The American people are perilously close to losing their faith in this institution and its Members' ability to effectively govern.

The American people feel we have been too consumed with preserving and promoting government rather than the will and liberties of the governed. Many have come to feel that the Washington Beltway which encircles this capital city has become a physical barrier to real change.

One need look no further than our welfare system to find an illustration of the disconnect between the people and their government. Reforming welfare is not a revolutionary idea. Reform has been kicked around for more than a decade.

I would say, Mr. Chairman, that one would be hard pressed to find anyone who does not support the idea of welfare reform. In fact, one could almost be so bold as to assert that there is unanimous support for welfare reform.

Thus, the need for welfare reform is not in dispute. The issue which this House must resolve over the next few days is which direction do we head, how far do we go, and which is the best way to get there.

Some look at welfare and see a system which penalizes marriage and robs individuals of their initiative, motivation, and self-esteem. They contend that recipients are not opposed to work and would love to work but the current system is too bureaucratic, too oppressive, and prevents recipients from working. They feel that welfare can be transformed and recipients can be given new life if the Federal, State, and local governments will only remove the obstacles to work, empower the

people, and provide the means and tools by which recipients can become self-sufficient.

But, there are an equal number who feel that the current system is built on the notion of getting something for nothing, that the system is plagued with fraud and abuse, and leaves them wondering why their hard-earned dollars continue to support this bureaucratic nightmare. They support tough measures that require recipients to do something to get benefits. They feel that the solution lies in turning the welfare programs over to the States with little or no influence by the Federal Government.

The States, cities, localities, and counties which administer welfare programs argue that they are faced with the prospect of providing to a growing population while dealing with inflexible rules and regulations and a chronically insufficient supply of funds.

And what do I see?—I see all these things.

Government has failed! Something must be done.

I believe that neither argument is entirely right or wrong and that on the whole these arguments all have merit. That is why I joined five of my colleagues in drafting a bill of our own. We sought the middle ground, a truly centrist position, a compromise between these diverse schools of thought. I believe that we have achieved our goal.

We will bring a substitute, known as the Deal substitute, which will not simply reform the current system but replace it with a partnership of mutual responsibility.

Our proposal is based on three fundamental principles: Work, individual responsibility, and State flexibility.

The cornerstone of our plan is work. Our substitute places an emphasis on moving recipients into the private sector as soon as possible, includes real work requirements, and fulfills the pledge that recipients must be working. We require recipients to complete a minimum number of hours of work or work-related activity each week to receive benefits. We deny benefits to any recipient who refuses a job or refuses to look for a job. And in exchange, we remove all incentives which make welfare more attractive than work and remove the biggest barriers to work—health care and child care. In short, we guarantee recipients that if they will go to work we will provide the money and take all the necessary steps to ensure that recipients have a real opportunity to become self-sufficient.

Our second principle, individual responsbility, is based on the notion of tough love. I have two beautiful daughters. Elizabeth who is 13 and Rachel who is 11. My wife and I love our daughters dearly and have tried to instill good values in them. We have taught them the difference between right and wrong and trust they will make the right decisions. And we make every effort to nurture them and see that each receives the attention and encouragement they need. But, as every parent knows, no matter what you do, there comes a time when your children must be disciplined. Elizabeth and Rachel know that we have rules which must be followed, and that my wife and I have certain expectations of them. They also know that they will be held accountable if these guidelines are not adhered to.

Our bill takes this same approach. We make every effort possible to ensure that each recipient has a real opportunity to return to the work force permanently. In return, we ensure that they are aware that there are specific expectations of them and that they will be held accountable for their actions and disciplined when necessary.

Specifically, every recipient must sign an individualized contract designed to move them into the work force. Each recipient must complete 30 hours of work and 5 hours in job search during the Work First Program and 35 hours of work and 5 hours of job search during Workfare. Minor parents will be denied public housing and must live at home with a parent or responsible guardian. And, States would have the option of implementing a family cap. If recipients fail to meet any of these requirements, they will have violated the agreement and the partnership will be terminated. We don't just stop with recipients—we also include strong child support enforcement provision which will require noncustodial parents to live up to their responsibilities.

Our third principle reaffirms our belief that it is not the Federal Government but the frontline administrators of these programs which best know the needs in their respective States and localities. For this reason we give the program back to the States. But, unlike other proposals, we do not simply shift the burden to the States and run away. We believe that as it is a federally mandated program, the Federal Government has a responsibility to ensure that the States have someone to turn to for support and assistance. Our bill includes general criteria to guide the States in developing their work programs; however, beyond the broad criteria, States are given a tremendous amount of flexibility.

For example, under our substitute, States would have the flexibility to develop programs to move individuals into work, flexibility in funding, the freedom to pursue innovative approaches and we consolidate and coordinate programs to give States more latitude.

But we do not stop there. In addition to work, responsibility and State flexibility, we also eliminate the fraud and abuse in the Food Stamps Program, make work pay, consolidate and strengthen existing child care and health care, making these services available to more individuals. We streamline and reduce the bureaucracy by allowing States to circumvent the burdensome waiver process. We eliminate SSI for drug addicts and alcoholics. We reform and revise SSI for children in a fair and equitable manner which eliminates the fraud and abuse, controls growth, and ensures due process for each and every child currently on the rolls, ensuring that no qualifying child loses benefits.

We have a wonderful opportunity to make a real difference in the lives of thousands of individuals. The President, the Congress, and the person on the street all agree that the current system is not working.

Mr. Chairman, in short, our substitute is a responsible, workable approach which maintains the Federal responsibility without simply shifting the burden to the States. Recipients will be required to work for benefits, but there is an absolute time limit for receipt of these benfits. Our plan provides the best opportunity for welfare recipients to become productive members of the work force. We provide States with the resources necessary to provide this opportunity without incurring an additional fiscal burden.

I would remind my colleagues that the American people are watching. They are skeptical. Welfare reform provides a real opportunity to make meaningful changes and demonstrate to them that we can still govern effectively. We must not allow this golden opportunity to pass us by—to do so would be a tragedy.

I for one intend to support the only responsible welfare reform bill and urge my colleagues to do the same—support the Deal substitute.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Washington State [Mr. McDERMOTT], a member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Chairman, three times in the Gospel the story is told about our Lord, the children being brought to him, and the story is, of course, that the parents are trying to bring the kids to Christ, and Christ said, "Suffer the little children to come unto me as long as your mother is over 18 and she's married."

Now, Mr. Chairman, my colleagues know that is not true, and this bill is the most cruel and shortsighted view in public policy I have seen in 25 years. The first 2 years of life are the years when children develop what they are going to be for the rest of their life. I say,

> If you don't take care of them with Medicaid, if you don't take care of them with health care and food supplements during that period of time, you doom them to a life of difficulties in this society.

Mr. Chairman, many of our Republican colleagues would like us to believe that most welfare recipients get

on welfare because they do not want to work, and they stay on because welfare recipients are just being lazy. I think it is just the opposite. I think most people get on welfare due to unforeseen circumstances, and those that remain do so not because they are lazy, but because they are not smart enough to know—they are smart enough to know it is not the best option for them. Welfare recipients know their option. They know if they work, even with the earned income tax credit, that just does not make it.

Let me lay out the example:

A young woman with three kids goes out and gets a job at a gas station making the minimum wage, $4.25 an hour. She works all year. She makes $8,500. With the earned income tax credit on top of that, of $3,000, she makes about $11,500. The poverty line in this country established by the government and accepted by all for a family of four in 1995 is $15,000. Now that is $3,500 more than she makes. If she works the whole year, she will have 75 percent of the poverty line. She will not have health care benefits. She will not have day care.

Mr. Chairman, to say to her, "Leave your kids at home, lady; go on out, and get a job, and don't have a chance to take your kids to the doctor," simply is not a reasonable thing to expect of anybody.

Now this situation is not unusual. According to the Bureau of Labor Statistics, Mr. Chairman, 4.2 million people in this country, paid by the hour, earn at below the minimum wage. Furthermore, the percentage of working families that are poor has risen. In 1976 the percentage of families with children that had a parent working that was below the poverty line was 8 percent. In 1993, Mr. Chairman, it is up to 11 percent.

Now the Republican response in this bill? This bill is a bad bill as it sits here, responds to that situation to make welfare look so mean and so severe that makes working full time at 75 percent of poverty look like a good deal. I think that instead of making welfare tougher we should make welfare or work pay. That means we have to raise the minimum wage.

Mr. Chairman, I would oppose the bill as it stands.

□ 1700

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, Mr. SAM JOHNSON, a member of the committee.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in support of H.R. 4 because I think after 30 years and $5 trillion, the taxpayers and welfare recipients deserve better. We need fundamental changes. We need a system that does not trap welfare recipients in an endless cycle of dependency.

I cannot believe that Members can come to this floor and say this bill is cruel or mean-spirited. It is those who protect the current system that are cruel. They believe that bureaucrats administering a one-size program that fits all know how to run a system better than State and local communities.

The bill is tough, but it is fair, and we ask those on welfare to work in return for benefits. We insist fathers live up to their responsibilities, and we quit giving cash to those who continue to have children while on welfare. We ask families and people to be more responsible, be responsible Americans. That is not cruel, that is true compassion.

I also want to set the record straight on funding. Under this bill we increase funding, we increase funding, I want to repeat, we increase funding. Look at this chart. CBO baseline spending goes up over the next 5 years. We are increasing spending, according to CBO estimates, $1.2 trillion over the next 5 years, helping people escape the welfare trap.

You know the difference in those two lines? Earlier estimates said we were going to raise spending 53 percent. You know what? We are doing what the American people wanted us to do, and that is reduce spending. We are cutting the increase to 42 percent. Goodness gracious. If you cannot stand a 42-percent increase in spending, if your own budget could stand that, I defy you to say there is something wrong with that. We are not taking money away from anybody. We are increasing as the need requires.

This bill targets money to the most needy, gives the States the ability to create their own solution. This bill is fair. It is real reform. Talk is cheap. The Democrats have proven that.

It is time to act. It is time to repeal and reform the welfare program. Vote against big government, and let us help Americans help themselves to have a better future.

Mr. GIBBONS. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, please do not take the chart away. Let me point out what is wrong with it. It does not take into consideration inflation that is endemic in the American economic system. It does not take into consideration growth in population. That chart is just useless.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COYNE], a member of the Committee on Ways and Means.

Mr. COYNE. Mr. Chairman, I rise in strong opposition to the welfare reform package brought to the floor today by the Republican majority.

This mean-spirited attack on children and poor families in America fails every test of true welfare reform.

The Republican bill is tough on children and weak on work. This plan will punish children who happen to be born into poverty. At the same time, this plan cuts child care funding and other programs that are essential if an adult on welfare is to get a job and leave the welfare rolls.

Instead of fixing welfare and moving Americans from welfare to work, the Republican bill is simply an exercise in cutting programs that serve children, the disabled, and families living in poverty.

What can possibly be the motive for launching such a cruel attack on the children of America? The answer is the Republican majority will cut programs for the poor to provide tax cuts for the wealthy. Cuts in child care, school lunches, and programs for the poor will be used to finance tax breaks like the capital gains tax cut. We are literally short-changing America's children to give tax breaks to individuals with incomes over $100,000 a year.

The Republican bill will punish over 15 million innocent American children. It would punish children who are born out-of-wedlock to a mother under the age of 18. It punishes any child who happens to be born to a family already on welfare. This bill does not guarantee that a child will have safe child care when their parents work. It cuts SSI benefits to over 680,000 disabled children. Under this bill, State accountability for the death of a child is limited simply to reporting the child's death. Finally, this bill adds to the injuries of abused and neglected children by cutting $2 billion from Federal programs to care for these children.

Americans must ask what will happen to these children? The result, without a question will be an increase in the number of children who go to bed hungry.

The Republican bill will increase the risk of a child in poverty suffering from abuse and neglect. And yes, the result will be that some mothers who want to give birth to a child will be pushed to consider ending their pregnancy.

The Republican bill is a cruel attack on America's children but it also fails to provide the essential tools needed by parents who want to move from welfare to work. A mother who takes a minimum wage job can only do so if she has access to safe child care. Unfortunately, this bill will cut Federal funds for child care by 25 percent in the year 2000. This means that over 400,000 fewer children will receive Federal child care assistance. Pennsylvania alone will lose $25.7 million in Federal child care assistance funding by the year 2000. That means that over 15,000 children in Pennsylvania will be denied Federal assistance for safe child care.

The legislation will result in America's poor children being left home alone. Mothers who are required by the State to work will no longer be guaranteed child care. States that seek to provide child-care assistance will have to make up for Federal child care cuts by raiding other State programs or increasing State taxes.

Again, the Republican bill is tough on children and weak on work. It allows States to push a person off the welfare rolls and then count that person toward meeting the Republican's so-called work requirement. There is no

requirement for education, training, and support services for individuals who need help moving from welfare to a job. In fact, nearly $10 billion for job training programs have been cut from the first Republican welfare plan. Apparently these funds were needed more to pay for tax cuts for upper income Americans.

Mr. Chairman, the Republican plan is not welfare reform. It is a cruel attack on children that fails to solve the welfare mess. I urge that the House reject the Republican plan.

Mr. SHAW. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Washington [Ms. DUNN], a member of the committee.

Ms. DUNN of Washington. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today we have a great opportunity, an opportunity to overhaul a welfare system that is currently failing millions of Americans, an opportunity to restructure the welfare program to work effectively, and, I believe, with lots of thoughtfulness, to work compassionately.

Over the last few months, members of the Committee on Ways and Means have heard from hundreds of witnesses from President Clinton's Secretary of Health and Human Services to many of the mothers who live on welfare. Every witness, Republican, Democrat, liberal, conservative, every single one of them has told us that the current welfare system is an unmitigated disaster.

Yet during these days as we work hard to redesign this system, I continue to be disappointed by the tone of the opposition's rhetoric. Opponents of this bill assert that the reform-minded Republicans want to change the welfare bill only to save money, regardless of how it would affect the poor.

Make no mistake, Mr. Chairman, our changes save money, nearly $67 billion over 5 years. But to my friends who say that these savings will help the poor, I ask, how much good has the $5 trillion that we have spent in the last 30 years on the welfare program done to solve or even lessen America's poverty?

Could it be that it is not the amount of money that we are spending that is wrong, but rather the way in which we spend it? To the liberals in Congress, I salute your intentions. You, too, want to help the poor, those people who truly do need our help. But the welfare system you built is a failure.

The welfare mothers whom I met with last weekend in my district at a Head Start meeting told me that the welfare system, or AFDC, is a negative system that pulls people down and robs them of their self-esteem, and too often devalues them and their ability to be productive members of our community.

Today we begin the process of lifting the weight of the old welfare system from the backs of America's poor, the reevolvement of America's welfare systems. We are removing the perverse incentives that encourage people to go on welfare and, once they are on there, that capture them and keep them on an endless cycle of dependency of government.

The status quo fosters government dependency while our proposal fosters personal responsibility. And it provides the hope of work and the promise of self-respect. We want to give people self-respect. We want to restore their self-esteem through the dignity of holding a job. We want to provide them with day-care and medical benefits that can help them again become productive citizens of our society.

Mr. Chairman, we are a nation of great wealth and compassion, but we are neither compassionate nor wise when we spend $5 trillion over 30 years and still allow so many Americans to remain trapped in this endless and hopeless cycle of poverty. It is lunacy to continue with the liberal welfare system that promises only the likelihood of a life with more crime, less education, and lifelong government dependency.

Mr. Chairman, I have no doubt by the end of this week we will pass a bill that offers people a hand up and out. And to my colleagues on both sides of the aisle, this week we have the opportunity to truly end welfare as we know it.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY] a member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Chairman, whatever we do in welfare reform, there are some things we should not do. And one thing we should not do is dismantle the nutrition programs that are working so well around the country.

H.R. 4 would eliminate the School Lunch Program and other nutrition programs, replacing them with block grants. Proponents keep saying this will not make a difference.

But if they are right, then why do the child care and child nutrition block grants have a 5-year change that picks up $11.8 billion? Something has to change, and I am afraid that it will be the whole point of the program—its nutritional value.

The same goes for food stamps. This country has been blessed with abundant farm land. It has been said we could feed the world. With the suggested changes in welfare and other budget changes such as the elimination of more than $7 billion in fuel assistance program and more than $2 billion in low-income housing, food stamps become more important.

Yes, we should get rid of waste and fraud. Yes, we should prosecute those who traffic in food stamps. But do not take food stamps away from those who need them.

Changes such as eliminating benefits for children born out of wedlock and their mothers make food stamps more important for a healthy child. If people lose benefits and can't find a job, food stamps are important.

Let's not risk our children's health and education by enacting a cut-and-run nutritional block grant to replace a successful Federal nutritional program.

Also, let us not get rid of national standards. In the School Lunch Program, the elimination of standards put at risk the whole point of the program—providing nutritional meals.

And I am very worried about the elimination of minimal standards in child welfare programs, which will be even more underfunded and overburdened if these block grants happen and could mean increased numbers of abused children.

Minimal Federal standards have been adopted in the past because we believe there is a national interest in protecting children. Let us not forget that important point in the rush to pass welfare reform.

I strongly suspect H.R. 4 started off in the right direction when it was first conceived. I am sure that there were substantive conversations about the need for child care, training, and work.

But it is no surprise that those deliberations changed when it was realized that real welfare reform is very hard to do. It is certainly much easier just to send the entire problem back to the States and take the $64 billion in savings and use them off the top to pay for tax cuts.

I am also worried about taking children off disability. Yes, there has been abuse, particularly in Arkansas and Louisiana, but fix the abuse. When I read the bill, it takes 250,000 off the rolls. There were not 250,000 abusers. God help the family that has a truly disabled child.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a member of the committee.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I rise in support of H.R. 4, the Family Responsibility Act, and I urge my colleagues to support it. I urge them to vote in supporting it, to reduce dependency, to slash bureaucracy, to promote personal responsibility, and to strengthen families.

Our legislation maintains the safety net for the poor, but in reforming the welfare system, it will sound the death knell for the failed liberal welfare state.

Our bill is a mainstream approach, and I urge Members not to be deluded by the harsh, partisan, intemperate rhetoric they have heard here today. Our bill is tough on bureaucracy, not on kids. Our bill is cruel to the status quo, not the under class.

I heard my colleague from Michigan characterize this bill as extreme. Perhaps in Washington it is considered extreme to give power to the States instead of elevating the HHS bureaucracy. But this I believe is a mainstream proposal. It is also a compassionate proposal.

□ 1715

The current welfare system is not compassionate and we need to stop measuring compassion by how many checks we cut, by how many bureaucrats we employ, by the size of our appropriations. Instead, we need to start measuring compassion by how few people are on AFDC and on welfare and on food stamps and by the access every child has to hope, to independence, and to opportunity.

We have offered here, in my view, a tough love approach to welfare reform. It is a sound one. Our reform plan has a tough work requirement that will reintroduce many families to the dignity of work. Our bill stops subsidizing out-of-wedlock births. Our bill establishes real time limits to welfare, 2 years, and then up to 5 years, if someone stays in a work program. And talking to people in my district, they feel those time limits are fair.

Our bill cracks down on deadbeat dads with tough new child support enforcement. Our bill links welfare rights to community responsibilities and cuts bureaucracy, consolidating a Byzantine maze of Federal welfare programs into four flexible block grants.

Our legislation bars cash to unwed parents but it provides other services to those parents. And our bill guarantees funding to the States so that they will be able to provide those services.

Mr. GIBBONS. Mr. Chairman, I yield 10 seconds to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, the gentleman from Pennsylvania talked about the Republican bill, H.R. 4, having these tough work requirements. I just want to know, what page are these tough work requirements on in this bill? We need to see them.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. PAYNE], a member of the Committee on Ways and Means.

Mr. PAYNE of Virginia. Mr. Chairman, Republicans and Democrats alike agree that the current welfare system does not work. Instead of requiring work, it punishes those who go to work. And instead of instilling personal responsibility, it encourages dependence on the Government; instead of encouraging marriage and family stability, it penalizes two-parent families and rewards teenage pregnancies. We all agree that welfare must be drastically changed and that welfare should only offer transitional assistance leading to work and not a way of life.

That is why I wish to speak on behalf of the Deal substitute to the Republican bill, because we, the cosponsors of the Deal substitute, are committed to making major changes in our Nation's welfare system.

We support welfare reform that emphasizes work, personal responsibility, and family stability. The Deal substitute imposes tough work requirements while providing opportunities for education, training, child care, and health care to support working people.

It provides States with the resources necessary for welfare reform to succeed without shifting costs to local governments or requiring unfunded mandates. And it gives States the flexibility to design and administer the welfare programs they need without sacrificing accountability to the Nation's taxpayers.

Real welfare reform must be about replacing the welfare check with a paycheck. The Deal substitute's time-limited work first program is designed to get people into the work force as quickly as possible, requiring all recipients to enter into a self-sufficiency plan within 30 days of receiving benefits.

The Republican welfare reform bill allows recipients to receive cash benefits for up to 2 years before they are required to work or even to look for work.

The Deal substitute provides the necessary resources for welfare recipients to become self-sufficient, but it also requires recipients to be responsible for their own actions by setting clear time limits on benefits. And no benefit will be paid to anyone who refuses to work, who refuses to look for work, or who turns down a job.

In addition to making individuals responsible for their own welfare, we demand that both parents must be responsible for their children. The sponsors of the Deal substitute recognize that in order to reform welfare, States must have the flexibility to design and administer welfare programs tailored to their unique needs and their own circumstances.

We believe that the States should not have to go through a cumbersome Federal waiver process in order to implement innovative ideas in their welfare programs. So the Deal substitute establishes the Federal model for the work first program.

I believe the Deal substitute is the only welfare bill which gives the American people what they really want, and I urge my colleagues to support this bill.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada [Mr. ENSIGN], a member of the committee.

Mr. ENSIGN. Mr. Chairman, one of the most difficult tasks to perform in the Federal Government is to propose fundamental change to a Federal program. The most difficult task is actually to go about making this change law. A Federal program is like a huge cargo ship. As long as the ship is slowly laboring ahead on a set course, it may operate relatively well. When the time comes to change course, however, the size and speed of the vessel create tremendous momentum making the change of course difficult.

Of course, the longer that change is delayed, the more off course the ship gets, requiring more significant and more difficult and painful changes.

The other night on CBS, there was a welfare documentary. Dan Rather, who is not exactly known for his conservative thoughts, was the host of that documentary. And I found it very interesting.

There was a single mom. She was in a wheelchair, making $15,000 a year. They interviewed her. And she questioned why someone should be receiving welfare when she worked. She was in a wheelchair. She worked making $15,000 a year. Her health care was not provided for her, and she resented her tax dollars going for somebody else to be on welfare.

The interviewed another young woman who had gotten off of welfare into work. And the pride that she now took of having her young children see her go every day into work.

I grew up with a single mom. There were three of us at home. My father provided no child support when I was young. And I watched my mom get up every day and go to work. That is what we need in this country is to have children watching their parents go to work on a daily basis.

This welfare reform bill will help ensure that people go to work.

During that same program that Dan Rather hosted, they had two welfare moms on that program. And they asked them, if you knew that your welfare payments were going to stop in a couple years, what would you do? The response was immediate, both of them said, well, I would go out and get a job.

We had testimony in front of the human resources subcommittee from a woman who counsels welfare recipients. She asks every one of her classes, what would you do if you knew that your welfare payments would end tomorrow? Every single one of them in her classes respond by saying, I would go get a job.

People say that the work requirements are not tough in this bill. Well, I am sorry, but I think that they are. If after 5 years you can no longer get any kind of welfare benefits, I think that that is a pretty tough work requirement, because work is a lot better than going hungry.

I rise in support and urge my colleagues to support H.R. 4.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER], who until this last election was a member of the Committee on Ways and Means but has to withdraw because of the ratio.

Mr. BREWSTER. Mr. Chairman, I rise in opposition to H.R. 4, the Personal Responsibility Act, and ask my colleagues on both sides of the aisle to support the Deal substitute.

I want to commend my colleagues for developing a comprehensive welfare reform proposal which I believe is the only real alternative for replacing the welfare check with a paycheck. I am a strong advocate for welfare reform. Unfortunately, our current system rewards beneficiaries for staying on welfare.

Welfare recipients are often penalized when they get a job because they often have less money than they had while on welfare.

The Deal substitute guarantees that those who can work will work. The substitute ensures that a welfare recipient is better off economically by taking a job than by remaining on welfare.

The substitute provides transitional assistance in health care and child care, and it also improves outreach efforts to ensure that both recipients and employers make use of the earned income tax credit.

I would urge my colleagues on both sides of the aisle to support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS], a most important and valuable member of the majority in putting together this bill and one of the first advocates for the block grant approach.

Mrs. MEYERS of Kansas. Mr. Chairman, I am so pleased to be able to support this welfare reforms bill, the Personal Responsibility Act. I believe that welfare reform is simply the most important issue facing our country today. Welfare reform must be done. We all know this. And I would like to talk today for just a minute about the incentive nature of the current program.

Within the next 5 years, if we do nothing and continue our growth rate as it has been, over 80 percent of minority children and 40 percent of all children in this country will be born out of wedlock. Unmarried women who bear children out of wedlock before finishing high school are far more likely to go on welfare and stay there for at least 8 years. That is why more than 2 years ago, I began pushing to end cash benefits to teenagers who have a child out of wedlock because what had started as a helping program had become an incentive.

For the past 30 years our welfare system has sent a message to young women that the Federal Government will make it okay. If you have a child out of wedlock, the Government will give you $500 a month AFDC, $300 a month food stamps, pay all your medical bills. In many cases, find you a place to live and pay for it. In many cases, send you to a job training program or even a college, pay for your child care and your transportation.

This bill is not cruel and mean spirited. What is really cruel is the current incentive that pulls young women into the system and holds them forever in this cruel trap. That is mean spirited. That is cruel to both young women and their children.

We should continue our commitment to the vulnerable and the needy, but it is high time our Federal welfare policies reflected that goal.

Mr. GIBBONS. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, the current welfare system is at odds with the care values Americans share: work, opportunity, family, and responsibility.

Too many people who hate being on welfare are trying to escape it—with too little success.

It is time for a fundamental change.

Instead of strengthening families and instilling personal responsibility, the system penalizes two parent families, and lets too many absent parents who owe child support off the hook.

Our society can not—and should not—afford a social welfare system without obligations.

It is long past time to "end welfare as we know it."

We need to move beyond political rhetoric, and offer a simple compact that provides people more opportunity in return for more responsibility.

I have a few commonsense criteria which any welfare plan must meet to get my vote.

It must require all able-bodied recipients to work for their benefits.

It must require teenage mothers to live at home or other supervised setting.

It must create a child support enforcement system with teeth so that deadbeat parents support their children.

It must establish a time limit so that welfare benefits are only a temporary means of support.

It must be tough on those who have defrauded the system—but not on innocent children.

And it must give States flexibility to shape their welfare system to their needs, while upholding the important national objectives I have just listed.

The Republican bill fails to meet these criteria.

The Republican bill is weak on work.

It only requires 4 percent participation in fiscal year 1996, far below the current rate established under the 1988 Family Support Act.

It is outrageous that any new work requirement would fall below current law.

The Republican bill denies benefits to children of mothers under 18.

We must make parents—all parents—responsible for taking care of their own children.

But denying children support is not the best way to do that.

Instead, teenagers should be required to demonstrate responsibility by living at home and staying in school in order to receive assistance.

The Republican bill is tougher on children than it is on the deadbeat dads who leave them behind.

The Republicans waited until the last moment to put child support enforcement provisions in their bill—and then removed the teeth that can bring in more than $2.5 billion (over 10 years) for kids.

Instead of attacking deadbeats, the Republican bill attacks children.

It eliminates the guarantee that every child in this country has at least one good meal a day.

Despite rhetoric to the contrary, the Republican bill cuts spending for child nutrition programs $7 billion below the funding that would be provided by current law.

Instead, kids' food money will be used for tax cuts for the rich.

Funding for the Women, Infants and Children Program is also reduced—and provisions requiring competitive bidding on baby formula have been removed.

That decision alone will take $1 billion of food out of the mouths of children each year, and put the money in the pockets of big business.

This simply defies common sense.

No one in America could possibly argue that this is reform.

At a time when the need for foster care, group homes, and adoption is likely to rise dramatically, the Republican welfare plan would cut Federal support for foster care and adoption by $4 billion over 5 years.

We can do better.

We must do better.

This week, Democrats will offer NATHAN DEAL's bill as a substitute, which reinforces the family values all Americans share.

It gives people access to the skills they need, and expects work in return.

It does not wage war on America's children.

Most importantly, it is a commonsense approach, which gives back the dignity that comes with work, personal responsibility, and independence.

□ 1730

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT], who has been very active in the preparation of H.R. 4.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today we enter on an historic debate about a bill that will replace a failed welfare system with a system that is based on marriage, on family, on responsibility, and on work. I want to address in my remarks now, and I am sure it will come up later as well, the whole issue of work.

There have been past welfare reform bills which have purported to be

workfare bills. The 1988 bill, which was a bipartisan bill, purported to be a workfare bill. Everybody was going to work under the bill. Six years later we have less than 1 percent of the case load working.

People need to understand what work has meant in the past to people who have really been defending the status quo. It has been an excuse for vast new expansions of the welfare state, constructing vast new bureaucracies, and nobody ends up working, but they will tell you that *x* percent of the case load is working.

What they do not tell you is that they exempt up front a huge percentage of the case loads from the workfare requirements, so if they say 50 percent of the people who are working, they have already exempted 80 percent or 90 percent of the people from the beginning.

The key to an honest workfare requirement, and our bill has that, is that it talks about percentages of the total case load. When we say 50 percent of the welfare case load is going to be working by the beginning of the next century, it means 50 percent of the people are going to be working by the beginning of the next century, and it means they are going to be working. They are not going to be looking for a job an hour a week, they are not going to be sitting in a class that somebody calls education, they are going to be working. That is the standard that we need to measure work everywhere throughout this debate.

Mr. Chairman, the substitute offered by the gentleman from Georgia [Mr. DEAL], and I appreciate his efforts in this regard, is flawed in several important respects. For one thing, he defines work as job search, so people can be classified as working under his bill, even though they are not working, they are searching for a job.

The States will presumably be given the authority to define that. That is part of the problem that we had in the past. He counts toward meeting the work participation requirements, people who normally move off of welfare anyway. In any given year there is like half a million people who will move off welfare, at least temporarily.

My understanding of the gentleman's substitute is that it permits those people to be counted by the States toward meeting the participation requirements. They would get off welfare anyway, at least temporarily. If you are going to do that, you need to count the net increase of people who are getting off welfare because of work.

We are going to go into this in a lot more detail in the days to come, Mr. Chairman. The point I want to make about work is that it has to be an honest work requirement, people working, people actually working, not looking for a job, not consuming an enormous amount of the taxpayers' money to be trained for some kind of vice president's job, but working.

There are a number of States that are already doing that. It is very effective in introducing the dignity of work into those families. It is effective in moving those people who are almost employable off of the welfare rolls and into work. That is how we ought to measure the success of the program.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, on page 26 of the Personal Responsibility Act, the work activities under the Republican bill, one of the things the gentleman has talked about, the Deal bill, the job search, is a part of that bill as well.

Members on the gentleman's side roll people off the welfare rolls but they go out with no job. There are absolutely no jobs at all. I need to just find out where it is in H.R. 4 that all these jobs will take place.

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

Mr. FORD. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Chairman, that is why our bill, and as the gentleman will recall, the gentleman from Arkansas [Mr. HUTCHINSON], and I wrote this language in the Committee on Economic and Educational Opportunities, that is why our bill focuses the work requirements on people on welfare who are closest to employability. Two-parent AFDC families, parents with school age children or above, those people can go to work.

Mr. FORD. Reclaiming my time, Mr. Chairman, the vast majority of people on welfare are single mothers on welfare. The two-parent family component is something that the gentleman addresses, but the participation level at 50 percent by the year 2002 will not send anyone into the work force.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL], a member of the Committee on Ways and Means.

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have served as chairman, co-chairman of a task force here in the House, on the Democratic side, in support of reforming the current welfare system. I think we can all agree today that the current system ill serves the taxpayer and ill serves the beneficiary.

My experience in coming to this House is different than most of the Members because I served as mayor of a major city. We have all concluded, as ELEANOR HOLMES NORTON has said, that the current welfare system is decadent. Senator MOYNIHAN warned us 30 years ago that the system had to be changed. President Clinton 2 years ago suggested that we should end welfare as we know it, and he ought to get some credit for that suggestion.

Mr. Chairman, 1 out of 3 children in America is currently born out of wedlock. One of my constituents, Barbara Defoe Whitehead, has done remarkable research in drafting those conclusions. In 1976, at the Democratic State convention in Massachusetts, I spoke in support of a workfare requirement. However, I want to say today in the well of this House, that it is that sage and principled conservative on the Republican side, the gentleman from Illinois, HENRY HYDE, who said "there is no such thing as illegitimate children. There may well be some illegitimate parents." We should acknowledge today on the Democratic side that we are the ones that pushed for a strong child support component.

The Republican alternative did not even speak to the issue of child support, and they called their bill the Personal Responsibility Act. What indicates more personal responsibility than supporting the children we bring into this world?

Mr. Chairman, I offered in committee a series of amendments that stated emphatically that those amendments had the support of Bill Weld and Bill Clinton. Not one of those amendments was passed at the Committee on Ways and Means level.

Mr. Chairman, I am astounded today that there is no work requirement in the Republican bill, but there is a work requirement in the Democratic bill. We suggest that you have to be enrolled in a program of self-sufficiency from day one. Work is the ultimate personal responsibility.

If we want to reverse the decadent system of welfare, we have an opportunity to offer a hand up and not a handout. That is what the Democratic proposals suggest.

Mr. Chairman, I want to say today that the Democratic legislation offered by the gentleman from Georgia [Mr. DEAL], is a piece of legislation that all of us in this House ought to be able to rally around. Just as importantly, it seems to me at the end of the day that if we really want to honor personal responsibility, that we do that through a strong and sound work requirement. That is what our bill has done.

Mr. SHAW. Mr. Chairman, I yield myself 10 seconds to tell the gentleman that was just in the well praising the Deal deal that the Deal substitute would wipe out the work requirements in the Massachusetts law. It is a law that the gentleman should be very proud of and that he should protect.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, 30 years of ever-expanding and growing anti-poverty programs have not erased poverty from our midst. We have spent $5 trillion

trying to address this problem, yet the percentage of children living in poverty is unchanged from what it was in 1965.

Worse, we have seen illegitimate births more than quadruple, and have subsidized the rise of the single-parent family in our country.

Today nearly 30 percent of all births in our Nation are illegitimate. In 1992, the Federal Government alone spent $305 billion on 79 overlapping means-tested social welfare programs, but our problems still persist.

Congress and the bureaucracy in Washington continue to insist that they know what the poor in our communities need. For years they have been beholden to the ill-conceived notion that we can only consider ourselves a compassionate Nation if Washington prescribes solutions to societal problems.

Mr. Chairman, this system has done worse than fail us. It has betrayed us. Something needs to change, but for years this body has been unwilling to address welfare reform. Finally, today, we are debating a genuine attempt at a significant overhaul of our societal safety net.

Go home and listen to your constituents; these reforms represent the will of the people. No longer will the Government reward children for having children. No longer will we reward families for having a second baby when they cannot afford the first. No longer will the taxpayers pay to support addiction. No longer will Washington impose top-down solutions to problems they do not understand.

We will put an end to the big Government attempt to address these problems and return to a sense of responsibility, a sense of right and wrong, to the American safety net.

Mr. Chairman, I congratulate the three chairmen in the three committees on the fine work they have done, and this body for finally bringing this issue before the American people, and urge support of this bill.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, welfare is the biggest hot button issue of the year. Let us reform welfare, not try to see who is the meanest or the toughest.

Welfare has not worked. The American people want us to move individuals from dependency to work, they want us to cut Federal bureaucracy, and they want us to fight fraud in the current system. The Republican plan does not accomplish any of these goals, because they do not have the same goals most Americans have. They have washed their hands on the real welfare problem, and moved on to finance for the tax cut, finance on the backs of legal immigrants who pay taxes, abide by the laws, and enrich our culture.

The Republican bill does not even try to solve the root problem of poverty, education, jobs, training, nutrition for kids. In fact, their plan does not contain strict work requirements and actually creates disinitiatives to work. It destroys temporary child care and transportation for people who want to work. The Democratic plan is strong on work, actually requiring proposals that enable recipients preparing for and engaging in work, providing resources for the assistance needed to become self-sufficient, such as education, training, child care, and transportation.

The Democratic plan supports children, maintaining the national commitment of providing a safety net for kids, while requiring their parents to become self-sufficient, guaranteeing child care to families while the parents are preparing for work or working, and maintain the national commitment to protecting children from abuse and abandonment.

□ 1745

Mr. Chairman, this is a historic bill and a historic debate. We have a chance to be bipartisan on this issue. The Senate will move, also. The President wants welfare reform. Let us do it right instead of trying to be the toughest or the meanest.

Mr. Chairman, I include the following for the RECORD:

THE WHITE HOUSE,
Washington, DC, March 20, 1995.

DEAR MR. LEADER: This week, the historic national debate we have begun on welfare reform will move to the floor of the House of Representatives. Welfare reform is a top priority for my Administration and for Americans without regard to party. I look forward to working with Republicans and Democrats in both houses of Congress to enact real reform that promotes work and responsibility and makes welfare what it was meant to be: a second chance, not a way of life.

In the last two years, we have put the country on the road to ending welfare as we know it. In 1993, when Congress passed our economic plan, we cut taxes for 15 million working Americans and rewarded work over welfare. We collected a record level of child support in 1993—$9 billion—and last month I signed an executive order to crack down on federal employees who owe child support. In two years, we have granted waivers from federal rules to 25 states, so that half the country is now carrying out significant welfare reform experiments that promote work and responsibility instead of undermining it.

I have always sought to make welfare reform a bipartisan issue. I still believe it can and must be. Unfortunately, the House Republican bill in its current form does not appear to offer the kind of real welfare reform that Americans in both parties expect. It is too weak on moving people from welfare to work, not as tough as it should be on deadbeat parents, and too tough on innocent children.

Last year, I sent Congress the most sweeping welfare reform plan any administration has ever presented. It did not pass, but I believe the principles and values at its core will be the basis of what ultimately does pass:

First, the central goal of welfare reform must be moving people from welfare to work, where they will earn a paycheck, not a welfare check. I believe we should demand and reward work, not punish those who go to work. If people need child care or job skills in order to go to work, we should help them get it. But within two years, anyone who can work must go to work.

This is not a partisan issue: Last year, 162 of 175 House Republicans co-sponsored a bill, H.R. 3500, that promoted work in much the same way as our plan. But the current House Republican bill you will consider this week fails to promote work, and would actually make it harder for many recipients to make it in the workplace. It cuts child care for people trying to leave welfare and for working people trying to stay off welfare, removes any real responsibility for states to provide job placement and skills, and gives states a perverse incentive to cut people off whether or not they have moved into a job. When people just get cut off without going to work, that's not welfare reform. I urge you to pass a welfare reform bill that ends welfare as we know it by moving people from welfare to work.

Second, welfare reform must make responsibility a way of life. We should demand responsibility from parents who bring children into the world, not let them off the hook and expect taxpayers to pick up the tab for their neglect. Last year, my Administration proposed the toughest child support enforcement measures ever put forward. If we collected all the money that deadbeat parents should pay, we could move 800,000 women and children off welfare immediately.

I am grateful to members in both parties for already agreeing to include most of the tough child support measures from our welfare reform plan. This week, I hope you will go further, and require states to deny drivers and professional licenses to parents who refuse to pay child support. We have to send a clear signal: No parent in America has a right to walk away from the responsibility to raise their children.

Third, welfare reform should discourage teen pregnancy and promote responsible parenting. We must discourage irresponsible behavior that lands people on welfare in the first place, with a national campaign against teen pregnancy that lets young people know it is wrong to have a child outside marriage. Nobody should get pregnant or father a child who isn't prepared to raise the child, love the child, and take responsibility for the child's future.

I know members of Congress in both parties care about this issue. But many aspects of the current House plan would do more harm than good. Instead of refusing to help teen mothers and their children, we should require them to turn their lives around—to live at home with their parents, stay in school, and identify the child's father. We should demand responsible behavior from people on welfare, but it is wrong to make small children pay the price for their parents' mistakes.

Finally, welfare reform should give states more flexibility in return for more accountability. I believe we must give states far more flexibility so they can do the things they want to today without seeking waivers. But in its current form, the House Republican bill may impede rather than promote reform and flexibility. The proposal leaves states vulnerable to economic recession and demographic change, putting working families at risk. States will have less money for child care, training, and other efforts to

move people from welfare to work. And there will not be any accountability at the federal level for reducing fraud or protecting children. We will not achieve real reform or state flexibility if Congress just gives the states more burdens and less money, and fails to make work and responsibility the law of the land.

While the current House plan is weak on work, it is very tough on children. Cutting school lunches and getting tough on disabled children and children in foster care is not my idea of welfare reform. We all have a national interest in promoting the well-being of our children and in putting government back in line with our national line.

I appreciate all the work that you have done on this issue, and I am pleased that the country is finally engaging in this important debate. In the end, I believe we can work it out together, as long as we remember the values this debate is really about. The dignity of work, the bond of family, and the virtue of responsibility are not Republican values or Democratic values. They are American values—and no child in America should ever have to grow up without them.

Sincerely,

BILL CLINTON.

Republican plan doesn't attack fraud—in fact it will dismantle many programs where fraud has been nonexistent—such as the Nutrition and School Lunch Programs.

These programs have undisputed health and education benefits, and nutritious meals are served to children, who may not get another meal each day, at a cost of only $1 per student.

In the last few days Republicans have been claiming they are not really cutting the School Lunch Program—apparently they realize how ludicrous their plan is and are running for cover—but this is a false claim: Their supposed spending "increases" don't take into account rising food costs, inflation, or increases in number of kids who need the program; in fact, many of the increases were written on committee worksheets, not in the proposed legislation.

New State allocation formulas are flawed—they are based on number of meals served in a State, without regard to whether meals are served free to poor children.

Also, States may divert 20 percent of its nutrition funding to other programs under the Republican proposal. Flexibility is a popular theme right now, but the Republican plan simply abandons any Federal safety net for innocent, hungry kids.

Can Republicans truly say they are not dismantling the school program? No, but they can say they've saved billions of dollars to help their wealthy friends at tax time.

For the food programs alone, 175,000 New Mexicans will become ineligible for assistance: State estimated to lose $5 million for School Lunch Program, $21 million for child and adult care food programs, and $45 million for food stamps.

New Mexico also slated to lose $21 million for assistance for needy families, $21 million for blind and disabled children, and $5 million for child care costs.

Can the Republicans truly say they have not devised a cold-hearted, ineffective program?

Can Republicans deny that they are creating a long list of unfunded mandates? States have asked for flexibility. But clearly they have not asked for the additional burdens the Republican welfare plan imposes.

Finally, lost in much of the debate over welfare reform is the fact that the Republican plan is financed almost entirely on the backs of legal immigrants.

That's right—not undocumented workers, but legal immigrants.

Their plan denies nearly all benefits to people who pay taxes, abide by the laws, enrich our culture and our economy.

Studies show that immigrants actually create a net benefit of $28 billion to the American economy.

But Republicans haven't studied the real facts to know what their cost and block grants will create—because that's never been their goal.

Don't be deceived—this entire plan is about tax relief for rich people, it has nothing to do with reason or ending welfare as we know it.

Democrats are strong on work: Democratic proposals actually require that recipients prepare for and engage in work; provide resources for the assistance needed to become self-sufficient, such as education, training, child care, and transportation.

Democrats support children: Democrats maintain the national commitment to providing a safety net for kids, while requiring their parents to become self-sufficient; guarantee child care to families while the parents are preparing for work or working; maintain the national commitment to protecting children from abuse and abandonment.

Mr. SHAW. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. COLLINS], a member of the committee.

Mr. COLLINS of Georgia. I appreciate the gentleman yielding me the time.

Mr. Chairman, the President during his campaign ran on the platform of changing welfare. In fact he said, "We're going to end welfare as we know it today."

Well, to end it does not mean you reform it. It means you change it. Because to reform it only just changes the shape of it and leaves the same substance. Is change necessary? It is long overdue and the answer is yes, it is.

Why? It is because 26 percent of the families in this country are in some way, some shape, some form or fashion drawing some type of government benefit that comes under the entitlement of welfare. Twenty-six percent of the families.

What is the real problem with welfare, the real root of the problem? It is called cash. The old saying cash is the root of all evil. Cash has been the real problem and is the real problem in welfare.

What is the history of cash in welfare? It goes back to the mid 1930's. In fact it was called Aid to Dependent Children, later called AFDC. It was actually created in 1935 as a cash grant to enable States now, I want to repeat that, to enable States to aid needy children, children who did not have fathers at home.

Was the AFDC program intended to be an indefinite program? No, it was not to last forever. The priority of it was to help children whose fathers were either deceased or disabled or unable to work. The program was supposed to sunset after the Social Security laws were changed but they never were sunsetted. When AFDC was created, no one ever imagined that a father's desertion and out-of-wedlock births would replace the father's death or disability as the most prevalent reason for triggering the need for assistance. No one ever dreamed that fathers would abandon children as they have.

In order to facilitate the sunset of the AFDC program, in 1939 the Federal Government expanded Social Security benefits by adding survivors benefits. This was to help wives and children of workers who died at an early age.

In 1956 the Federal Government added disability benefits to Social Security to try to cover those children whose fathers were unable to work because of some severe disability. But rather than sunset AFDC, the program continued to grow and has ballooned in recent years, because the very nature of the program has encouraged illegitimacy and irresponsible behavior.

Let me give Members a few statistics. In 1940, 41 percent of children on AFDC, their father had died. The fathers had abandoned 30 percent of the children. The fathers were disabled to work for 27 percent. In 1992, listen to these figures: 1.6 percent of the children's fathers have died; 86 percent of children on AFDC, their fathers have abandoned them; and only 4.1 percent, the fathers are disabled to work.

Mr. Chairman, the AFDC system has created a problem, a real problem. It has encouraged irresponsible behavior by embracing a philosophy that says the government will take care of a child if a father won't. H.R. 4 stops this problem. It stops cash benefits in certain years, requires personal responsibility and it gives the States the flexibility, the very same thing that was supposed to happen in 1935 to handle the situation.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Deal substitute to the Personal Responsibility Act.

This substitute bill reforms welfare by helping those who want to help themselves. It does not punish the poor. It will not cut school lunches. It will not force children off SSI without due process.

The goals of work and responsibility are achieved by combining work first with time limits and requirements that

recipients follow an individual responsibility plan. In addition, the substitute's estimated $10 billion in savings will be earmarked for deficit reduction.

Mr. Chairman, I hope that after the last speech is given and the final vote is cast, that the Deal substitute will prevail. This plan will really help our fellow Americans move from welfare to work.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Deal substitute and its provisions for greater child support enforcement.

Members of this core group of moderates have worked hard to expand upon last year's mainstream forum proposal and build a consensus among those wishing to make meaningful and long-lasting changes to our current welfare system.

As the former sheriff of Schuylkill County in my home State of Pennsylvania, I have firsthand knowledge of how difficult it can be to collect unpaid child support.

Under the Deal substitute, all parents would be accountable to their children through:

First, increased paternity establishment;

Second, central registries of child support orders in each State;

Third, uniform interstate enforcement procedures; and

Fourth, punitive measures for deadbeat parents such as direct income withholding and State option to revoke occupation, professional, and driver's licenses

We owe it to our children to have the financial support of both parents and to the taxpayers who fund the irresponsible behavior of deadbeat parents.

I urge my colleagues to lend their support to the Deal substitute and real welfare reform.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. I thank the gentleman from Florida [Mr. GIBBONS] the distinguished ranking member for his gracious decision to allow me some time.

Mr. Chairman, we begin now a debate on one part of the process of reforming welfare in the United States of America. I would like to point to two reports, one by the Progressive Policy Institute, and the other by the Cato Institute which refer to corporate welfare in this country, and they talk about the direct subsidies of Federal taxpayer money, some $86 billion in direct subsidies to corporations, and another $100 billion or so in tax breaks to aid dependent corporations in our country.

I find it interesting that this Congress and the new majority would want to begin its assault on welfare by attacking children and families who are in the greatest need rather than attempting to address a more fair approach in terms of this issue that could have been followed if one would have taken the time to look at these reports. The $84 billion that would be affected by the actions relative to aid to families with dependent children and the child nutrition programs and school lunches, those savings could have easily occurred by scaling back some of the outrageous benefits that we provide as a Nation supposedly in fiscal crisis to corporations, multi-billion-dollar corporations each and every year.

I would just ask that as we begin this debate that the Members of this House be mindful of the contradictions of this process today.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. I thank the gentleman from Florida [Mr. SHAW], the chairman, for his work on this very, very important issue.

When I go home and I read the papers over the weekend, I wonder what we are all doing up here because the reports are very draconian.

The Republicans are taking food out of the children's mouths. That we are really just throwing people out in the streets.

The President suggests deadbeat dads, we take their driver's license. They must be quaking in their boots that we are going to take their driver's license.

These are people who are not paying for their children's welfare and they are going to be frightened about losing their driver's license? Take their professional license. That is a good idea, too. Now they will not be able to work. That is another person on welfare.

Let's garnish their wages to the IRS. We will find ways to get after their money.

Food stamps—$1.8 billion wasted on food stamps through fraud and abuse and we are on this floor talking about we can't reform it, we can't fix it. We are going to fix it. We are going to reform it.

What is wrong with work? I can't believe what people are saying here. Not enough job training.

I worked as a dishwasher. I cleaned toilets. My grandmother came from Poland. She made 28 beds a day in a Travel Lodge Motel. She cleaned 28 toilets a day to be an American citizen. She learned to speak English. She was proud to be an American and proud to be in this country.

But today, no, jobs aren't good enough. Can't take that job. Don't have enough training.

I was a wrecker, an auto mechanic. I worked at a golf course. Now I am a proud Member of the United States Congress. No job is beneath me.

But we are talking like unless we have given them an appropriate level of training to seek the job that they have always dreamed of, then they are going to stay on welfare and we are going to spend billions and billions of our tax dollars on deadbeats, on people that don't want to work.

I have got to tell you, this Congress has got to be serious about reform, not about just throwing out threats, having lunches with children in schools in our district, saying that the Republicans are going to end feeding children at school lunches, the Republicans are going to starve children.

Don't believe it for a minute, America. We are not going to starve our children. A 4.5-percent increase per year in the Republican bill for school lunches increased. We are not going to starve people. We are going to take care of America. We are going to make it work again.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes and 40 seconds to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, there are few things that more people agree upon than the fact that our welfare system is a failure. Today, our welfare system often provides people who choose not to work with a better deal than those who choose to take a job. I am pleased that Congress has committed to reform this failed system.

However, it is not enough to say we have reformed the welfare system. We must reform the system so that it works. By that, I mean we must create a system that meets what the American people consider the premise of welfare reform: a system based on work, that provides transitional assistance to those in need, and that does not harm innocent children.

Many of the things I am hearing about the Personal Responsibility Act today sound right on target. For instance, I support State flexibility and allowing programs to better meet the needs of unique communities.

In addition, I agree that we should discourage out-of-wedlock births and promote marriage. Finally, I wholeheartedly agree that we should end the cycle of dependency.

In fact, I think the majority of the Nation would join me in commending these laudable goals. The unfortunate thing about the Personal Responsibility Act is that it does not achieve these goals.

Instead of allowing State flexibility, the bill limits the people who can be served with block grant funding. These limitations directly contradict the stated purpose of enhancing State flexibility. I would like to illustrate the negative impact that restrictions in this bill will have on successful reform efforts currently being implemented at the State level.

In Utah, we have a demonstration program that is enjoying great success in assisting people into the labor market. The AFDC caseload in one area has decreased by 33 percent in just 2 years—the best part of this statistic is that it represents people who are working in private sector jobs.

The premise underlying the Utah program is universal participation: everyone works toward self-sufficiency. This program has enjoyed national and local support, and is exactly the kind of program you would expect welfare reform to be based upon. Certainly, you would expect that the Utah program would be allowed to continue down the same successful path under a reformed system.

Yet the Utah State Department of Human Services is concerned because restrictive work participation definitions in the Personal Responsibility Act pose a threat to the program. A restrictive definition of participation means that a person faithfully following a self-sufficiency plan specifically designed to best assist them in entering the labor market could be considered a nonparticipant by the Federal Government. The Federal Government should not be creating a definition that prevents States, who are dealing directly with individuals, from determining what would best assist a person getting a job.

Ironically, while the bill would not allow states to count many active participants toward meeting mandatory rates, people who have been forced to leave the system because of reaching a time limit could be counted toward meeting work participation rates even if they have never received any work-related services.

I find it astounding that a bill can simultaneously restrict successful state reform efforts and offer no protection to people on welfare who are willing to work—it is the worst of both worlds. The bill guarantees that people will get kicked off the system if they meet a certain time limit, but it ties the States' hands in designing a program that would avoid this outcome for people who are willing to work.

We are back to the old one-size-fits-all Federal solution, only this time we are prohibiting certain actions rather than mandating them. Congress is on one hand saying that it trusts States to make sensible fair choices about block grant monies and on the other than saying States must adhere to federal restrictions.

I am also concerned that there is no method provided under the Personal Responsibility Act that allows states to contest the restrictions defined by the block grant if they hinder the State's ability to meet the purposes outlined in section 401 of the bill.

The Utah program required 46 Federal Government waivers. I think it would be a tragedy if Utah had not had an opportunity to address some of the incredible perverse incentives in the current system. In the same light, I do not want to see a new Federal system created under which States like Utah have no means to address problems with Federal dictates. Conservative mandates are no better than liberal mandates.

One thing is clear about the bill before us: a successful program in my district would not be able to function in the same way. This bill would force a State like Utah to create a parallel State bureaucracy to serve people that do not meet Federal definitions.

Proponents of this bill claim that they trust states with more flexibility, but instead of creating a bill that allows States to operate varied versions of welfare reform, they have created a restrictive, uniform approach to welfare reform based on Federal assumptions. I cannot support such a restrictive and narrow view of reform.

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I want to say I am concerned that the bill that we are looking at will not in fact allow State flexibility. I have proposed an amendment which would grant flexibility to States. Unfortunately that amendment will not be allowed to this bill.

Mr. SHAW. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, did you hear what I heard here today? Members of the loyal opposition, the new minority one after another acknowledged that it is time to reform welfare. That is an astonishing acknowledgment on the part of the minority, the loyal opposition.

And then they proceed on top of that to attack the bold and fearless effort that is being made by the new majority to do something about it. And, in the words of many of the people on the new minority, they want to offer a substitute, some new refinement of welfare reform, which is another acknowledgment that indeed welfare systems in our country have to be changed.

They attack ours as saying why denationalize welfare and allow 50 new bureaucracies to crop up in the 50 States. The answer is a question: Has the national program worked? The answer is no. They acknowledge that it has not worked or else they would not be offering substitutes or calling for a bipartisan effort now after 40 years, after 40 years to try to reform the system.

The question is: Shall we do something about it now, move ahead boldly and fearlessly to try to change the system? The answer is yes, and it is agreed to by every American who thinks about the subject. And it is acknowledged, I repeat, by the new minority, the now new seekers of welfare reform whom we asked to join with us in passing meaningful new majority-type of welfare reform.

I thank the gentleman for yielding me this time.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania is a clever debater, but his facts are wrong. I introduced a welfare reform bill last year, had hearings on it, ran into a filibuster of great magnitude and we could not make progress on it.

We reformed the welfare program in 1988. We reformed it in the 1960's. No one here, no one here I say to the gentleman from Pennsylvania [Mr. GEKAS] defends the current system. We have all been trying to change it.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I have followed the debate over the withdrawal of Federal support of poverty programs which has passed for a debate on welfare reform over the past few weeks with considerable interest. It seems to me that we have been avoiding a broader discussion of the deep structural problems in our society which the growth of welfare expenditures represents. I do not want this debate to end without some discussion of the real scope of these problems.

The conservative Republicans seem to be proceeding from the assumption that the welfare system has created poverty in this country, and that the welfare system is the problem. If so, then it follows that by excluding people from the welfare system, the problem will be solved. Do any of us really believe this?

The ultimate absurdity in all of this is that we all seem to be under the impression that by cutting the expenditures on these programs, we will save taxpayer dollars. This is not at all obvious to me. We are offering our constituents a false choice: pay for poverty programs, or save money and use it more productively on something else. The other things most commonly acknowledged are: deficit reduction, tax cuts, and increases in defense spending.

The real choice that we face is not whether to pay or not pay to deal with the problems of poverty. It is whether we will pay for positive programs that will move people permanently off of welfare and out of poverty, or whether we will pay for programs that deal only with the negative consequences of poverty such as crime, homelessness, and poorly educated children, to name a few. We are about to choose the latter.

And Mr. Chairman, make no mistake, the programs to deal with the negative consequences of poverty already cost our taxpayers dearly and, I strongly believe, will cost our taxpayers even more under the Republican welfare reform plan. For example, if we simply throw people off of welfare and provide no job or safety net income, which is what the Republican plan would do after two years, then I think we can be assured that crime will rise. To deal with this we will need more police, more judges, more prisons, and more correctional officers.

We will also need increased expenditures on public health to control dangerous communicable diseases which are associated with

poverty such as tuberculosis (which is already on the rise in some of our cities) and AIDS. Non-communicable diseases such as drug addiction, alcoholism, and malnutrition which already cost us too much, are all likely to increase. In short, Mr. Chairman if you think that the crime and public health problems are bad now in our country, wait until we see the full effects of the Republican welfare reform bill.

The current welfare system is not working, we all know that. It has not alleviated poverty in our country. Although there are people who are temporary recipients of this assistance, there are many who are permanently trapped below the poverty level, and who merely survive by making these programs a way of life. I do not know why we are expressing any sense of outrage over this. The old adage, "You get what you pay for" certainly applies here. We have not designed or been willing to pay for a suite of programs aimed at moving people from poverty to prosperity. We have essentially paid for maintenance, and that's what we have. The situation of inherited poverty that Michael Harrington and Robert Lampman warned of back in the early 1960s has been realized.

The nation is therefore beginning the sixties with a most dangerous problem: an enormous concentration of young people who, if they do not receive immediate help, may well be the source of a kind of hereditary poverty new to American society. If this analysis is correct then the vicious circle of the culture of poverty is, if anything, becoming more intense, more crippling, and problematic because it is increasingly associating itself with the accident or birth. (Michael Harrington; p. 183: The Other America 1962)

We cannot hope to correct this situation by falsely diagnosing the problem. And we cannot diminish Federal, State, or local poverty-related expenditures until we make a commitment as a nation to have full employment as an economic goal and recognize its imperative as a social goal. It is our failure to deal with this problem that has resulted in the rapid growth of welfare expenditures that have occurred over the past decade.

The real problem is unemployment, and the culture of despondency and poverty that it creates. We seem to be proceeding under the assumption that there are enough jobs in our economy to accommodate those who are now on the welfare rolls, and that those now receiving benefits will be equipped to accept the jobs that do exist. I doubt it. I would draw your attention to an example of the type of portrait that we have been presented with by the media of the "True Faces of Welfare."

An article by this title appeared in this month's Readers Digest. We have all seen many like it recently. The people described in this article are not the type of people that engender sympathy among our hard-working, taxpaying constituents. In fact, I suspect that these descriptions of unmotivated individuals who are irresponsible parents and frequent participants in criminal activities make it easy for us to vote to cut the system that subsidizes their antisocial behavior. But I would like us to think carefully about these portraits from the perspective of an employer. We are being led to believe that by cutting them off, these people will enter the labor force. But would you hire such a person? Would this person, who we are judging to be an unacceptable recipient of public assistance, be a desirable job candidate? Absolutely not. Serious intervention would be required to convert these people from destructive to productive members of this society. It is far more likely that without intervention these people will turn to criminal means of survival rather than to jobs in the legitimate economy.

These articles are also doing a serious injustice to the many poor in our country who continue to struggle to be productive, responsible citizens in the face of insurmountable odds. There are many on public assistance who work hard every day for wages that are simply too low to allow them to rise above the poverty level. We should not forget these people or lump them together with the unsympathetic persons described above. They need our help, and they should get it.

Even if the current welfare recipients were ready and qualified to work are there enough jobs to accommodate them? Unfortunately, the Department of Labor does not collect data on the number of available jobs that exist. However, I decided to investigate the job availability in my region of California by examining as much data as are available. I believe that what I found for my region will mirror what exists throughout the country. In San Bernardino County, CA there are 64,000 AFDC welfare families, which means that at least one adult in that family is unemployed or employed at such a low income level that they still receive some AFDC benefits. Thus, if we want to fully employ at least one adult from each of these families, we need to have 64,000 vacant jobs.

Mr. Chairman, that is a lot of jobs. Now, how many vacant jobs are there in San Bernardino County? The two daily newspapers in the county listed a combined total of 1,363 jobs in recent Sunday classified ads. Clearly, not all jobs openings are listed in newspapers, but the classified ads listed enough jobs to accommodate only 2 percent of our region's welfare recipients. A more precise figure comes from the State of California employment office, which currently has listings for 1,056 jobs in San Bernardino County. A rule of thumb is that State employment offices have listings for about 20 percent of available jobs. That means that there might actually be 5,280 public and private sector jobs available in the County right now. And yet, we have a need for 64,000 jobs if we are going to employ at least one adult from each welfare family.

Obviously, if we are going to tell adults in welfare families to just go and get jobs, which is what the Republican welfare proposal would do, then we are setting up these families—and ourselves as public policy creators—for a real disappointment. The bottom line: without some kind of public commitment to create large numbers of entry-level jobs, we cannot have a solution to the problem of welfare dependency which we seek to solve.

If we consider the bigger picture, the macroeconomic trends are even less comforting. The current trend in both the public and private sector is downsizing, and economists spend a good deal of time monitoring labor productivity, hoping to see it increase. What does this mean in human terms? Downsizing means fewer people doing more work (or the same amount of work). What is an increase in labor productivity? More units of product output for fewer units of labor input. This is fine if overall output rises, but if it does not, this simply means that fewer people are doing more work. Our population is not downsizing. It continues to upsize and probably will for the foreseeable future. Therefore, we need more jobs, not fewer.

Mr. Chairman, I strongly believe a successful welfare reform package would have work as its central focus. It would cost more money in the short run, but save money as people move into permanent jobs. We should not be afraid to spend money to combat the compelling suite of social problems that stem from the existence of poverty. We took an oath to defend this nation against enemies foreign and domestic. At this time, I can think of no greater domestic enemy than the persistent poverty in our urban and rural areas.

If there are not enough jobs in the private sector then we should create them in the public sector. This is not as radical as many of my colleagues will suggest. We justify many Federal expenditures on the basis that they will create jobs. There is much work to be done in this society. If the private sector cannot or will not pay for it, it is the role of Government to do so. Through programs that are focused on creating jobs that pay a living wage and training people to fill them we can transform taxtakers into taxpayers, welfare recipients into workers, and slums into communities.

We must also stop pretending that the problem of illegitimate births is strictly a women's problem. We are going to have to stop trying to legislate morality and acknowledge that there are many female-headed households with children, and child care and health care are necessary support services to enable these women to work. What will we have accomplished if the standard of living for families actually declines when parents leave welfare and go back to work? Ironically, obtaining employment and losing public child care assistance and health benefits often forces many working poor families back onto the welfare rolls. If our goal is to achieve short term Federal savings, then we will have succeeded in our efforts through this legislation. But if we are sincere about lifting families out of poverty, then let's do something that will move parents to work and support parents in work through real reform.

We cannot have more people working without doing much more in the area of job training and education. Many of those who have become permanent welfare recipients are illiterate and lack the basic skills necessary to qualify for a decent paying job. Until they acquire these skills, they will remain permanently unemployed, especially since our economy has changed to require higher skill-levels of workers. If we are to finally recognize child-

rearing as the important and complex job that it is then we can acknowledge its importance by paying women to do this job. However, many will require job training in this area as well, since many, as teenage mothers, have not acquired the necessary parenting skills that they need to raise children to be productive citizens.

If you want to end the Federal Welfare Program, and pass this national problem and all of its related social ills onto the States, vote for this legislation. But if we want to end poverty, empower all of our citizens, and diminish the expenditure of funds on welfare programs and social damage control, we had better start over again. Until we are ready to acknowledge the true dimension of this problem and have the political will to allocate the resources to solve it, we will be doing nothing more than passing this problem on to future generations.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to take this opportunity to address and explain two provisions contained in the Republican welfare reform bill, a bill which I fully support because it fixes our broken welfare system.

As we are all aware, the Personal Responsibility Act rightfully prohibits illegal aliens from receiving aid under all federal and state means tested public benefits programs. The bill also bars legal nonimmigrants like students, tourists and businessmen from receiving the same benefits, with a few exceptions. One of these exceptions allows temporary agricultural workers to remain eligible for medical services provided through migrant health centers and a few other means tested programs. We are *not* explaining the eligibility of these workers for other benefit programs, merely allowing them to remain in the programs for which they are currently eligible. It is important to note that employers request these workers be brought into the United States, and the request is only granted after the employer demonstrates that all measures have been used to employ U.S. citizens for the vacant positions.

The alien workers enter the country legally and are paid the same rate as a U.S. citizen would be employed in the same position.

These workers are, again, legally here for a specific time and for a specific reason. It seems appropriate that these invited workers should be able to receive limited assistance like medical attention at a migrant health center.

Let me now address the school meal provisions included in the bill. Although liberals consider me something of a pinch-penny, even most severe critics had never accused me of scheming to take food from the mouths of impoverished children. At least, not until recently.

What inspired a harsh reassessment of my character, and the character of other House Republicans, is the proposed overhaul of food and nutrition programs that provide nourishment for the nation's needy school children.

As a Member of the Opportunities Committee, the committee which worked diligently to craft the school meal reforms contained in this welfare reform bill, I support efforts to simplify regulations, cut red tape and grant States greater flexibility in operating school food and nutrition programs.

Essentially, here is what these changes would mean:

Current separate State and Federal applications, rules on eligibility and regulations would be replaced with a single system.

States could allow school districts greater latitude in meeting their specific needs.

Funding would be made in block grants to the States, which would establish their own spending and program priorities.

The net results of these changes would be to increase—not reduce—funding for nutrition and food programs, and to simplify (not further complicate) their administration.

That, in a nutshell, is what all the fuss is about. Does that sound like cruel indifference?

I do not deny—or apologize for—being frugal with the taxpayer's money. At the same time, I do not begrudge even one of the billions of dollars spent on food for hungry children. Indeed, if we are to err in our estimate of how much should be spent on this vital program, I would prefer come down on the side of generosity.

However, much of the money we are now earmarking for nutrition is being consumed by a Federal supply and regulatory system that is needlessly complex and wasteful.

President Clinton, among other critics, has attempted to portray this proposal as Republican indifference disguised as reform. That is pure poppycock.

What we are attempting to do here is introduce administrative efficiency and fiscal sanity to a program that will nurture children rather than continue to feed an insatiable Federal bureaucracy. If that makes me a tightwad, so be it.

Mr. GIBBONS. As we come to the close of this debate, Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD], the ranking minority member, the ranking Democrat on the Human Resources Committee and a member of the Ways and Means Committee.

Mr. FORD of Tennessee. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, I would like to say that the gentleman from Florida [Mr. SHAW] and the Republicans on the Committee on Ways and Means have talked about this welfare reform bill as being tough love. I would have the gentleman from Florida know today that this is tough luck for the children of this country. When you look at what this bill does, it punishes the child until the mother is 18 years old for being born out of wedlock. And we must do something about children being born out of wedlock, but this is not an answer.

This is what we are trying to do today to give to the wealthiest of this Nation, at the cost of those who cannot pay those lobbyists to represent them here in the halls of Congress.

You punish children. You are weak on work and you are mean to children in this country for the purpose of a $600 to $700 billion tax cut, with 80 percent of those revenues going to the rich and wealthy of this Nation.

I do not know how, the gentleman from Florida [Mr. SHAW] and the Republicans, would have the heart to come here to say that we are going to be weak on work, not offer a work program that we can put people who are on welfare to work to make an income to provide and take care of their children. But instead, it is like you roll them on a conveyor belt and they roll off after 5 years and that is the end of it. People are off of welfare, they are in our cities, they will be in our counties, they will be in our neighborhoods, and they will be on our doorsteps.

Do not be so cruel. We as Democrats want a bill. That is why we have embraced the Deal bill, and we think the Deal bill makes plenty of sense, and the Deal bill should pass this House, and we should reject the Republican bill that is before the House today.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, there is an old saying that "if it ain't broke, don't fix it." Well, the American people know that our welfare system is broke, and they are demanding that we do something about it.

In the roughly 30 years since Lyndon Johnson declared war on poverty, we have spent nearly $5 trillion, that is trillion with a "T," on the war on poverty, a war we are clearly losing.

In 1965 we had a 7-percent illegitimacy rate. In 1990 it increased nearly fivefold to 32 percent and it is still climbing. Only 11 percent of families on AFDC spent any time on a monthly basis getting more education, or looking for work. And fully 65 percent of all of the families on AFDC will be on that program for 8 years or longer.

The people hurt worst with this debacle are not the taxpayers who are saddled with this unconscionable cost, it is the people trapped by the system, people who are denied the American dream of getting a better education, of owning a home, of having a job and the self respect and dignity that comes with having that job. The American

people know that the present system is broken and they are demanding that we do something about it. This bill makes a good start. It deserves our support.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as remains.

The CHAIRMAN. The gentleman from Florida [Mr. GIBBONS] is recognized for 2 minutes.

Mr. GIBBONS. Mr. Chairman, this is an important day and an important piece of legislation, but this is a cruel hoax. The Republican bill is weak on work. It will allow the States to take a block grant, put the money in their pocket and pass regulations that will just drop all of the potential welfare recipients from their rolls. And the money that they save here at the Federal level will be used for a tax cut. Not a tax cut for people who are in need. In fact the tax cut that they offer, the child credit, a person working full-time, with 4 children, will get no tax credit if that person has $20,000 worth of income, will not get a penny. But if the person has $200,000 worth of income, they will get $2,000 in tax credit.

This is a cruel, cruel hoax. It is not welfare reform, it is welfare perpetuation. It will pass the burden from those of us in Washington who are responsible for these things down to States who will slough off the responsibility to the local communities and nothing will get done.

There will be hungry children on the streets. There will be ignorant children on the streets. There will be homeless families on the streets. And all of this in the name of welfare reform.

Let us vote down the Republican bill, and let us adopt the Democratic substitute.

Mr. SHAW. Mr. Chairman, I yield my remaining time to myself.

The CHAIRMAN. The gentleman from Florida [Mr. SHAW] is recognized for 3 minutes.

Mr. SHAW. Mr. Chairman, we have heard now for over 2 hours many speakers from the minority side to come before this body in a desperate attempt to rewrite, not only rewrite history, but to rewrite the Republican bill. The gentleman from Florida [Mr. GIBBONS] said there was a filibuster last year. I do not know of anyplace you can have a filibuster in the House of Representatives. The gentleman from Florida [Mr. GIBBONS] filed the President's bill, that is true.

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In the subcommittee we had one or two hearings, that is true. The bill never came to a markup. It was never presented to the full committee. We never had a hearing in the full committee. This simply did not happen.

And where the filibuster occurred, I have no earthly idea. But I do know that the minority side has chosen not to introduce the President's bill this year, for some reason unknown to me. Now, the President does not have any bill that is before the House of Representatives, and I feel that the President should, because the President did advance this debate 2 years ago in his campaign. In fact, last summer in Florida the President asked me if I thought we could get welfare done last year, and I said, "Only if you tell the people on the Committee on Ways and Means that that is exactly what you want."

But instead, all we found was that the whole process was stonewalled. We never got a bill to the full committee. We never got a bill out of the subcommittee, and we never got a bill to the floor. Nothing happened. Nothing happened the year before, the year before, the year before, the year before. For the last 40 years, nothing has happened. The Democrats have blocked and blocked and blocked anything to be done to change welfare as we know it today, to genuinely reform welfare.

Now, we have heard speakers come down. One speaker compared the Republican bill to the Holocaust. Read the bill. You want to know where the work provision is? It starts on about 23 and goes on. You want to know where it is in the Deal bill? The Deal bill says if you are looking for a job, you have to get cash benefits. You know, there are some States that will require work in the first 2 years. You talk about State flexibility. The Deal bill will destroy that.

Massachusetts has a plan where they try to put people to work during the first 2 years. I think Michigan either does or is working on such a plan, and the States should have that flexibility. The Deal bill said, huh uh, huh uh, you cannot do that, you cannot require them as long as they are looking for a job. That is making out a resume, that you have to give them their benefits.

These are just some of the things that have been misstated.

Talk about mean to children, this bill has a 40-some-percent increase in the funding, a 40-percent-something increase in the funding, and the gentleman from Florida [Mr. GIBBONS] said something about well, what about inflation. Forty percent? My goodness, that is over 5 years. That is way above the level of inflation, the anticipation of inflation.

I would ask the committee, read the bills. Do not listen to just the rhetoric, because the rhetoric is just simply wrong. Support the Responsibility Act. Support the Republican bill.

The CHAIRMAN. All time which is dedicated to the Committee on Ways and Means has expired.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 45 minutes, and the gentleman from Missouri [Mr. CLAY] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, today we begin debate over one of the most important issues that will face this Congress, the debate over the future of the welfare system—or what might better be called our country's "despair" system. For although the current welfare system was built, I believe, on compassionate intentions, it has in fact helped to create a system of despair for far too many people. It has become a system that fosters dependence on Government and rewards behaviors destructive to individuals, to families, and to our society. We must change if we are to move from a system of despair to one of hope. A former chairman on several occasions said "Bill, these programs are not working the way we intended." To change we must first make the admission they are not working.

A survey of the public conducted last year showed that 71 percent of the public believe that the current welfare system "does more harm than good." An overwhelming majority of the public believes the system could be improved or has some aspects that need to be fixed. The public understands, and with good reason, that a system for which it is paying billions of dollars each year actually does more harm than good. That is not a matter of "not getting your money's worth." That is paying for the wrong thing.

And when we are talking about the welfare system, then "paying for the wrong thing" is promoting tragedy for people. Those of us who talk about changing the system are accused of being uncaring, of lacking compassion. But what is caring, what is compassionate about a system that fails to demand personal responsibility? And how is it that a "caring" system is by definition one run by "one size fits all" regulations and programs issued by distant bureaucrats in Washington?

I said at the very first hearing which the Committee on Economic and Educational Opportunities held on welfare reform this year, I do not believe that there will be any quick fixes or easy answers, but neither can we nor should we continue down the same path of simply adding programs and spending more money. We need to change the direction. Today's welfare system destroys families and the work ethic and traps people in a cycle of Government dependency. We need to replace a failed system of despair with reforms based on the dignity of work and the strength of families, that move solutions closer to home and offer hope for the future.

During most of the past 30 years, the answer to every problem and the meaning of every reform provided by Congress had been to create another Federal program. Today we have literally hundreds of Federal programs intended to "help" people of limited incomes. Of

course, each one requires separate regulations, separate applications, separate eligibility rules, separate reporting. Each one requires additional personnel—in Washington, at the State level, and by the people actually providing the services—to administer the program, to check the paperwork, to write and interpret the regulations. There are good intentions behind these programs, but much of the good intentions is lost in the maze of red tape and one-size-fits-all regulations. That is part of what we are trying to change in H.R. 4.

Mr. Chairman, title III of H.R. 4 contains most of the legislation reported by the Committee on Economic and Educational Opportunities. Title III consolidates programs in three areas: child care, school based nutrition programs and family nutrition programs.

With regard to child care, the bill consolidates the Federal Child Care Programs into the existing child care development block grant. The present system of separate entitlement programs based upon the parent is on AFDC, has just left AFDC, or is determined to be at-risk of going on AFDC, has resulted in an administrative nightmare for states and administrators, and a maze of child care programs and eligibility rules for parents and children. Among others, the National Governors Association has urged the Congress to consolidate the Child Care Programs into the child care development block grant, and we have done so in H.R. 4.

Under H.R. 4 the child care development block grant would be funded at the level that the four major child care programs received in fiscal year 1994. However, the bill increases by about $200 million the money available for actual child care services, by eliminating mandatory State planning set asides and limiting administrative costs.

The school based nutrition block grant will allow States to create a single school food program for their schools, and allow schools to operate food programs under a single contract with the State. The school based nutrition block grant would be increased by more than 4 percent per year, and the school lunch portion would be increased by exactly 4.5 percent per year.

We have heard a lot of false information from the other side over the past few weeks about the School Lunch Program, and I'm afraid we will hear some more during this debate. Let me simply say it as clearly as I can: H.R. 4 does not eliminate the School Lunch Program. H.R. 4 does not cut spending on the School Lunch Program. It increases spending by 4.5 percent per year.

Every State and every area receives more money in 1996 than they get in 1995. Every State but five receive more money under our program in 1996 than they do under the existing program.

Let me give you some indications here. California gets $5 million more. I just pick certain States, of course. Michigan gets $3 million more. Missouri gets $2 million more. Indiana gets $2 million more. Montana, sparsely populated, gets $650,000 more. New Jersey gets $2 million more. New York gets $5 million more. Ohio gets $2 million more. Rhode Island gets $250,000 Texas $2 million more, Illinois, $2.5 million more. That is more than they would receive if the existing program were in effect in 1996. So every State gets more than they got in 1995, but the States I am mentioning, in most of the States, receive more than they would under the existing program. It is also above, well above, President Clinton's budget. I want to take a moment to point that out on this chart. When the President makes a show of going out and having lunch with some school kids, and says that somebody is trying to cut the School Lunch Program, well maybe he needs to check his own budget. H.R. 4 funds the School Lunch Program above the President's own budget.

Mr. Chairman I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to this bill.

We must reject the cynicism, the greed and the brutality that inspired it, that permeates it, that drives it.

No one would argue that the current welfare system does not need reform. However, in reforming the system, our actions must reflect our sense of fairness and our concern for those who, through no fault of their own, need Government assistance.

The process for consideration of this bill in committee was deeply flawed. After three hurriedly called hearings with limited participation by expert witnesses, the committee marked up its bill just one day after it was introduced. No subcommittee markup was ever held.

In their haste to carry out this part of the Contract With America within the first 100 days, the majority insults this great institution. In their haste to shred 60 years of social safety nets, the majority places millions of children and their mothers at risk.

This bill is not about welfare reform. It is a giant money laundering scheme designed to write blank checks to governors while imposing no standards or accountability. Block grants constitute a political conduit for transferring Federal dollars to curry favor with State executives.

The Republican welfare reform proposal promotes an extremist agenda that does little to ensure meaningful jobs at livable wages for those on welfare. An agenda that abdicates the Federal responsibility to protect poor children from the ravages of hunger and homelessness. An agenda that prescribes a reduced Federal role against abuse, neglect, and abandonment.

At a time when studies tell us that more and better child care is critically needed, this bill would cut resources for child care programs already seriously underfunded. It would allow governors to transfer already precious child care funds to other programs.

Mr. Chairman, there is no guarantee that the Appropriations Committee will fully fund the child care block grant. The appropriators are already decimating domestic programs to finance tax cuts for the rich.

Mr. Chairman, the nutrition provisions in this bill violate all sense of human decency. The Republican assault on the school lunch and breakfast programs, which successfully promote the health and educational performance of more than 25 million children, is frightening.

The Republican proposal to eliminate WIC and allow the State to develop WIC-type programs is an appalling gamble with the lives of the 7 million women, infants, and children served by the program.

The WIC Program is one of the most effective national social programs ever instituted. WIC has reduced the rate of very-low birth weight infants by almost 50 percent and has nearly eradicated iron-deficiency anemia among participants. WIC participation greatly decreases the incidence of premature births. WIC also saves money for the Federal Government.

Mr. Chairman, the Contract with America should have made it illegal to utter the words welfare and reform in the same sentence. In most cases, politicians who use the phrase neither believe in the fundamental concept of welfare nor the meaning of reform. What is happening in the name of welfare reform borders on criminality.

Welfare dependency can only be reduced by providing education, training, adequate child care services, and most importantly, by providing stable jobs that pay a living wage.

Mr. Chairman, today's minimum wage is not a living wage. Later in the proceedings, I will offer an amendment to increase the minimum wage to $5.15 an hour. My amendment will restore the purchasing power of millions of working families. If we really want to end welfare as we know it, we should keep working families out of poverty by paying an adequate wage.

Finally, Mr. Chairman, in recent days our Republican colleagues have admitted that they expect savings from this bill to finance tax cuts for the rich. The goal of welfare reform should be about one thing, and one thing only; and that is to have the most humane and effective welfare system possible. Let us begin today with an honest debate, not rhetoric. Let us show compassion, not vengeance. Let efficiency be our means, not our end.

This bill is a bad bill and should be defeated.

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

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding time to me.

It is, to me, a tremendous opportunity to be able to be here to take part in what I think will prove to be a very historic event in the history of our Nation. For 40 years we have had more and more spending on these programs, and what we have been getting is more poverty, more illigitimacy, and more social problems in our Nation.

Bill Clinton ran on a lot of promises in 1992, and one of them was that he was going to end welfare as we know it, and he did not. It has just continued.

Indeed, in 1993, the Census Bureau reported that poverty in America had reached an all-time high under Bill Clinton. Indeed, at the end of the first year of the Clinton administration there were 39.9 million poor persons, the highest since 1962. The number had been going up ever since Ronald Reagan left office. Indeed, it was only during the Reagan years that those numbers came down.

And now, for the first time in 40 years, the Republican Party is in control of this Congress and implementing policies that will, indeed, attempt to end welfare as we know it.

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And the reason why we need to implement these changes, particularly the changes in this particular welfare bill, is because it is more compassionate. Indeed, the American people have been very compassionate and very patient, but they want change and they want real change that will end the cycle of poverty and despair.

The gentleman from Oklahoma [Mr. J.C. WATTS], a member of our class, was quoted as saying,

> We can no longer measure compassion by how many people are on welfare. We need to measure compassion by how many people are not on welfare, because we have helped them climb the ladder to success.

Today in this Congress we are beginning that change, and I thank the gentleman again.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELÓ. I thank the gentleman for yielding this time to me.

Mr. Chairman, today the majority in this House is ravaging a series of sensible programs that have served well the needs of the Nation. Programs that have assisted many in need, particularly disadvantaged children and mothers at risk, are under attack.

In an effort to score political points with the very popular notion of welfare reform, Republicans have refused to discuss sensible approaches to real reform. Of course we need to reform many areas of the existing welfare system; but there is no need to wage war against current programs that work well, such as school nutrition programs and the Special Supplemental Food Program for Women, Infants, and Children [WIC]. These two programs have a proven positive track record.

To compound the unnecessary assault on these programs, the majority has lashed out against two constituencies that have no political clout in Washington because they do not vote: that is, poor children and legal immigrants.

Republicans, touting the banner of savings, are slashing programs and directing large amounts of the so called savings not for deficit reduction, but for special tax breaks for wealthy individuals and corporations.

You want savings? You want to reduce the deficit? Then have some courage and take aim at the greatest of all welfare programs—corporate welfare.

Various Washington think tanks, both liberal and conservatives ones, as well as the media have identified billions and billions of dollars in tax giveaways and special provisions for rich corporations and special interests. Why has this Congress opted to protect these interests instead of investing in people, in education, in health, in affordable housing, in decent meals for low income students?

Why are the regular folks in America, our middle class, taking a back seat to the interests of a very select powerful group that defends corporate welfare at all cost?

In my own district, Congress condones giving over $3 billion per year in special tax breaks to multinationals while at the same time it deprives millions of U.S. citizens from participating in programs that can assist in improving their quality of life. I call this the Reverse Robin Hood policy, whereby the Federal Government takes away from the elderly, the children, the handicapped and the middle class, in order to give to the rich. There are plenty of Federal policies that illustrate this point. Take a look at section 936 of the Internal Revenue Code, look at some agricultural and mining subsidies.

In section 936 you will find a program that has cost taxpayers over $40 billion in 20 years, the primary beneficiary being foreign and American pharmaceutical firms with hundreds of millions of dollars in annual net profits while low wage working families are denied the earned income tax credit; while children, handicapped and other citizens in need are deprived of adequate medical and hospital care and needy children are denied a first class education.

The President genuinely wants to work with this Congress to end welfare as we know it. But Republicans insist in targeting just about every conceivable Federal program notwithstanding the merits that they may have. Take aim at corporate welfare and stop blaming the poor and legal immigrant communities for the fiscal mess. We need to balance the budget and everyone needs to share the burden, but with this bill, children, the elderly, the handicapped and middle income families are financing the special tax giveaways for the rich.

Start with corporate welfare, then bring all the other programs to the table, so that Congress can craft, in a bipartisan way, sensible restructuring moves which will prove to be true reforms that will benefit the Nation, not hurt it.

I urge our colleagues to defeat this bill. Put people first! Consider the substitute bill that our colleague from Hawaii [Mrs. MINK] has put forth.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. I thank the gentleman for yielding this time to me.

Mr. Chairman, Nearly 30 years ago, President Johnson initiated the war on poverty. Today, after decades of losing the war, we begin Operation Restore Trust—trust in our State and local leaders and communities to care for their own.

H.R. 4, the Personal Responsibility Act, would eliminate many Federal regulations and policies that have hamstrung States and local governments for decades. Under H.R. 4, Washington will not be telling State's what is best for their citizens. The States will get the credit, or the blame, for enacting policies and programs that will take people off welfare, into jobs, and out of dependency.

For the last few weeks we've seen many of the opponents of H.R. 4 go through all kinds of statistical contortions on what H.R. 4 will do to our children and families.

Case in point are the changes we seek to make to the School Lunch Program. Basically, we offer two changes while maintaining the Federal commitment to providing meals for needy children.

First, by maintaining a 4.5-percent annual increase, eliminating Federal paperwork, and better targeting of Federal dollars, H.R. 4 will allow States to feed more children.

Second, we given State and local communities, which know best the needs of their States and towns, the ability to tailor-make programs that can serve the nutritional needs of children.

H.R. 4 would also continue to provide support for the Food Stamp Program. This program, which has been racked with abuse, is significantly reformed while allowing for $131 billion in additional funding over the next 5 years.

By having the Food Stamp Program as a Federal safety net, people will be able to supply their families with food and keep their dignity in the process.

Mr. Chairman, I cannot say that H.R. 4 isn't risky. But the risk of maintaining the status quo, by far, greatly jeopardizes our children and our future. H.R. 4 begins the battle of Operation Restore Trust—trust in our States and communities to do what is best.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. I thank the gentleman for yielding this time to me.

Mr. Chairman, for nearly 50 years Congress has shown a bipartisan commitment to alleviate the worst of human suffering in our Nation, especially hunger. Today we begin debating a proposal that would end this commitment.

The Nation's nutrition programs are cost-effective and target the truly needy.

Study after study shows that children who get a school meal perform better academically.

I am puzzled as to why we would want to fix a program that works so well.

The National School Lunch Program came into being for a strong national purpose in 1946. Many recruits failed physical examinations for the draft because they were found to have been malnourished during their formative years.

Republicans claim that they are increasing funding. But everyone recognizes that compared to current law there will be less money for each child who receives a school lunch. The bottom line is either less money for each child or fewer children eating.

Why are we putting this program into a block grant? To save money? To reduce the deficit? No; it appears that the savings will be used to pay for tax cuts for those who are not as needy as our children.

If the motive of this bill is to save money—why does it remove the requirement in the WIC Program for competitive bidding for infant formula?

Most States were not using competitive bidding before Congress required them to do so in 1989. When we enacted this law we found that it saved over $1 billion a year.

What can the savings be used for? That billion dollars can be used to serve 1½ million more women and children per month in the WIC Program.

It bewilders me, in this time of budget crunching, why we would want to give the three infant formula companies $1 billion if our purpose is to better serve women and children.

For the richest nation on Earth to deny food to its own children is a shortsighted betrayal of our values and our future. It is also unnecessary.

In the name of our Nation and its children, we call upon reason to prevail in Congress. The 104th Congress should not be remembered as the Congress that abandoned our Nation's most vulnerable—our children.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 4, the Personal Responsibility Act of 1995.

Mr. Chairman, the American people are convinced that the welfare system is out of control. As one prominent citizen of New Jersey, a Democrat at that, said to me last week: "No other civilized nation in the world pays young girls to have babies. But that's what our welfare system does."

You know, he is not far from wrong. And that is the perception among many other good, generous, caring people who are deeply concerned about this country.

They worry that we are wasting billions upon billions in hard-earned taxpayer dollars to support a system that promotes unhealthy, unproductive, dysfunctional families that sentence children to a lifetime of economic, social, and emotional deprivation.

In a system like this, it is the children who are the first victims. But the taxpayers are not far behind.

We must act now. We need welfare reform based on the notion of individual responsibility. Reform must restore public assistance to its original purpose: a temporary safety net for those in need—not a permanent way of life for generations of families.

H.R. 4 makes a number of important changes.

First, this plan requires that 50 percent of welfare recipients must be working.

There is no good reason why able-bodied welfare recipients cannot, and should not, be required to work for their benefits.

Second, this bill allows States the flexibility to terminate a family's welfare benefits after 2 years, and it requires States to terminate a family's welfare benefits after 5 years.

It is clear. Some people take advantage of the current welfare program's lax bureaucracy and simply live off welfare—generation after generation—by skillfully gaming the system.

We all saw the article last month in the Boston Globe about four generations of one family—one mother, 17 children, 74 grandchildren, and an unknown number of great-grandchildren—living in Massachusetts on welfare of some kind or another.

Is it any wonder that the American taxpayers are enraged?

Also, H.R. 4 clearly denies welfare benefits to illegal aliens and legal immigrants, thereby limiting welfare eligibility to only citizens of the United States.

While the exclusion for legal aliens has received quite a bit of criticism, I want to make sure that everyone realizes an often-overlooked, but essential component of our immigration laws—for decades, our immigration laws have required immigrants to stipulate that they will be self-sufficient once they arrive in America, as a condition of their being allowed to immigrate in the first place. Consequently, receiving welfare has been grounds for deportation for these very same immigrants for generations.

H.R. 4 only makes explicit what has been implicit for so long. The United States of America welcomes immigrants of all kinds to our Nation. However, an important prerequisite has always been that immigrants will not become wards of the State, but rather self-supporting members of our society.

Mr. Chairman, I serve on the Economic and Educational Opportunities Committee and I support the committee-reported package of welfare reforms.

I am a strong believer in the block grant approach and feel that this is the most effective means for administering the array of services available to those who are eligible. Block granting nutrition program funds will give States the necessary flexibility to target programs which demand the greatest amount of services as a result of increased eligibility and participation.

However, I do have some concerns about certain aspects of this bill's impact on nutrition programs. Members of the committee have heard me say this before and I will say it again: Children will not go hungry and homeless. Not on my watch.

Our committee adopted my amendment prohibiting the States from transferring money from the nutrition block grants unless the State guarantees it has enough money to meet food needs.

But this is not enough.

However, I do have concerns about our responsibility to monitor maintenance of effort by the States and the need to maintain accountability standards. In these respects, I do have some concerns about certain aspects of this bill's impact on nutrition programs.

We must be certain that we are not just writing the States a blank check. We have a fiduciary responsibility to assure the taxpayers that the programs are being honestly administered.

During committee markup, concerns were raised over questions of establishing minimum nutrition standards and allowing for a 22 percent transfer provision. I believe that it is critical for this country to have uniform minimum nutrition standards because children across the country, whether they are participating in school lunch or WIC, should all be provided with foods comparable in nutritional content.

To me, this seems like a practical and straightforward approach—providing equally nutritious meals to all low-income children who are eligible. However, many oppose maintaining minimum nutrition standards established by the USDA because they believe that keeping such requirements would be a mandate on the States. I find this charge perplexing since there are numerous mandates in this bill already.

I would also argue that, if this is considered a mandate, then it is a necessary one. We all agreed that there should be some set of standards established by the Federal Government, no matter how broadly defined. What do we accomplish by allowing 50 States to devise 50 different sets of nutrition standards? Children participating in the various nutrition programs available should have access to meals that are equal in nutritional value because all children need the same essential nutrients to develop both physically and mentally during the critical years of early childhood.

The amendment I offered which passed and is included in the bill requires the National Academy of Sciences to establish voluntary model nutrition standards for the States to follow is a small step forward in reinstating minimum national nutrition standards. However, I would like to see H.R. 4 go much further and maintain the standards already in place. Indeed, I believe it will not be too far in the future when we will evolve back to updated standards based on the academy research.

The 20-percent transfer provision clause is a second area of concern that I feel needs to be addressed. My fear, both during committee markup and presently, is that, if up to 20 percent of block grant funds can be transferred to other titles in H.R. 4, then certain programs, particularly those under the school-based nutrition block grant and the family nutrition block grant, would not be able to carry out services to those low-income children participating. Moving funds from one program to another is not a solution. Instead, it only creates problems permitting political decisions to take precedence over the nutritional needs of children.

For this reason, I offered an amendment during markup which prohibits the transfer of funds from either of the food assistance block grants unless the appropriate State agency administering this money makes a determination that sufficient amounts will remain available to carry out the services under the two nutrition block grants. While this establishes an important safeguard against depriving children of free and low-cost meals, I believe that we must do more.

Therefore, I submitted to the Rules Committee an amendment to H.R. 4 that prohibits the transfer of funds outside of these nutrition block grants when States experience unemployment above 6 percent.

Those who support the 20-percent transfer provision claim that it gives States additional flexibility during times of recession to address increases/decreases in demand for different programs. However, I would argue that this does not happen. Instead, as I have already mentioned, a decision to transfer funds only shifts existing problems to new programs, creates entirely new problems, and makes no sense.

During economic downturns, participation in various nutrition programs, such as school lunch and WIC, increases. It is critical to ensure that during such periods, these vital nutrition services continue to be provided both to those who become eligible and to those who already qualify. The argument that not less than 80 percent of the family nutrition block grant funds must be use to carry out WIC services holds no water during times of recession. Therefore, we must make sure that all low-income people participating in the numerous nutrition programs receive healthy and nutritious meals despite fluctuations in the economy.

The second of three amendments I submitted to the Rules Committee also deals with unemployment as it affects changes—in particular, increases—in nutrition program participation. This amendment would establish a trigger to increase a States funding for both the school-based and family nutrition block grants when that State experiences an economic downturn. More specifically, it would allow up to a 1.5 percent increase in funding of both block grants for each fiscal year through fiscal year 2000 to address this problem.

Under the Opportunities Committee bill, now folded into H.R. 4, block grant money under the two aforementioned block grants is distributed quarterly. My amendment says that for every two-tenths of 1 percent that a State's quarterly unemployment level rises above 6 percent, that State will receive an additional 1 percent of the total block grant money that it received for that quarter. And, because of the funding difference between the two food assistance block grants, the additional money is authorized for the family nutrition block grant, and it is appropriated for the school-based nutrition block grant.

Many Governors, including Governor Whitman from New Jersey, have strongly endorsed a trigger-based safety net as a necessary mechanism for ensuring that States can meet participation increases.

Common sense and experience show that the needs for free and low-cost lunches, breakfasts, WIC and other nutrition services increase during times of unemployment. This additional money will help to make sure that States have the ability to administer current levels of service during such a time period while also being able to accommodate those who currently qualify. Moreover, this funding helps to prevent children from losing their eligibility to school meals and reduces the possible reduction in quality, portions, and frequency of meals being served.

Those who argue that we can always vote for supplemental appropriations are ignoring the needs of children and the added stress to State treasuries. States will end up tapping into their own treasuries and subsequently draining State resources during the many months that it takes Congress to draft, approve, and enact supplemental appropriations bills.

My last area of concern was also brought up during the Opportunities Committee markup, and it deals with the issue of cost containment.

Under current law, States are required to participate in competitive bidding for infant formula provided to WIC-like programs, or some other system of cost containment that yields equal to or greater savings than under competitive bidding. As a result, States achieve considerable savings, which is reliably estimated to be $1 billion annually, which in turn is used to provide additional services to WIC participants. However, under our block grant proposal, while States are encouraged to continue these systems, they are not required to.

Therefore, my third and final amendment under review by the Rules Committee would require that States implement cost-containment measures for infant formula included in food packages under the family nutrition block grant. In addition, it would require that a State use all savings achieved under this system for the purposes of carrying out services for all programs under this block grant. And, the amendment also has the State report annually on the system it is using as well as how current savings compare to that of the previous fiscal year.

Cost containment is a fair way for infant formula producers to compete for the WIC recipient market which accounts for roughly 40 percent of the entire infant formula market. The objective of this type of cost containment is to provide the maximum savings for the State so that it can in turn use this savings to provide additional WIC services for those who are eligible. Infant formula producers still have free access to 60 percent of the market. If we increase that to 100 percent, then we jeopardize the ability of a State to provide the necessary WIC nutrition services to those who qualify.

It is also important to point out that this amendment would allow a State's cost-containment savings to go toward providing services under the other programs within this block grant: Child & Adult Care Food, Summer Food, and

Homeless Children Nutrition. As a result, the State is given the flexibility to use savings where it sees the greatest need.

I support the Opportunities Committee block grant approach, but the program will be greatly enhanced with my amendments. They will make the States accountable for their administration and maintenance of effort. And, most importantly, we will maintain the safety net to assure that in this land of plenty—no children will go hungry.

And finally, I want to conclude my statement with some remarks about the Child Support Enforcement title of H.R. 4.

Let me make clear one unequivocal fact: effective child support enforcement reforms must be an essential component of any true welfare reform plan. In fact, nonsupport of children by their parents is one of the primary reasons so many families end up on the welfare rolls to begin with.

Research conducted by Columbia University and the U.S. Department of Health and Human Services has found that anywhere between 25 and 40 percent of mothers on public assistance would not be on welfare if they were receiving the child support they are legally and morally entitled to.

It's a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called enforcement gap—the difference between how much child support could be collected and how much child support is collected—has been estimated at $34 billion.

Remember, we are addressing the problems of deadbeats who are willfully avoiding their legal obligations under the divorce edicts of their individual States. They are avoiding both their legal and moral obligations.

Failure to pay court-ordered child support is not a victimless crime. The children going without these payments are the first victims. But, the taxpayers who have to pick up the tab for deadbeat parents evading their obligations are the ultimate victims.

Strong, effective child support enforcement is welfare prevention. The single best method to reduce welfare spending is to ensure that custodial parents with children get their child support payments on time, every month.

I've been a leading voice in this debate for 10 years now, having helped draft both the Child Support Enforcement Amendments of 1984 and the Family Support Act of 1988. In addition, I served as a member of the U.S. Commission on Interstate Child Support Enforcement, which issued a comprehensive report, and recommendations for change, of our interstate child support system in August 1992.

I am very pleased to see that the Ways and Means Committee included many of my legislation's provisions in its child support enforcement title. In 1993, I authored legislation, H.R. 1600, that sought to enact the Commission recommendations, and I reintroduced that bill as H.R. 195 on the first day of the 104th Congress earlier this year.

Perhaps the most salient fact we must keep in mind as we seek to improve our child support enforcement system is: Our interstate child support system is only as good as its weakest link. States that have made enforcing and collecting child support payments a priority are penalized by those States which have failed to reciprocate. In other words, the deadbeat under the existing loopholes can slip over the State line or just across the Delaware River and escape his legal obligations to his kids.

That is precisely what we need—comprehensive Federal reform of our child support system—to ensure that all States come up to the highest common denominator, not sink to the lowest common denominator as has happened all too frequently in the past.

There are, however, two important and effective get tough reforms which I have long endorsed and supported, which the Ways and Means Committee has chosen not to include in its bill. Consequently, I have asked the Rules Committee for permission to offer them as floor amendments to H.R. 4.

The first amendment, which has been cosponsored by Congresswoman CONNIE MORELLA of Maryland and Congressman MAC COLLINS of Georgia, requires that States adopt a program that revokes or restricts driver's licenses, professional/occupational licenses, and recreational licenses of deadbeat parents.

The second amendment would require that States enact criminal penalties, of their own design and choosing, for those parents who willfully fail to pay child support.

In both cases, I expect that once deadbeat parents realize exactly how serious we are about ensuring that they pay their child support, the overwhelming majority will do so, rather than lose a driver's license, a professional license, or face the prospect of a jail sentence.

It's funny how, when the sheriff knocks on their front door, how many delinquent parents who previously claimed they had no money, miraculously find some money and begin making child support payments.

Mr. Chairman, in conclusion, I believe that H.R. 4 contains the kind of reforms to our long-broken welfare system that the American people have been expecting. In general, this bill has earned my support, and I look forward to the amendment process where I believe that this important measure will only be improved upon, prior to House passage. I urge all of my colleagues to join me in supporting this bill.

Mr. CLAY. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Democratic substitute, what they will offer as reform, and in opposition to the bill before us now.

Mr. Chairman, there are none of us, I think this has been said before by several people, that we are all for welfare reform, and we are. But this bill is misnomered. I think it should be called the Lack of Responsibility by the Congress Act. Sure, there are a lot of welfare abuses, and we all know it. But this begins with a society that breeds several generations of welfare recipients. There are a lot of social problems that contribute to these factors. In no way is this bill addressing any of those problems.

To put people into productive employment I thought was the goal of this bill rather than destructive dependence. But I do not see it in this bill. I am afraid this bill under consideration presently does not achieve any of the things it should try to achieve to eliminate the abuse of welfare.

There are some States doing a tremendous job in this area. Maryland is a good example of cutting out the abuse from the sale of food stamps, et cetera, et cetera, by going to a system with a nonforgery identification card in terms of goods and supplies that families might need.

If you go back to the original reason why we created welfare, it was for the children, not the parents, not the abusive parents. It was to protect the children. It was at the time only for widows because we understood that widows of the men who had died would be terribly into poverty because the times were tough. That was back during the Depression. There are a lot of us here who are recipients of the programs that were established then, and we did not turn out so bad. But there are a lot of other factors in our society that exist today which did not exist then that we have to deal with. The fact is that right now conditions are very much like the Depression-type conditions with regard to the availability of work in many areas and neighborhoods. That is something that we have to realize if we are going to focus on making sure that we take care of the children.

This misnamed bill, as I have said, does not contain, as far as I am concerned, a job creation in it, which is terribly important if we are going to take these people off welfare and put them to work. It does not contain any provisions that make sure that the people we put here, especially in a single-parent home where the mother is the single parent and that parent needs

child care for these children, where they can leave them at home, where they can be relatively sure these children are going to be safe.

You know, the bill as it is constructed, they do away with the child protections that are in the law now. They say they do this by a provision in the bill that says it will allow the States to certify.

□ 1845

Let me tell my colleagues what is wrong with that. The States will only be certifying those that are licensed. Over 40 percent of the people that provide day care are not licensed, and so that leaves a whole group of people.

There are so many things that, as we get into the rest of the bill, we will debate, but I really want to tell my colleagues this, to those on the other side, those of my colleagues who have, I think, no less compassion than those of us on this side. I wish they really would rethink what they are doing here because together we can form a welfare reform package that deals with the abuses that are out there and make sure that we provide opportunities to succeed to people that are on welfare. That is what happened during the Depression, and that is why a lot of us that are of the Depression age are here today in this House, because there were programs that did in a bipartisan way address the societal problems that we have.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, the American people widely support maintaining a strong social service system which provides for children, the handicapped, the elderly and those who truly cannot find employment. At the same time, Americans have come to believe that the system now in place, not only fails to foster self-reliance, but may actually promote out-of-wedlock births.

While we must maintain a compassionate social safety net, I am convinced that we can do a better job of instilling self-reliance and discouraging irresponsible behavior within our welfare system.

H.R. 4 offers the first comprehensive package of welfare reform measures in nearly half a century. Its fundamental tenets are: (1) those welfare recipients who are able-bodied must work in exchange for benefits; (2) programs must be designed to discourage—not facilitate out-of-wedlock births; and (3) the States, which already operate their own welfare programs, will receive blocks of Federal money to provide additional social services within Federal guidelines.

The media has done a less than complete job of informing the general public about the nutrition and child care portions of H.R. 4. It is time that they know all of the facts.

First, we are not reducing funds for school lunch. The truth is this measure increases funding for school lunch by $1.1 billion over 5 years.

Second, we are not reducing funds for women, infants, and children. The truth is the bill increases WIC funding by $776 million over 5 years.

Third, we are not reducing funds for child care. The truth is the bill makes $200 million more available for direct child care services.

I care about the future of our Nation's children. However, if the Federal Government continues to add hundreds of billions of dollars to the national debt each year, our children won't have a future. Establishing flexible, State-based programs that promote personal responsibility and self-reliance is a necessary step toward developing a sound fiscal policy.

As a former social worker and the father of four, I know the importance of ensuring the safety and health of all children. H.R. 4 offers compassionate, fiscally sound solutions which allow us to effectively help those in greatest need. As a former State Legislator, I am confident that the States and localities can effectively administer welfare programs without the Federal Government micro-managing their efforts.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I thank my ranking member for yielding me this time.

As the only Member of Congress who has actually been a single, working mother on welfare, my ideas about welfare do not come from theory or books. I know it, I lived it.

Make no mistake, I know the welfare system is broken. It does not work for recipients or for taxpayers, and it needs fundamental change.

But I also know that H.R. 4 will gut the welfare system and shred the safety net that enabled my family to get back on our feet 27 years ago.

I will never forget what it was like to lie awake at night worried that one of my children would get sick, or trying to decide what was more important: new shoes for my children or next week's groceries.

Even though I was working the entire time I was on AFDC, I needed welfare in order to provide my family with health care, child care and the food we needed in order to survive. So my colleagues see I know about the importance of a safety net, and I also know about the importance of work.

That is why, as cochair of the House Democratic Task Force on Welfare Reform, I can tell my colleagues that the Democrats are committed to getting families off welfare and into work. We do this by helping them with education, with training, by providing the child care they need so that they can go to work.

Mr. Chairman, the choice comes down to this. We could punish poor families by voting for H.R. 4, or we can invest in our children and their families so they can lead strong, productive lives. I beg my colleagues to vote against H.R. 4 that would put people on the streets and vote for putting people to work.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, this is the most important week of the 104th Congress. It is more important to the future of America than all the weeks we will spend on term limits, the line item veto, and the balanced budget. This week we decide if we will continue down the morally bankrupt path the liberal/left has led millions of Americans or will we blaze a new path for hope, responsibility, and freedom.

This debate is also about two visions. The first is offered by the same people who created the welfare nightmare. Their view of the world begins and ends with big government. In their world, government regulates and dominates every walk of life, it replaces the family, the church and the neighborhood. They promise you happiness in exchange for a check and the loss of your liberty. The second view—our view—begins and ends with the individual. Our view of society is one in which people have the right and the opportunity to work, invest, and raise their children as they see fit. We have faith in the American spirit; the liberal Democrats have faith in Washington, DC.

I have had enough of the Democrats' big lie about welfare reform. Day after day they come to the floor and repeat the lie that Republicans are waging war on children. It is offensive because it comes from those who have trapped millions of American children in a never ending cycle of despair and dependence. Who are they to lecture to anyone about taking care of our children after they spent decades destroying the American dream for the poor.

Mr. Chairman, for the last thirty years we watched them create a national tragedy. Since 1965 we spent $5 trillion on welfare. What do we have to show for it; disintegrating families, children having children, burned out cities, a thirty percent illegitimacy rate, and three generations of Americans who do nothing but wait at home for the next government check.

Bill Clinton promised to "end welfare as we know it." What happened? His first "reform" expanded welfare spending by $110 billion and gutted what was left of workfare. It was business as usual; more government, more taxes, more bureaucrats. But, the American people said, "enough is enough." They understood that the liberal/left's "reform" is to spend more of other peoples' money. They know the left is happy with the "poverty" industry and

those churning out more of the perverse regulations and programs which have turned so many of our people into a mass of "favor seekers."

Mr. Chairman, we came to Washington to put people to work and get government's hands out of the peoples' pockets. Let me tell you where we will be if we do not stop the runaway welfare train. Today federal welfare spending stands at $387 billion, by 2000 we will spend $537 billion on welfare entitlements. The madness has to stop.

Our bill eliminates the federal middleman and cuts the heart out of the Washington bureaucracy. It says the real innovators are in the states and the counties.

Mr. Chairman, the best welfare program is a job. By cutting government, taxes, regulations, and bureaucrats we can create a new era of opportunity that will make it easier for poor Americans to get back on their feet and share America's promise. Mr. Clinton is right about one thing, it really is past time to end welfare as we know it. We had better get on with it because time is running out.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I listened carefully to the last speaker, and I have to agree that the debate this week over welfare reform does come down to one thing, the well-being of the American family. But I would just simply have to disagree that this is not about replacing the American family. We have known for a long time that parents who finished school and who work at real and meaningful jobs are more likely to have kids who do well in school themselves and who go on to become productive citizens and raise families that are strong in their own right.

Families that function well must have access to a network of affordable support services to help them balance the demands of work and parenting. That is probably truer of families and young people today than it has ever been before. For many parents, the lack of affordable, safe child care prevents them from pursuing additional education or taking a worthwhile job; that very pathway toward solving the problem, nurturing the family, is cut off.

Now, we hear that we want to cut federal funding for child care by 20% over 5 years, providing no provision for additional funding when demand increases during difficult economic times.

We know that too many children are receiving inadequate care while their parents work, and yet this bill eliminates current health and safety standards for child care. It eliminates the requirement that states use funds to improve the quality of child care.

Mr. Chairman, we cannot have it both ways.

If we want people to move from dependence on welfare to long-term, gainful employment, we have to provide the options that make that possible.

There is nothing more important than making sure that children are in safe and healthy settings while their parents work.

We would not want anything less for our own children. We should provide nothing less for all children.

So, I would urge my colleagues to keep this in mind as they vote against H.R. 4 in its current form.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I think it is important we understand exactly what this debate has become all about.

This debate is about whether my colleagues want to defend the Washington bureaucracy or whether they want to be advocates of real reform and change. It used to be that we were all for a bipartisan commitment to children, but now our defense of the bureaucracy has taken precedence over that. I do not know of any area wherein child nutrition is part of the school lunch debate which has been more intentionally misrepresented and where children have been used as pawns for political purposes than they have in this particular area.

Let me give my colleagues some facts:

For all of those who say that the school lunch program is a wonderful program without any problems I would point out that according to the General Accounting Office in the last 4 years that they have kept records, over 302 schools have developed out of the Federal school lunch program, and their No. 1 reason for doing so was the rules, regulations and paperwork required by Washington. Second, I would point out that 46 percent of all non-poor or full-priced students voluntarily choose not to participate in America's school lunch programs today. Finally as a part of the administration's attempt last year to increase the regulations on the school lunch program through their nutrient standards, even Washington, even USDA in their budget request, say they will have to ask for at least 25 million plus to assist schools in meeting the computer requirement of this particular provision just in fiscal year 1996.

So, we have come forth with a proposal for change, a proposal that increases funding, that increases flexibility and that decreases Federal rules, regulations and paperwork. Our proposal recognizes that there is a need for increased funding. So we provide a 4.5-percent increase through fiscal year 2000.

□ 1900

We cap State administrative expenses each year at 2 percent, so 98 percent of that money goes not to States to balance their State budgets, but right to that local school to provide school nutrition. And we eliminate the Federal bureaucracy at a projection of over $300 million in savings over the next 5 years.

In addition to that, second, we provide flexibility at the State and local levels, so they can take our resources and combine them with their own State innovation and create something new and different, a creative and interesting and appetizing and appealing school lunch program.

Third, we do establish minimum Federal safeguards. We establish voluntary national nutrition guidelines available for every State established by the National Academy of Science in concert with the school dieticians.

Second, as I said earlier, we require that 98 percent of that money go to the schools and 80 percent of that money go to the low-income students.

Now, there is something that has been missing in this discussion. I would like to challenge my Democratic friends, if they believe that in an era of deficit reduction we ought to continue providing the 11.3 million students, the sons and daughters of the bankers and rich people in this country, whether we ought to provide them with a school subsidy for every meal they take at a cost to the Federal Government of $556 million a year. There is not a Member in this Congress who believes that that $556 million would survive our efforts to balance the budget, and there is not a person who understands the school lunch program who knows that if you eliminate that $556 million, that you can continue the school nutrition programs or the school lunch program as it exists today.

So there has to be reform. We are the leaders in advocating that reform. But we are not cutting school lunch by $556 million. What we are doing is increasing it 4.5 percent for every year for the next 5 years.

Mr. CLAY. Mr. Chairman, I yield 4½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the legislation that we will be debating this week in the House that will be offered to us by our Republican colleagues is the most comprehensive and the most focused assault on poor children in this country that we have witnessed in the past 30 years. It is not that the press has got it wrong, it is that the press has started to explain it to the American people, and as the American people have started to understand it and started to see its components, they are starting to reject it. Because, while all of us agree about welfare reform, and every Member has said that on the floor and clearly the public agrees with welfare reform, the public is starting to ask what

is it about welfare reform that requires you to take severely disabled children who suffer from cerebral palsy and other disabling diseases, what is it that requires you to take them off of the rolls so that their parents, many of whom are single parents, who are struggling to work and to keep their children at home and out of an institution, what is it about welfare reform that requires you to abandon these children?

What is it about welfare reform that requires you to repeal the child welfare protection for abused children, who need protective foster care so that they can be rescued from families that are dysfunctional and disabled in terms of their ability to take care, and many times lash out and injure these children and in some circumstances kill these children? What is it about welfare reform that required the Republicans to do that?

What is it about welfare reform that required the Republicans to rip away from working poor parents who have struggled to get off of welfare but now need child care to stay off of welfare so they can contribute to the well-being of their family, and with a little bit of assistance and child care and maybe some food stamps lighten the load on the Government and retain their dignity? What is it about welfare reform that told the Republicans to rip that away from those working parents?

What is it about welfare reform that asks them to rip away $7 billion from the child nutrition programs; in our child care programs; in our school lunch programs; in our women, infants and children's programs? I appreciate that they say that all of these programs are there, but none of them are mandated. None of them are provided to these children who need these programs, who are enabled to have these programs, because of circumstances beyond these children's control.

What is it about welfare reform that says that if a child happens to live in a State that suffers from an economic downturn, that they may not get their school lunch because there will be no entitlement for that child, a child who finds himself in a family that is now, because of an economic downturn, unemployed, and yet the family seeks to hold itself together?

What is it about welfare reform that demanded these kinds of harsh actions? What is it about welfare reform that no longer provides an entitlement to a pregnant woman at nutritional risk to protect her pregnancy for the healthy birth of her newborn infant and to care for that infant when they have been medically certified at nutritional risk and the likelihood of giving birth to a low-birth-weight baby, babies that have a 30 or 40 percent greater frequency of coming back and needing help later with special education, with remedial education, because of the brain development they suffered? What is it about welfare reform that demanded that?

You talk about people who spend generations on welfare, and yet you are creating the very children who are going to be candidates for welfare because of your inhumanity, because of your callous nature, and because of the war you wage on the poor children of this Nation.

What is it about welfare reform that requires you to treat the children, to punish the child of a young woman who has a child out of wedlock under the age of 18, to punish that child and to rip away the resources? Sixty percent of all of the pregnancies in this country, no matter what your class, your status, no matter what your financial well-being, 60 percent of all of the pregnancies in this country are unintended. Half of them are resolved by abortion. Half of them are resolved by abortion. So what do we do? We tell individuals if you have an unintended pregnancy, we are going to make your life more desperate, more complicated, more hostile to bringing that child into this world.

That is not welfare reform, that is a war on America's children, on the poorest of America's children.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, that was a very impassioned speech that we heard, but one thing needs to be kept in mind when we hear these kinds of comments that all of the terrible problems that this gentleman spoke of have actually increased over the past 30 years with all of these programs that we have seen emanating from Washington. They have not decreased. What we are trying to do here with our welfare reform program, Mr. Chairman, is reinvigorate the family, reinvigorate personal responsibility, do something about the terrible problem of illegitimacy.

I as a physician worked in inner-city obstetrics clinics and I saw 15-year-olds coming into the clinic pregnant. I would ask them why they are doing this? And they would tell me they want to get out of their unit, they want to get out from under their mother, they want to get their own place in the project, and they want to get their own welfare check.

This system that has been created over the past 30 years is broken. We need to strengthen families. We need to deal with this problem of illegitimacy.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, there is almost 100 percent agreement that welfare as we know it should be reformed. We all want to reform welfare, make the necessary adjustments to allow it to accomplish what it is supposed to accomplish in terms of helping victims.

We help victims of earthquakes, we help victims of floods, we help victims of hurricanes. We should help victims of a mismanaged economy which produces a situation where there are no jobs for men and families as a result are forced to go on welfare.

All big government programs should be reviewed occasionally. We should certainly look at all programs and look at ways to reform them. We should try to reform programs like the farmers home loan mortgages, which were so badly repaid that the Department of Agriculture decided to just forgive $11.5 billion in loans over a 5-year period. We gave away $11.5 billion in loans for the farm welfare program.

We also have welfare for electric power users out in the West and Midwest, where they are using Federal power at within half the rate that we have to pay in the big cities. So that is a welfare giveaway we ought to take a look at and see if we can reform it. We have enormous amounts of welfare for the farmers, and we ought to take a look at that. We are spoiling America's farmers by smothering them with socialism, and we ought to take a look at rich farmers as well as poor farmers receiving welfare.

Aid for dependent children is a welfare program for poor children that costs $16 billion. Aid to rich farmers through the farm price subsidy program is not means tested. Rich farmers can get that as well as poor, and there are very few poor farmers left. Less than 2 percent of the American population lives on farms, so most of the $16 billion goes to the welfare program for farmers just as $16 billion goes to needy children.

That $16 billion that goes to farmers, we need to look at how to reform that. We need to be serious about that. We should not demonize poor children and poor families suffering as a result of economic dislocations that are perpetrated by people making decisions far beyond their control. Welfare for farmers is not means tested. Millionaires receive government checks.

Two recent articles, one in the Washington Post and one in the New York Times, said that city dwellers, they listed the names of people who are city dwellers who never set foot on a farm, who are receiving welfare farm checks. So I hope we are going to reform that as well, because in order to make the budget balance and in order to do things that need to be done, we need to reform that.

We need to go back and take a hard look at the savings and loans debacle and the unfortunate steps we took there which did not reform that system. Two hundred billion dollars of the taxpayers' money went down the drain as a result of our not paying attention to reform. Reform is very much needed.

The Republican welfare reform program, unfortunately, shows contempt

for work. At every level, it refuses to deal with job training, it refuses to make some kind of pledge to provide work for people, it refuses to deal with minimum wages that are necessary in order for people to get off welfare, to make enough money to live on. They have a great contempt for work. It is a big lie that they are interested in having people get off welfare and go to work. They have abandoned the goal of work.

It is the Democrats who now carry the goal of work, as we did in 1988. This is not the first time we have tried to make adjustments to the welfare program. In 1988 we attempted to make an adjustment in terms of job training and jobs for people on welfare.

The Republican welfare program swindles poor children through the block grant mechanism. It swindles poor children in two ways. When you take away the entitlement for aid to dependent children, it means you are swindling them, because they do not have a right if they are poor, they do not have the Federal Government standing behind them. They do not have the power of the Federal Treasury, which guarantees that no matter how bad the economic conditions may be and how many people may be forced on welfare the money will be made available to meet their needs. They are swindling poor children through the school lunch program. You are taking away an entitlement, so as the numbers increase, we expect 20,000 more youngsters to enroll in New York City schools next year. Enrollment is skyrocketing. Just enrollment alone produces a greater need, so that the block grant will not take care of that increasing need by enrollment.

But when economic conditions get worse, the number of people goes up who are eligible. Block grants place the poor at the mercy of State and local governments, and the history of State and local governments is they have been very mean-spirited and very cruel and some of the worst and most corrupt government in the country has been at State and local government levels. We are not helping people by placing them at the mercy of State and local governments. School lunches were created in the first place because State and local governments refused their needs.

Mr. Chairman, now we are saying to the children of America, Children of America, there is a fiscal crunch; this great Nation now needs your lunch.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I rise to respond to some of the remarks made by my colleague, the gentleman from California [Mr. MILLER], who talked about the inhumane and callous nature of those of us on this side of the aisle. I have to tell you I take a little bit of umbrage at that.

I am a former child welfare worker. I have spent a number of years of my life in the homes of some of the most abused and neglected children in my community. I met my wife while she was a child protective worker there and she is still a social worker. I am the founder of the Pennsylvania Children's Coalition, a caucus that we formed in the Pennsylvania legislature, and I have been a child advocate for 20 years.

□ 1915

When I was a social worker trying to spend all of my time protecting children, I had to take away from my time at least a day and a half each week to fill out the Federal forms so the bean counters in the bureaucracy in Washington could account for my time. I was not able during that time to go out and protect the children in my community.

What we are doing is simply taking this program of child protective services, giving it to the States who have been operating it for years, increasing the funding from $4.4 billion to $5.6 billion over the next 5 years. And I will tell you from my personal experience, that is a smart and that is a compassionate thing to do.

The gentleman also made reference to the notion of punishing teenage girls who have babies. What punishes teenage girls who have babies who are 14 and 15 years of age is to say to them, you and your little baby live in a tenement somewhere. We will send you this meager allowance and pretend that you can survive, and we know that they do not survive and we know that they are the most likely young people to abuse their own children. And what we are simply trying to say is, you do not become an adult by having a baby. If you are 14 or you are 15 and you are 16 and you have a baby, you still need more than ever the care of responsible adults, and we want to make sure that those teenage girls and their babies are cared for in proper settings where there are rules and there are limits and there is safety and they can be taught to raise their children properly and help to become successful as adults.

Mr. CLAY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I want to refute what was just said by the previous speaker. I think he ought to know, even though he worked in this kind of a position, that most of the teenage pregnancies under 15 years of age take place in the home where that kid comes from. It is a violation of that kid's personal self-esteem.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Missouri for yielding time to me.

I am not a member of a committee which has had under consideration this welfare reform bill so, when I got the bill finally on Friday of last week and it was finalized, I went rushing through that bill, looked and spent an awful lot of time reviewing the provisions of that bill. And two things jumped out at me.

No. 1, I had heard my Republican colleagues talk about how they were going to get people off the public dole and make sure they went to work. And I looked and I looked and I looked, and I did not find anything in this bill that would provide jobs for people who want to work at the end of their welfare stay or any time during their welfare stay. So that is the first bogus promise that I found.

No. 2, I went looking and I found that this bill punishes children for the conduct of their parents. If your parent is poor, the children get punished. If the parent has a child out of wedlock, the child gets punished. No Federal benefits for children or mothers under age 18, if they are unwed.

If the parent is on welfare, has another child, the child gets punished. No benefits for that child because he or she was born to a mother who was on welfare.

If the parent will not work, the child gets punished. After 2 years, whether they can find work or want work or will work, if they do not have a job, the child will be punished and the child will be off of welfare. If the parent cannot find a job, who, the child gets punished. Cut off the parent and the innocent child.

This is a mean, mean, mean bill. We should be nurturing, encouraging, supporting our children, not punishing them for their parents' shortcomings. We should be providing jobs for those who want to work, not calling a cutoff after 2 years welfare reform.

Mr. Chairman, this bill is a hoax. It does not provide any jobs. After we heard so much about jobs to get people off the public dole, no jobs. And it is mean spirited and mean to children.

They did not do anything to deserve this. Why would we punish children in the name of welfare reform?

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

We have heard all this about whether there is workfare, whether there is not. H.R. 4 eliminates the Job Opportunities and Basic Skills Jobs Program. Why? Because it failed. Success in this program is an exception to the rule. Although it is billed as a welfare to work program, after 7 years in operation, Jobs boasts a mere 26,000 recipients in work. The GOP bill in the first year alone will ensure 180,000 welfare recipients will be in work. By 2003, 2.25 million welfare recipients will be working a minimum of 35 hours per week in exchange for the benefit; 90 percent of the American people support this.

The Clinton proposal would not have placed any recipients in work for the

first 2 years. At its peak, it would have moved only 394,000 recipients into work.

So it is very, very clear that there are strong work requirements in the bill that will really make the difference.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just simply want to find out where in this bill those jobs are. It is not in this bill. You can protest all you want. There is nothing in this bill that provides any jobs. If you can tell me where that is, I would be happy to hear it.

Mr. TANNER. Mr. Chairman, in this general debate, I am going to remain general, but I know that over the next 2 days there will be a lot of specifics.

I have been in the Congress for 6 years. I have been aware and working on welfare reform for that time, particularly the last 3 years. And I want to thank the Members who have brought this bill to the floor because I think Republicans and Democrats can both agree that the time for welfare reform is now.

I come to speak tonight as one of the original cosponsors of the so-called Nathan Deal bill. I believe that we have the best approach, the Contract With America notwithstanding.

The Deal approach, and our approach, is for a stronger work requirement to bring the dignity of work to the American people. We also, unlike any other proposal, make sure that the value of a welfare dollar is no more than a dollar earned by the sweat of the brow. And our final bottom line in our approach is simply this, if you want something from the Government, then you must be willing to do something for yourself.

Let me talk just a minute generally about the Deal substitute to the Contract With America. All of us any many Members have said tonight and this afternoon that the present welfare system, Federal welfare system is broken. Its evolution has trapped many in broken families and generational dependence with little, if any, hope. That is wrong and we know that.

In the present system all too often the emphasis is on how to receive a welfare check rather than how to return to work. The present system has built in disincentives against two-parent families. It has a powerful incentive, actually, for young unwed motherhood. That is also wrong.

There is nothing in the present system really requiring personal responsibility for one's own future. This is our fault. This is the fault of the American people and the policymakers.

The Federal system is broken. We all know that. We must fix it, in my opinion, here, before we take the Republican approach and block grant it and dump it in the hands of the States and their Governors and their legislatures. That is not the way we need to fulfill our obligation as Federal legislators. We abdicate it by just saying we will block grant it and our hands are clean.

The Nathan Deal bill has a way, I think, to address this problem and give the States the flexibility they need to address the problem. In our bill, the Deal substitute, is work in exchange for assistance with a 2-year time limit. If you are offered a job and do not take it, benefits end. And if you find a job and refuse to accept it, the same is true.

We encourage families by ending the disincentives in the present system to favor marriage. We end the incentives that lead to unwed teenage motherhood by demanding liability from parents and requiring minor mothers to live with a parent or guardian and remain in school. Personal responsibility is demanded in our bill and, unlike any other proposal here, we make benefits from AFDC and food stamps subject to taxable income, ensuring, as I said at the outset, that a welfare dollar is not worth more than a dollar earned by work.

John Kennedy once said,

> Our privileges can be no greater than our obligations. The protection of our rights can endure no longer than the performance of our responsibilities.

Let us exercise our responsibilities as Federal legislators and fix the Federal system before we dump it on the States. I think that is the responsible thing to do. I think the Deal substitute will do that, and I would encourage all of my colleagues, as this debate continues, to give it great consideration, great weight and put aside partisan differences and consider voting for it.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Texas, [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, Democrats are scared of losing 40 years of tight-fisted control over the States. This scares them so much they have embarked on a big lie campaign to defeat a bill that gives the States and individuals the power to create solutions. They still believe Washington knows best.

This example is best illustrated by the Republican proposal to improve the school lunch program. This bill does not cut lunches. It does not cut funding. We increase funding for the program by 4.5 percent per year. Let me repeat, 4.5 percent every year. We are not taking away food from anyone.

Republicans believe in change, and this bill represents it. The Democrats continue to believe in the status quo. This was shown by their event last Sunday. And would you believe they used children as props to help their special interest friends raise money, big labor unions, welfare state bureaucrats and extremist organizations?

Mr. Chairman, I ask my colleagues to vote for the real change. Vote against big government. Vote for this bill.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise tonight in strong support of Mr. DEAL's alternative welfare reform proposal. Like most Americans, I feel that the time has come to seriously evaluate the structure of our system and provide constructive solutions to problems within it. Our current system is broken. It must be fixed.

I come before you today in strong support of a plan that transforms our current system into the type of program that it should be—a temporary helping hand for those who need a chance to get back on their feet again. I think we all agree that the focus of welfare reform should be getting people off of the welfare rolls and into work. It has become very obvious, however, that while we may agree on the goal, it is not as easy to agree on how to get there. Having said that, I feel that the welfare reform proposal we have developed provides a centrist approach to intelligently reforming our welfare system, without hurting those who need a helping hand. We must not take the more limited view that welfare reform simply means cutting the cost of welfare. Welfare reform is not simply cutting services and denying benefits in order to find a budgetary fix. Welfare reform involves real people with real needs, which do not just disappear once the funds are cut. Their needs will continue, the same as before, unless we provide some of the necessary assistance to move them off of welfare into jobs.

The welfare reform proposal that we have developed addresses these basic problems by, first, emphasizing work over welfare. One of the basic tenets of the proposal is the establishment of the Work First Program, which fundamentally reforms the JOBS Program of our current welfare system. The new Work First Program requires participants to begin job activities as soon as they enter the program, providing individuals with the opportunity to immediately begin working their way toward self-sufficiency.

Second, we change the focus of welfare from a seemingly endless hand-out to a temporary hand up. The perception of our welfare system as a permanent way of life has evolved through years of providing benefits to recipients without a sensible plan for moving them off of the welfare system. Therefore, we propose a time limited assistance program that would empower individuals to move from welfare to work. As an incentive to work, the

plan would provide transitional assistance to make work pay more than welfare. We extend the transitional medical assistance from 1 year to 2 years so that individuals do not have to fear losing health coverage if they take a job. We also provide child care assistance for moms so that they are able to take a job and begin working toward self-sufficiency. After 2 years in a work program, States also would be allowed to deny AFDC benefits to recipients who do not have jobs.

Third, we propose changing the perception that Government bears all of the responsibility for those in need. Individuals also must accept their share of responsibility in providing for their families. In order to do this, we require recipients to develop an individual plan for self-sufficiency, which would include the tools needed to get the individual off of welfare and into work. We also strengthen child support enforcement and hold the parents of minor mothers and fathers liable for financial support of their children. The proposal allows States to deny increases in AFDC funding to mothers who have additional children while receiving these benefits and requires minor mothers to live with a parent or a responsible adult.

Finally, we realize that a one-size-fits-all approach to welfare reform is impractical, if not impossible, because it does not take into account the wide range of needs and programs that exist. Therefore, we have provided States with the flexibility necessary to develop effective programs that meet their own specific needs. While the Federal Government has a role to play in setting broad guidelines in order to maintain a level playing field, State flexibility is the key to reforming our welfare system.

In addition, I believe it is very important to include local communities in the process, as well. To that end, we have provided Federal grant assistance to community-based organizations for coordination of services. The one-stop shop idea is already being explored in many communities and many others could streamline services with some additional assistance.

As a participant in the current welfare reform discussion, I have heard many times that we should get rid of fraud and abuse in our welfare system and I agree. As the former chairman of the Agriculture Subcommittee on Department Operations and Nutrition, I have worked tirelessly to correct deficiencies in the Food Stamp Program and I am well aware of the need for continued improvement. That is why I am pleased to say that we have incorporated a very tough food stamp fraud and abuse provision in our proposal. We have also made additional improvements to the current Food Stamp Program while maintaining the basic food safety net for people in need.

Finally, I strongly believe that we should not fund tax cuts with welfare reform, particularly considering the enormous deficit problem we are currently facing. Our substitute, therefore, specifically designates any additional savings from the welfare system for deficit reduction purposes. We are already threatening the future of our children with the unbelievable responsibility of financing our current spending behavior. I cannot justify adding additional responsibility to our children by requiring them to finance a tax cut before we control our deficit.

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Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM], one of the leaders in helping to put this bill together as far as our committee is concerned.

Mr. CUNNINGHAM. Mr. Chairman, I have a book for my colleagues on the other side. I have gone to town hall meetings. They understand the lie about whether we are adding or cutting nutrition programs. That book is called basic mathematics, or the DICK ARMEY syndrome that says "If you add more money the following year than you have this year, that is an add. If you have less, that is a cut."

I have also prepared a book in here and it is called "How to tell the truth." I think our colleagues need to take a look at both of those books.

The real reason for why are we doing welfare reform, Mr. Chairman, why would we tackle this after the other side of the aisle has the rhetoric that they want to reform the system, they want to reform it, and they have done nothing for 40 years but create the system that we are under today.

The current welfare system, Mr. Chairman, is not compassionate. Look at the problems that we have across the country. Nothing could be more cruel to welfare recipients and children than the system we have today. We as a policy have created that system. That is an effort to change that particular system.

Look at the children's nutrition program. Who are we trying to feed with those programs? We are trying to make sure that our poorest children are fed, but yet we continue the policies that would create those poverty children living in poverty.

Mr. Chairman, I have the utmost respect for my colleagues, and many of them on the other side in the Black Caucus; the gentleman from Georgia, JOHN LEWIS, who walked in Alabama. However, the Members are wrong in this.

When we look at the welfare systems in the communities with Federal housing that persist, with crime-ridden, with drug-ridden, with black children, two out of three, being single parents, and to perpetuate that system, when they talk about cruel and unusual punishment, to foster that kind of a program, Mr. Chairman, is more than comprehension.

The real reason why my colleagues on the other side of the aisle, the socialists, the Clinton liberals, we have added money in the nutrition programs, but the real reason they are fighting this, and I went to great efforts, and the one thing that we cut is the big Federal bureaucracies. They cannot stand it. That is what they are fighting, over and over and over again.

Mr. Chairman, the system traps recipients in an unending cycle. It hurts those, the children, and those that we are really trying to help. This brings deadbeat dads for responsibility, a system that encourages fathers that have run away from their responsibility to get back together with the family.

The gentleman says there is no creation of jobs. If I can bring a family together by not penalizing the father that comes with that welfare recipient mother and child, and have one of them work, that is better. That is compassionate. What is incompassionate is the current system, where we have disincentives to bring those families together. We have disincentives to break out of the Federal housing programs.

The personal responsibility, illegitimacy, we have to attack it, because it also ties in with child abuse and it ties in with the nutrition programs. We have increased the nutrition programs by 4.5 percent. President Clinton in his first budget increased it by 3.1 percent. In this budget just a few weeks ago, the President stood up here and only allowed for a 3.6-percent increase in the nutrition program. We increased it by 4.5 percent. Why?

There was a movement on our side to cut it, not to zero, but to cut it 5 percent, to actually go in and cut the program. I went to the gentleman from Pennsylvania [Mr. GOODLING] and said "If you do that, I will resign my chairmanship of the committee," because at that point we will hurt those nutrition programs.

Let me read what is really wrong with the system: "Cash benefits going for drugs, generations of dependency, children having children, killing children." Nothing could be more cruel to the kids that exists than the welfare systems that we have today.

I look in Chicago, and police found 19 children living in squalor in a cold, dark apartment. Two children in diapers were sharing a bone with the family dog. Why? Because the parents were living on cocaine and drugs.

Child abuse services need to be brought in, and yes, we need to provide services for those kids, but we also need to eliminate the systems in which those people are not held accountable.

Karen Henderson of Bakersfield, CA, was charged for murder after breastfeeding her baby while she was on crack cocaine.

In August 1994, a couple was sentenced to 6 years in prison for neglecting their 4-month-old son. He bled to death after being bitten 100 times by rats because they took the money and stuck it up their noses in cocaine. That was in a Federal housing project, which breeds that kind of contempt.

While an 8-year-old brother screamed in vain for help, 5-year-old Eric Morris was dropped to his death from a 14-story public housing project by two older boys, aged 10 and 11. That is what is cruel, Mr. Chairman.

Mr. Chairman, I ask my colleagues on the other side of the aisle, let us embrace personal responsibility. Let us embrace where we take deadbeat dads. I applaud the President for what he has done in following suit. I embrace you, to take care and make sure that we have the responsibility of parents, so that we can draw less and less for those programs, because we have less people that need it because their economics are better. We can do that by encouraging families and increasing the nutrition program for those children that need it. That is what we have done, Mr. Chairman.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to express my support for the mandatory work requirements contained in H.R. 4. Consistent with 90 percent American voters, H.R. 4 requires that recipients of welfare work in exchange for their benefits.

Under H.R. 4, every welfare recipients is required to participate in some form of work activity within a minimum of 2 years. After 5 years, recipients face the ultimate work requirement, the end of all cash welfare, period.

In addition, we require States to have a minimum of 50 percent of adults in one-parent welfare families working by the year 2003 and require that 70 percent of two-parent families work by 1998.

Under this bill, with limited exceptions, all work participants must be in real private-sector jobs, paying real wages, and they must work for a minimum of 20 hours per week, rising to 35 hours per week by 2003.

Under the GOP proposal, 2.25 million welfare recipients will be participating in work by the year 2003. In the first year alone, 180,000 recipients will be working. How do other welfare-to-work proposals fare under these guidelines? The current program, the Job Opportunities and Basic Skills Act, while boasting a 20-percent participation rate, has a mere 26,000 recipients working. The Clinton proposal would have had zero recipients working in the first 2 years, and at its peak would have had just 394,000 participants in a real job. Mr. Chairman I beg the question, who's serious about work?

Mr. Chairman, in closing, I just want to add that work provides more than a wage, it provides a sense of being, increases self-esteem, and provides a role model for the societal value of self-sufficiency, reducing the pattern of dependence which currently is passed from one generation to another.

Mr. CLAY. Mr. Chairman, I yield 10 seconds to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I just want ask the gentleman, at what wage rate would people get work under this bill? Would they be paid less than minimum wage? Would they go back to slavery?

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this legislation. The issue is, first of all, distorted. The issue is not about the irresponsible mother in America. The issue is what is in the best interests of the child, what is in the best interests of our children in America.

We talk about in 2 years a mother will be off of welfare and will not receive the benefits. First of all, the benefits we send to these so-called mothers is not money for the mother. This money is for the child. The reason we send it to the mother is because the last time I checked, an infant cannot wake up in the morning, grab a check out of a mailbox, and go to the bank and cash it, so that is why we send the money to the mother. It is for the child. It is in the best interests of the child.

Mr. Chairman, we talk about "Two years and you are off." That sounds real good, but who is going to suffer? Children are going to suffer. In 2 years, children are going to be dying of malnutrition in this country, because they will not have milk to drink.

We say they have to work. If they do not work in 2 years, that parent is off. Why not mandate that the States provide job training? Mothers cannot get up and work in the morning if they do not have day care. If Members will take some time and think about this proposal, they will know that in order for a mother to go to work and learn a skill, she has to have somebody to take care of that baby. We have to talk about what is in the best interests of the children in this country.

Lastly, child nutrition. The gentleman from California said we did not cut money in child nutrition. That is absolutely incorrect. The proposal was 5.2 percent. This proposal is 4.5 percent. Anybody who is not even a mathematical wizard knows that is a cut.

Not only that, under this block grant proposal, 20 percent of the money could be used for other purposes and not child nutrition.

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Mr. GOODLING. Mr. Chairman, I yield myself 5 seconds, just to say that Louisiana gets $1.5 million more under our proposal.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. I thank the gentleman from Pennsylvania, the distinguished chairman, for yielding me the time.

I would like really to point out to my colleagues and fellow Americans that this is one of the most consequential debates not only of the first 100 days or even of this Congress but one of the most consequential debates that this House will hold in decades. Very few Americans would disagree that our welfare system no matter how well-intentioned at its inception is a complete failure today. However, there are many people in this town who have a vested interest in maintaining the status quo, and they will argue stridently as we have heard tonight and as we will continue to hear over the next few days, and often misleadingly against our efforts. So it is important that every Member of this Chamber understand the bill that we are bringing to the floor, why it is important, and why defenders of the status quo are wrong.

Toward that end, I want to talk about just some of the myths that have already been suggested regarding our welfare reform efforts and provide a little reality check for each one of those myths.

Myth 1. Your pro-family provisions are cruel to children. Reality. It is the current system that is hurting children by encouraging self-destructive behavior, dependency, and out-of-wedlock births. Our bill does not end assistance to children, only cash assistance. No responsible parent would reward an irresponsible child with cash payment for an apartment. No responsible employer would give workers a raise simply because they have additional children. Taxpayers should not do those things, either.

Another myth. Your bill is weak on work. Reality. Our work requirements are tough on work. We require that States make cash welfare recipients go to work after 2 years or less at the option of the States. After 5 years, recipients face the ultimate work requirement, the end of all cash welfare.

We require States to have 50 percent of adults in one-parent welfare families, which is about 2.5 million families today, working by the year 2003. We require States to have 90 percent of two-parent families working by the year 1998. And we define work as real private sector work for pay. States that do not meet these standards lose part of their block grant, and that is tough on work.

Mr. Chairman and my fellow Americans, we are embarked on a tremendous debate on historic significance. We are going to replace a failed system of despair with more compassionate solutions that encourage work and families and offer hope for the future.

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman, the ranking member of the committee, for yielding me the time.

Mr. Chairman, we are considering the Personal Responsibility Act and it is an easy bumper sticker name and people will hear for the next few days some of the easy names, that this bill was going to solve out-of-marriage births. I would hope that we have some reality checks on the other side of the aisle, also, because what this bill does, it is a transfer of power to the Governors of the country. This bill allows Governors to deny legal immigrants State-funded assistance. The bill allows governors to remove 20 percent in the 3 block grants for child care, family, and school nutrition. That is where we would see the cuts on the State level. The Governors could do that. Congress should provide a great deal of latitude for State governments, but we also need to make sure that the food actually gets to those children instead of saying, well, we're guaranteeing it to a Governor but we're not guaranteeing it to that child.

I wish to make it clear that that is what we are doing. We are guaranteeing funding to that Governor but not to that child. Welfare reform is requiring for work, requiring transitional assistance, requiring going to job training. We can reform food stamps. Those are all goals that we should have and I think we should have on this side of the aisle but I am on the committee that this bill was considered and we did not have a bipartisan bill. This was laid out and literally rolled over in two days' time. That is why a lot of us are opposing it, because it will cut children's nutrition, because the only guarantee it is to the Governors of the States and not to the children of our country.

The House of Representatives is debating the Personal Responsibility Act.

A bumper sticker name for a bill which will place sweeping powers in the hands of Governors to reform welfare.

What are some of powers that Governors will be given?

The bill before us will allow Governors to deny legal immigrants and State funded assistance based on economic needs.

The bill also allows Governors to move 20 percent of funds from the three block grants for child care, family and school nutrition programs.

Congress should provide a great deal of latitude to State governments to be innovative and imaginative, but Congress must also ensure Federal assistance is used by the people who most need that help.

This bill provides a guarantee to Governors for the funds included in the block grants.

I wish to be very clear on this point: A Governor is guaranteed funding but not a child.

Welfare reform is called for, requiring work requiring transitional assistance, reforming food stamps are all goals which must be obtained but not at the cost of school children, and nutrition.

The fatal flaw in the school breakfast and lunch block grant is it does not guarantee a child a meal but just as important it does not take into affect that foods costs increase along with school population.

Without increasing the funds as a result of food cost inflation and increased population, a local school district will be forced to increase local tax rates to make up the short-fall.

We will hear on one side that funding is increased and on the other side there are cuts.

The simple fact is we are all guessing because this bill has been rushed through the Congress like a runaway train.

Mistakes have been made. At one point 57,000 military children were left out.

We must be diligent in reforming welfare but when we are forced to take up legislation which has been run through with little discussion, mistakes are made.

Earlier, A fellow Texas colleague states that we should not take away someone's dream, and I agree but we should also not take away a helping hand.

Reform is needed, but informed reform is real reform.

Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Hawaii [Mrs. MINK].

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentlewoman from Hawaii [Mrs. MINK] is recognized for 4 minutes.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman my ranking member for yielding me time.

I rise today to decry the punitive measures contained in the Republican bill which would desert the most impoverished and youngest citizens in our country during their time of great need.

The drastic changes proposed by the Republican bill would devastate communities in every State by eliminating vital programs as you have heard discussed this afternoon that these communities have relied on for many, many decades.

This shortsighted and intolerant legislation does not put forth the constructive agenda to reform. It is to punish people merely because they are poor.

Although most welfare mothers try hard to support their families and try to find a decent job that pays a living wage, the Republican bill makes no effort to help them. Instead, the Republican bill gives every recipient family a ticking time bomb by putting time limits on the amount of time that they can receive benefits and cutting them off even if they have tried hard and cannot find a job and they do not even provide child care while the woman goes out to hunt for work. This bill turns a cold shoulder also on legal immigrants that have been lawfully admitted into the country by denying them many of the programs, and they came to America in search of opportunity and they are being cut off arbitrarily, in my view unconstitutionally.

There are 9 million children in a total of 14 million people who are receiving welfare benefits today. The Republican bill would arbitrarily cut these children off from cash benefits because of what their parents did or would not do. If their parents are unable to find work, if their mother is teenaged, if they cannot locate their fathers, they would be cut off arbitrarily. It would destroy the frail chances these children would have to survive by relegating them and their families to the status of second-class citizens in this country just because they are poor, because their mothers were teenagers or because they were born out of wedlock.

Republicans say that the answer is that welfare parents must go to work. We agree. I believe that the working potential of welfare recipients is very high. I have studied this issue for years. The average recipient already has 4½ years of work experience when they come on to welfare. They want to work. Their problem is some personal problems have affected their ability to hold down a job. Perhaps someone is ill or they do not have adequate child care. 56 percent come into welfare with a high school diploma or more. Most of the recipients stay on only for 11 months. The problem with the current system is it has not offered a helping hand to the women. If they had the help they probably would have gone off welfare much sooner.

So the help that the Democratic substitutes provide is the help of finding a job, giving them adequate education, and providing the essential child care which cannot be left out of the program. This is what the Republicans do not seem to understand. You cannot simply block-grant money to the States without mandating the essentials, which is education, training and a good child care support program.

What the Republicans have done in their bill is to repeal the jobs program. Yet they say their bill is for work? How can you provide a work ethic or incentive if you do not have a jobs program which can do the training and education with the supportive child care?

The Republicans completely ignore the child care aspects of it. The current law today requires and guarantees that every welfare recipient who finds work must be provided with child care. That has been repealed.

The AFDC families are willing to work, want to work, need the help, and the Democratic substitute is the bill that must pass this Congress.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS]. Then I will close the debate.

Mr. RIGGS. I thank the gentleman again for yielding me the time.

I just wanted to respond since the question of immigrants came up and make clear again, reality check, we are not bashing immigrants, we are giving strength to the longstanding Federal policy that welfare should not be a magnet for immigrants, legal or illegal.

To accomplish this, we do 4 things: We prohibit legal aliens from the big 5 magnet programs, cash welfare, food stamps, Medicaid, title 20, and SSI which has been an especially egregious source of abuse by legal aliens. We make the alien sponsor's affidavit legally binding and enforceable. We apply the existing deeming rule to all Federal means-tested programs so that in these programs the income of an alien sponsor is deemed to be the alien's.

Lastly, we authorize Federal and State authorities for the first time to go after deadbeat sponsors. We are strengthening current immigration policy, not bashing anyone.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 5½ minutes.

Mr. GOODLING. Mr. Chairman, at least I am glad to hear as I have heard all evening that everyone now has a welfare reform program. I am also happy to hear that everyone now believes that the system is broken and needs fixing. We have come a long, long way. If nothing else, we have gotten that far.

It was interesting to hear a good friend of mine say, at least on two occasions on the other side this evening, he had this welfare program but they filibustered it to death. I did not know we had such an opportunity. I thought 5 minutes and you object and that is the end of anybody speaking, and I am sure he was talking about the House of Representatives.

What we are trying to do is take these people out of slavery, not put them into slavery. That is where they are at the present time, because we have denied them the opportunity to ever get a piece of the American dream. For 30 or 40 years, the situation keeps getting worse and worse, and we deny more and more an opportunity for a piece of that American dream. We have to admit the failure, which we are doing this evening on both sides of the aisle, and now do something to change it.

Let me talk just a few minutes about the provisions from our committee. I am sure everyone knows that the Personal Responsibility Act which was part of the contract included a proposal for a single food and nutrition block grant. To that I said, "No way, Jose," which is the same thing that I said in the early 1980's. The leadership then said, and I think using good judgment, "Okay, then you, as the majority members of the committee, come up with your program." And we did.

We have also heard many times this evening how wonderful the program is working when you talk about school lunch and child nutrition. No one has defended it more than I have. But there are problems, folks. It can be a much better program. If you only have .50 percent of the free and reduced-price people who are eligible participating, there is something wrong with the program. And you can look at the statistics and that is exactly what it tell you. If only 46 percent of the paying customers who are eligible are participating in the program, something is wrong with the program.

Secondly, the American school food service people have told us over and over again, the rules and the regulations and the red tape are killing them. They are taking money out of the children's mouths to do all of the paperwork that is required by the Federal Government. So we can change that.

And then there is some fraud, because we encourage some of it the way it is set up, because it is much more advantageous to count as many as you can possibly get away with as free, because the reimbursement is far greater if you do that.

So as I indicated, we are trying to set up programs that will meet the local areas' needs. What might work in Flint, Michigan may not work in Kansas, or in York, Pennsylvania. We have to allow some flexibility so that we can get more people participating in these programs. We know you cannot educate a hungry child. So what is happening to that 50 percent that are not participating? They are probably not doing too well in school. We get reports from parents who say, "We're not going to send that money to school, or sign up for them to participate if they are going to not participate or they're going to throw the food away."

Again, I say over and over again, we positively owe it to the millions that we have enslaved in this welfare system that has been created well-meaningly over a 40-year period, we owe it to those people to have an opportunity, like I have had and everyone in this Congress has had, to get a part of the American dream.

They are not getting it at the present time. We must make change and change I realize upsets everyone. But change is necessary. It is also inevitable.

I would hope when we come back and begin the amendment process, and there are a couple of amendments that will deal with a couple of issues that I heard mentioned tonight, which I have concerns about, and they will be taken care of in that process, but I hope when we finish, we will no longer go on saying, "Well, the system doesn't work and we ought to do something about it." We will take the bold step to make the necessary changes to free the millions who are now enslaved with the existing system.

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Mr. Chairman, I would encourage all to support those changes.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

To control debate from the Committee on Agriculture, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] will each be recognized for 45 minutes.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4, the Personal Responsibility Act of 1995. We all know the hour is late, but we also know that the debate in regards to welfare reform, if it is a late-burner topic, it is also a front-burner topic in this town, and all throughout the Nation.

Last November, the American public spoke very decisively on wanting change, and welfare reform was a central theme in the election, was a central theme 2 years ago in the President's election. The component in regards to food stamp reform that comes under the jurisdiction of the House Agriculture Committee is in reference to food stamps.

I would inform my colleagues that food stamp spending has increased almost every year since 1979. We are all familiar about the good work that the food stamp program has done in terms of workers who have been unemployed or of families that have had real tragedy.

The food stamp program provides that needed bridge during a time of hardship and when the economy slipped into recession. We must maintain that bridge, and H.R. 4 does just that. It provides a Federal safety net, but it eliminates food stamps as a way of life.

However, I would point out that during the last 15 years the economy has not always been in a recession, and we have had record growth in regards to the economy. But food stamp spending kept increasing.

Now common sense would suggest that food stamp spending should go down when the economy is strong, but that has not been the case. Why? Because our Congress kept expanding the benefits, and the American taxpayer, who really foots the bill for the program, has said enough, and that is why welfare reform strikes a chord with the American public.

The food stamp program provides benefits to an average of 27 million citizens in this country, upward of maybe 28 million each month at an annual cost of more than $25 billion on an annual basis. For the most part, these benefits really go to families in need of help and are used to buy food to feed these families, and there is no question in my mind that the food stamp program helps poor people and those who have temporarily fallen on hard times. However, there is also no question in my mind that it is in need of reform.

Recently, I reviewed a September 22, 1981, subcommittee hearing. Let me repeat that, 1981. And the hearing was on fraud in the food stamp program. I reviewed that 14-year-old record with some degree of concern and dismay.

In both hearings, and we just held a hearing in the Committee on Agriculture as of this year on February 1, and in both hearings the reports were almost identical, the one in 1995 and the one in regards to 1981. There were reference to food stamps as a second currency, food stamps being used to buy guns, drugs and cars. It is discouraging that these events have not changed.

On September 3, 1981, the TV investigators and the news reports talked about the great food stamp scandal. In January of 1995 and again in March of 1995 various news teams did similar stories and picked up on the film, the tape we have from the new Inspector General from the Department of Agriculture. As I said, it is very discouraging.

The good news is we have a very strong fraud provision, anti-fraud provision. It is bipartisan. It is backed by the administration and by the minority and the majority.

However, the situation is much worse today in 1995 than it was in 1981. Abuses in the food stamp program involve selling food stamps at discount grocery stores. They are not grocery stores. It is a sham. They are set up to launder food stamps, even abuse of the Electronic Benefit Transfer system.

Also, the Department of Agriculture reports that for the most recent year $1.8 billion in food stamps was issued in error, meaning that the eligible families receive too much in food stamps or people who are not eligible receive these benefits. That is $1.8 billion. That is a combination of errors, some on the part of States that administer the food stamp program, some on the part of the participants receiving food stamps and some, unfortunately, willful and intentional violations of the act. That is $1.8 billion of taxpayer money lost to fraud and error.

It is also lost to the recipients, the true recipients of the food stamp program. Unfortunately, the food stamp program does not always really deliver the benefits to eligible people, and those who are eligible do not always use their benefits for food, and so others really participate in this activity including grocery store personnel, middlemen and criminals involved in illicit behavior.

Let me quote from one report. "In September, 1994, the U.S. Justice Department indicted a couple on charges they used their restaurant supply business to illegally acquire and redeem $3.5 million in food stamps." $3.5 million, one couple. "Undercover agents say they watched family members carting shopping bags of cash to the banks in $2,000 bundles of $20 bills. Once deposited, the money was almost immediately transferred to accounts in Hong Kong," Mr. Chairman, "where it was withdrawn, usually by relatives within 24 hours."

Or another report, "a USDA undercover officer got a taste of how complacent the big-time traffickers can get when he investigated an Orange, NJ, family that used their little store to fence stolen goods and traffic in food stamps. And the undercover officer used the food stamps to buy cars, TV sets, children's toys, cocaine, microwave ovens, and a video camcorder from the family. Then he used the video camera, one to test it, then filmed the roomful of stolen goods and the agreeable family of crooks."

This bad reputation has undermined the public support for the Federal food stamp program and for welfare. It is unfortunate. It is wrong. Polls indicate that half of the American public support cuts in the food stamp program, and I believe this is due to the flagrant abuses that are seen on the street almost any day. We don't want this.

As I indicated before, the food stamp program is a bridge. It is a needed program. It has helped the poor. And so the commitment in regards to the anti-fraud provision is a good one, and it is bipartisan.

After careful deliberation, the Committee on Agriculture determined that the food stamp program for the present should remain a Federal program for the following reasons: First, States will be undergoing a transition to State-designed welfare programs. During this period, the food stamp program will remain the safety net program and able to provide food as a basic need while this transition is taking place. The food stamp program will be reformed, costs will be controlled, and we will ensure that every American in need will have access to food.

Now, given the hearing record, the lack of public support and the dollars involved, the committee could not continue the program without significant reforms. Our five hearings held between the 1st of February and February 14 of this year dictated the course of the changes needed in the food stamp program. The food stamp program is taken off automatic pilot, and control of spending for this program is returned to the Congress.

We are going to hear a lot of rhetoric, have heard a lot of rhetoric. It has been said in the press over and over again and by certain critics of reform that, for goodness sakes, there might be a problem with food stamps down the road because we only allow for a 2 percent increase. Used to be before we had it as an entitlement program and before 1990 when we had a spending cap that the Congress had that responsibility, we would come back every year and determine whether or not additional funds were needed. That is the responsibility of the Congress.

The food stamp deductions are kept at 1995 levels instead of being adjusted automatically. Again, it is off of the automatic pilot for increases in the Consumer Price Index. Food stamp benefits will increase, increase, not a cut, increase, increase up, not down, not a cut, at the rate of 2 percent per year to reflect increases in the cost of food. Food stamp spending will no longer grow out of control.

Oversight from the committee is essential so that reforms are needed or the committee will act. And, yes, if we would have a recession and, yes, if food prices would go up and, yes, if in fact it were needed I am sure the Congress would support a supplemental appropriation.

States are provided the option of harmonizing their new AFDC programs with the food stamp program for those people receiving assistance from both programs. Since 1981, the committee has authorized demonstration projects aimed at simplifying the rules and regs for those receiving assistance from AFDC and food stamps. States have complained, recipients have complained for years about the disparity between AFDC and food stamp rules.

We need one-stop shopping, one-stop service. This bill provides them the opportunity to reconcile these differences. It is now time to provide all States, all recipients with this option.

H.R. 4 contains a tough work program. We have heard a lot about that. Able-bodied persons between the age of 18 and 50, with no dependents, no dependents, will be able to receive food stamps for three months. Eligibility, however, would cease at the end of the 3-month period if they are not working at least 20 hours per week in a regular job.

This rule will not apply to those who are in employment or training programs, such as those approved by a governor of a State. A State may request a waiver of these rules.

Let me repeat that. A State, a governor, may request a waiver of the rules if the unemployment rates are high or if there are a lack of jobs in the area. We have that waiver. We just expect able-bodied people between 18 and 50 years who have no one relying upon them to work at least half time if they want to continue to receive the food

stamps. It is essential to begin to restore integrity to the program.

Abuse of the program occurs in three ways: fraudulent receipt of benefits by recipients, street trafficking in food stamps by recipients and trafficking offenses made by retail and wholesale grocers.

H.R. 4 doubles the disqualification periods for food stamp participants who intentionally defraud the program. For the first offense the period is changed to 1 year. For the second offense the disqualification period is changed to 2 years. Food stamp recipients who are convicted of trafficking in food stamps with a value over $500, they are permanently, permanently disqualified.

Also, H.R. 4 requires States to use the Federal tax refund offset program to collect outstanding overpayments of food stamp benefits. The trafficking by unethical wholesale and retail food stores is a serious problem. Benefits we appropriate for needy families are going to others who are making money illegally from the program. That is wrong.

Therefore, H.R. 4 limits the authorization period for stores and provides the Secretary of Agriculture with other means to ensure that only those stores abiding by the rules are authorized to accept the food stamps.

Finally, H.R. 4 includes a provision that all property used to traffic in food stamps and the proceeds traceable to any property used to traffic in food stamps will be subject to criminal forfeiture. Big step in preventing fraud.

The Electronic Benefit Transfer systems have proven to be helpful in reducing the street trafficking in food stamps and to provide better administration of the program. They have provided law enforcement officers a trail through which they can find and really prosecute. The EBT systems do not end the fraudulent activity, but they are instrumental in curbing the problem.

Additionally, the EBT is a more efficient method to issue food benefits for participants, States, food stores and banks.

For all of these reasons, H.R. 4 has included changes in the law to encourage States to go forward with the EBT systems.

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Mr. Chairman, this bill and the contribution of the Committee on Agriculture to the bill, I think, represent a good policy decision. We have kept the Food Stamp Program as a safety net for families in need of food. We have taken the program off of automatic pilot and placed a ceiling on spending. We save approximately $20 billion over 5 years.

Congress is back in control of spending on food stamps on a periodic basis. If additional funding is needed, as I have said before, Congress will act to reform the program so that it operates within the amount of funding allowed, or it will provide the additional funding as necessary. States are provided with an option to really harmonize food stamps with the new welfare reform programs, the AFDC programs.

We take steps to restore integrity to the Food Stamp Program by giving law enforcement and the Department of Agriculture additional means to curtail fraud and abuse. We encourage and facilitate the EPT systems. We begin a tough work program so able-bodied people with dependents who are between the ages of 18 and 50 can receive food stamps for a limited amount of time without working.

I think this represents good food stamp policy. I urge my colleagues to support this bill.

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

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and my colleagues, I would like to first express to all of my colleagues the fact that I do not consider this entire legislation in any part welfare reform, although we have a strong section on fraud and abuse. Otherwise, it is merely a reduction in funding over $21 billion, and it will cause hungry people to no longer be able to attain a nutritionally adequate diet.

I know there is great controversy about the Food Stamp Program in the abuses, in the fraud, but the fact is that the average, or more than 40 percent of the recipient households have income below 50 percent of the poverty guideline and only 20 percent have significant earnings.

The program has always been responsive to the needs, and in this year of our lord, 1995, in the United States of America, the most powerful country in the world, we should not have to admit that there is hunger in the countryside, that there is hunger in the cities. I know that there is great policy debate and disagreement, but the fact that you cannot deny is that there are hungry people. There are children who go to bed hungry at night. That cannot be denied. That cannot be covered by policy. That cannot be covered by saying Democrat or Republican. That is a fact. That is a fact that cannot be denied.

And my concern here this evening is that we go solely on cutting. We should not have to do that, because this committee, and the distinguished chairman has worked on this effort, has reduced by over $65 billion in the past 12 years, more than our share of responsibility in the budget. Had every committee in this House done what the Committee on Agriculture has done, you would not have to worry about a deficit. You would not have to worry about deficit reduction if everyone had done what we have done.

So our concern here is that each year the size of a household food stamp allotment is adjusted to reflect any changes in the cost of food. This goes back to the old policies for 40 years. We have not had the Food Stamp Program for 40 years, but nonetheless, the old policies, the old policies took care to see that this was accommodated for.

Under the present bill, it cannot be. It cuts 2 percent annually of increase, but if the food prices go beyond that, then it does not cover. Then you will have a problem, and there are those who would say, well, you can always come back and ask for more.

Under the Budget Act and the atmosphere around here today, you cannot come back for more. What this bill does, it places a cap on annual food stamp expenditures, and that gets into some, and I have never seen it before, and I feel maybe that we may be yielding to outside factors, but the way that the dollar levels would be arranged in that will be the CBO projects low unemployment, assumes no recession in the next 5 years. But if that assumption is not correct, then we have a problem that we have here somehow that we will act according to what the CBO projects, and that figure, that CBO gives, will be the figure used, and I do not know how that works. That has never been tried before.

That does not mean that you do not do something that has never been tried before. That would not be right to say that. But in this case, we know how it has worked, and it would be virtually impossible under the Budget Act since to get an added expenditure you would have to have offsetting tax increase or offsetting cuts someplace.

So the fact is that you have to go take from the poor to help the poor. And those that would lose jobs during a recession will not have food benefits adequate for their families to have a healthy diet. We do not accept the majority's assumption that there are plenty of jobs available, and if hungry people are denied food benefits, they will get a job.

The fact is that there is little welfare reform in this bill. There are no job-training requirements in the bill. It only says that States will provide employment and training to food stamp families. That is deleted, and funding for this activity is eliminated, and so we have to look at what it is that we are doing, and if given adequate job training and employment counseling, I know people will work. I know that they will work.

There are those that say, "Well, they don't want to work. I can't find anyone to cut my lawn." There are people who would like to work even if it is cutting a lawn, but if you only have one of those in a month, what would you do? And in my area, I see a lot of people doing that with this help.

In other areas, also, AFDC, the WIC, school lunch, we are making radical reforms that, when coupled with changes in the food stamp provision in H.R. 7, greatly compromise our Federal food safety net. Reason argues for leaving one program as a backstop in case reforms in other programs falter or fail.

We have now learned that the CBO estimates that the reduction in food stamps, as I have said before, will equal over $21 billion over 5 years. If this savings was the result of people moving from welfare into jobs, this bill would have the support of every Member of this House, I am sure. However, 4 saves money simply by reducing benefits and kicking people off the program who cannot find jobs on their own.

And let me tell you, I can categorically state to you, because I hear this at home, I mean, these moneys that we use are hard-earned dollars paid to the U.S. Government in taxes, and we have a moral responsibility, we have a sacred responsibility to see that these funds are used adequately, and there is no way to reform a program that is designed to keep our children from going hungry.

How do you reform that? Make more people go hungry?

But we are responsible. We have been responsible. But you do not do your responsibility, as we have done, to the tune of $65 billion for 12 years, a little over 12 years. We have done it, but not by reducing benefits and kicking people off programs where they get food or in some other areas attention for their needs.

So the reduction in spending resulting from implementation of this bill, also, we insist if it is to be done, it should go for deficit reduction. That is what people are speaking on throughout the countryside, "Reduce the deficit." I just heard it before I boarded the plane this morning, "Reduce the deficit." This we must do, that the reduction be used to address the deficit.

And I urge my colleagues to commit themselves to true welfare reform. Welfare reform does not mean saying it. Welfare reform does not mean 30-second sound bites. Welfare reform does not mean saying there are no-account, lazy people out there. Welfare reform is what we have been doing, what we have done before there was a contract, before there were many of the new Members that are here. We have done that. We have been doing that. We did it in 1977, we did it in 1981, we did it in 1985.

We have addressed these issues, not necessarily only in the Food Stamp Program. But we have. We have had chairmen of the subcommittee that have worked diligently and throughout that process. The distinguished chairman, our colleague, the gentleman from Missouri [Mr. EMERSON], has been a part of this.

So no one can say that we did not address the issue. Not one can say that we were not responsible. No one can say that in any way we reduced simply for the sake of reduction. We reduced because it was the right thing to do. We went to areas where the program needed change. We have made those changes.

So what we do today is for other reasons besides welfare reform. It is for other reasons besides doing the right thing. It is for other reasons, and you, all of my friends, know what the other reasons are, and this is no way to legislate.

Mr. Chairman, the food stamp provisions of H.R. 4 cause me great concern. Although I am relieved that the Food Stamp Program, unlike the National School Lunch Program and other child nutrition programs, including the WIC program, will not be immediately turned into a block grant by this bill, the enormous reductions in funding, over $21 billion, will cause hungry people to no longer be able to attain a nutritionally adequate diet. As we strive to find the most effective ways to help poor parents achieve self-sufficiency, there is no excuse for limiting their ability to adequately feed their children.

The Food Stamp Program is the country's largest provider of food aid and one of its most extensive welfare programs. In fiscal year 1994, it helped feed more than 1 in 10 people in this country. Half of the beneficiaries are children, and over 15 percent are elderly or disabled. More than 40 percent of the recipient households have monthly income below 50 percent of the poverty guideline, and only 20 percent have significant earnings.

The program has always been very responsive to changes in the economy in two major ways. In the first instance, each year, the size of a household's food stamp allotment is adjusted to reflect any changes in the cost of food. Here is how that works: Maximum monthly food stamp allotments are tied to the cost of purchasing a nutritionally adequate low cost diet, as measured by the U.S. Department of Agriculture, plus 3 percent. Food stamp benefits are based on 103 percent of the Thrifty Food Plan to acknowledge the fact that food prices usually have increased between the time that the cost of the TFP is determined and the time that benefits are adjusted and distributed. (The cost of the TFP is determined in June, and benefits adjusted beginning the following October. Those adjusted benefits are not adjusted again until the next October, 15 months after the TFP adjustment.) This formula helps assure that families receive benefits reflective of the cost of food at the time they are purchasing the food. This diet is called the Thrifty Food Plan [TFP], and it is the cheapest of four food plans designed by USDA. USDA determines the cost of a market basket of low cost food items necessary to maintain a nutritious diet. The TFP is priced monthly, and food stamp allotments are adjusted, up or down, each October to reflect the cost of the TFP in the previous June. The October adjustment in 1995 is expected to be an increase of approximately 3.5%, reflecting the percent of increase in the cost of food. This mechanism assures that no family will get less than what it needs to maintain its ability to purchase a nutritionally adequate, albeit low cost, diet.

H.R. 4 will limit any increases in the food stamp allotments to 2 percent annually, even if food prices increase nationally more than 2 percent. While the majority can argue that nominal benefits will not be reduced under their bill, benefits will no longer keep pace with the cost of food. Given current estimates of what will happen to food prices in the future, it is expected that in 2 years food stamp families will no longer receive benefits adequate to purchase a nutritionally adequate diet. Allotments will have fallen below 100 percent of the Thrifty Food Plan. Each year thereafter, under the majority's bill, benefits will be further eroded. We cannot stress enough the importance of maintaining a nutritionally adequate diet. It is the linchpin upon which this program is based and upon which all changes to the program must be measured. This bill completely abandons the principle that poor and hungry families deserve, at minimum, a nutritionally adequate diet. I am submitting for the record a chart showing that in two years H.R. 4 will begin to deny hungry families the chance to purchase a healthy diet.

In the second instance, the bill becomes even more unresponsive to economic fluctuations by making it extremely difficult for the program to respond to increases in need during recessions. H.R. 4 places a cap on annual food stamp expenditures at the exact dollar levels that the Congressional Budget Office estimates the program will cost given implementation of the provisions in the bill. The CBO projects low unemployment and assumes no recession in the next five years. We hope that this assumption is correct, but if it is wrong and the Nation faces a recession, benefits to poor and hungry families will be reduced. There is no provision for an upward adjustment of the cap if the number of beneficiaries rises during a recession. Any effort under those circumstances to raise the cap, under the 1990 Budget Enforcement Act, would be virtually impossible, since it would require an offsetting tax increase, a cut in another entitlement, or an emergency designation. At exactly the time when poor people need help most, they will receive less food assistance. The working poor, those most likely to lose jobs during a recession, will not have food benefits adequate to feed their families a healthy diet.

Everyone can agree that we need additional budgetary controls on our federal budget. However, this is a most inhumane way to achieve such control. Hunger cannot be capped. We must allow the one program that provides a minimal safety net to keep hunger at bay to respond to recessionary times.

We must conclude that the majority's bill is a cost savings bill, nothing more. There is little welfare reform in this bill. For example, there are no job training requirements in this bill. The current requirement that states provide employment and training to food stamp families is deleted, and funding for these activities is eliminated. Instead, the same level of funding is provided to states that choose to operate a program requiring that families work in public service jobs in return for their food stamp benefits; but, only 6 states operate such programs, and none of them are statewide. We do not accept the majority's assumptions that there are plenty of jobs available, and if hungry people are denied food

benefits they will get a job. People do not prefer poverty over self-sufficiency. If given adequate job training and employment counseling, and if jobs are available, people will work. This bill provides no such incentives.

This process has not produced true welfare reform. Merely cutting the Food Stamp Program at some arbitrary level is not reform and no one should mistake it as such. This bill simply goes too far in undermining our federal food assistance safety net and leaves our poor families vulnerable to hunger. In other areas, AFDC, WIC, school lunch, we are making radical reforms that when coupled with the changes in the food stamp provisions of H.R. 4 greatly compromise our federal food safety net. Reason argues for leaving one program as the backstop in case reforms in the other programs falter or fail.

For those who have worked on far-reaching and comprehensive legislation in the past, the process of reforming welfare in this Congress has been most disturbing. The frantic pace at which we are required to move has assured that very little thoughtful consideration and deliberation can take place. The Committee on Agriculture, over Democratic objections, marked-up this bill without a CBO estimate. It is impossible to know the full implication of the bill's benefit reductions on the poor and hungry of this country without the CBO estimate. The majority many times during mark-up stated that the bill they presented for approval was believed to save $16.5 billion over 5 years. We have now learned that CBO estimates that the reductions in food stamp benefits that will result from the food stamp title of H.R. 4 will equal over $21 billion over 5 years.

The concerns of the minority over $16.5 billion in benefit reductions are magnified several times when the reductions exceed $21 billion. If these savings were the result of people moving from welfare into jobs, this bill would have the support of every member of Congress. However, H.R. 4 saves money simply by reducing benefits and kicking people off the program who can't find jobs on their own. This is no way to reform a program that is designed to keep our children from going hungry.

Finally, the minority is pleased that the committee approved a Sense of the Committee provision that the reduction in spending resulting from implementation of this bill must go toward deficit reduction. This policy must now be adopted for H.R. 4. There should be only two reasons to seek reductions in the Food Stamp Program—(1) to reduce the deficit, and (2) to reallocate resources in such a manner that allows the participants to achieve self-sufficiency (such as employment and training). Any attempt to use the savings to finance tax cuts must be roundly denounced. We cannot stand by and allow an erosion of food benefits for the poor to provide tax breaks for those who are far better off.

I urge my colleagues to commit themselves to true welfare reform, not to this bill that does little more than deny and reduce benefits to hungry families in the name of welfare reform.

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

Mr. ROBERTS. Mr. Chairman, there is one man in the Congress who probably knows more about food stamps and has contributed more of his time and effort to food stamp reform and the problem of hunger and malnutrition in America than any other, and that gentleman is the gentleman from Missouri [Mr. EMERSON]. The gentleman from Missouri [Mr. EMERSON] has served with distinction on the Select Committee on Hunger and has served with distinction on the House Committee on Agriculture. He is the distinguished gentleman who has been the leader in food stamp reform and is the chairman of the appropriate subcommittee.

Mr. Chairman, I yield 11 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in support of H.R. 1214, the Personal Responsibility Act. For the past decade this topic of reforming welfare has been an abiding interest of mine and I am guided and motivated by the words of Abraham Lincoln "The dogmas * * * of the * * * past are inadequate to the present. We must think anew and act anew."

The present welfare system cannot be defended. It is a disgrace. The people who receive the assistance do not like it; the people who run the system do not like it, and the taxpayers will not stand for continuation of the present welfare maintenance system.

There are welfare programs that provide public assistance directly to individual families through cash benefits for food coupons; programs providing work or training to get able-bodied people to work; programs that provide meals in schools and other institutional settings; programs that provide distribution of commodities to hungry people, and programs linking health and food. The actual number of programs available to needy families is in excess of 125, with 80 of these programs considered major programs with a cost in excess of $300 billion per year in Federal, State, and local tax dollars. There are more programs now for providing public assistance to poor families than any time in the past, serving more people and costing more money. There must be a better way to help low-income people become taxpayers. We currently have a welfare maintenance system, not one designed to provide temporary assistance and help people reclaim or gain a life.

Most needy families coming in to seek public assistance need help in at least three categories: cash and the accompanying medical assistance, food, and housing. The rules and regulations for these programs are different and in many cases conflicting. It does not make sense for the Federal Government to set up programs for poor families and then establish different rules for eligibility. We need one program that provides a basic level of assistance for poor families; sets conditions for receipt of that assistance, including work, and then limits the amount of time families can receive public assistance.

Over the past 12 years I have served either as ranking Republican on the Nutrition Subcommittee of the Agriculture Committee or the Select Committee on Hunger. I have looked at these welfare programs in depth; I have visited scores of welfare offices, soup kitchens, food banks; I have spoken to those administering the welfare programs and the people receiving the assistance.

I learned during my years serving on the Select Committee on Hunger that any one program does not comprehensively provide welfare for poor families; it takes two or more of the current programs to provide a basic level of help. When there are two or more programs with different rules and regulations people fall through the cracks in the system and also take advantage of the system. This must stop. How anyone could defend the present structure and system is a puzzle to me; unless it is persons who benefit illicitly from the fractured welfare mess we find ourselves in today, be they welfare recipients who take advantage of the system or advocates who thrive on the power derived from establishing new programs. Advocates of the humane system, a cost-effective System, an efficient system, a system that helps people up, off and out could find little solace in the current system.

Over the past years I have come to the conclusion that an effective welfare system is one that encompasses what I refer to as one-stop-shopping. We need a lot of integration, consolidation, and automation and none of these "tools" is much a part of the system at this time. This concept takes the multiple welfare programs now in place and tries to bring some cohesion to them.

States have sought or are seeking waivers from the Federal rules and regulations to establish some type of reform of the present welfare system. Governors in particular recognize that the system is broken and needs to be fixed. Thirty States have sought or are seeking waivers from the Federal Government to reform all or a part of their respective State welfare systems.

It is amazing to me that this many States have sought to change the welfare system, thereby recognizing the failure of the present system, without any action on the part of Congress to change the system as well. There has also been a recalcitrant bureaucracy, and there is a turf program in the bureaucracy that probably exceeds the turf problem in Congress. How many more States might try to institute reforms but for the maze of bureaucracy they must go through to achieve waivers? What we have now is not a welfare system aimed at moving families off of welfare and onto the taxpayers rolls, but a maintenance system that thwarts State initiative and diversity and poorly helps poor families, exasperates the front line administrators

running the programs, and is a frustration and burden to the people paying for this disastrous system.

I want to help reform the system; I want to change the way we deliver this help to poor families, and, I want to do it in an efficient, compassionate, and cost-effective manner, and I believe that with this legislatiin we are on that path.

The subcommittee that I chair held four hearings last month on the issue of reforming the present welfare system. We heard from the General Accounting Office on the multitude of programs that are now operating. We heard from a Governor who operates a welfare system that is dependent upon Federal bureaucrats for waivers; a former Governor who had to devise a system to provide one-stop-shopping for participants, and State administrators who must deal with the day-to-day obstacles that are placed in their way by Federal rules and regulations. Witnesses traveled from all over the United States to tell the subcommittee of their experiences operating programs to help poor families. Two of the members of the welfare simplification and coordination advisory committee told us of the experiences deliberating the complexities of the present system. Others provided the subcommittee with their ideas on how to improve the system.

I believe the debate on reforming the welfare system has truly begun. In the past we were only dealing with reform at the margins. We have now started on the path to real reform.

This reform will not be accomplished in one sitting, with one bill. It is a process that will take from 3 to 5 years.

The Committee on Agriculture, with jurisdiction over the Food Stamp Program and Commodity Distribution Programs, is a part of that process. The committee, along with the Republican leadership, determined that the Food Stamp Program will remain a Federal program for the present time. It will serve as the safety net for needy people. Food is fundamental and we provide access to food for these families.

We consolidate four Food Distribution Programs into one and provide for a $100 million annual increase in authorizations for the new program. Remember, food is fundamental. The food distribution programs, such as the Temporary Emergency Food Assistance Program or TEFAP, which I might add, at this juncture the administration would like to zero out, are the front line of defense against hunger for needy individuals and families. Food banks, soup kitchens, churches and community organizations are always there with food when it is needed. The Federal Government provides a portion of the food that is distributed through these programs. But it is an essential part and acts as seed money for food contributions from the private sector. If we did not have food distribution programs we would have to invent them. The committee bill consolidates these programs and increases the money to buy food so that these worthwhile organizations, most of which are made up of volunteers, can continue the fine work they now do.

We do reform the Food Stamp Program and it is in need of a lot of reform. The states are provided with an option to reconcile the differences between their new AFDC Programs with the Food Stamp Program for those people receiving help from both programs. This has been one of my goals and I believe that we are on the road to a one-stop—shopping welfare system. Complete welfare reform will come. This is the first step in the long road to reform.

States are encouraged to go forward with an electronic benefit transfer system. EBT is the preferred way to issue food stamp benefits. This bill provides States with the ability to implement the EBT system they deem approrpriate and the problems with the notorious regulation E are eliminated. The committee views EBT as a means to effectively issue food stamp benefits and as a means to control and detect fraudulent activities in the program. I am especially gratified that EBT can become an integral part of the Food Stamp Program and other welfare programs.

The committee has taken steps to restore integrity to the Food Stamp Program by instituting criminal forfeiture authority so that criminals will pay a price for their illegal activities in food stamp trafficking. We double the penalties for recipient fraudulent activities and we give USDA the authority to better manage the food stores that are authorized to accept and redeem food stamps.

We include a tough work program. We say that if you are able-bodied and between 18 years and 50 years with no dependents, you can receive food stamps for 3 months. Following that you must be working in a regular job at least 20 hours a week—half-time work—or you will not receive food stamps. The American people cannot understand why people who can work do not do so. We say you will not receive food stamps forever if you do not work.

The committee determined that the unconstrained growth in the Food Stamp Program, due to the automatic increases built into the program and the changes made to the program over the past years, cannot continue. We restrain the growth in the program by limiting the indexing of food stamp income deductions and providing a 2-percent increase in food stamp benefits. We place a ceiling on the spending in the program. It will be up to Congress to determine whether increases above the limits placed on the program will take place. This is the appropriate way in which to manage this program. If a supplemental appropriation is needed, it will be Congress that decides whether to provide the additional money or institute reforms in the program to restrain the growth.

Mr. Chairman, this is a good bill, with sound policy decisions incorporated. Remember, we have not ended the process of reforming welfare with the action we take today. We are beginning the process of real reform. I urge my colleagues to support this bill and take this first step along with me. We cannot continue as we are today with a welfare system that is despised by all involved. The status quo is unacceptable. Let us think anew and act anew.

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Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Missouri [Mr. EMERSON] and would point out to the Members and to all who are paying attention to this debate that the gentleman from Missouri has spent more time in regards to personally visiting feeding programs and soup kitchens. It is his amendment that consolidates many of the feeding programs and adds $100 million to that effort.

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

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to H.R. 4, the Personal Responsibility Act of 1995 from the Republican Contract With America.

Among the most troubling provisions of the bill are those dealing with food and nutrition, deep cuts in food stamps and block grants for the School Lunch Program, and Supplemental Nutrition Program for Women, Infants, and Children. To add insult to injury, the money saved will fund tax cuts, not address the debt or deficit.

While keeping the entitlement nature of food stamps, the majority have placed a cap on the program and cut spending by $23 billion over 5 years. The food purchasing power of millions of recipients will diminish over time, and fall below the amount needed to purchase the bare-bones minimum.

In my home State of Maine, history shows us that during down swings in the economy, the number of people turning to food stamps increases. The rigid cap on food stamp expenditures would allow for no adjustments for economic changes.

The majority would mandate that certain recipients work for their benefits, yet they provide no funds for the State to create jobs or to provide training.

All told, Maine would lose $88 million over the next 5 years, nearly 20 percent from the budget of a program that serves 160,000 people monthly.

I spent time talking to parents and students at a school in Bangor ME, yesterday. They could not believe that Congress was going to cut the School Lunch Program to pay for tax breaks. It rankled them to no end.

In Maine schools, more than 48,000 students a year gain a substantial share of their daily nutrition from free and reduced lunches. That is nearly a

quarter of Maine's student population. In providing the School Lunch Program, Federal, State and local governments spent $44 million in Maine last year.

This is not a welfare program this is an education program, a nutrition program. How many times have each of you heard, "A hungry child can't learn?"

Then there is WIC, a program that ensures adequate nutrition for pregnant women and nursing mothers. More than 70 studies have proven its effectiveness at preventing low-birthweight babies and other complications. It saves money in the long run.

For $17 million a year 44,000 women, infants, and children in Maine reap the benefits of the sustaining food provided by WIC funds.

Despite the obvious benefits of both programs, the Personal Responsibility Act creates block grants, rolls back nutritional standards, and generally fails to give States enough money to do the job properly.

Titles 3 and 5 of the act, those covering WIC and school lunches, cap the block grants at less than the rate of inflation. Maine would lose $37 million over the next 5 years.

Food programs are the ultimate safety net. The changes contained in the Contract With America would leave the net threadbare and unable to break the fall of those who most need it. I urge my colleagues to oppose H.R. 4.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE], who has authored many strengthening amendments to the antifraud provisions of the food stamp reform package.

Mr. GOODLATTE. I thank the chairman for yielding this time to me.

Mr. Chairman, I commend the gentleman from Kansas [Mr. ROBERTS] for what I think is a very fine bill, a very fair bill, and a bill that I think is going to lead us in the right direction here. You know, I am one who strongly supports the idea that this is something that eventually should be turned over to the States to run. I think government closer to the people is a government that runs a better program. We have set up a mechanism to accomplish that in this legislation by setting up a method by which States that go to the electronic benefit transfer system can eventually qualify to have the program administered through a block grant system. I think that is the right direction to take.

In the meantime, measures need to be taken to tighten up this program, and I think this bill does just that.

Before I address those, I would like to first respond to those on the other side who claim that this bill lacks compassion. I think that is utter nonsense. Compassion is not measured by the size and complexity of the bureaucratic program that has been established over the years. Compassion is not measured by the billions upon billions of dollars that we keep throwing at this program without results, but instead, making more and more people dependent upon the program.

Compassion is measured by taking people by the hand and helping them where they need to be helped, but also setting them on their own and asking them to go ahead and take some responsibility for their own lives. That is what is ultimately the thing that will build back into peoples lives the dignity that is needed.

□ 2045

Mr. Chairman, those who suggest that the work requirements here are unfair I think are completely off track. We have a situation here where anyone who is between the ages of 18 and 50 is required to work 20 hours a week, not 40 hours a week, as many people strive to do, merely 20 hours a week. If they have a dependent child at home, and they are the primary care giver, they are not required to comply with that. I think ultimately we are going to have to change that and require that.

Today most young American families, both members of the household work, and I think that ultimately we need to expect that everyone should contribute something for the benefits that they receive, and to suggest that we are the ones who are lacking in compassion when the President's plan would have gutted the ability of food programs, food banks all across this country, to assist people with basic needs, and this plan preserves that, again I think it is very misleading to suggest that somehow we are being lacking in our compassion.

The second problem we have with this program is that it has historically been beset by all manner of fraud. Food stamps are trafficked on the street, traded for drugs, used in a multitude of methods.

I point out that we have done that by requiring that State and local governments and the Department of Agriculture verify the existence of stores that are trading food stamps because we have had problems with them being traded through post office boxes and through the trunks of cars, and we have tightened up the requirements that, if somebody is found guilty of trafficking in food stamps, and it involves more than $500, they can be barred from receiving food stamps.

Mr. Chairman, I urge support of this bill.

Mr. ROBERTS. Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Chairman, I thank the gentleman from Texas [Mr. DE LA GARZA] for yielding me time.

Mr. Chairman, the Republican welfare bill that we are debating has one clear result, save $69 billion over 5 years by creating block grants to the States with fixed, capped funding.

The proposed legislation does little to assist individuals to become self-sufficient by helping them find work. It has no guarantees that it will reform the welfare system. Instead, this is a package geared toward reducing the deficit and guaranteeing that the affluent receive a capital gains cut, by cutting benefits and resources to our children.

On February 23, the National Governors' Association sent a letter to the chairman of the House Ways and Means Committee signed by the Governor of my State, Mel Carnahan, and Republican Governors Tommy Thompson of Wisconsin and John Engler of Michigan. The letter states: "The Governors view any block grant proposal as an opportunity for Congress and the President to provide needed flexibility for States, not as a primary means to reduce the Federal budget deficit." They continue in this four-page letter to list other objections they have with the bill in its current form, including provisions that limit State flexibility or shift Federal costs to States. With that, Mr. Chairman, I ask that the full text of the letter appear in the RECORD after my remarks.

I understand the need to reform the welfare system. I do not understand, however, why we need to forge ahead with legislation that is so poorly thought out that it simply abdicates our legislative responsibility to the Senate, whom we hope will take the time necessary to craft a bill that truly reforms the welfare system. Those of us who have extensive understanding of State welfare programs feel we have not been given adequate opportunity to help shape the welfare debate going on today.

Because of the way this legislation has been rushed through this body and in light of the fact that the bill does not meet the fundamental principle of moving people from welfare to work, I cannot support H.R. 1214 in its current form.

The letter referred to is as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, February 23, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our views on the Personal Responsibility Act, as amended by the Subcommittee on Human Resources. The Governors appreciate the willingness of the subcommittee to grant states new flexibility in designing cash assistance and child welfare programs. We are concerned about a number of the bill's provisions, however, that limit state flexibility or shift federal costs to states.

The Governors believe Congress has at this moment an enormous opportunity to restructure the federal-state relationship. The Governors urge Congress to take advantage

of this opportunity both to examine the allocation of responsibilities among the levels of government and to maximize state flexibility in areas of shared responsibility. We believe, however, that children must be protected throughout the structuring process. In addition, although federal budget cuts are needed, the Governors are concerned about the cumulative impact on the states of federal budgetary decisions. The Governors view any block grant proposal as an opportunity for Congress and the president to provide needed flexibility for states, not as a primary means to reduce the federal budget deficit.

The Governors have not yet reached consensus on whether cash and other entitlement assistance should remain available, as federal entitlements to needy families or whether it should be converted to state entitlement block grants. We do agree, however, that in either case states should have the flexibility to enact welfare reforms without having to request federal waivers.

FEDERAL STANDARDS FOR BLOCK GRANTS

If Congress chooses to pursue the block grant approach proposed by the Human Resources Subcommittee, the block grants should include a clear statement of purpose, including mutually agreed-upon goals for the block grant and the measures that will be used to judge the effectiveness of the block grant.

CASH ASSISTANCE BLOCK GRANT

The Governors believe that a cash assistance block grant for families must recognize the nation's interest in: Services to children; moving recipients from welfare to work; and reducing out-of-wedlock births.

Although the Governors recognize the legitimate interest of the federal government in setting broad program goals in cooperation with states and territories, they also believe that states should be free from prescriptive federal standards.

We appreciate the flexibility given to states in the bill to design programs, to carry forward program savings, and to transfer funding between block grants. We must oppose, however, Title I's prohibitions on transitional cash assistance to particular families now eligible for help and ask instead that states be given the authority to make these eligibility decisions themselves. Some states may want to be more restrictive than the bill—by conditioning aid on work, for example, sooner than two years—while other states may decide it is appropriate to be less restrictive.

The federal interest should be limited to ensuring the block grant is used to aid low-income children and families. in the past federal restrictions on eligibility have served to contain federal costs given the open-ended entitlement nature of the Aid to Families with Dependent Children program. Such restrictions have no place, however, in a capped entitlement block grant where the federal government's costs are fixed, regardless of the eligibility and benefit choices made by each state.

Similarly, while Governors agree that there is a national interest in refocusing the welfare system on the transition to work, we will object strongly to any efforts to prescribe narrow federal work standards for the block grant. The Governors believe that all Americans should be productive members of their community. There are various ways to achieve this goal. The preferred means is through private, unsubsidized work in the business or nonprofit sectors. If the federal government imposes rigid work standards on state programs, such standards could prove self-defeating by foreclosing some possibilities, such as volunteering in the community, that can be stepping stones to full-time, private sector jobs. A rigid federal work standard would also inevitably raise difficult issues about the cost and feasibility of creating a large number of public jobs, and the cost of providing child care for parents required to work a set number of hours a week in a particular type of job.

CHILD PROTECTION BLOCK GRANT

Governors view the child protection block grant as overly prescriptive and urge Congress to refocus it on achieving broad goals, such as preserving families, encouraging adoption and protecting health and safety of children. We also oppose the mandated creation of local citizen review panels. We believe that it is inapprorpiate for the federal government to dictate the mechanism by which Governors consult the citizens of their state on state policies.

BLOCK GRANT FUNDING

We appreciate the subcommittee's willingness to create block grants whose funding level is guaranteed over five years rather than being subject to annual appropriations. It is essential, however, that block grants include appropriate budget adjustments that recognize agreed-upon national priorities, inflation, and demand for services. The cash assistance block grant does not include any such adjustments for structural growth in the target populations. While some growth is built into funding for the child protection block grant, it is not clear whether it will be adequate especially given that states are likely to be required by the courts to honor existing adoption assistance contracts. Governors will continue to protect abused and neglected children by intervening on their behalf and we believe that federal funding must continue to be available for these services.

Governors also ask that any block grants include funding adjustments to provide for significant changes in the cyclical economy and for major natural disasters. An additional amount should be set aside each year for automatic and timely distribution to states that experience a major disaster, higher-than-average unemployment, or other indicators of distress. While the bill does include a federal rainy day loan fund, we are concerned that this loan fund will prove to be an inadequate means of addressing sudden changes in the need for assistance. States experiencing fiscal problems will not be able to risk taking out federal loans that they may not be able to repay. Furthermore, one billion dollars over five years may not be sufficient if many states experience economic downturns or natural disasters at the same time, as was the case with the last recession or with the midwestern floods. Finally, an unemployment rate in excess of 6.5% may not be a sufficient proxy for identifying increases in need and should not be the sole trigger for increased aid.

We also urge the committee to change the funding base year and formula for the two block grants. We believe that initial allotments to states for the cash assistance and child protection block grants should be the higher of a state's actual funding under the consolidated programs in fiscal 1994 or a state's average funding during fiscal years 1992 through 1994. This change would help protect states with recent caseload growth from receiving initial allotments far below actual need.

ACCOUNTABILITY IN BLOCK GRANT PROGRAMS

We believe that block grants should include a clear statement of purpose, including mutually agreed-upon goals for the block grant and the measures that will be used to judge the effectiveness of the block grant. We are concerned, however, that the reporting requirements in both the cash assistance and child protection block grant go far beyond what is necessary to monitor whether program goals are being achieved. We encourage the committee to restrict reporting requirements to outcome and performance data strictly related to the goals of the program, and hope that those reporting requirements can be mutually agreed upon by Congress, the administration, and ourselves.

We agree that states should be required to use the block grant funding to provide services for children and their families. We do have questions, though, about how broadly the bill's audit provisions would be applied. Would the audit process be used, for example, to determine whether the block grant goal of assisting needy children and families was being achieved? We would also suggest that rather than the federal government reclaiming audit exception funds, that these funds remain available to a state for allowable services to families and children.

IMPLEMENTATION

Governors also ask Congress to recognize that moving to a block grant structure raises many implementation issues. Almost every state is operating at least one welfare waiver project. We believe that states with waivers currently in effect should have express permission either to continue their waiver-based reforms, or to withdraw from the waivers, and be held harmless for any costs measured by waivers' cost neutrality provisions. Savings from individual state's waivers should be included in the state's base. Some states have negotiated a settlement to retain access, subject to state match, to an agreed upon dollar amount of waiver savings. Legislative language converting AFDC to a block grant should not terminate these agreements and thereby preclude states from drawing down the balance of these previously negotiated amounts.

Implementation of block grants would also pose enormous difficulties for state information systems, and we are concerned that there may not be sufficient funding or lead time to allow states to update these systems as necessary to implement the legislation. While states that are ready should be able to implement any new block grants as soon as possible, other states should be allowed at least one year after enactment to implement the new programs. We also believe that a consultative process between Governors, Congress and the administration would be necessary to ensure that the transition to a block grant system is made in an orderly way and that children's needs continue to be met during the transition.

FEDERAL AID TO LEGAL NONCITIZENS AND FEDERAL DISABILITY BENEFITS

The Governors oppose the bill's elimination of most federal services to legal noncitizens. The elimination of federal benefits does not change any state's legal responsibilities to make services available to all legal immigrants. Policy adopted by the Governors clearly states that since the federal government has exclusive jurisdiction over our nation's immigration policy, all costs resulting from immigration policy should be paid by the federal government. This bill would move the federal government in the opposite direction, and would shift substantial costs to states.

The Governors also oppose the bill's changes to the Supplemental Security Income (SSI) program. We recognize that the

program is growing at an unacceptable rate, and that serious problems exist regarding the definition and diagnosis of disabilities. The changes in the bill go far beyond addressing those problems and represent a substantial and unacceptable cost shift to states. The Governors believe that Congress should wait for the report of the Commission on Childhood Disability before acting to change eligibility for disability to children. We also ask that Congress allow last year's amendments regarding the substance abuse population to be implemented before enacting new changes in that area. If changes in SSI are enacted that deny benefits to hundreds of thousands of families and children, the result may be a sharp increase in the need for aid from the new cash assistance block grant at a time when those funds would be capped.

Thank you for your consideration of our views on the first four titles of Chairman Shaw's bill. We are also reviewing the child support provisions and will be forwarding our comments on them to you separately.

Sincerely,

GOV. HOWARD DEAN,
Chair.
GOV. TOMMY G. THOMPSON,
Vice Chair.
GOV. TOM CARPER,
Co-Lead Governor on Welfare.
GOV. JOHN ENGLER,
Co-Lead Governor on Welfare.
GOV. MEL CARNAHAN,
Chair, Human Resources Committee.
GOV. ARNE H. CARLSON,
Vice Chair, Human Resources Committee.

There is one last point I would like to make. Last week my staff received an invitation to attend an all-expense-paid trip to visit Navy bases in the Pacific. Now Mr. Speaker, I do not know how many staffers are going to take this trip—I know mine isn't—and for all I know the Navy may need to have staff review their operations in the Pacific. However, my question is this: If budgets are so tight that we have to cut school lunch programs for children and energy assistance programs for the elderly, then why do we continue to allow funding for these types of trips, which strike me as completely unnecessary? If we are going to cut the deficit, why don't we look to end these types of trips that are paid for by U.S. taxpayers.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, discussion about welfare reform is not new. This issue has been debated over the years. We have come a long way.

But, as we stand, prepared to vote on welfare reform legislation, I am struck by the feeling that, as far as we have come, we seem to be going a long way back.

A minister in my district tells the story of what school breakfast was like, before we had a Federal school program.

Scolded by her teacher, an embarrassed little girl discarded her breakfast. She had been eating it during class. The noise when the item landed in the wastebasket was revealing and disturbing. That little girl's school breakfast was a raw sweet potato. Without it, she would not eat.

That, Mr. Chairman, is where we have come from. I am worried, however, that we may be going back to that same place in time.

The majority has offered a welfare reform bill that cuts eligibility without work program funding, reduces spending and gives wide flexibility to the States.

My party will offer two substitute bills that offer less radical reform but provides for funding for work. I rise to encourage my colleagues to think America. This issue is not about party and politics. It is about people.

It is about sound bodies, strong minds and sturdy spirits. This issue is about moving forward in the future. It is not about wallowing backward to the past. We should shape a bill that is neither Republican nor Democrat, that hurts neither the rich nor the poor—a bill that joins us, not one that divides us.

We are not 50 States. We are the United States. We do not need fifty standards for nutrition in this Nation. We need one standard.

Regionalization and sectionalism hurts us. We fought a Civil War to bring this Nation together. The place of one's birth should not determine the quality of one's life. Every child in America should have a hearty breakfast and a healthy lunch. At the end of the first 100 days of this Congress, the current debate on welfare reform will be finished. But, where will America be on the 101st day?

Will there be more people with jobs? Will we show improvement in education? Will there be less crime in the streets?

More specifically, will there be more or fewer hungry children? Will infant mortality rates rise or fall? Will our seniors be better off at that time than they are now? What, if anything, will a young school girl have for breakfast?

Children are not driving the deficit. Senior citizens are not the cause of our economic problems. Programs for poor people do not amount to pork.

In fact, AFDC constitutes just 2 percent of all entitlement spending and 1 percent of all federal spending.

The average American taxpayer spends only about $26 on AFDC. Child nutrition programs represent only one-half of 1 percent of total federal outlays. And, the average food stamp benefit is 75 cents per person, per meal. Only 75 cents.

That is why I am deeply troubled by the proposed cuts. Cuts have occurred, and more are proposed in the WIC Program, for example. WIC works.

It is a program that services low-income and at-risk women, infants, and children.

Pregnant women, infants 12 months and younger, and children from 1 to 5 years old, are the beneficiaries of the WIC Program.

For every dollar this Nation spends on WIC prenatal care, we save up to $4.21 cents.

The budget cutting efforts we are experiencing are aimed at reducing the deficit. The deficit is being driven by rising health care costs. When we put money into WIC, we save money in Medicaid. The equation is simple.

Those who have a genuine interest in deficit reduction can help achieve that goal by investing in WIC and the other nutrition programs now targeted for cuts.

Mr. Chairman, the story is told of a rich man, while dining at his table of plenty, he noticed a ragged, poor, old woman, outside his window, begging for food. "Go", he said to his servant, "It saddens me to see that poor, old woman," he lamented. "Get her away from my window. Tell her to go away," he said.

As this debate goes on, many charts and numbers will be displayed. Republicans and Democrats will claim that theirs is the truth. Let's not forget the people.

When we conclude this week, we must each look in the mirror and ask ourselves, what have we told the poor, old women and men, and the pregnant women, and the infants and children, and the little school girls and little school boys?

Have we told them to get from our windows? Have we told them to go away? Or have we told them to come inside and join us at America's table of plenty?

The issues are clear. The choices are plain. I ask my colleagues. Where do you stand? The Personal Responsibility Act, as currently written, is mindless and senseless and should be rejected.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise today with those who over the years have been, and continue to be, truly concerned about the citizens of America who need us the most.

Currently H.R. 4 will substitute block grant funding for Federal nutrition programs. This block grant procedure would probably eliminate federally sponsored nutrition programs such as; (WIC) and the School Lunch and Breakfast programs among others, and substitute a single Federal payment to the States.

Based on Congressional Budget Office data, funding for the school nutrition block grant would be $170 million less than the levels that would be provided under current law. The proposed block grants would end the entitlement status of the school lunch and breakfast programs. Thus, during recessions, States and school districts with rising unemployment could be forced to choose between denying free meals to newly poor children and raising taxes, or reducing other programs to secure more resources in the middle of a recession.

We need a bill that maintains nutrition programs for children and the elderly, including WIC and school lunch program. These programs have produced significant and measurable outcomes among children who participate

in them. The block grant structure proposed by H.R. 4 can't respond when the economy changes and place children at risk by eliminating nutrition standards responsible for improved children's health.

We need a bill that has strong anti-fraud and abuse provisions for the Food Stamp program. We need a bill that has work requirements for able-bodied food stamp recipients, that also helps States provide work placement and job training for food stamp recipients. We need a simplified food stamp program, revising administrative rules and simplified determination of eligibility. We need a program that retains the annual inflation adjustments for the cost of food, a program that provides a basic benefit level. We do not need a bill, such as H.R. 4, that underfunds real welfare reform by cutting spending while giving States block grants which do not increase even if the State is in recession, or has a drastic increase in its poor population.

The Republican welfare reform bill talks about work but does little to achieve it. It does not have meaningful work requirements for moving people from welfare to work. It does not provide the necessary education and training to prepare people for work.

We need a bill that provides tough, meaningful work requirements for welfare recipients. Real welfare reform must be about replacing a welfare check with a paycheck. The Deal substitute provides work requirements for welfare recipients, requiring states to place 16% of recipients in work in the first year and 20% in the second year. HR 4 does not reach the same work participation rate.

I am interested in the positive health effects that these nutrition programs have on our poor children, needy elderly, and handicapped in our country. I have heard testimony which clearly outlined the negative impact of block granting to the states of commodity distribution programs in lieu of the current nutrition program funding mechanisms.

In addition, a discretionary block grant would eliminate the entitlement status of nutrition programs and subject each year's nutrition program funding to the Congressional appropriations process. There is talk that compromises were made in H.R. 4 which allowed the Food Stamp program to remain an entitlement program but at the same time placing a cap on benefits for the Program. The compromises also provided that all other nutrition programs could be block granted to the states. I want to commend the leadership of the Agriculture Committee for this effort, but I believe that the block granting with limited funding goes too far.

In the Mississippi delta, in the coal fields of Appalachia, in the red clay hills of Georgia, 25 years ago one could see large numbers of stunted, apathetic children with swollen stomachs and the dull eyes and poorly healing wounds characteristic of malnutrition. Such children are not to be seen in such numbers today.

The need for nutrition assistance has not diminished. We must not give up the accomplishments our nutrition programs achieved in the past decades. We must find ways to improve our programs. We must have flexibility at the State level, reducing excessive administrative requirements, and encourage innovation in the delivery of services to the needy. Mr. Chairman, I reject H.R. 4 and support the Deal substitute for commonsense welfare reform.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, the American people want a welfare system which provides a hand up, not a hand out. The deal plan provides individuals with the assistance necessary to break the cycle of poverty and to ensure that welfare recipients are better off by working than by remaining on welfare.

But they also believe that no one in America should go hungry. That has been the American tradition, a bipartisan commitment to ensuring adequate nutrition for our citizens—especially our children and the elderly. The Republican welfare plan chops away at this tradition. Americans who care about their neighbors should be concerned.

Let me just explain what is at stake so we all understand the magnitude of what the Republicans are proposing and who will be sacrificed for the sake of lowering the capital gains tax rate.

The program always has been a safety net for the working poor who—despite working 40 hours or more a week, do not earn enough to feed their families. Food stamps help families who lose their jobs during economic bad times and the elderly who cannot stretch their fixed incomes to meet all their needs and wind up choosing between food and medicine. Finally, food stamps help the millions of innocent children who, through no fault of their own, are growing up in poverty.

Last year, food stamps helped feed more than 1 in 10 people in this country. Families with children receive 82 percent of food stamp benefits. Elderly and disabled households receive 13 percent of food stamp benefits. In 1992, more than half of households receiving food stamps—56 percent in fact—earned less than half of the government-established poverty level. For a family of three, this is $6,150.

The food stamp proposal in the Republicans bill would lead to sharp reductions in food purchasing power.

The U.S. Department of Agriculture estimates that 2.2 million food stamp participants would become ineligible under the bill.

The Congressional Budget Office says that the bill would reduce the food stamp program by $21.4 billion over the next 5 years. The savings do not come from reducing fraud or administrative costs, they come from taking food out of the mouths of children who desperately need it.

The Republican plan reduces basic food purchasing power. In a few years, food stamp benefits will fall below the amount needed to purchase the Thrifty Food Plan, the bare bones food plan that was developed under the Nixon and Ford administrations and has served as the basis for the food stamp program since 1975.

Instead of keeping pace with food prices, as food stamp benefits always have in the past, benefits could rise by only 2 percent a year. Even if food prices jumped 8 percent in a year, food stamp benefits would increase just 2 percent. Fact—food prices have risen about 3.4 percent a year, even in these periods of low inflation.

Under the Deal substitute, which I helped write, savings are made. However, we guarantee that benefits never drop below the cost of the thrifty food plan.

These savings in food stamp benefits, and several other provisions of the Deal substitute, were painful cuts to make. But we made them, in order to pay for education and training programs and deficit reduction. Republicans, in contrast, reduce benefits for the sole purpose of paying for tax breaks for people making more than $100,000 a year.

The Republican bill also ends benefits after 90 days to able-bodied persons without children, unless these individuals are working at least half-time or are in a workfare or other employment or training program regardless of whether jobs are available. More than one million people will be kicked off food stamps because of this provision.

This provision does not reflect the reality of downsizing and loss of work without warning. These realities are all too familiar in America.

What about Americans, who live in small towns all over the country, who are laid off from factory jobs. These people know it takes time to find a new job. If these individuals use most or all of what little cash income they can scrape together for food, some may not be able to afford to pay rent. Homelessness and hunger would be a likely consequence.

Many members of this group have strong attachments to the work force and turn to food stamps for temporary periods when they are out of work. Most leave the program within 6 months.

The Deal substitute addresses the fact that most of these people re-enter the job market within 6 months instead of denying benefits after just 90 days. Under the Deal substitute, to continue to receive benefits a recipient must work at least half-time, participate in a public service program, or participate in an employment and training program in order to qualify.

The strength of our nation depends on how we raise our children today. We must commit

as a Nation to raising strong, healthy children who will grow up to realize their full potential. To do this, we cannot abandon our commitment to successful nutrition programs. We know they work.

□ 2100

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise tonight to support H.R. 938, the Individual Responsibility Act of 1995. I am proud to be a cosponsor and want to commend the coalition, the gentleman from Georgia [Mr. DEAL], the gentlewoman from Arkansas [Mrs. LINCOLN], the gentleman from Tennessee [Mr. TANNER], and others that worked so hard to put this legislation together.

We have a bill here that I think responsibly reforms the welfare system and, more importantly, coordinates the welfare system with food stamps and other aspects.

When it comes to welfare reform, I think we all agree that the system is broke and needs to be fixed. I think we all agree that in some respects we need to get tough. But we also need to reform the system with a package that makes sense. I think the Republican bill in some areas is too extreme and does not fix the problems. In fact, I think in some areas it actually probably causes some problems.

We have a bill that we have put together that makes work pay. The Deal substitute would ensure that welfare recipients will be better off economically by taking a job than by remaining on welfare. Our bill emphasizes work first. It has a definite end to benefits, time limits, and it gets tough on deadbeat dads and does a number of things that we have been asking for for years.

I think one of the things that we are proud of in the coalition is that we have done a considerable amount of work in the food stamp area, and we want to commend the gentleman from Missouri [Mr. EMERSON] and others for the work they have done in this area. But I think we have done some things that are going to make the bill somewhat better.

Mr. Chairman, I, along with the gentleman from California [Mr. CONDIT], the gentleman from Kentucky [Mr. BAESLER], the gentleman from Texas [Mr. STENHOLM], and the gentlewoman from Florida [Mrs. THURMAN], have done considerable work on this bill, trying to coordinate the food stamp program with the changes that we have made in the AFDC program in the Deal bill. In fact, this bill includes 19 specific provisions to bring the food stamps and the AFDC programs together on applications, deductions, eligibilities, income, resources, and certification.

I heard earlier the Honorable chairman talk about the fact that their bill is going to give the States the opportunity to coordinate in these areas. We have a bill here where we have done the work, we have already coordinated it, and I think it makes the Deal bill a stronger bill. In the end, I think the Deal substitute is going to be very close to what happens in this Congress.

Our bill in the food stamp area we believe is also tougher than the Republican bill on fraud and abuse. We think we have done a better job to get at those issues. We recognize that there is a lot of good provisions in the Republican bill as well.

Mr. Chairman, I again strongly support the Deal substitute, and look forward to having a vote on that in the near future.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. FOLEY], a valued member of the committee.

Mr. FOLEY. Mr. Chairman, I thank the gentleman for his leadership on this issue.

We continue to hear about the people of America that will suffer under Republican leadership. We have debated a food stamp bill for over 13 hours in committee, discussing what is right and what is wrong about it. The other side can vote against this bill. They can continue to support over $3 billion of waste in the Food Stamp Program. People buying crack cocaine, trading food stamps for prostitution, exchanging it for cash, buying liquor, cigarettes.

I felt so bad for the woman I followed in the store the other day who brought 100 dollars' worth of food stamps and bought microwave popcorn, ice cream, soda pop, pork rinds. I grew up in a home where my mother was working at an eye doctor's and my father was a high school coach. She used to get the powdered milk and mix it with a full gallon of milk and stretch it to 2 gallons. We did not buy sodas at home.

The Food Stamp Program needs reform. What we are doing in this Congress is providing reform for a very, very valuable program, but one that in 1979 spent $6.9 billion, this year $26.5 billion. Is that something to be proud of? Have times gotten that tough from 1979 to 1995, that the program should have grown by that amount of money?

They say what happens if there are no jobs in the State. Well, in our bill if the Governor or State certifies that unemployment exceeds 10 percent and there are not enough jobs, that 90-days-and-you-are-off provision is waived. There are provisions to protect in extreme unemployment times. There are safety nets. I keep hearing the "safety net" term. I have to call this program a trampoline. People are jumping on it and they do not want to get off. They do not want to change their behavior. They do not want to change their way. People do not want to work. I spoke about this earlier this evening, not enough job training in the programs.

The food stamp program is growing rapidly out of control. I have to suggest that when we talk about the real changes in this program and the real reforms, they are in fact in this bill. And they are tough. We are curbing trafficking in fraud with increased penalties. We are going after people that use these food stamps illicitly and illegally and profit by their use. We are promoting real jobs with new incentives. We want people to work. We want America to work. But we do not want people waking up and growing up and these children we talk about in the abstract who are sitting at home while their parents sit at home watching Opra Winfrey or Jenny Jones or some other talk show, when they could be out in fact working, and inspiring their children to participate in the American dream.

I appreciate the chairman's leadership on this vital issue, and I believe when the American public sees what is in this bill, they will urge people on both sides of the aisle to support it in its entirety.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I strongly support welfare reform, but one thing we must not do is rush through changes that hurt children. It is not the kids who have the responsibility for the flaws in our present system; it must not be the kids that pay the most painful and lasting price for the welfare reforms we debate tonight. Unfortunately, it is the kids who bear the brunt of the impact of the Republican welfare reform proposals because of the deep, in fact devastating cuts, they direct at programs which provide for the nutritional needs of these children.

The reform bill does serious harm to child nutrition in two critical areas. First, the present programs are capable of dealing with future events that impact costs. These include increases in grocery costs, higher school enrollments, or an influx in the food stamp program brought about rescission, which like the last recession can thrown literally millions out of work and into a situation where they critically need food stamps for that family.

Capping programs and not sufficiently allowing for growth in enrollment and costs means that by the end of the decade, children will not have the nutrition available that they have had or that they have today. When it comes to feeding our children, under their plan we will be going backwards instead of forward.

Second, eliminating minimum nutrition standards for our states is terribly

troubling. Now, I am all for State flexibility, State discretion. But for goodness sake, nutritional needs do not vary State by State. A kid in your State has the same nutritional requirements as a kid in my State. By eliminating national requirements and cutting available funds, we are setting in motion the inevitable deterioration of the nutritional values in our school lunch and breakfast programs. Goodbye milk and hello Koolaid for our kids in the years ahead.

The Republicans cry foul over these charges. They adamantly deny they are cutting anything. But the numbers speak the truth. A total of $26 billion is cut from WIC, child nutrition and food stamps over the next 5 years, more than a third of the cuts in the entire Republican welfare reform package.

You do not come up with $26 billion, Mr. Chairman, by reducing paperwork, eliminating waste, fraud and abuse. You get this much money only if you come directly at the meals our kids are presently receiving and reducing them dramatically in the future.

There seems to me something terribly hypocritical about this, because you can bet your bottom dollar as Members of Congress our diets will not suffer in the years ahead. If groceries go up, we will pay it, because we have the financial resources to do so.

But there are kids all over the country who depend on these programs for their basic nourishment, and they will not be able to keep up with rising costs in the future. Kids like the little Will boy I heard about in Grand Forks, ND, Friday. The person responsible for the School Lunch Program told me lots of kids depend on the school lunch and breakfast programs for their basic nourishment, and that in one little grade school in Grand Forks, the poorest section of town, you will find on any given Monday more than 100 kids in line waiting for the school breakfast, perhaps their first balanced meal since the Friday school lunch.

She heard a little boy one day jumping up and down saying, "That smells so good, that smells so good." The breakfast that morning was cold cereal and toast. Even toast to this little fellow smelled that good and caused that excitement. Now, this school district is going to have eliminate the School Breakfast Program if the cuts proposed by the Republican majority are enacted, and that little boy will not lose his breakfast; he will also lose his ability to listen and learn in class. Maybe even his edge in being able to fight off childhood illness. As a dietician told me this week, child nutrition is not welfare; it is health care.

Mr. Chairman, I owe it to that little fellow to vote against this harsh and unfair legislation, and I urge all of my colleagues to join me in rejecting these cuts for kids.

Mr. DE LA GARZA. Mr. Chairman, I yield three minutes to our distinguished colleague, the gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the Deal and the coalition bill, the alternative to the Republican bill, for several reasons. First is because it does, as does the Republican bill, simplify the administration of all the programs. Second, it acknowledges that we want people to go to work, but to require them to go to work we have to have child care and in some cases case transportation. I think the Deal bill provides that, whereas I do not think the Republican bill does.

The third reason I support the Deal bill and the coalition bill is because it does acknowledge sometimes people need transition from welfare to work, and in that transition they might need a 2-year period until able to retain their Medicaid card, which I think is important.

The fourth reason is it specifically encourages local communities to get involved to complete the cycle of self-sufficiency. We talk about work, we talk about child care, we talk about other things, but very seldom do we talk about self-sufficiency, and I think that is what we need to be talking about, and the Deal bill provides for that very succinctly.

Regarding food stamps, the Deal bill and the coalition bill, thanks to the work of the gentleman from Texas, Mr. STENHOLM, Mr. PETERSON, Mr. CONDIT, and others, provides very strict penalties for those who, much more strict than even the bill proposed by Mr. EMERSON and our honorable chairman, which was very good at the time I thought, but ours is much more strict, particularly on the recipients and also on the violators, much more strict even than the Republican proposal.

The final reason I support the Deal bill is we all know that two words that are sort of underlying this discussion are responsibility and accountability.

□ 2115

I think the Deal bill destroyed the responsibility and accountability, and it does so I think in keeping with the contract with our own conscience here in America and not just with the Contract With America.

Mr. ROBERTS. I yield 4 minutes to the distinguished gentleman from Michigan [Mr. SMITH], a valued member of the committee.

Mr. SMITH of Michigan. Mr. Chairman, I think the point needs to be made that welfare in this country is not working.

For 40 years, we have been trying to solve the problems of poverty. Politicians created many well-meaning programs designed to transfer wealth to the poor. Over this period the Government has borrowed $5 trillion and spent $5 trillion on welfare programs. And what has happened?

Illegitimate births have grown from 5 percent to 30 percent of births; single parent families have gone from 4 per cent of all families to 29 percent; teenage pregnancy has doubled; and violent crime has arisen fivefold. We have shown that simply transferring taxpayers' money to poor people doesn't work.

H.R. 4 will reform traditional welfare programs that have robbed people of self-respect by giving them something for nothing. These handouts too often breed a complacency that prevents people from helping themselves. They create a culture of irresponsibility by subsidizing bad behavior.

The current welfare system pays unwed mothers to have babies. It tells women that if they bear an illegitimate child, the government will pay them a monthly allowance and give them a place to live. The resulting explosion in illegitimacy and the breakdown of the family shouldn't surprise us.

Let me read a few excerpts from the February 27th U.S. News and World Report to emphasize the importance of two-parent families:

> More than virtually any other factor, a biological father's presence in the family will determine a child's success and happiness. Rich or poor, white or black, the children of divorce and those born outside marriage struggle through life at a measurable disadvantage. * * *
>
> The absence of fathers is linked to most social nightmares—from boys with guns to girls with babies. No welfare reform plan can cut poverty as thoroughly as a two-parent family. * * *

Raising marriage rates will do far more to fight crime than building prisons or putting more cops on the streets. Studies show that most state prison inmates grew up in single-family households. A missing father is a better predictor of criminal activity than race or poverty.

H.R. 4 helps promote families. Too often, welfare discourages traditional families. Benefit formulas have discouraged marriage and encouraged women to have illegitimate children. Government can't create two-parent families, but we can stop encouraging one-parent families. I hope Congress has the determination to make needed changes by: (1) ending payments to teenage mothers who decide to have a baby without a husband; (2) requiring all welfare mothers to identify the father; (3) making deadbeat parents live up to their child support obligations; and (4) in the next couple weeks, passing legislation to get rid of the marriage penalties in the tax code.

This bill H.R. 4 also makes needed changes in our food and nutrition programs. The food stamp program costs $26.5 billion; the school lunch and other child nutrition programs cost $7 billion; WIC costs about $3.5 billion. H.R. 4 block grants the WIC and child nutrition programs to the states. The food

stamp program, which is the most abused and wasteful program, is tentatively being kept a the federal level. We are making long-overdue changes to improve the program. We also need to stop food stamps from being used for candy, chewing gum, soda pop, and other junk food. If hard-working Americans are going to pay taxes for this program, it should be for nutritious food for individuals who might otherwise go hungry.

States should have the flexibility to modify the eligibility criteria for food stamps. Right now, national standards make a couple with four children eligible for food stamps if they earn less than $26,692 a year. But $26,000 goes a lot further in different areas of the country. We need to give states the authority to vary these eligibility requirements, making limited funds better serve their citizens.

H.R. 4 ends many welfare abuses. For too long, we have allowed alcoholics, drug addicts, and those with dubious "functional disabilities" to collect for disability payments. We need to end these abuses and this bill will help to do that.

H.R. 4 is not a perfect bill, but it is a good bill that starts to replace a failed system of despair with more compassionate solutions that encourage work, strengthen families, and offer hope for a brighter future.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I intend to vote for real welfare reform that puts people to work. The Deal substitute does that—it demands more responsibility of welfare recipients by requiring that they go to work after 2 years, and it provides more opportunity by making sure that work pays more than welfare. The Deal substitute is real welfare reform.

But the bill before us, the Personal Responsibility Act, is not welfare reform at all. This bill is more intent on punishing our children than in putting welfare recipients to work. This bill would destroy the School Lunch program and other federal nutrition programs in order to pay for a tax cut for the wealthiest Americans. That is wrong, and we must defeat this bill.

The School Lunch program works to provide many of our children with the one balanced meal they eat all day. But this bill would cut $2.3 billion from the School Lunch program over the next 5 years, according to the Congressional Budget Office. The Children's Defense Fund estimates that 2 million children will be thrown out of this program—20,000 in my home state of Connecticut alone.

That is only the beginning of the assault on children. Altogether, this bill cuts $7 billion from important federal child nutrition programs. And it immediately eliminates Social Security benefits for 250,000 low-income children who are severely disabled or blind.

Supporters of this bill have come up with all kinds of creative excuses to defend these cuts.

First, they claim they are cutting bureaucrats, not food for kids. But the entire administrative budget for all U.S. Department of Agriculture feeding programs is just $106 million per year—just 1.5 percent of these programs' total budget. The Republican plan would cut eight times that amount—$860 million—in child nutrition programs in 1996 alone. That's cutting kids, not bureaucrats.

Then supporters of this bill claim they are increasing funding for the School Lunch program by 4.5 percent annually. Even if that was true, this increase falls far short of keeping up with inflation, increased enrollment, or a downturn in the economy. This program grows 6.7 percent each year.

Therefore, we are 2 percent short, but the fact is, this promise of a 4.5-percent increase is just that—an empty promise. And the odds are, it is a promise that will never be kept. That is because this bill lumps the School Lunch program in a giant, underfunded block grant, with no guaranteed levels of funding for any specific program.

I intend to vote for real welfare reform that puts work first, but I cannot vote to punish children. I urge my colleagues to join me in opposing the Personal Responsibility Act. Our children are our future—let's not abandon them.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to a very valued member of the committee, the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I first want to congratulate the chairman of the sometimes powerful Agriculture Committee, the gentleman from Kansas [Mr. ROBERTS], who has done a magnificent job providing the leadership on this important bill and also to the gentleman from Missouri [Mr. EMERSON] for his leadership.

I have a very limited amount of time. I have not met one Democrat or one Republican in all of this House that wants to gut or cut the School Lunch Program. I do not know of anybody who wants to gut or cut the School Lunch Program. For anyone to stand here in the House and proclaim that is just simply not true.

Our proposal will reform the School Lunch Program, will feed hungry children, will provide the nutrition necessary for hungry young people, but it will not gut or cut the program. So I want that message to go out around the country. It is simply not true.

Our proposal will also reform the Food Stamp Program. Americans know that we have a lousy welfare system. It is fraught with abuse and fraud, and Americans want a change.

And we are going to carry out one of President Clinton's campaign promises. We are going to reform welfare as we know it, and we are going to do it by giving back to the people in local communities and States the responsibility and the financial resources to really deal with the problems. We are going to give back to them not only the responsibility but the resources to carry out these programs. Who knows better than people in local communities who the most needy are? Local people do. I ask support for this important legislation.

Mr. DE LA GARZA. I yield 1½ minutes to our distinguished colleague, the gentlewoman from New York [Mrs. MALONY].

Mrs. MALONEY. Mr. Chairman, the current welfare system has created a culture of dependency. It is not working and needs to be changed. The system offers several incentives for welfare clients to shun independence and stay on the dole.

You might ask what could possibly be worse. The answer is the Republican bill before us tonight. It is a harsh, heartless, extremist proposal. It would worsen poverty and hunger for innocent children by making deep cuts in benefits that provide food and shelter. It is weak on work and long on punishment of children. It would cut back the very child care funding that would allow welfare recipients to go to work.

Simply saying no more welfare is not welfare reform. It is a recipe for disaster. A real reform plan would get welfare recipients to go to work. A real reform plan would provide child care and skills, training to move people off the dole and on a payroll.

Reason and compassion demand a "no" vote on the extreme Republican plan. Let us pass a bill that rewards work and protects our children: the Democratic substitute, the Deal plan.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], a valued member of the committee.

Mr. LATHAM. Mr. Chairman, I thank the chairman of the Agriculture Committee for his leadership.

Mr. Chairman, I am holding in my hands a 700-page document just released by the Clinton administration that purports to contract Federal EBT services and equipment through a little-known procurement process called IEI or Invitation for Expression of Interest. It is my understanding that only financial institutions, large banks are able to apply. It totally eliminates current electronic transfer companies from bidding.

I am deeply concerned that this document would create a Federal EBT system that will inhibit the individual States from setting up their own EBT systems. As I understand it, 6 States have already set up EBT systems for themselves, and over 20 States are currently moving to do the same.

With all the efforts we have made to give more flexibility to the States, I am deeply concerned that the Clinton

administration is moving to develop a new Federal bureaucracy to deliver benefits to recipients, and I wish to commend the chairman of the Committee on Agriculture, Subcommittee on Department Operations and Nutrition, for including in the welfare reform package language that will prohibit the Federal Government from doing anything that would stand in the way of States creating and implementing their own EBT systems.

□ 2130

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

Mr. LATHAM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I agree with the gentleman that this IEI raises some very disturbing questions. With all the attention and action we have had this last few weeks in terms of sending block grants and returning responsibilities and accountability to the States, I am concerned that that document could well throw out the efforts that we have had in trying to return this and allow Federal bureaucrats to block and restrain individual States. I am concerned this will block our ability to allow States to develop programs for their own eligible citizens.

Mr. Chairman, my understanding of the intent contained in the legislation that we are talking about now is that the Federal Government is prohibited from doing anything that would stand in the way of States creating and implementing their own EBT systems. Section 556 of this bill states:

> (B) Subject to paragraph (2), a State is authorized to procure and implement an online electronic benefit transfer system under the terms, conditions, and design that the State deems appropriate.

Mr. LATHAM. Mr. Chairman, I yield to the gentleman from Missouri [Mr. EMERSON], the chairman of the subcommittee.

Mr. EMERSON. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Mr. Chairman, the gentleman has been an extremely constructive member of the subcommittee throughout these deliberations. I want to thank him for his participation, and for raising the subject, as he has.

Let me say, Mr. Chairman, that the gentleman from Oklahoma is correct in his understanding of the language and intent of section 556.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the bible says: "suffer the little children and forbid them not." The word "suffer" here is used to mean to bear, to support, maintain, abide and sustain. This passage does not imply that we cause suffering on children, but that we are supposed to support them. Somehow, some way, too many of my Republican colleagues have got the real contract all wrong.

Yes, the system needs fixing, but what system? If this House passes this distorted and destructive legislation, it is not welfare that needs reforming, but Congress, and those who currently regard themselves as its leaders. This bill is flagrantly flawed and poignantly punitive. It falsely assumes that welfare recipients are some lazy, rip-off artists who don't want to work. The reality of course is that 70 percent of all recipients are children, our Nation's children, and the 30 percent adult population is largely made up of those who want to work. And yet, this bill does not guarantee work. No, this is no reform. This bill guarantees nothing, except that after 5 years of benefits, recipients must be cut off regardless of a lack of jobs. This bill does not guarantee job training and education resources. This bill only guarantees that there will be no guarantees. No more entitlements for AFDC, for foster care, for school lunches for WIC.

Twenty-five million of our children are recipients of school lunches. This program ain't broke an we don't need to fix it. The result of the Republicans block granting to the States is either that nutrition standards will suffer, or less children will be fed in times of economic downturn. This bill causes suffering to children of mothers under age 18. This bill does nothing to solve the problem of out of wedlock pregnancies. It does nothing to make welfare dependents whole and productive. This is the most mean-spirited, irresponsible attack on the poor and the youth that our house has ever seen. No matter how my colleagues try to move their contract forward and pay for a tax break for the rich on the backs of the children, there still remains a contract, a law of higher authority for which they will be held responsible. Remember suffer the little children, and forbid them not. I urge my colleagues to join me in opposing the Personal Responsibility Act, and support the Deal substitute.

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] has 2½ minutes remaining.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, we heard many of our colleagues on both sides of the aisle expressing their views and their concerns about this legislation. I share the same concerns about cutting fraud and cutting abuse, seeing that our monies are used efficiently for the purpose intended.

Beyond the rhetoric and beyond the policy and beyond the sound bites, beyond everything that we have heard here tonight, I would ask for Members to come with me to every home across America: a little shanty, a little ramshackle farmhouse. In my area, we have some cardboard and tin-roofed places where the poor live.

I can assure the Members, and I challenge anyone to deny, that in some of those houses Members will find a hungry child that had no supper tonight. Members will find an elderly person that had no supper tonight. I challenge anyone to deny that. They cannot, because that is the fact. That is the purpose for what we use the food stamps.

All the other areas we can address, and we have. It pains me to hear Members using the political "40 years, 40 years." For 28 of those years, those 40 years, we had a Republican President, that Republican President that tried to cut some of the programs. How ironic.

I quote:

> I cannot lend my support to the concept of turning back to the States all responsibility for achieving child nutrition goals. In short, we have a continuing obligation to ensure that the nutrition needs of our truly needy youngsters, wherever they may reside, are adequately met. This is and must remain a national priority goal.

Quoting the Chairman, the gentleman from Pennsylvania [Mr. GOODLING], who chairs one of our committees at this time. That is a quote from the RECORD.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] has 2¾ minutes remaining.

Mr. ROBERTS. Mr. Chairman, to end the colloquy that was previously discussed, I yield 17.5 seconds to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to say that the gentleman from Oklahoma is correct in his understanding of the language and intent of section 556.

Further, my colleague raises extremely important points in relation to the approach being taken by the administration's EBT IEI proposal. I look forward to digging deeper into this issue during the oversight hearings which we are going to hold on the subject.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, can we please end the class warfare argument or discussion or partisan exchange and get to food stamp reform? We have had a lot of discussion about school lunches, which is not even part of this debate, we are talking about food stamps. We have had a lot of talk about the food costs and how we cannot really match the food costs.

Only in Washington is a 2 percent increase considered a cut. If food prices go down, food stamps, benefits, will go up 2 percent. It happened in 1990. If the food costs go up, and nobody can predict that, other than the gentleman from Texas DICK ARMEY the self-declared Assistant Secretary of Agriculture in this body, but if food costs would go up we will appropriate the

money with a supplemental, so that deals with the problem of food costs.

Quality control, it is out of control. It is over 8.5 percent. The Panetta plan reduces it back in terms of quality control to 6 percent. That is in part how we control these costs.

Somebody mentioned the WIC program. We are not discussing WIC here. There is $25 million sitting there in the account of WIC. It was cut $25 million. We had $50 million, it is down to $25 million. They have to advertise on the radio to get more participants. It is a good program, by the way.

Mr. Chairman, the gentleman from North Dakota said that some school child in North Dakota was going to go hungry because of school lunches. The Chairman of the Committee on Economic and Educational Opportunities has informed this Member $1 million more next year than last year. We will cut the paperwork and the administration and we will give the money to that very hungry child.

Let us really talk about food stamp reform. In 1985, 19.9 million people were on food stamps. It went up to 20 million in 1990, 22.6 in 1991, 25.4 in 1992, and in 1993, 27.3. When the economy goes down, the food stamps, that expenditure goes up. When the economy goes up, food stamp expenditures go up. We simply want to control the growth of the program. We will address the needs, if in fact they are needed.

The opportunity of the gentleman from Georgia [Mr. DEAL] is a deal but it is not the best deal. We should be supporting this bill.

Mr. STOKES. Mr. Chairman, I rise today to express my strong opposition to H.R. 4 the Personal Responsibility Act. I believe that this piece of legislation is fatally flawed, and, if enacted, would shatter the lives of millions of our Nation's poor.

I believe there is general consensus that the goal of welfare reform is to move individuals out of dependency and into self-sufficiency. However, in order to achieve this goal, it is vital that the enacted proposal be both cost effective and compassionate to the needs of our Nation's low-income individuals. In addition, the proposal must effectively address the issue of job training to get people off of welfare and into meaningful work. The Personal Responsibility Act thoroughly fails in these areas and is a cruel and callous attempt to eliminate the most basic income support for desperately needy children and their families.

There is no doubt that many of our Nation's poor will suffer under this proposal. Almost 70 percent of the individuals currently receiving benefits, or 9.7 million people, are children. According to the Department of Health and Human Services, it is estimated that more than 6 million children would lose their financial support under this proposal. It is both cowardly and unconscionable to hurt the most vulnerable people in our population. Yet this is the very consequence of this plan.

H.R. 4 jeopardizes the health and well-being of children by making devastating assaults on many of our Nation's existing food assistance programs. Programs such as WIC and the School Breakfast and Lunch Programs would be consolidated into a State block grant, dramatically decreasing the funding available to these programs. It is estimated that in only 5 years, in the year 2000, 2.2 million American children will lose the benefit of a school lunch. In the State of Ohio, an average of 856,514 children eat a school lunch each day. Under the Personal Responsibility Act, 85,600 of these children will be dropped from this program by the year 2000. In addition, this bill eliminates a national nutritional standard which could ultimately mean 50 different nutritional standards—a situation which would be chaotic.

As set forth in the Personal Responsibility Act, States would be allowed to cut off all AFDC benefits after 2 cumulative years of receiving AFDC if the parent had participated in a work program for 1 year. After 5 years, States would be required to terminate both financial assistance and the work program. It concerns me that this provision does not take into account those individuals who earnestly attempt, but are unable to find jobs. In addition, the plan makes very limited exemptions or waivers for the 20 percent of mothers on AFDC with a temporary disability, or the 8 percent who are caring for a disabled child.

In fact, this plan also slashes funding for child care services by $1.7 billion over the next 5 years. Therefore, a person working to stay off of welfare would find themselves in the unenviable position of leaving their children home alone or in inadequate settings. Without the ability to pay for child care, low-income working families may find themselves returning to welfare.

H.R. 4 unfairly punishes children and their families simply because they are poor. In my community, we have a 20-percent poverty rate in a county of 1.4 million people. More than 228,000 people are recipients of food stamps and more than 137,000 rely on aid to families with dependent children. The average household of three on public assistance receives $341 per month, or $4,021 per year from the Government. This punitive measure will undoubtedly endanger their health and well-being.

Mr. Chairman, the pledge to end welfare as we now know it is not a mandate to act irresponsibly and without compassion and destroy the lives of people, who, through no fault of their own, are in need of assistance. On behalf of America's children and the poor, I urge my colleagues to vote against H.R. 4.

Mr. HOYER. Mr. Chairman, the current welfare system is at odds with the core values Americans share: work, opportunity, family, and responsibility. And too many people who hate being on welfare are trying to escape it—with too little success. It is time for a fundamental change.

Instead of strengthening families and instilling personal responsibility, the system penalizes two-parent families, and lets too many absent parents who owe child support off the hook.

Instead of promoting self-sufficiency, the culture of welfare offices creates an expectation of dependence.

Our society cannot—and should not—afford a social welfare system without obligations. Individuals—not the taxpayers—should be providing for their own families. It is long past time to "end welfare as we know it."

We need to move beyond political rhetoric, and offer a simple compact that provides people more opportunity in return for more responsibility.

I have a few commonsense criteria which any welfare plan must meet to get my vote: It must require all able-bodied recipients to work for their benefits; it must require teenage mothers to live at home or other supervised setting; it must create a child support enforcement system with teeth so that deadbeat parents support their children; it must establish a time limit so that welfare benefits are only a temporary means of support; it must be tough on those who have defrauded the system—but not on innocent children; and it must give States flexibility to shape their welfare system to their needs, while upholding the important national objectives ! have just listed.

The Republican bill fails to meet these criteria. The Republican bill is weak on work. It requires only 4 percent participation in fiscal year 1996, far below the current rate established under the 1988 Family Support Act. It is outrageous that any new work requirement would fall below current law.

Moreover, under the Republican bill, States can count any kind of caseload reduction toward their work participation rate, whether those people are actually working or not. In no way does this practice make recipients responsible, or contribute to a change in their behavior.

The Republican bill denies benefits to children of mothers under 18.

We must make parents—all parents—responsible for taking care of their own children. But denying children support is not the best way to do that. Instead, teenagers should be required to demonstrate responsibility by living at home and staying in school in order to receive assistance.

In order for welfare to be truly reformed, it must send a clear message to all Americans: you should not become a parent until you are able to provide and care for your child. Having a child is an immense lifelong responsibility. Only those capable of and committed to shouldering the responsibility of parenthood should have children.

The Republican bill is tougher on children than it is on the deadbeat dads who leave them behind. The Republicans waited until the last moment to put child support enforcement provisions in their bill—and then removed the teeth that can bring in more than $2.5 billion—over 10 years—for kids. The driver's and professional license revocation provision they deleted would save taxpayers $146 million—over 5 years—while creating a better life for children.

Instead of attacking deadbeats, the Republican bill attacks children. It eliminates the guarantee that every child in this country has at least one good meal a day. Despite rhetoric to the contrary, the Republican bill cuts spending for child nutrition programs $7 billion below the funding that would be provided by current law. The Democratic deficit-reduction amendment was ruled out of order in committee so that kids' food money could be used for tax cuts for the rich.

The Republican bill also changes the child nutrition funding formula to redistribute resources away from relatively poorer States to relatively wealthier ones. Funding for the Women, Infants and Children Program is also reduced compared to current law—and provisions requiring competitive bidding on baby formula have been removed. That decision alone will take $1 billion of food out of the mouths of children each year, and put the money in the pockets of big business.

This simply defies common sense. No one in America could possibly argue that this is reform.

Our foster care system, already overloaded, is also under siege. In committee, Mr. MCCRERY stated that, "If a woman just can't find or keep a job, she will have the option to give her children up for adoption, place them in a group setting or foster care." Adoption and foster care services are failing our children. At a time when the need for foster care, group homes, and adoption is likely to rise dramatically, the Republican welfare plan would cut Federal support for foster care and adoption by $4 billion over 5 years.

We can do better. We must do better. This week, Democrats will offer NATHAN DEAL's bill as a substitute, which reinforces the family values all Americans share. It requires and rewards work over welfare. It makes the point that people should not have children until they are ready to support them. It gives people access to the skills they need, and expects work in return. It does not wage war on America's children. Most importantly, it is a commonsense approach, which gives back the dignity that comes with work, personal responsibility, and independence.

Mr. Chairman, I rise in opposition to H.R. 4, the Personal Responsibility Act.

Mr. Chairman, I strongly support honest and meaningful welfare reform that gives poor unemployed Americans a real opportunity to work and provide for themselves and their families. All welfare recipients should be given the opportunity to work; those who fail to seize that opportunity should not be rewarded with limitless governmental assistance.

Mr. Chairman, moving recipients off of the welfare rolls and onto a payroll means more than just handing them a copy of the help wanted pages from the local newspaper. Government, working with the private sector which has a real stake in expanding the pool of skilled labor, needs to provide education, job training and child care if we are to be successful in helping welfare recipients become productive gainfully employed citizens.

Mr. Chairman, I agree with President Clinton and many of my colleagues in the majority that argue we must end welfare as we know it. We must reform a welfare system that has trapped millions in a cruel cycle of dependency and despair.

However, ending welfare as we know it does not mean we should completely dismantle the safety net programs that protect our Nation's most vulnerable population: our children. Yet that is exactly what the majority's welfare reform plan would do. H.R. 4 would terminate current child welfare programs, including the child abuse prevention and treatment program, and the adoption assistance program, and replace them with a new State block grant at drastically reduced funding. The School Lunch Program would also be eliminated and replaced by a block grant. No longer would a hungry child be entitled to a nutritious school lunch, often the only decent meal they receive all day.

Unfortunately, under the Republican welfare plan, punishing our children for the unfortunate circumstances or unacceptable behavior of their parents goes much further than denying a child a hot meal or failing to protect them from abuse. H.R. 4 would deny benefits to children born out of wedlock to teenage mothers, and limit benefits to mothers who have additional children while receiving Federal assistance.

Illegitimacy is perhaps the most devastating social and moral dilemma confronting our Nation. Yet turning our backs on the real victims of this problem, the children, is a cruel and simplistic solution that seems to be based more on an effort to save money than to change behavior.

Mr. Chairman, we can require parents to act responsibly and become self-sufficient without abandoning our children. Sadly, H.R. 4 takes a radically different approach and will result in untold pain for our children while creating undesirable incentives for teenagers and mothers on welfare who become pregnant.

New York's Cardinal John O'Connor recently said the welfare plan proposed in the Republican Contract With America is immoral in its virtually inevitable consequences.

Mr. Chairman, children in poverty are not a burden on our society; they are the future of our Nation. We can end welfare as we know it, but we do not have to condemn poor children to do it. I urge my colleagues to defeat this legislation.

Mr. MOAKLEY. Mr. Chairman, I rise in opposition to the Republican's welfare reform legislation, entitled, the "Personal Responsibility Act of 1995."

I don't support the status quo. I fully believe that our welfare system needs to be changed. But, the Republican proposal is not strong enough in terms of work.

Under the Republican bill, individuals can receive welfare benefits for 2 years without meeting any work requirements. I don't know about my Republican colleagues, but my voters didn't send me to Washington to write a blank check to anybody. But this Republican proposal does just that. It gives billions of dollars to States without requiring that any of that money be used to put more people back to work.

Meaningful welfare reform can not be achieved unless we move more people from welfare to work. Democratic proposals encourage people to take care of themselves immediately—not 2 years later. From the day one, AFDC recipients would have to prepare for work and aggressively look for a job. Anyone who turns down a job would be denied benefits. The Democratic proposals are tough on work, but promote self-sufficiency, not dependency.

I am opposed to the Republican welfare proposal because it is weak on work and responsibility and tough on children. Children are the losers in this debate. Under the Republican proposal, 131,000 children in Massachusetts would lose Federal assistance. 400,000 children nationwide would lose child care assistance, and thousands more would no longer be guaranteed a nutritious meal. The Republican proposal punishes children and babies.

In order to make the transition from work to welfare a reality, we need to provide job training, affordable and safe child care, and most of all we need to create jobs. The Democratic alternatives give the American people what they want—an aggressive proposal that requires parents to work, but protects our Nation's children.

Mr. STARK. Mr. Chairman, the Personal Responsibility Act is a disheartening, empty charade. It does very little to foster personal economic independence and virtually nothing to reform a welfare system that is in serious need of repair. The Republican bill simply passes the buck to the States. We should call this legislation the Government Responsibility Abdication Act, because all this bill does is to drop the responsibilities of the Federal Government and to push poor people off a cliff. By drastically reducing some benefits and eliminating others, this legislation creates a gaping hole in the safety net we provide for our neediest citizens.

The Personal Responsibility Act misses the major point that any welfare reform should address—work. My Republican colleagues claim that they make people work under their bill. They claim that States are required to have 50 percent of one-parent welfare families and 90 percent of two-parent families in work programs by 1998. But what they do not tell us is that caseload reductions count toward this work requirement. So States can simply do nothing for 2 years, cut families off, and claim that they have put people to work. That is weak on work and tough on kids.

Perhaps the cruelest and most disappointing aspect of this legislation is that it actually punishes those children who, through no fault of their own, are born poor. The bill punishes a child—for his entire childhood—for the sin of being born to a family on welfare.

A child is also punished under this bill if he or she happens to be born to a young parent out-of-wedlock. Although I believe we should do everything reasonable to discourage teenagers from having out of wedlock children, this bill is not reasonable. It denies cash benefits to teenage mothers at a time when both the mother and child need support most. There is no evidence to suggest that teenagers get pregnant in order to collect welfare or that families on welfare have more children in order to collect more welfare benefits.

The most direct and sensible way to decrease out-of-wedlock pregnancies, and all unintended pregnancies, is to make sure that family planning services are available to all who want them. But the welfare bill does nothing to make voluntarily family planning more available or accessible.

Instead of offering our children a helping hand, this legislation introduces them to the harshest realities of life before they are able or prepared to cope. Reform of the welfare system should concentrate on healing families, not tearing them apart.

Without jobs, money, shelter or other assistance, dignity and hope is replaced with desperation and anger. This bill promotes a climate of social unrest and violence. The Personal Responsibility Act does what a responsible government should never do: it takes a difficult problem and makes it worse. There is no doubt that our current welfare system needs reform. But the Republican bill replaces a cruel system with a mean-spirited system. Welfare reform should not punish deserving residents and innocent children and must not take away the last vestiges of assistance that our Government provides.

Mr. EVANS. Mr. Chairman, in their zeal to balance the Federal budget, the new majority will be forcing working Americans to make sacrifices to cut the deficit. Sacrifices for a debt they did not create. Sacrifices that will cut their hard-earned benefits. And sacrifices that will threaten their future standard of living and that of their children.

While these cuts focus on supposed government waste, one thing has been ignored; Government giveaways or the $200 billion in corporate welfare we let big business and foreign multinationals pocket each year in the form of tax loopholes and shelters.

It strains belief that we can even start to talk about sacrifice to middle class Americans who have seen their earning power decrease, when industry is not doing its fair share towards reducing the deficit. We must do better.

Today, I am introducing the Corporate Welfare Reduction Act of 1995. The bill will close a number of loopholes that provide unfair tax breaks for multinationals and foreign corporations. For example, the bill would eliminate the following provisions that:

Allow multinationals to use excess foreign tax credits generated by foreign operations to offset U.S. income tax under the so-called "title passage rule".

Exempt foreign investors from paying U.S. tax on the interest they receive from U.S. borrowing.

Allow multinational oil and gas companies to claim foreign tax credits for some of the ordinary costs of doing business in foreign countries.

Enable multinationals to hide behind alleged restrictions in local law in order to avoid complying with transfer pricing rules.

Allow multinationals to profit from the exemption from U.S. tax of their employees' foreign earned income regardless of whether or not that income is subject to foreign tax.

Exempt foreign investors from paying capital gains tax from the sale of the stock in U.S. corporations.

The savings from these provisions will then be applied to reducing the deficit, with a small portion going to export promotion programs for small and medium-sized U.S. businesses.

I urge my colleagues to join me in sponsoring this legislation and put an end to handouts for big business and foreign corporations.

The CHAIRMAN. All time has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. INGLIS of South Carolina) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, had come to no resolution thereon.

LET US HOPE REPUBLICANS GET THE MESSAGE

(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, the other side is crowing about the success of the Contract With America. Well, here is a poll that came out today. Headlines: "Public Growing Wary of GOP. More Now Trust Clinton To Help the Middle Class."

Here are some results of this poll: Most Americans think Republicans are going too far in cutting Federal programs that benefit children, the elderly, the poor, and the middle class. Fifty-nine percent of Americans think Republicans will go too far in aiding the wealthy. Fifty-two percent of Americans agree the more they hear about what Republicans do in Congress, the less they like it. Fifty-one percent of Americans think Republicans in Congress were trying to do too much in too short a time. Fifty-three percent of Americans trust the President more than Republicans in Congress in protecting Social Security. And 52 percent of Americans trust the President more than Republicans in Congress in helping the middle class.

Mr. Speaker, Americans are sending this message to the Republicans on the Contract With America: "Hold it. Be careful. Do not rush it. You are overdoing it. There are some essential programs, cutting the middle class, cutting children, that are going too far."

Mr. Speaker, I am including at this point in the RECORD that newspaper article, as follows:

[From the Washington Post, Feb. 21, 1995]

PUBLIC GROWING WARY OF GOP CUTS

(By Richard Morin)

Most Americans believe that Republican lawmakers are going too far in cutting federal social programs that benefit children, the elderly, the poor and the middle class, according to a new Washington Post-ABC News survey.

As a result, the survey suggests, President Clinton may be slowly winning back some of the political ground he surrendered to Republicans immediately after the GOP landslide in last November's congressional elections.

Clinton also appears to be getting a sustained second look from many middle-class voters who deserted the Democratic Party last year. In a critical reversal of attitudes, people now say they trust Clinton more than Republicans in Congress to help middle-class Americans, the survey found. Barely a month ago, Republicans enjoyed a clear advantage over Clinton.

Yet these doubts about congressional Republicans have not yet appreciably helped Clinton's overall public standing. His personal job approval rating stood at 52 percent in the latest survey, essentially unchanged from last month. And Republicans remain more trusted than Clinton to deal with the "main problems the nation faces."

A total of 1,524 randomly selected adults were interviewed by telephone March 16–19. Margin of sampling error for the overall results is plus or minus 3 percentage points.

The survey suggests that the honeymoon may be over for the House Republican "Contract With America." While a majority of those interviewed still give approval in concept to the contract, 52 percent also agreed with the statement "the more I hear about what Republicans do in Congress, the less I like it." Forty-four percent expressed the opposite view.

Among the public's biggest worries: the the Republican majority in Congress will cut too deeply and too quickly into social programs to finance tax cuts and other benefits to wealthy Americans.

Nearly six out of 10 persons—59 percent—agreed with the statement that Republicans "will go too far in helping the rich and cutting needed government services that benefit average Americans as well as the poor." That's a 14-point increase since January in public concern with Republican initiatives.

Pluralities specifically said Republicans in Congress were trying to make too many cuts in the nation's education programs and in the school lunch program. (Republican lawmakers argue that they would increase school lunch funding but slow its growth.)

The survey also found that many Americans are wondering if the GOP is moving too fast on other fronts to cut federal spending and programs. According to the survey, 51 percent said Republicans in Congress were trying to do too much in too short a time, while 18 percent said they were trying to do too little and 30 percent said they were doing "about the right amount."

In other ways, too, the survey results suggest people are questioning whether Republicans' zeal to cut federal spending and programs will end up hurting average Americans.

By 52 percent to 38 percent, those interviewed chose Clinton over Congress when asked who will do better in "helping the middle class." Barely two months ago, Republicans held a 49 percent to 41 percent advantage on this measure. And 55 percent said that Clinton understands the problems of "people like you," while an equally large majority said the Republicans in Congress do not.

Republicans retained their advantage over Clinton on such traditionally GOP issues as managing the economy. But even here, the president appears to be closing the gap. According to the poll, 47 percent of those interviewed trusted Republicans in Congress more to deal with the economy, down from 56 percent six weeks ago. At the same time, the proportion trusting Clinton more on economic matters increased from 34 percent to 43 percent.

The survey also suggests that congressional Democrats were successful in their efforts during the recent balanced budget amendment debate to raise doubts about the willingness of Republicans to spare Social Security entitlements from budget cuts.

By 53 percent to 34 percent, Clinton was trusted more than Republicans in Congress to protect Social Security. In early January, Republicans held a 7-point advantage over the president.

Overall, Clinton held the advantage over congressional Republicans when asked who would do the better job in helping the poor, protecting the environment and "protecting America's children," issues on which Democrats traditionally do well.

Republicans in Congress were trusted more than Clinton in reforming welfare, handling crime, cutting taxes and reducing the budget deficit, the survey found.

With the 1996 presidential election 20 months away, Senate Majority Leader Robert J. Dole (Kan.) emerged as the early front-

runner for the GOP nomination, volunteered as the choice of 32 percent of those self-described Republicans interviewed. Every other Republican was supported by less than 10 percent of those interviewed.

Clinton was the volunteered choice of 55 percent of those Democrats interviewed, with every other Democrat finishing in single digits.

When matched in a hypothetical presidential election, Clinton and Dole finished in a tie, with each receiving 46 percent of the projected vote.

CLINTON AND THE REPUBLICAN CONGRESS

[Washington Post-ABC News Poll—March 19]

Do you approve or disapprove of the way Bill Clinton is handling his job as president since taking office in January 1993?

Approve 52 percent; disapprove, 45 percent; no opinion, 3 percent.

Which of these two statements would you say represents the greatest danger for the country:

	Jan. 4 (percent)	March 19 (percent)
Republicans will go too far in helping the rich and cutting needed government services that benefit average Americans as well as the poor.	45	59
Democrats in Congress will go too far in keeping costly government services that are wasteful and out-of-date	43	34

For each specific issue I name, please tell me who you trust to do a better job handling that issue.

Areas where President Clinton received more trust:

	Clinton (percent)	Republicans in Congress (percent)
Helping the poor	61	27
Protecting the environment	54	36
Protecting Social Security	53	34
Helping the middle class	52	38
Protecting America's children	49	40
Areas where Republicans in Congress received more trust:		
Cutting taxes	36	52
Reforming the welfare system	38	51
Reducing the federal budget deficit	36	50
Handling the crime problem	41	48
Handling the nation's economy	43	47
Handling the main problems the nation faces	39	46
Areas where Clinton and Republicans are equally trusted:		
Upholding family values	44	45

NOTE: Figures may not add to 100% because "no opinion" is not included. The most recent figures are from a Washington Post-ABC News national telephone poll of a random sample of 1,524 adults March 16–19. Other data are from Washington Post-ABC News polls of approximately the same sample size. Margin of sampling error for all polls is plus or minus 3 percentage points overall. Sampling error is, however, only one of many potential sources of error in this or any public opinion poll. Interviewing was conducted by Chilton Research of Radnor, Pa.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING WILLIAM J. SHADE, A TRUE AMERICAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. HOLDEN] is recognized for 5 minutes.

Mr. HOLDEN. Mr. Speaker, I rise tonight to honor a member of a World War II, B–17 bomber crew for an act of heroism that, until now, has gone unrecognized. His name is William J. Shade, of Fleetwood, PA, and he was a technical sergeant in World War II. He has been awarded three Oak Leaf Clusters and one Air Medical.

William Shade was a radio operator and gunner with the 545th Bomber Squadron, based in England during the war. He entered the service in November of 1942. He received his preliminary training in California, and was later trained as a radio operator in South Dakota, and took gunnery training at Tyndall Field, FL. He was promoted to sergeant before going overseas in 1943, and while overseas was promoted to staff sergeant and later technical sergeant.

The accounts of William Shade's heroic act are taken from crew members who were saved by his bravery. These men would not have survived the mission were it not for Mr. Shade's actions.

On March 3, 1994, the 545th Bomb Squadron of the 384th Bomb Group based at Grafton-Underwood in England was dispatched on a mission over Berlin.

The crew had been briefed to expect less than perfect weather over the target. However, the briefing officer believed that the crew could fly above the weather somewhere between 20 or 25 thousand feet. As the mission progressed it became apparent that the bomber was not going to find weather good enough to maintain formation and bomb their target.

Approximately, two thirds of the way to Berlin, the mission was recalled and the B–17 was told to return to England.

Shortly after the bomber had completed its turn to proceed to their base in England, Sergeant "Chick" Metz, the ball turret gunner, requested permission to leave his battle station for a short time.

At this time, the plane was still flying at 25,000 feet. A few seconds later the oxygen control officer, Lieutenant Betalotti checked to see if Sergeant Metz had returned to his battle station, but he did not answer.

After a few more seconds he was again called and still did not answer. One of the waist gunners, Sergeant Alfter, went to check on him.

Sergeant Alfter reported that Sergeant Metz was apparently unconscious and would need some help. About the same time Sergeant Alfter lost consciousness because of lack of oxygen. A third person, gunner, Sergeant Gatzman, proceeded to the access door of the ball turret to give Sergeant Metz and Sergeant Alfter aid, but he too passed out.

Then Sergeant William Shade, looked through the door of the radio room, saw and recognized the seriousness of the situation for the three unconscious gunners, and began to take immediate action.

With no regard for his own personal safety, Sergeant Shade disconnected his own oxygen, and made it to the location of a walk-around oxygen bottle, which was very small and had only a few minutes of oxygen left. He was able to connect the ball turret gunners normal oxygen supply and then was able to connect Sergeant Alfter's and Sergeant Gatzman's supply. All three gunners regained consciousness within a few moments and suffered no permanent mental effects. If it had not been for the Sergeant William Shade's quick action under pressure, the three crew member's would not have survived.

When the B–17 returned to the base, one of the crew members mentioned to the debriefing officer that Sergeant William Shade should receive a medal for his actions. The debriefing officer, said the least that could be done was to give him a promotion. The officer promoted William Shade to staff sergeant then and there.

Following this extraordinary mission, William Shade and the crew flew 12 more times until their 25th mission when their B–17 was shot down over France on April 13, 1944. Mr. Shade was then arrested and sent to Frankfurt, Germany. He was finally transported by cattle-car to Stalag 17B in Austria were he was a prisoner of war from April 13, 1944 to May 2, 1945.

Mr. Speaker, Americans have always answered the call of duty to defend our freedom. The history of our Nation is full of actions of individual heroism.

William Shade may not have received the medal he deserved, but three men have him to thank for saving their lives and it is never too late to recognize the bravery of those who have defended our freedom.

It is with great pride that I honor William Shade and ask my colleagues to join me in recognizing this true American hero.

□ 2145

AN ALTERNATIVE TO WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, today we have completed the first segment of the debate on the welfare reform legislation. This legislation is a key part of the Contract With America, or the Contract Against America. But I would like to place it in the context of the evolving budget development process. More important than the Contract With America or the Contract Against America, whatever you want to call it, is the budget process that is now under way which really establishes the priorities for both parties. It really indicates the vision of America and where

America should be going for both parties and for others within the parties.

I would like to speak this evening as the chairman of the Congressional Black Caucus alternative budget task force. We are preparing an alternative budget to show a vision of America which will encompass all Americans, a vision of America which will speak for the caring majority in America, not just the people in need, but the people who have the good sense to understand that they have to respond to the need of the most unfortunate among us. The caring majority budget sponsored by the Congressional Black Caucus would be an alternative to the budget that will be produced by the majority of the House of Representatives. That majority of the House of Representatives really represents the ideas and the interests of an elite minority. The elite oppressive minority has determined they want to prepare a revolutionary budget, a budget with far-reaching consequences, and they have begun that process already.

Stage 1 in that process occurred last week when we passed the rescissions for 1995. It is an ugly word, rescission. Rescission means that for a year that is already in progress, a year that has begun already, a budget that has already begun, a budget that is a result of long deliberations, a budget that is the result of bills and laws passed in the authorizing committees, a budget that is a result of the actions of the last year's Appropriation Committee, Appropriation Committee of the 103d Congress, we went through a long process and a lot of man-hours went into the hearings and the preparation. Finally we voted on the floor the appropriations which went into the budget that began October 1, 1994. That budget was the product of long deliberations in the House and then, of course, the Senate had an equally deliberative process. Then we had to come together, the Senate and the House, long negotiations, a lot of man-hours of very talented people that went into the preparation of that budget. But now the new Committee on Appropriations recklessly come along and they reach into that budget that is in process now and they pull out more than $17 billion in rescissions.

The pattern of the rescissions shows clearly where the budget process will be going when it begins for the next year's budget. The rescissions affect the budget that is in effect right now, the 1995 budget that started October 1 of 1994 and continues until September 30 of 1995. The new budget that will take effect October 1, 1995, this year, that budget process has just begun.

The way in which the rescissions budget was handled gives a key to what will happen in the budget development that will take place over the next 2 months for this budget year.

The snapshot of where the current majority in this House of Representatives wants to go, the preview of coming attractions that is indicated by the controlling party, the Republicans who now control the House, the people who represent the interests of the elite oppressive minority, their preview is not just startling, it is a devastating statement about where they intend to go. It is a dangerous course that they have laid out.

One cannot say that the oppressive elite minority that is in control, the people who are moving forward in the interest of a very small group of Americans, one cannot say that they are guilty of some kind of secret conspiracy. The conspiracy is not secret at all. It is right there in the open. You can see clearly where they are going. If you can see clearly, then the reaction for those of us who would be the victims has to be a more profound and a more energetic reaction in my opinion. I don't think we should sit still and throw figures and numbers around in a theoretical way.

What the rescissions budget did that was passed last week with the Republican votes—they have the majority and they voted the rescissions budget that they had the numbers to put in place. What that statement that it made with $7 billion in cuts in HUD, housing programs, most of it aimed at low-income housing, most of it aimed clearly at low-income housing, $7 billion, the largest hunk that came out of the existing budget was housing, housing for poor people. That is a clear message that was sent.

Did we have to, even if you wanted to reach a goal of $17 billion, you wanted to cut the budget by $17 billion, did you have to in such an overwhelming way take so much from one particular department or one particular function like housing? Did they have to do that?

And then there are cuts in education which amount to almost $2 billion, almost $2 billion from education, and most of the education programs that are cut are directed at the inner city poor, programs to help poor children.

Then you have cuts like the zeroing out, complete wiping out of the summer youth employment program. Zero. An indication that not only are we going to take the money out of this year's budget, but zero for next year.

Clearly the shotgun is aimed at the places where poor people live. Clearly there is a demonization and there is a targeting of poor people to begin with. Then there is a more specific targeting of poor people who live in urban areas, people in the big cities who are the basic beneficiaries of public housing. People in the big cities are the basic beneficiaries of title I, which was cut. They are the basic beneficiaries of some of the other education programs like the drug-free schools program that was cut. It is aimed at the inner city poor. The more specifically large numbers of the people who are the beneficiaries are minorities. Large numbers more specific than that are people of African decent, black people.

It is no conspiracy that is in secret. It is clear for any student who knows basic arithmetic, it is clear who the target is, it is clear who the victims are already and who the victims will be in the bigger budget. It is quite clear.

One is reminded of what Shakespeare put in the mouth of King Lear at a time when King Lear's two daughters, two of his three daughters had betrayed him, and King Lear states, "Fool me not to bare it tamely. Touch me with noble anger."

That is Shakespeare's complicated way of saying, "It's time to get mad." Anger is very much appropriate at this time. Anger is the order of the day. If you are a leader of people of African descent, if you are a leader of poor people, if you are a leader of people who live in the big cities, it is time to get angry, it is time to react, because what is happening is revolutionary. These are very large cuts.

Public housing evolved over many years but in a few years it will be wiped out if we allow a $7 billion cut to take place in the rescission process. Then there is talk of wiping the whole department out, and also at the same time, probably actions generated by some of the targeting of the elite oppressive minority has influenced the White House. The Secretary of HUD, Housing and Urban Development, made a statement yesterday in connection with his reorganization of HUD. They are getting on the bandwagon in too many ways. They are proposing to phase out public housing as we know it, not change it, not reform it, but phase it out. Eventually you will have a system at the end of their process where there will only be vouchers. People will be given vouchers to go out and look for your own housing.

□ 2200

The problem with the vouchers is every year you will probably have a cut in the amount of the vouchers. The problem with most of the programs being offered by the Republicans who are in control of the budget-making process is that everything they set forth and offer as a set amount of money available for a particular function is subject to being cut in the future by the same reckless Appropriations Committee. The same appropriations process will whittle down the vouchers just as it will whittle down the School Lunch Programs and all the other block grant programs.

So my point is, however, it is clear who is the target. It is clear that the 60 years of social programs that have benefited many different types of people but the programs that now benefit a great proportion of people of African-American decent, those programs are the ones they are targeting, starting with the welfare reform.

The welfare reform, of course, I agree with you. You must have welfare reform. We must make adjustments and try to make the welfare program work for the people who are poor, the people who are the intended beneficiaries of the program, try to make it work and try to make it work with the least possible cost.

I agree with the process of reform. Let us go forward with reform. There is not a single function of government or a single department of government or process of government that can't stand some reform. That is our business. We are here to provide oversight for all of the activities of the government. We are here to deal with reform. So welfare reform is very much an appropriate activity.

The problem is that welfare has been under scrutiny for a long time. Welfare, as we call it, when we say welfare it is short for welfare for mothers and children, what in technical terms is called Aid to Families with Dependent Children.

People refer to that as welfare, but it is really Aid to Families with Dependent Children, a part of the whole Social Security Act, a part of what started with Franklin Roosevelt. Aid to Families with Dependent Children is just that. It is money directed to children who have needs. And the mothers of those children are just the overseers of their welfare, and they are the recipients technically. So mothers and children are the recipients of what we call welfare.

It is altogether fitting and proper that we should reform welfare, try to make it better, just as it is fitting and proper that we reform any other aspect of government, any other function of government, any other welfare that the government provides.

The government also provides other forms of welfare. Nobody ever calls it welfare, but when it is money being given to either victims, poor people who are victims of the economy and can't find jobs or victims of family breakdowns, many times as a result of the facts that the male can't find jobs, the family does break down.

Poor people are victims. Victims of hurricanes are recipients, also victims of floods, victims of earthquakes. They are all recipients of government help because they are victims.

Then there are other people who are recipients of government help who are not victims. They are recipients of government help because a system has been developed which has made them dependent. You know, welfare for the farmers, for example. Farm welfare, welfare for rich farmers, is an atrocious mutilation of a program that started with the New Deal to help poor farmers.

Poor farmers were helped by the government in many ways. Agriculture is one of our most successful industries as a result of the government helping, but the whole thing has gotten out of hand, and for years now we have had welfare for the farmers which is as great as the legitimate welfare that goes to mothers and children.

I think the illegitimate swindle of welfare that goes to the farmers is what we should be also taking a close look at what we should be scrutinizing very carefully. But that has never happened. Welfare for the farmers is an untouchable in the budget.

You may be interested in knowing that welfare for the farmers in the form of the price supports, just that one form of subsidy is about the same amount of money that is spent for welfare for mothers and children, $16 billion—$16 billion goes to farmers not to grow grain. It goes to farmers, and many of those farmers are very well off. A large proportion of them are not farmers at all in the sense of individuals who are farming. They are people who are on corporate boards of corporations that are agribusinesses.

Most of our farming is done these days by agribusiness. In case you didn't know it, only 2 percent, 2 percent of the population now is involved with farming, only 2 percent. So the $16 billion that goes to the agribusinesses in the name of helping farmers is not going to help large numbers of individuals out there. It is going to help corporations. It is a check that they got. It is a socialist intervention into the farming industry. They are smothered with socialism.

The agricultural industry is probably the most successful industry in the history of America. As a result of government intervention years and years ago, it is successful. If it is so successful, why do we have to continue to provide a government welfare check to farmers or to agribusinesses? That $16 billion there in the budget could go for something else. But they have not targeted, my point is they have not targeted agriculture subsidies.

In the $17 billion rescission budget you won't see any large cuts of agricultural programs. They are not taking a heavy hit like housing or education for the poor or job programs for the poor, summer youth programs. You won't find anything zeroed out for agriculture in the rescission budget.

This is very important to take note of this. Why is it that an activity which involves only 2 percent of the population is an untouchable activity? How is it that the farm welfare system go on and on? Nobody is talking about ending farm welfare as we know it? How is it that this happens?

The American people ought to take a very close look at the power of the farm lobbyists. We talked a lot about lobbying. We talked about special interests. You should take a close look at how it is done, how 2 percent of the population can go on and on, as long as they want to go, control a whole system of subsidies.

And I have only mentioned $16 billion worth. The Washington Post told us last year that another aspect of the welfare program for farmers, called the Farmers Home Loan Mortgages, $11.8 billion, billion, in loans to farmers was forgiven over a 5-year period. We are not discussing reform in that area.

That appeared on the front page of the Washington Post. There was some scurrying around for a while. There was talk of a committee dealing with that. It didn't happen in any significant way.

Then we know, of course, we failed to reform the savings and loans system. Instead of reforming the savings and loan system, we deregulated it. So the savings and loans program, which said that the government stood behind all of the people who have deposited their money in the savings and loans banks up to $100,000, that collapsed completely, not completely, it collapsed overwhelmingly. And it is costing the American taxpayers as much as $200 billion.

But we are not laboring to reform a program that has cost you $200 billion. You can't even get a good report as to where it is right now. It is still going forward.

They are still trying to salvage the money that was lost via the savings and loan swindle. And there are still people running around who pocketed millions of dollars who have not been even called and interrogated, many others who have been interrogated who have never been prosecuted, and many others who have been prosecuted and they never paid a dime, many others who have spent some time, a few weeks in prison, but never paid a dime also. They come out and were millionaires still.

So if you want to reform a significant portion of the government, we should be looking at reform for the savings and loans program. We should be looking at reform for the agriculture welfare system.

That kind of reform is not on anybody's mind. They would prefer instead to target the programs that are serving the poorest people. And programs that are serving the poorest people, unfortunately, disproportionately large numbers of African-Americans are in those programs.

Now, if there is a 10th grader, a sophomore out there listening, the obvious question is why are so many African-Americans in these programs? Why are so many African-Americans poor? Why haven't African-Americans made it? Why are they vulnerable so that we can be targeted by people who are powerful and that we can become victims again?

African-Americans enjoyed prosperity for a very short period of time during the era of World War II and the 10 years following World War II, 20 years

following World War II. There were jobs. Jobs were available in the big cities. That is why you have so many African-Americans in the big cities.

They weren't concentrated there before World War II. African-Americans were spread out all over the country, and most of them were in the South, not all of them, but most of them were in the South.

Why were they in the South? Because the South had the largest slave population. Why did they have the largest slave population? Because the South's primary commodity, its primary income crop, was cotton and a few other items that required a large amount of labor, cheap labor, and you had large concentrations of slaves in the South.

They left the South during World War II, and they came north. They found jobs. And if you look at history, examine the period when they had jobs, African-Americans in the big cities had jobs. You will find that there was a relatively small amount of family disintegration, of family destabilization. There were few families with only one parent. There was work available, and when work was available it was possible to maintain stabilized, good families, stable families, and go forward.

But that was only a brief period. The jobs that existed in Washington, DC, in New York, in Chicago, in all the big cities where African-Americans have accumulated, those jobs began to disappear as the economy was mismanaged more and more. And the people who were in charge of our economy gave away our economic base for manufacturing. They gave it away to Japan and to Germany and to Taiwan.

And you know the jobs that would be there for people normally, even without a war and without defense production, were all gone because the entrepreneurs and the investors and the people who own the plants found that they do make greater profits by using cheap labor somewhere else in the world. And that is a pattern that started then. It started 20 years after World War II. And it escalated, and now it is in full boom.

It is the way to go if you are going to produce a product. You don't invest in America and manufacture in America. You find the cheapest source of labor somewhere in the world, and you bring the product back to America. So for that reason the jobs are not there. You have large numbers of African-Americans along with other poor people in the big cities where they came because there were jobs, and they are trapped there.

And we have had an anticity policy. Part of the reason that the policy has been anticity is because there are large concentrations of African-Americans and Latinos, minorities who didn't have any political power, large numbers who could not fight for themselves because they didn't have political action committees. They didn't have big contributors.

For many reasons, the kind of power you need in America is not present in the inner city communities of our big cities. So, steadily, from the time of Ronald Reagan's first year to the present, steadily there has been an assault on the big cities. Steadily, the Federal Government has taken away programs that benefited the cities.

The savings and loan money that built the shopping malls and the condominiums and all of the failed projects in the Midwest and the West, most of that money came out of our big cities, by the way, because even in the big cities, with millions of depositors, they accumulated large amounts of money in our banks.

□ 2215

The poorest banks are rich in our big cities because the numbers of people who are depositing are so great. Their deposits were taken out and invested across the country in failed projects, and the savings and loan drain that benefited Texas and California, a large part of the dollars came from the big cities. You had war being made on our big cities, and that war has wrecked the black families, has wrecked teenagers' lives, lives of teenagers, and that war continues.

Instead of the present oppressive elite minority trying to rebuild our cities, as they do across the world, most countries are proud of their cities, and they want to rebuild them, a decision has been made by the oppressive elite minority that they want to destroy our cities, that they are going to build an America where big cities do not count; the populations of big cities can be thrown overboard. There is a triage process that we will follow. After all, so many of them are black, so many are African-American.

And in case we do not complete the process with the budget, they have introduced affirmative action, an attack on that, assault on affirmative action to send the message even more clearly that we are targeting African Americans.

The big cities have large accumulations of African Americans, and I would like to get back to the point I was making. Why are they there? I just told you. They went there seeking jobs. The jobs were there. The jobs have been taken away now. So they are there. They are vulnerable. They are poor.

Why do they have to go to the big cities? Because the economy of the South where they were was even poorer. The wretchedness of black families was greater in the rural South before World War II than it is in any big city now. Starvation and hunger, exploitation, a state which was not too far removed from slavery existed for hundreds of thousands of African Americans, because slavery, getting back to the topic that upsets so many people, slavery left a heritage.

Why are so many African-Americans poor? Because they are victims of a process that never had any mercy in it. They are victims of a process that never offered any real aid until the Great Society programs, the New Deal and the Great Society programs came along. There was no aid of any kind. You had millions of African-Americans who were set free by the 13th amendment to the Constitution. And the Emancipation Proclamation set some free before, and upon achieving that freedom, they were empty-handed. They had nothing.

If there are any sophomores still listening, remember that slavery existed for 200 years in America. Slavery existed for 400 years in this hemisphere. Slavery in South America and the Caribbean area started long before it started here. But slavery existed in American for 200 years, and some people who says slavery was an institution, slavery was an industry. Slavery was an industry, a vile industry, but an industry.

Slaves were recruited. Slaves were imported to make money. Slaves were brought and sold like property. They were bought and sold like machines for 200 years.

For 200 years slaves were handled in a way which reminded them at every point that they were property. In order to accomplish this, slaves had to be treated in ways which obliterated their humanity.

I used the word "obliterated"; an attempt was made. I take it back. They did not succeed fortunately. But an attempt was made to obliterate any sense of humanness in the slave in order to make him a more productive machine, a more productive beast of burden.

Their sense of humanity had to be wiped out. So slaves were bought and sold and deliberately families were not allowed to exist. You know, there might have been 1 or 2 percent of the slave owners who were kind enough to let families stay together or to respect the family unit, but basically, in the salve industry, it was counterproductive to have family attachments. So the slaves were for 200 years in a situation which discouraged any family. Any families which we have, any sense of family which we have, which is very strong in the black community, very strong in the African-Americans community, any sense of family is there despite all of the hardships. That sense of family is there because we the people of the African-Americans communities, the victims of slavery, held on to it, made it happen, and kept it happening. But for 200 years there was an attempt made to make us forget all about family ties, forget all about our humanity in every

respect, religion, family, art, culture, everything.

If the sophomores are still listening, just try to imagine what it is like for a Mexican person who is very poor, owns very little, who comes across the border from Mexico to California as an immigrant; imagine an immigrant in a whole new world, does not speak the language, is poor, and was poor back home, and try to imagine what I am saying when I say that that immigrant, that poor immigrant coming across the border from Mexico to California, is a millionaire compared to a slave being dumped on a wharf somewhere in America and taken to the auction block. Because that poor Mexican has a village, a family, a culture, associates, people to go back to or to remember, reminisce about, to communicate with even after he arrives here.

That poor Mexican probably has some friends or some associates or a community of people who might not know him individually but will receive him in California if he comes across the border.

They are rich compared to what the slave had. The slaves were deliberately cut off from their culture, from their sense of family, from their societies that had been built up over hundreds of years. They were deliberately cut off, and right away they were put on board ships, and they were arranged in ways to separate slaves who came from the same places, even the same tribe or the same languages, and not allow them to be together, because there was fear of mutiny. They did not want them to have any sense of commonality.

So the obliteration process for slaves started on the ship. It continued at the wharf when they were unloaded and sold. They were sold regardless, irregardless of any attachments that they might have had. If a sister or brother happened to come together, then nobody would recognize that certainly on the wharf, and then it went on and on for 200 years.

The largest number of slaves that existed at any time in the history of slavery in this country, however, were not people who were brought across the sea. You know, millions were brought across the sea. But the largest number were born in this country. They were bred in this country. Slave-breeding was a basic part of the slave industry.

Why am I mentioning the ugly subject of slave-breeding? Why am I bothering to mention that? Because the history of the black family and the disintegration of the black family, the problems of the black family, are rooted in slavery.

An attempt was made to obliterate any sense of family, and when freedom came, no attempt was made to help in any way, economically, socially, culturally, no attempt was made. So when a sophomore asked the question, why so many black people are poor, why are they so vulnerable, why are they all gathered in the big cities? The answer is they are in the big cities because they came looking for jobs, and they found jobs, and they thrived for three or four decades.

But before that they were in the rural South where they were very poor and never had a chance, because nobody ever gave any help to the slaves after they were set free, and before that, of course, they were slaves, and instead of them being helped by anyone, an effort was made to obliterate, block out their humanity, destroy any sense of family, any sense of culture, any sense of religion.

You cannot suddenly, as a Nation or a group of civilized people, say that 200 years does not matter. You cannot obliterate and say it did not exist. That is what the Communists used to try to do in Russia, just wipe out segments of history. It did exist.

After we were set free, the 13th amendment and the 14th amendment, 15th amendment, there was another hundred years of oppression, lynchings, denial of all rights.

So we are talking about 300 years before we had a situation where people could get up and leave the South, come to the big cities. There was nothing to fall back on. Nobody has a parent who gave them anything. They did not inherent any land. They did not inherit any bank accounts.

You know, why are they so poor? Why are African-Americans in such large proportions in the big cities poor? Because their ancestors were slaves, their ancestors were victimized. There was nothing to fall back on to build any economic base.

The miracle is that so many, that there are so many middle-class black families, there are so many people who have overcome all of this. There are so many who prosper no matter what.

The cruelest activity that you could perpetuate would be to target this vulnerable bunch, this vulnerable group of people who are the descendants of slaves. We are the victims. We are the descendants of victims, and now we have been targeted again.

Probably many of the people who are targeting the victims are the descendants of the oppressors, the slave-owners and the slave industry, people who participated in the slave industry in many different ways.

It is time to get angry when you see the policies of the Government of the United States being shaped by people who would cut the budget in ways which seek to wipe out the victims of the descendants of slaves. In this budget process that we are about to embark upon, we are told that there is a desire to save $722 billion over a 7-year period. The call is for a balanced budget by the year 2002. They said the budget must be balanced, and that is a criteria that is set.

The Congressional Black Caucus budget would not be allowed on the floor. It will not have a chance of getting past the Committee on Rules unless we can show we can balance the budget by the year 2002. All other budgets, they say, must do the same thing. At least, you must show over a 5-year period that the budget that you are proposing is on a glide path to a $59 billion deficit in 5 years; $722 billion in savings must be realized over 7 years; $59 billion must be the deficit, no higher than $59 billion in 5 years, and in order to get there, the kinds of cuts that were made last week, $17 billion in the rescission process, will have to be magnified many times over.

They will have to make even more cuts in housing programs for poor people. They will make even more cuts in programs like the school lunch program, in programs like the summer youth employment program, in training programs for welfare mothers. The cuts will be humongous, monstrous, unless we turn aside from the revolution that is being promoted by the oppressive elite minority now in control of this Congress.

It is a very serious situation. Added to the cuts, as I said before, is the attack, the assault on affirmative action, which doubles the victimization.

We see a pattern in the welfare reform bill that will be repeated over and over in the welfare reform process.

In the bill that is being offered, the element of reform I support, as I said before. We all want to reform any Government program and make it work. The human animal is not an administering animal. We do not naturally know how to administer anything.

So any big activity, any complex activity needs to be reformed from time to time, needs to be revised, adjusted, and welfare is no exception. But we should also revise any other aspect of the Government in the same manner. We have no problem with the reform element.

Welfare is also, unfortunately, a vehicle for the demonization of African-Americans. Welfare is a vehicle for the demonization, first, of poor people. It is a vehicle for the demonization of pregnant teenagers, teenage mothers, and it is a vehicle for the demonization of African-Americans.

□ 2230

How does this happen? Because it has become a code word.

When people think of welfare, the media, the political leadership, have handled the problem and issue in ways which have led to an association of welfare with African-Americans, with black people. So it becomes a demonization.

If we want to really reform it, let us take out the demonization. Let us stop talking about welfare in terms that demonize people. Let us look at the problem. They are a set of victims like

other victims the government helps, and let us go forward with reforming welfare in that spirit.

Let us talk about jobs and the need for jobs and job training without calling people lazy. "Lazy" is a ridiculous term to use with the victims of the descendants of slaves.

In slavery everybody had a job, and they had to do it. In slavery they worked people from dawn to dusk. In slavery they worked them every day, except a few kind slave owners who gave Sundays off. But if there is anybody who knows what work is all about, it is the people who are the descendants of the victims of slavery.

So let us stop the demonization. People are not on welfare who are able-bodied because they are lazy.

In my district certainly, if you have the jobs, for every job you produce there will be 10 or 20 people in line to get the job. There are no jobs, and we have been looking for jobs for decades now.

We have to produce jobs in the Congressional Black Caucus budget, in our vision of what America should be like. We are going to have a job creation program, as we always have had in previous budgets. We are going to have job training. We are going to have job educational programs.

You know, if you give a bright welfare mother a 2-year college education, she can become a part of the middle class, or a degree in nursing, or x-ray technician, or blood work technicians, a number of different jobs that are available for people who have training. But you have to have the money and the budget to provide for that 2 years of training in order to allow this person to bridge the gap and get into the middle class.

When you are demonizing people that are making the assumption that they are lazy, making the charge, then you do not put money in the budget for training and for job creation. There is no money in the welfare program that has been offered by the Republican majority in the House. There is no money, there is no program, for job training. There is no program for job creation.

We started out talking about get off welfare and go to work, and the Democratic alternatives to the welfare program of the Republicans, you are going to find an effort to provide job training. There is money in there for—in the Deal substitute and certainly the Patsy Mink substitute. There is money to provide for training to allow people to get off of welfare, but it is too good a demonization technique and a demonization weapon for the Republicans to seriously deal with jobs and job training and seriously try to reform welfare.

You can have a good election issue if you continue to demonize the people who are on welfare because they are black, because they are teenagers, because they are pregnant. All of a sudden teenage girls become a threat to the moral fiber of the country. As I said before, they are not a threat to the moral fiber of the country. I would like to have fewer teenagers pregnant. I would like to see fewer unwed mothers. The number who are increasing, who are not African American, is great, which means that there is a situation of helplessness and hopelessness that is driving this situation, and we need to correct it before this disease spreads beyond the vulnerable poor populations of our cities and engulfs other groups. We should reasonably examine it and determine that we are going to provide hope for teenagers regardless of their race or color.

We are going to provide hope, and one area you provide hope is through education, providing the best possible education. Next to the cuts in housing that were in the rescission budget last week, Mr. Speaker, the $7 billion in cuts in housing programs for low income people, the cuts in education were the second most vicious groups of cuts because they are targeted to eliminate hope for large numbers of young people. The specific cut of the summer youth employment program and the specific cut of the drug-free schools program, those specific cuts are aimed at programs for young people, and they become, as my colleagues know, the most vicious, among the most vicious of all.

If we are going to continue and repeat those kinds of cuts, then we are going to wipe out hope for more and more young people and end up with more and more being caught up in the web of teenage pregnancies and other social ills. Teenage pregnancies are a problem we are going to resolve. Let us reasonably try to get that kind of hope restored to teenagers so that they will not drift into that kind of situation which hurts both the mother and the child. Babies should not be raising babies. Teenagers should not be raising babies. We do not want it, and we should rationally do everything possible to end it.

But do not demonize pregnant teenagers. Do not demonize them and use the code that there is something wrong with black pregnant teenagers, there is something wrong with black families, there is something wrong with the black community. Do not demonize and gain some kind of political advantage by appealing to the gut racism in certain people. Do not let the welfare reform process drift into that.

Teenagers are not a threat to the moral fiber of America. Teenage pregnancies—there was a time when teenage pregnancy was a threat to the moral fiber of America, and I said it before on this floor, and I repeat it to remind my colleagues that teenage pregnancy was a threat to the moral fiber of America, black teenage pregnancy—during the days of slavery, 200 years of slavery when teenage pregnancy was promoted and teenage pregnancy was a profit-making enterprise. Breeding slaves produced more slaves in America than importing slaves from Africa—breeding. Every teenage slave girl was expected to get pregnant as soon as she was old enough to get pregnant, forced to get pregnant. Terrible things could happen to her if she did not get pregnant, and she did not choose the man who made her pregnant. Part of the breeding process was to select the men who did the impregnation. So, that was a threat, that kind of activity which went on for 200 years in America as a business, the slave business, the slave industry, that was a threat to the moral fiber of America. Like all other aspects of slavery, the moral fiber of America was challenged by the components of slavery.

Thank G-d for Abraham Lincoln. Thank G-d for all the people who lost their lives in the war to end slavery. America has had that burden taken off its shoulder, been able to go forward as a leader of the Free World as a result of that kind of moral threat being removed. So, when you see or hear people talk about teenage pregnancies, it is a serious matter of today, but is not a threat to the moral fiber of America. These people are not demons. The demons were the people who made an industry out of impregnating black teenagers in the slave system, and the breeding pens and the breeding farms. Those were the people who were the demons.

We have been targeted unfairly. I hope that the elite oppressive minority can hear some of these appeals. It is not too late to turn back and look at the process of delivering on the Contract With America, the process on demonstrating that you know how to run the government better than the Democrats. I hope the Republicans will turn aside the game plan that involves demonization and later on an appeal to make it racism.

Candidates who are announcing now for the presidential race in 1996 have placed great emphasis on the fact that they want to destroy affirmative action, affirmative action. When they add affirmative action and the assault on affirmative action to the game plan, as I said before, and my colleagues know that $722 billion is going to have to be saved over 7 years, you can understand that the days ahead, in terms of decisionmaking about the budget and the targeting of programs that hurt minorities and the targeting of programs that hurt poor people has just begun. Between now and 1996 every candidate running for President will be trying to demonstrate, every candidate running for President for the Republican Party will be trying to demonstrate, that they can go after African-Americans in a more overwhelming fashion and a

more targeted and precise fashion, in a more damaging fashion, than anybody else. That is going to be the Willie Horton of 1996.

It is time to come to grips with it right now. It is time that we on the floor of this House understood that we do not intend to sit idly by and allow this kind of demonization and appeal to racism to go on. We do not intend to allow the budget to be twisted and distorted in order to accomplish that purpose.

We want to show a vision of America that, I think, the majority of Americans want, and that is a vision where we apply the tremendous wealth of this country with the richest nation that ever existed on the face of the earth. There has never been anything like America. The wealth is not something of the past. The wealth is escalating every day. Wall Street is not suffering. We are not on the verge of bankruptcy. people are getting rich faster and faster. Those who have money, the wealth of America is not absorbed by the fact that there is no frontier anymore. There is no frontier in terms of land.

But it seems we have a lot of wealth above us, the broadcast frequencies above us. The bands up there that are now being auctioned off have brought in close to $9 billion. The people on the air—and we should stop and think about that resource that belongs to us. There are all kinds of ways in which this country can be protected from bankruptcy. There are many ways in which the deficit can be solved once and for all, and you do not have to increase taxes on individuals. We need a whole system of taxation which does not focus on individual income and throw one group of people against another.

In the Congressional Black Caucus budget we shall propose a commission to creatively look at new kinds of tax options, and we should propose some of those tax options to go forward as soon as possible. Why not? As my colleagues know, look at the air waves in a different way, and derive some income through user fees, and let it be known right away. Why not even halt the auctioning process and do some other form of ownership of the frequency bands up there which are going to be very lucrative? And one industry that we know will be very lucrative in the future is the telecommunications industry. One industry that will derive a great deal of profit and revenue will be telecommunications. The industry that the Japanese, and the Germans, and the Taiwanese, nobody in a foreign country can take away from us, is the telecommunications industry.

So, let us look forward to making use of the potential that is in the air above us in ways that benefit all Americans.

Nobody should buy the argument that you have to cut programs for poor people because we are bankrupt. Nobody should buy the argument that we have to cut HUD in order to save money, that is the only place we can save money. Nobody should buy the argument that the summer youth program, which is a relatively small amount of money, has had to cut down to zero in order to balance the budget or in order to save money. We should not buy those arguments. There are many, many ways to cut the budget and adjust the budget. There are many ways to look for new revenue.

All the industries that are based in America that have foreign operations have been let off very lightly in terms of they have taken the jobs away from the workers. The people who own the plants and investors, they reap great profits. There should be some way to get a greater share of those profits and pile them back into the country of origin. There are many, many ways which we should look to new sources of revenue in order to sustain the richest nation that ever existed and to pay for the kind of services, and the programs and the projects that benefit all Americans.

□ 2245

The caring majority, which I think is the majority of Americans, will insist, I think, that everybody be given an opportunity for an education, eveybody be given decent housing, everybody be given an opportunity to eat well, that children will have free lunches.

I think the caring majority is made up of people out there who need government help. The caring majority is made up of a majority of people who are not people who need government help. They are just people who are wise enough to know that if this society is going to hold together, if you are going to go forward with the maximum civility, go forward and build a society which promotes the common welfare, the prosperity for all, then we are going to have to care about people who do not have housing.

People in the caring majority do not necessarily want to live next to homeless people, have them come to their homes and eat, but they want them to have a home and want them to have food. People in the caring majority may not want their kids to go to school with poor children, but they want every child to have an opportunity to go to school. The people in the caring majority care about health care for everybody, and they do not think we are so poor that we cannot have health care systems which provide decent health care for everybody.

In the days ahead, as the Committee on the Budget moves to realize its $722 billion in savings, we have to be on a glide path, they say, showing that the deficit is down to $59 billion in 5 years. The horrible kinds of devastating cuts that they will propose must be resisted. We must show that an F-22 fighter plane that nobody needs will cost us $12 billion over the next 5 years, and if we are really, truly worried about bankruptcy and becoming insolvent as a nation, why are we building an F-22 fighter plane, the most sophisticated fighter plane ever devised by the imagination of man. We have already a very sophisticated fighter plane. Put that on a list. Those Americans who think out there that somebody has to suffer, there has to be some cuts, that is the argument we hear, let us spread the pain.

We are not spreading the pain. Seven billion dollars comes out of HUD, housing for low-income people, and you are going to continue to build the F-22 at a cost of $12 billion over the next 5 years, and this is a scaled down version of what was proposed originally. If the whole plan was followed and we built all the F-22's that were originally conceived, it would cost us $72 billion. Seventy-two billion dollars. But just over the next 5 years we are looking at $12 billion, and nobody is scrutinizing that expenditure and saying we cannot afford it.

The CIA, $28 billion is the estimate of CIA's budget. If you have to cut something, cut the CIA 10 percent every year for the next 5 years. You will not lose very much. Eldridge Ames and his kind will be taken care of in a less lucrative fashion, but you will not lose any ground in terms of America being secure and competitive. They do not contribute that much at this point. They would still have half of $28 billion, which is $14 billion.

Let us spread the pain where it hurts the least. Let us spread the pain by not building another *Seawolf* submarine, $2.1 billion. If we must make cuts, if we are worried about the future, if you do not want to mortgage our children's future, then there are many ways and places that cuts can be made.

There are a whole list of corporate loopholes that we can start closing. The Committee on Ways and Means has produced a proposal for tax cuts, and one set of analysts has looked at it and spoken to me and told me there is $1 trillion worth of tax cuts, $1 trillion worth of giveaways, loopholes in that proposal. One trillion dollars.

Let us take a close look at that bill and those loopholes. Let us look at the tax expenditures as closely as we look at the other expenditures.

In other words, we are going to resist. The Congressional Black Caucus budget is just a tiny part of the resistance. We will not stand by and allow $722 billion to be saved on the backs of the poorest people in the Nation. We will not allow people who consider themselves revolutionaries to wreck the civility of the Nation, to destroy 60 years of activity and programs. We will not let people go hungry, remain jobless, have less educational opportunity, without putting up the most stringent possible fight.

I appeal to the majority in this House, the people who represent the oppressive elite minority, to turn aside from their effort to create a budget and a game plan, a scheme, that envisages America only for a handful of people, only for a small class of people. We are looking at America for everybody, and we do not seek to throw overboard the most vulnerable. We will not continue to try to throw overboard the poor people in America. We will not continue to try to throw overboard the poor people in the cities. We will not continue to throw overboard the African-Americans among the poor people in the cities. We will not look at the most vulnerable population and attempt to demonize them and use them as a way of guaranteeing the next election.

There is a vicious set of activities in motion, and it is time for us to get angry and call them for what they are. We will challenge the oppressive elite minority, and in representation of the caring majority, we will prevail. The caring majority will counterattack in 1996, and those who are vicious, unyielding, uncivil, who refuse to try to create an America that belongs to everybody, will find that this democracy cannot be hoodwinked, the people cannot be stampeded into voting against their own interest. The caring majority will stand behind the most vulnerable in our society.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–85) on the resolution (H. Res. 119) providing for further consideration of 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.

MEANINGFUL WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Chairman, tonight with me are the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from California [Mr. RIGGS] in support of meaningful welfare reform that will help all of the people of the United States. We are here to speak out for a compassionate system which does not simply hand out cash and create a desperate cycle of dependence, but instead strengthens families, encourages work, and offers hope for the future.

As you can see from this diagram right here, the poverty paradox, the poverty rate and welfare spending. In the years of the Reagan administration, you will see we did not spend as much money on welfare, yet welfare went down. In the last 2 years, in the Clinton administration, more has been spent, and yet it has been a failed system of welfare.

We are offering an alternative here this week in the House of Representatives that we think is going to be meaningful for all families. We must bring an end to our current welfare system, which abuses its recipients. Nothing can be more cruel to children and families than the current failed policies.

Tonight my colleagues and I will discuss various sections of the Personal Responsibility Act which the House is considering this week. The bill addresses cash welfare, child protection, child care, family and school nutrition, alien eligibility, commodities and food stamps, SSI, and child support enforcement. Our bill, when it is passed, will allow millions of Americans to escape the cycle of poverty and learn the freedom, dignity, and responsibility that comes would work.

We need to evaluate the success of welfare, as the gentleman from Oklahoma, Mr. J.C. WATTS has said from our freshman class, not by how many people are on AFDC or on food stamps or in public housing, but how many people are no longer on AFDC, food stamps, and public housing.

In that spirit and with the help our good colleague from Arizona, the esteemed Member of the House of Representatives, J.D. HAYWORTH, I would like to yield to you to discuss the important cash welfare block grant program, of which you have been a leader.

Mr. HAYWORTH. I thank the gentleman from Pennsylvania, and really, Mr. Speaker, before we get into this discussion, I see our good friend uncharacteristically sitting to the left of me, the esteemed chairman of the Committee on Rules, the Honorable JERRY SOLOMON of upstate New York. You have something you would like to say now, at this juncture?

Mr. SOLOMON. I want to commend you for this special order, but I am still waiting for the papers to file on the rule that will take up exactly what you are talking about here tomorrow. I thank the gentleman.

Mr. HAYWORTH. I thank you very much. We all wait with interest to see what is hot off the presses in the Committee on Rules, and we thank the gentleman from upstate New York for his valuable service as the chairman of the Committee on Rules.

Mr. Speaker, it is good to see you in the chair tonight, as you represent so capably the good people of upstate South Carolina, and it is good to join my good friend from Pennsylvania standing in the well of the House, to address this topic.

It is not my intent to invoke any type of negativity in this debate tonight, Mr. Speaker, but I listened with great interest to the gentleman on the other side of the aisle who calls the State of New York his home, and listened to so much name calling, so much myth making, as we enter this great debate on welfare reform. And let there be no mistake, this will be a great debate.

But again, I would issue a challenge to our friends on the other side of the aisle to come forth with positive, positive welfare reform, because as my friend from Pennsylvania will attest, and indeed, since we are in our first term in the Congress, we have seen and certainly our friend who is the chairman of the Committee on Rules has been time and time again the phenomenon in this new 104th Congress of folks who I believe fairly could be referred to as the Yeah, buts. "Yeah, we need welfare reform, but, the positive plan for change being offered inflicts too much pain." Indeed, I listened with interest to my good friend the Democrat from New York just a moment ago talk about the civility of this society being threatened.

Mr. Speaker, not only is the civility of our society being threatened, but our very fiscal integrity and our entire society and the survival of that society is being threatened by a system which threatens to bankrupt this, the grandest of all republics, and which threatens to change the very core of our existence.

Some history is in order. Despite the comments of my good friend from New York earlier, the fact is that government at all levels has spent in excess of $5 trillion trying to eradicate poverty. And as the gentleman from Pennsylvania showed us, we have this poverty paradox, where the more we spend on poverty it seems, the numbers of the poor increase. It is an incredible paradox.

I see our friend the chairman of the Committee on Rules is prepared with a statement now. I would gladly yield time to the gentleman from upstate New York.

Mr. SOLOMON. I think the appropriateness would be for the gentleman in the well to yield time.

Mr. FOX of Pennsylvania. We both yield to you, our senior Committee on Rules chairman.

Mr. SOLOMON. Mr. Speaker, let me commend both the gentlemen for taking this special order this evening. It is so terribly, terribly important. I could not help but listening to my associate from New York City speak before, and he used the word compassion, and that we have to spend money on people to be compassionate.

Well, I would just go back and say what I said the other day when we had the rescission package on the floor. What is compassionate about piling

$4.5 trillion in debt on our children and grandchildren? What is compassionate about President Clinton's new proposals that offer the next 5 years to add another $1 trillion to that $4.5 trillion debt, thereby increasing the amount of interest that we have to pay to just support that accumulated debt? What is compassionate about that? And what is compassionate about a welfare program that we have been on now for 20 years which breeds second and third and fourth year welfare recipients? Those people want to get off welfare, and they need to do it with what we are planning here today. That is why I am so proud of you two for taking this special order this evening. I wish you well.

In the meantime, I have got the rule which will bring the most significant comprehensive welfare reform that has ever been brought to this House, we will bring on this floor tomorrow.

I thank you two gentlemen, and the best of luck to you. I salute you.

Mr. FOX of Pennsylvania. Chairman SOLOMON, we look forward to lively debate tomorrow, moving on to welfare reform with your leadership. We appreciate what you have done to work overtime on this proposal.

I would now like to yield back to let my colleague and good friend from Arizona [Mr. HAYWORTH] continue your discussion on the important reasons why welfare reform, meaningful welfare reform, is so important to the American people.

Mr. HAYWORTH. I thank the gentleman from Pennsylvania [Mr. FOX], and indeed I thank the esteemed chairman of the Rules Committee for again outlining the Rules of this House and indeed our Speaker pro tempore tonight for enforcing those Rules.

It is important to remember that we are a society of laws in this body. We are a society that follows rules. And it is worth noting that the Rules of this House in this new majority are far more open than anything offered during the previous 40 years of one party rule by the new minority.

I mentioned earlier the tale of the numbers. Would that it were only a fairy tale. Would that these numbers were not reflected in cold, hard facts. But it is time for straight talk with the American people.

I refer to the fact that in the last 30 years we have spent at all levels of government in excess of $5 trillion to try and eradicate poverty. We have failed miserably, and it is fair to ask the question why. Why have these programs, perhaps so noble in their intent, failed so abysmally?

No. In stark contrast to what the preceding gentleman from New York [Mr. OWENS] said, it is not a vendetta. It is not some demonization of one group of Americans. It is not our intent to set one group of Americans against another group of Americans. The gentleman himself said welfare reform is needed.

Well, as my friend, the gentleman from Pennsylvania [Mr. FOX], will attest, Mr. Speaker, the debate in coming days the rest of this week will articulate how we are prepared to make changes.

Marvin Olasky has offered a new book, entitled "The Tragedy of American Compassion." And the Rules chairman referred to it just a moment ago when he talked about the true meaning of compassion.

What is compassionate about a system that leaves to our children and to generations yet unborn a debt of untold trillions that they will have to service, that they will have to pay off?

In the past, it was in grand American fashion, no matter if you hailed from the inner city or from rural America, that you would pay off the mortgage and leave a home for the children or leave a farm for the next generation. We have reversed the process under the guardians of the old order. We have basically enjoyed the fruits of the farm and the fruits of the homes and left the mortgage for our children to pay.

So your new majority in Congress, Mr. Speaker, has advanced some significant reforms. Let me delineate them for you right now.

Part of the problem has been that we continue to allow Federal programs to grow like topsy. We have programs that are duplicative, that are redundant and that, quite frankly, are not a good way to spend the hard-earned money of the American taxpayers.

So what the GOP welfare bill does is, first, consolidate for cash welfare programs, including AFDC and the JOBS Program, into one block grant. The idea again being that people on the frontlines, in the city, States, and towns know best how to spend that money, know best how to attack those problems, lets in the redundancy and allows these great laboratories of democracy to do what they do best.

Indeed, we have seen pilot programs in Wisconsin and in Michigan and we see other States like my home State of Arizona and the great State of North Carolina working to enact workfare programs working on these problems on the frontline. That is where we are talking about. Consolidate these programs into one block grant and allow this battle to be fought more effectively at the State and local level.

Our new majority welfare bill also requires recipients to work with 2 years and leave the cash welfare rolls after 5 years. Again, it is this notion, Mr. Speaker, what is reasonable? Is it reasonable to expect in a free economy where we look day after day at classified advertisements in a variety of publications touting the facts that jobs are available, is it fair or reasonable to allow someone to become a prisoner of this failed system?

No, we need to offer a way out, and indeed we need to offer incentive to leave the welfare rolls and get involved in work. And that is what our plan does by requiring recipients to work within 2 years and to leave the cash welfare rolls after 5 years.

Our plan requires 50 percent of single adult welfare recipients to work no less than 35 hours by the year 2003, a gradual program, not draconian but establishing clear guidelines in a period of time, altogether modest to allow these reforms to take place.

It requires 90 percent of two-parent families to have one adult work no less than 35 hours a week by 1998. In a 3-year period, a chance to get that done.

And we define work as real, private-sector jobs with concurrent education and training permitted. In other words, it is not the role of our society or our government to provide make-work. We want to grow this economy and allow people to find work in the private sector.

Now, in jobless areas it is worth noting, areas plagued by chronic unemployment, indeed many of the areas that our friend from the other side of the aisle mentioned and championed, we allow work to be defined as subsidized work, community work or on-the-job training. So we do provide for those areas where there is chronic unemployment. We do provide every American with the opportunity, the dignity and responsibility of work.

We bar Federal cash to unwed parents. Let me repeat this: We bar Federal cash to unwed parents under 18. Now, let us emphasize what will transpire here. Because lost in the debate, with so many members of the liberal media failing to articulate and emphasize this point, while we bar Federal cash payments to unwed parents under the age of 18, this plan will still allow for noncash benefits.

Indeed, I refer to Marvin Olasky's book, "The Tragedy of American Compassion," where he chronicles where our society has changed from a caring society to a caretaking society.

And I think it is so important to emphasize that, again, we do not seek to demonize or starve or deprive anyone who is truly needy. But what we believe, as we have taken a look at the failed system, that we ought to be able to provide in-kind benefits to those who deserve them, noncash benefits in the forms of staples and those materials vital for life itself to those, but we do cut out cash payments to youngsters. In other words, we don't have the Federal Government giving money to children who continue to have more children.

We would bar additional Federal cash for additional children born while the mother is on cash welfare. Why is that important? Again, because under this failed system what we have done in our society by any fair and objective measure is that we have subsidized illegitimacy to the point that one out of

every three children is born out of wedlock.

My constituents of the Sixth District of Arizona and others I have talked to throughout this country point to illegitimacy as one of the factors, if not the key factor, that can totally undermine our society. So we move to change a failed policy that gives improper incentives to the increase in illegitimacy.

We would bar cash to unwed mothers who refuse to cooperate in establishing a child's paternity. Because we understand in our society that we have rights and we have responsibilities, and it is time for the fathers of this country to, if they are willing to father a child, to go through that biological action, to indeed take responsibility for the paternity of that child.

□ 2310

We offer a funding bonus of up to 10 percent for States that reduce out-of-wedlock births. We provide level funding of $15.4 billion a year for 5 years. We create a $1 billion Federal rainy day borrowing fund for recessions or emergencies. In other words, we are not so dogmatic as to believe there will not be emergencies, we are not so dogmatic as to believe there will not be rolling readjustments in our economy, part of a free society from time to time, people encounter tough times, and we are willing to understand and deal with that.

We allow States to set up their own rainy day funds and pocket any savings over 120 percent of their annual grant amount. We set aside $100 million a year in a fund to ease pressures on States with rapid population growth. Indeed, the great State of Arizona and my own Sixth District is experiencing rapid population growth. This plan again accommodates those changes in our society. We will save untold billions of dollars over 5 years as opposed to the current system.

Mr. FOX of Pennsylvania. There are questions the press has asked and I just thought there is a myth out there that possibly the gentleman could explain and frankly let people know it is incorrect.

There is a myth that your pro-family provisions that we have in our welfare reform proposal will be cruel to children. How do you answer that?

Mr. HAYWORTH. As the gentleman from Pennsylvania knows and as I am glad to articulate here on the floor of the U.S. House tonight, I think by any objective standard, even the standards set by our friends on the other side of the aisle, the yeah-buts, the people who say, "Yeah, we need welfare reform but," it is important to remember this. It is the current system that hurts children, because the current system encourages self-destructive behavior, it encourages dependency, it encourages out-of-wedlock births. Our bill does not end assistance to children. Let me repeat that for the mythmakers on the other side of the aisle who would try to gain unfair partisan advantage by wielding a campaign of fear unparalleled in our society, our bill does not, does not end assistance to children. It only terminates cash assistance.

No responsible parent would reward an irresponsible child with cash payments and an apartment. No responsible employer would give workers a raise simply because they have additional children. If people in the private sector, who care about the quality of work being done, who care about the future of their children, who seek to instill responsibility and responsible actions, if private businesses will not do those things, the taxpayers of this country who work from January 1 on through now almost 6 months of the year paying off their burdensome taxes, those taxpayers who work hard for their money should not be asked to do those things, either.

Mr. FOX of Pennsylvania. What about this further myth that has been propagated about the fact that this bill is not strong enough on work requirements? What do you say to that?

Mr. HAYWORTH. I think the record will show as the debate continues, our work requirements are very, very tough on work. We require States to make cash welfare recipients go to work after 2 years. Some States will choose a more stringent requirement. I know the great Commonwealth of Virginia has taken an action to actually offer less time. But that is the option of the State and indeed is that not truly federalism in action?

After 5 years, recipients would face the ultimate work requirement and that would be the end of all cash welfare. We require States to have 50 percent of adults in one-parent welfare families, that is about 2.5 million families, working by the year 2003. We require States to have 90 percent of two-parent families working by 1998. We define real work with only a few limited exceptions as real private sector work for pay. States that do not meet these standards would lose part of their block grant. That is truly being tough on work. That is truly workfare and not welfare.

Mr. RIGGS. Would the gentleman from Pennsylvania yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from California.

Mr. RIGGS. I thank the gentleman for his leadership in organizing this very important special order tonight as we prepare to enter day two of what I think is probably the single most important debate that will take place on the floor of this House in the 104th session of Congress. But before we leave the subject of children, I simply want to point out that since it seems like really the ammunition from our opponents is primarily focused on what our plan might do to children, so let me point out that cash benefits going for drugs, generation after generation of dependency, children having children and children killing children, nothing could be more cruel to our kids than the current failed welfare system. Some statistics to back up what I am saying here, 70 percent of juvenile delinquents in State reform institutions lived in single-parent homes or with someone other than their natural parents before being incarcerated. Here is the really staggering statistic. Children born out of wedlock are 3 times more likely to end up on welfare themselves when they grow up than children born to married parents.

Clearly the system that we have in place today has been a monumental failure and a very cruel, cruel, almost inhumane system in terms of how it treats the children entrapped in welfare dependency and entrapped in the poverty that welfare dependency and entrapped in the poverty that welfare dependency generates.

Mr. FOX of Pennsylvania. The gentleman from California [Mr. RIGGS] is absolutely right. Your point it well-taken and your leadership is appreciated in trying to move what is truly pro-people welfare reform in this House forward.

I would like to ask if I may another question back to the gentleman from Arizona [Mr. HAYWORTH].

Repealing the entitlement to individuals has been said by those on the other side of the aisle will cause misery and a recession. How do you respond to that?

Mr. HAYWORTH. Again the current system, and this is the irony. As the gentleman from California mentioned and as indeed our good friend the gentleman from Oklahoma [Mr. WATTS] mentions, the current system rewards States for having additional people on cash welfare. In other words, under this not only bankrupt system financially but I would call it a morally bankrupt system, we gauge its success by the numbers of people we can add to the rolls.

Now think about this. Under a block grant, States will have a built-in incentive to move people off the cash welfare rolls and into jobs. And block-granting will give them the flexibility to do so.

If you doubt it, I would commend, Mr. Speaker, our friends on the other side and indeed all the American people to look to States like Wisconsin and Michigan where they are working hard to implement real change in the welfare system. So what we need is to unleash the creative power of States and localities to deal with this problem.

Additionally the bill creates, and this is worth noting for our friends who choose to deionize or mischaracterize our plans, let us repeat this. The bill

creates a $1 billion Federal rainy day borrowing fund for recessions or emergencies, and it allows States to set up their own rainy day funds and pocket any savings over 120 percent of their annual grant amount. That is a powerful incentive for those respective States to save up voluntarily for a rainy day, or given the current level of government spending if we do not curtail it, the inevitable recession that will result.

Mr. FOX of Pennsylvania. Let me ask this further question. Your State is growing and many other States are as well.

How would you make sure the block grants will adjust for shifts in population, because the ladies and gentlemen on the other side of the aisle would have the public believe a misconception that in fact the block grants that we are proposing will allow for such shifts? S0634

Mr. HAYWORTH. I think it is worth noting that our legislation creates a $400 million fund to help ease pressures in States with high population growth. It permits States to save unlimited amounts of cash from their block grant in the State rainy day fund for recessions and emergencies, amounts in the rainy day fund in excess of 120 percent of the State's annual block grant amount can be shifted into that Stat's general fund. That is another incentive to move welfare recipients into jobs. Then again the bill also lets States borrow from a billion-dollar Federal rainy day fund which they would have to repay with interest.

But finally the bill lets the States shift 30 percent of other block grants, and this is something the other side has chosen to demonize, when in fact it really goes to help children and it really goes to help families who are looking for a hand up and a helping hand instead of a handout, it offers 20 percent of the nutrition block grant into the block grant and vice versa. It really is the ultimate in flexibility.

Indeed, and that is the other side of the nutrition issue, if I could digress for a second, when the other side talks about block grants being inherently evil and how 20 percent of those grants could be moved to other areas, that 20 percent provision is custom-made for this opportunity, not to starve children but ensure that their families who may be encountering tough times have the economic wherewithal to survive those times.

□ 2320

We offer the ultimate in flexibility, and I might add nothing in any act we have proposed restricts States from offering more of their resources gained either through income tax in some States or other revenue-accruing mechanisms in those States from offering even more money for nutrition programs or for helping the truly needy in those respective States.

Mr. FOX. I want to underscore what the gentleman from Arizona [Mr. HAYWORTH] just said and what Congressman RIGGS has pointed out on the floor many times, and the fact is under our compassionate welfare reform we are actually going to serve more people with less administrative costs and more money for direct services, and I think that is the bottom line.

I would like to yield, if I could at this time, to Congressman RIGGS to discuss not only with the American people, with us in a colloquy, about the alien welfare eligibility program, the food stamp reform, the child care block grants, and the SSI reform.

I know that you have done a great deal of work on this area, and I know your constituents from California appreciate the fact that you have sensibly provided the leadership necessary to move this debate forward so we can help everybody.

Mr. RIGGS. Well, I thank the gentleman from Pennsylvania for yielding.

And, obviously, the whole issue of alien welfare is very important to Californians, particularly those who voted last November for proposition 187, which would have imposed a flat prohibition on the providing of social welfare services to illegal immigrants. And, unfortunately, the statewide ballot initiative is now tied up in the Federal courts pending some sort of adjudication.

But it is very clear, just talking to voters and looking at the election results in California, that California voters are saying we need to put our own citizens first.

It is equally clear that as we look at a streamlined welfare system, a welfare system that allows us to achieve real reform, a welfare system that allows us to help move people from welfare to work, a welfare system that, yes, through dramatic reform and overhaul will contribute to our overall goal of reducing the deficit and ultimately balancing the budget, that that welfare system cannot provide welfare benefits to aliens.

So what we have attempted to do in the Economic and Educational Opportunities Committee on which I serve is come up with a provision that we think will reflect what Americans think and feel on the subject of welfare benefits for aliens, both legal and illegal.

So I want to take a moment because we are going to hear the argument, in fact, it came up today, that we on our side of the aisle are engaged in punitive, almost un-American activities in that we do want to restrict benefits for, particularly for illegal aliens and that we are engaged in a not-so-subtle form of immigrant bashing.

I want to respond to that. I said earlier today on the floor that we are not bashing immigrants. We are giving strength to the longstanding Federal policy that welfare should not be some sort of magnet for immigrants, legal or illegal. We should be putting out the welcome mat for those who want to enter our country legally, who want to go through the process of establishing residency and ultimately achieving citizenship.

But, on the same hand, we should not be encouraging through some sort of perverse incentive in the welfare system the hordes of illegal immigration that those of us who hail from and represent border States such as myself and the gentleman from Arizona have been seeing firsthand for several years.

Again, that is what really prompted the overwhelming response by California voters when they approved Prop 187 in California by a vote of nearly two-thirds to one-third.

So what we are trying to do to eliminate the magnet for immigrants is take four simple steps to reform welfare in this whole area. One, we prohibit legal aliens from participation in the big five magnet programs. And they are cash welfare that the gentleman from Arizona was talking about just a moment ago, food stamps that we are going to talk about in just a few minutes, Medicaid, Title 20, and the SSI program.

And, frankly, the SSI program has been one of the areas that has been most egregiously abused by any number of welfare recipients from legal aliens to children.

I also should point out that we talked a moment ago about AFDC, cash welfare payments, and we have not done a good job to date in bringing out in this debate that citizen children or so-called citizen children, children of illegal immigrants who are born here in this country and who thereby immediately become American citizens, are the fastest growing group of AFDC recipients in America today.

So, what we want to do is go back to the idea of sponsorship. We want to make the alien's sponsor financially responsible for the support of that alien.

We would require an affidavit of financial support that would be legally binding and in fact would be enforceable in court proceedings. We apply, this is an interesting fact. We apply the existing deeming rule to all Federal means-tested programs so that in these programs the income of an alien sponsor is deemed to be the alien's income when determining welfare eligibility.

And, lastly, we authorize Federal and State authorities for the first time in history to go after deadbeat sponsors.

Thus, if you look carefully at our welfare reform proposal in the area of welfare benefits for aliens, we are actually strengthening our current immigration policy, and we are not bashing anyone. That is not our intent.

Now, there are also those who say, well, if you cut off welfare benefits entirely to illegal immigrants, we will

have children, the children of those illegal immigrants or the children in those families, literally dying on our streets. And nothing could be further from the truth. We allow both legal and illegal aliens access to noncash, inkind emergency services.

That is, in effect, the case today in our emergency rooms around the country. So they will have access to emergency medical services at the State and Federal levels. And no alien, legal or illegal, will go without such humanitarian services as a result of our bill.

So, as we have attempted to do throughout our welfare reform package, we are imposing stringent measures. We are sending a signal to those who would desire to aspire to emigrate to our country that they have to come through the door legally.

You know, just an anecdote from last fall's election campaign.

I was out actually precinct walking one day in my congressional district, and this was right at the peak of the controversy and the furor over proposition 187. I was walking down the street. I heard over my shoulder a gentleman calling out to me in broken English with an obvious Hispanic accent. And I turned around, and he came running down the street.

And he was very excited, actually, to meet me. And so we got into a nice conversation. And as I had a chance to probe a little bit, he was very excited that a political candidate had just come to his door because he was in his fifth and final year of qualifying for American citizenship, and he was overjoyed at the prospect that he would be able to exercise his franchise as an American citizen and vote in the election.

□ 2330

So, I took that opportunity to ask him his feelings on proposition 187, and he looked me right in the eye and said that he was very much in favor of proposition 187. He was in favor of cutting off social welfare benefits for illegal immigrants, because he expected them to do it the right way, the legal way, the hard way, just as he had in qualifying for American citizenship.

So, that is the message that we are sending here, and we are clearly stating to our fellow citizens that we really are going to put the rights and the needs of American citizens first.

Mr. HAYWORTH. If the gentleman will yield, I just think it is very important to take to heart the real-life experience of our friend from California and say that it is shared by so many immigrants who came in our open door, came into this country in a legal, orderly fashion, and it is not our intent to harm those who would immigrate to these shores legally but those who would come in through surreptitious means, those who would come here to enjoy the fruits of the labor of American taxpayers without being involved in the system in stark contrast to the fine example so many legal aliens set for us, whether they are immigrants from immediately south of our border who come here legally or so many folks who have immigrated here from Asia and from Europe, so many people from throughout this world who have come here legally seeking a better life and true freedom for their families. No one denies those who would come here legally an opportunity. But yet as the gentleman from California mentions, we must take action that is reasonable to stop the flow of those who would reach these shores illegally to take advantage of a system which we have proven tonight has failed miserably and lacks the very compassion the champions of that failed system so claim extravagantly in their rhetoric.

Mr. RIGGS. If the gentleman from Pennsylvania would yield on one more point related to, again, the provisions in our package dealing with alien welfare eligibility, I should also point out that we had considerable discussion and even some controversy within the ranks of House Republicans as to whether to deny legal aliens federally subsidized or Federal taxpayer-paid welfare benefits. And what we decided to do, and the proposal that will be before the House tomorrow open for amendment allows legal aliens to draw certain limited welfare benefits, but only if they have served honorably in the U.S. military, that is to say, they are an honorably discharged veteran of the U.S. military, or they are a naturalized citizen, and they have begun again the process of obtaining American citizenship.

I wanted to point out we do make a distinction between legal aliens who fit one or the other of those criteria and those again who break the law by entering our country illegally and who have put a tremendous drain on the Treasury of border States and, in the broadest sense, the Treasury of the Federal Government through again these waves of illegal immigration that have been invading our shores.

Mr. FOX of Pennsylvania. I believe that, based on what I heard from the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from California [Mr. RIGGS], it seems clear to me what you have reached in your committee is a compassionate balance between those who are in fact legally here and deserve to have certain benefits and those who are illegal and who frankly the restrictions are appropriate and fair.

Mr. RIGGS. That is exactly the case, and we are again making a very blunt statement here, make no mistake about it. This action in this legislation puts the House of Representatives firmly on record in two respects. One, we obviously, by denying any welfare benefits at all to illegal immigrants, set a strict policy and a very clear standard for our country. We are, in fact, drawing a line.

And, secondly, we are sending a message that Federal immigration policy needs to be revisited and reformed, and the reason that I am so strongly in favor of these revised and stringent alien welfare eligibility standards is that with respect to legal immigration we are putting responsibility back where it belongs. We are putting the responsibility back on the shoulders of sponsors. We are telling the people who sponsor those legal immigrants into our country that they will bear a financial responsibility, and that is as it should be rather than substituting the Federal taxpayer for those sponsors.

So, this is a good balanced compromise, and I believe it is one that is deserving of the support of our colleagues, and I would hope and expect that this particular part of the welfare reform package will receive strong bipartisan support from the House over the next few days.

Mr. FOX of Pennsylvania. I believe that it will, and I would ask that, if we could, for the purposes of making sure the Members of the House are aware of the further reforms, could we talk about how the food stamp reform proposal is actually going to make sure more benefits get to those in need and we eliminate some of the abuses and the fraud that have existed prior to now?

Mr. RIGGS. If the gentleman from Pennsylvania will yield, I think perhaps I should point out to my colleagues, and certainly for those viewers who are joining us now, that we do have a series of charts that show the principal elements of our welfare reform bill, and what I have put up here are the highlights of reform to the Federal food stamp program.

Now, many of our fellow Americans know that this particular area of the Federal law is overdue. It is overdoomed, but it is also overdue for reform. What we are doing here is obviously we are preserving food stamps as an entitlement, a direct Federal entitlement, as a part of the Federal safety net for the poor, and we do anticipate and make provisions for participation in the program in the overall rolls, the overall number of food stamp recipients to grow in a recession. We do require able-bodied recipients, age 18 to 50, without dependents, to work, again, as part of our overall workfare approach to reforming the welfare system.

We let States deny food stamps to cash welfare recipients who refuse to work. The message is if you are able-bodied but unwilling to work or get job training or some form of vocational skills, then you will be denied benefits altogether.

Another keypoint, we allow States to convert food stamps to cash wage supplement for persons who agree to work.

So what we are doing there is allowing food stamps to augment the basic welfare grant or the cash welfare grant for people who agree to work.

We allow States to engage in electronic transfers in lieu of a cash block grant.

There are stories that are renowned and quite legion about food stamp recipients exchanging their food stamps for all sorts of different items——

Mr. FOX of Pennsylvania. Drugs.

Mr. RIGGS. Liquor or drugs, obviously items that go far beyond the basic food supplies or foodstuffs that the food stamps are intended to provide. We limit cost-of-living adjustments to 2 percent-per-year, and as a result of reform in this area, again, since what we are attempting to do here now is through welfare reform and discretionary spending cuts, domestic discretionary spending cuts in the Federal budget, is making a significant down payment on deficit reduction that will, before the 1996 fiscal year is out, start our country on the path of balancing the Federal budget by the year 2002, and the reform to the food stamp program will contribute $18.2 billion over 5 years again as part of our overall deficit reduction effort.

Mr. FOX of Pennsylvania. I know that the gentleman from Arizona [Mr. HAYWORTH] and I are, on the Government Reform Committee, often talk about the problems that you have discussed in your committee, Education and Labor, dealing with the abuses in the system, where most of the people who receive the benefits of the program are in need and it is justified and applying for food stamps and compassion of the country does what it can.

What have we done in the system to intercede, to make sure that the problems you outline with illegal drugs and using the food stamp money for alcohol or other nonnecessities of life, what have we introduced into the system to make sure that those kinds of abuses do not continue?

□ 2340

Mr. RIGGS. Well, one of the primary reforms is the one I talked about where States can set up an electronic transfer system. That is to say where food stamp recipients can get credit at a grocery store or, you know, at a location where they would be buying food stamps, but it would be done again on a more of an electronic transfer basis, or almost like a credit card, in lieu of food stamps that could be converted for cash or converted for items that again would not be essential foodstuffs. That is one of the principal reforms that we have acquired here.

Another obvious reform is requiring able-bodied recipients, again ages 18 through 50 without children, to work in exchange for their food stamps, and then again allowing States to deny food stamps altogether to those aged 18 through 50 who do again not have dependent children, but who refuse to work.

So, there are again stringent standards in the food stamp reform area to cut down on the rampant abuse that we have experienced with this program and has been well documented back here in Washington for many years.

Mr. FOX of Pennsylvania. I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania and listened with great interest to our friend from California outline many of the reforms.

One other reform that I think is so vital, because again, despite the propaganda and the labels of mean spiritedness about our proposal that the defenders of the tired old system continue to propagate, I think it is important also to note that this legislation would harmonize the aid to families with dependent children and the food stamp program, allowing States to use one set of rules for families applying for food stamps and AFDC, and, by providing that one-stop service, would actually make the entire process more recipient friendly, and it would make the programs more taxpayer friendly by eliminating red tape, and indeed, when you strip away all the hyperbole from the arguments and ask, I believe, a fairer question of the other side, why this constant defense of the status quo, we come to understand that in fact the minority party, many of the liberals in that party are in fact championing the continuation and the growth of the bureaucracy. They are championing the duplicative type of problems we have had.

That is all I can really draw from their arguments and their opposition, and we are trying to change that, not out of mean spiritedness, but out of public spiritedness, the idea being that even those recipients are entitled to more efficient service, though truly needy in our society should benefit from a program that will treat them with some dignity, not only inspiring those able-bodied folks to work, and to look for work, and to really be involved in our great, free market economy, but also on the governmental side to downsize, and I think much of the hue and cry comes from those who quite candidly would rather work in the public sector, would rather have these programs duplicated instead of appealing to what is—makes preeminent common sense from my viewpoint and what is just reasonable, and that is to combine these programs to serve the needy recipients and, again, to cut out excessive governmental waste, and I think that reform is vital to be mentioned.

Mr. FOX of Pennsylvania. Mr. Speaker, if the gentleman would yield, Congressman HAYWORTH, I think you are right on target with the message. I think part of what is important is what the gentleman from California [Mr. RIGGS] spoke about moments ago, goes to the work requirement, but it also carries with it job counseling, job training and job placement, and, where necessary, even day care to make sure that those who really want to work have the opportunity to do work, and, after all, everyone wants the right and the opportunity to be all they can be.

I would like to turn back, if I could, to the gentleman from California [Mr. RIGGS] to explain the kinds of abuses we have had with SSI and where the program that the Republican majority has presented tomorrow will help to solve the problem.

Mr. RIGGS. Well, I thank the gentleman from Pennsylvania [Mr. FOX] for yielding because the SSI, the Supplemental Security Income Program, has been just rife with abuse for years.

I am a little bit embarrassed to admit that one particular abuse, disability payments to drug addicts and alcoholics who refuse to get any kind of treatment or rehabilitation, that particular abuse was highlighted through a 60 Minutes segment that focused in on actually a local tavern in Eureka, CA, in Humboldt County, the largest county in my congressional district, where the friendly bartender or tavern keeper was actually cashing these checks for the local residents who had qualified for SSI.

So, we are focusing in on ending these glaring abuses, ending disability payments to drug addicts and alcoholics again who refuse to undergo any kind of treatment or rehabilitation program, who refuse to acknowledge that they have a problem and need help, which is the first step on the road to recovery.

We end cash payments for children made eligible through individualized functional assessments, IFAs, another growing abuse of SSI and the overall Federal welfare system. It has become almost common knowledge that one way to scam the system for families on welfare with children is to take them through this process wherein again they are diagnosed as individually—as individually impaired or functionally impaired and thereby enable the children to collect SSI benefits. We make only children with severe medical disabilities eligible for disability benefits. We provide more SSI medical and nonmedical services to severely disabled children. We require States to conduct continuing disability reviews every 3 years for most children involved in the program, and we set aside $400 million for additional drug treatment and research to again help those who want help with their problem and who, in effect, should be eligible for SSI at least during the duration of their treatment and rehabilitation program.

We are not cutting SSI for kids. What we are doing, again, is trying to

provide more funding for severely disabled children while protecting taxpayers against the growing abuse of the SSI program that has been well documented, again, in evidence presented to the Congress.

Mr. FOX of Pennsylvania. What of the child care block grant program? Is that your next proposal?

Mr. RIGGS. Well, we have touched on that at some considerable length, the job care block grant program, and it is quite likely that we will see an amendment here on the floor. The child care block grant is obviously very important to helping people move from welfare to work. Now we recognize that many single mothers struggle against heroic odds, and if we, in fact, are going to assist them in making that transition, we need to help them with adequate quality child care and health care benefits.

So what we have done in the child care block grant is consolidate eight child care and development programs into a single block grant. We actually enable States to direct more funds to child care services even while providing level funding, and I believe that that funding will be increased through an amendment to be offered by the gentlewoman from Connecticut [Mrs. JOHNSON]. We preserve parental choice provisions in the current child care development block grant. We require States to have and meet their own safety and health laws for day care providers, and again we poropose initially level funding of 1.9 billion a year for 5 years, although I believe the gentlewoman's amendment would increase that in the neighborhood of $750 million more, again recognizing that quality child care is paramount to helping people make that transition from welfare to work.

Mr. FOX of Pennsylvania. I will yield to the gentleman from Arizona.

Mr. HAYWORTH. I just want to thank our good friend from California for delineating so many provisions in our Welfare Reform Act that we will talk about tomorrow, and certainly many more provisions remain, and we invite, Mr. Speaker, all the American people to be involved in this debate in this new partnership, and I think it is fair to mention that people at home are saying, "Well, what does this mean for me, for the taxpayers of America, for those who are working to provide for their families and who are providing through charitable sources, and also through their tax dollars, for the truly needy?"

What we are saying is it is time to change the system. And for those who find themselves entrapped in this system that would lead to a growing cycle of dependency, we are saying take heart. Benefits will remain for the truly needy, but we offer you an opportunity to truly become involved in this system, to understand and enjoy the dignity of work and the fruits of your labor and to really become involved in this grand experiment we know as the last best hope of mankind.

□ 2350

Mr. FOX of Pennsylvania. Our current system is so perverse to people, if they have savings, you cannot be on welfare. If you want to own property, you cannot be on welfare. It actually discourages the child's mother to marry the father because she will lose welfare. So what we have tried with these Republican proposals is frankly to give a better system to trim the fat from the budget, but to give the benefits where they belong, to those who really are in need, and not those who abuse the system that was outlined by the gentleman from California [Mr. RIGGS].

Mr. RIGGS. I would like to sum up. Again, as I said earlier today, several hours ago now on this very floor, it is time to get real. We all know the system is broken. We know that today's welfare system destroys families and the work ethic and that it traps people in the cycle of Government dependency and promotes intergenerational dependency on welfare. So what we are even deferring to do now in this historic debate is replace a failed system of despair with reforms based on the dignity of work and strength of families that move solutions closer to home and offer hope for the future.

Mr. FOX of Pennsylvania. With that final statement from the gentleman from California [Mr. RIGGS], I want to thank also the gentleman from Arizona for his leadership [Mr. HAYWORTH], in trying to move this Congress forward in meaningful welfare reform that is compassionate and cares for people and will respect the rights of all individuals in the United States. I want to thank the gentleman for participating in this special hour on behalf of the House of Representatives. I want to thank the Speaker for his leadership and assistance in this regard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WALKER (at the request of Mr. ARMEY) for today, on account of illness.

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. HOLDEN) to revise and extend their remarks and include extraneous material:)

Mr. HOLDEN, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Member (at the request of Mr. LATHAM) to revise and extend her remarks and include extraneous material:)

Mrs. SEASTRAND, for 5 minutes, on March 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOLDEN) and to include extraneous matter:)

Mr. DINGELL.
Ms. PELOSI.
Mr. BEVILL.
Mr. HAMILTON in three instances.
Mr. SCHUMER.
Ms. WOOLSEY in three instances.
Mr. FRANK of Massachusetts.
Mr. ACKERMAN.
Mr. MANTON.
Mr. LANTOS.
Mr. DURBIN.
Mr. MINETA.
Mr. TORRES in two instances.
Mr. EVANS.
Mr. COLEMAN of Texas.
Mr. EDWARDS in two instances.
Mr. DIXON.
Mr. PICKETT.

(The following Members (at the request of Mr. LATHAM) and to include extraneous matter:)

Mr. WELDON of Pennsylvania.
Mr. MOORHEAD in two instances.
Mr. COBURN.
Mr. MCHUGH.
Mr. MCDADE.
Mr. BLILEY.
Mr. SMITH of New Jersey.
Mr. BATEMAN.
Mr. GOODLATTE.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), under its previous order, the

House adjourned until Wednesday, March 22, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

560. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of March 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–49); to the Committee on Appropriations and ordered to be printed.

561. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

562. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Germany (Transmittal No. DTC–31–94), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

563. A letter from the Chairman of the Board, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

564. A letter from the Director, Peace Corps, transmitting a draft of proposed legislation authorizing appropriations for the Peace Corps; to the Committee on International Relations.

565. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Certification of the Fiscal Year 1966 General Fund Revenue Estimates and a Recertification of the Fiscal Year 1995 Revenue Estimates in Support of the Mayor's Budgets for Fiscal Years 1995 and 1996," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

566. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

567. A letter from the Comptroller General of the United States, transmitting GAO's monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

568. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

569. A letter from the General Council, Federal Mediation and Consiliation Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

570. A letter from the Inspector General, General Services Administration, transmitting GSA's report entitled, "Audit of the Thomas Jefferson Commemoration Commission"; to the Committee on Government Reform and Oversight.

571. A letter from the Freedom of Information Act Officer, International Boundary and Water Commission, United States and Mexico; transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

572. A letter from the Executive Director, National Capital Planning Commission, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1998, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

573. A letter from the Chairman, Cost Accounting Standards Board, Office of Management and Budget, transmitting the fifth annual report of the Cost Accounting Standards Board, pursuant to Public Law 100–679, section 5(a) (102 Stat. 4062); to the Committee on Government Reform and Oversight.

574. A letter from the Director, Office of Management and Budget, transmitting a report entitled, "Managing Federal Information Resources: Twelfth Annual Report Under the Paperwork Reduction Act of 1980," pursuant to 44 U.S.C.; 3514(a); to the Committee on Government Reform and Oversight.

575. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, and for other purposes; to the Committee on Resources.

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. ARCHER: Committee on Ways and Means. H.R. 1215. A bill to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs (Rept. 104–84). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 119. Resolution providing for further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence (Rept. 104–85). 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. DEAL of Georgia (for himself, Mr. CLEMENT, Mr. TANNER, Mr. STENHOLM, Mrs. LINCOLN, Mrs. THURMAN, and Mr. PAYNE of Virginia):

H.R. 1267. A bill to reconnect families to the world of work, make work pay strengthen families, require personal responsibility, and support State flexibility; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, the Judiciary, Commerce, National Security, Banking and Financial Services, and Agriculture, 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. ENGLISH of Pennsylvania:

H.R. 1268. A bill to amend the Federal Water Pollution Control Act to establish a comprehensive program for conserving and managing wetlands in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MOORHEAD (for himself, Mr. SENSENBRENNER, Mr. COBLE, Mr. BONO, and Mr. BOUCHER):

H.R. 1269. A bill to amend the act of June 22, 1974, to authorize the Secretary of Agriculture to prescribe by regulation the representation of "Woodsy Owl"; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself, Mr. SENSENBRENNER, Mr. COBLE, Mr. CANADY, Mr. GOODLATTE, Mr. BONO, and Mr. BOUCHER):

H.R. 1270. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. CLINGER, Mr. BASS, Mr. BLUTE, Mr. DAVIS, Mr. FLANAGAN, Mr. FOX, Mr. SCARBOROUGH, and Mr. TATE):

H.R. 1271. A bill to provide protection for family privacy; to the Committee on Government Reform and Oversight.

By Mr. ACKERMAN:

H.R. 1272. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of postsecondary education expenses; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1273. A bill to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer-owned vehicles; to the Committee on Economic and Educational Opportunities.

By Mr. ANDREWS (for himself, Mrs. MALONEY, Mr. BILIRAKIS, and Mr. MANTON):

H.R. 1274. A bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards; to the Committee on International Relations.

By Mr. BLILEY (for himself and Mr. MARKEY):

H.R. 1275. A bill to ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, and for other purposes; to the Committee on Commerce.

By Mr. CONDIT:

H.R. 1276. A bill to amend the Housing Act of 1949 to provide for private servicing of rural housing loans made under section 502 of such act; to the Committee on Banking and Financial Services.

H.R. 1277. A bill to improve procedures for determining when a taking of private property has occurred and to direct the Secretary of Agriculture to report to Congress with respect to takings under progress at the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, 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. EVANS (for himself, Mr. RAHALL, Mr. BONIOR, Mr. DELLUMS, Mr.

HINCHEY, Mr. FATTAH, Mr. OWENS, Mr. WATT of North Carolina, Ms. KAPTUR, Mr. GUTIERREZ, Mr. HOLDEN, and Mr. SANDERS):

H.R. 1278. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. GOODLATTE:

H.R. 1279. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself and Mr. TORKILDSEN):

H.R. 1280. A bill to establish guidelines for the designation of National Heritage Areas, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY:

H.R. 1281. A bill to amend title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act of information regarding certain individuals who participated in Nazi war crimes during the period in which the United States was involved in World War II; to the Committee on Government Reform and Oversight, and in addition to the Committees on Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 1282. A bill to provide employment opportunities to unemployed individuals in high unemployment areas in programs to repair and renovate essential community facilities; to the Committee in Economic and Educational Opportunities.

H.R. 1283. A bill to provide grants in cities to establish teen resource and education centers to provide education, employment, recreation, social, and cultural awareness assistance to at-risk youth; to the Committee on Economic and Educational Opportunities.

H.R. 1284. A bill to establish a program to provide grants to improve the quality and availability of comprehensive education, health and social services for at-risk youth and their families, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself and Mr. UPTON):

H.R. 1285. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide a specific definition of the requirement that a purchaser of real property make all appropriate inquiry into the previous ownership and uses of the real property in order to qualify for the innocent landowner defenses; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself, Mr. MONTGOMERY, Mr. ALLARD, Mr. ANDREWS, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAESLER, Mr. BAKER of Louisiana, Mr. BALDACCI, Mr. BALLENGER, Mr. BARCIA, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BATEMAN, Mr. BEREUTER, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONO, Mr. BREWSTER, Mr. BROWDER, Mr. BROWNBACK, Mr. BRYANT of Tennessee, Mr. BUNN of Oregon, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mrs. CLAYTON, Mr. CLEMENT, Mr. COBLE, Mr. COBURN, Mr. COLLINS of Georgia, Mr. COMBEST, Mr. COOLEY, Mr. COSTELLO, Mr. COX, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Mr. CREMEANS, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS, Mr. DE LA GARZA, Mr. DEAL of Georgia, Mr. DELAY, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DOYLE, Mr. DREIER, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHRLICH, Mr. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. FAWELL, Mr. FIELDS of Texas, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRANKS of Connecticut, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. FUNDERBURK, Mr. GALLEGLY, Mr. GANSKE, Mr. PETE GEREN of Texas, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAHAM, Mr. GENE GREEN of Texas, Mr. GUNDERSON, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HEFNER, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOLDEN, Mr. HORN, Mr. HOSTETTLER, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. ISTOOK, Mr. JACOBS, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAUGHLIN, Mr. LAZIO of New York, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LOBIONDO, Mr. LONGLEY, Mr. LUCAS, Mr. MANTON, Mr. MANZULLO, Mr. MARTINEZ, Mr. MARTINI, Mr. MASCARA, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MCNULTY, Mr. MENENDEZ, Mr. METCALF, Mrs. MEYERS of Kansas, Mr. MICA, Ms. MOLINARI, Mr. MOORHEAD, Mr. MURTHA, Mr. MYERS of Indiana, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. ORTIZ, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PARKER, Mr. PAXON, Mr. PAYNE of Virginia, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. POMBO, Mr. POMEROY, Mr. QUILLEN, Mr. QUINN, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. RIGGS, Mr. ROBERTS, Mr. ROGERS, Mr. ROSE, Mr. ROTH, Mrs. ROUKEMA, Mr. ROYCE, Mr. SALMON, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SCHIFF, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mrs. SMITH of Washington, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. STUPAK, Mr. TALENT, Mr. TATE, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TAYLOR of North Carolina, Mr. TEJEDA, Mr. THOMAS, Mr. THORNBERRY, Mrs. THURMAN, Mr. TIAHRT, Mr. TORKILDSEN, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UPTON, Mr. VOLKMER, Mrs. VUCANOVICH, Mrs. WALDHOLTZ, Mr. WALSH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON, Mr. WISE, Mr. WOLF, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. ZELIFF, and Mr. ZIMMER):

H.J. Res. 79. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. UNDERWOOD (for himself, Mr. DELLUMS, Mr. ORTIZ, Mr. MONTGOMERY, Mr. BRYANT of Tennessee, Mr. TORRES, Mr. WYNN, Mr. BROWN of California, Ms. RIVERS, Mr. FILNER, Mrs. MINK of Hawaii, Mr. CHAMBLISS, Ms. PELOSI, Mr. FRAZER, Mr. SCOTT, Mr. MCDERMOTT, Mr. FATTAH, Mr. ROSE, and Mr. VOLKMER):

H. Con. Res. 45. Concurrent resolution regarding the appropriate congressional response in the event of the reduction or elimination of the commissary and exchange networks of the Department of Defense; to the Committee on National Security.

By Mr. WELDON of Pennsylvania:

H. Con. Res. 46. Concurrent resolution authorizing the use of the Capitol Grounds for the Firefighter Challenge; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR:

H.R. 1286. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Gilbraltar*; to the Committee on Transportation and Infrastructure.

By Mr. MINETA:

H.R. 1287. A bill for the relief of Nguyen Quy An and Nguyen Ngoc Kim Quy; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. UNDERWOOD, Mr. DIXON, Mr. BAKER of Louisiana, Mr. MASCARA, Mr. BENTSEN, Mr. BUNNING of Kentucky, Mr. HOYER, Mr. HORN, and Mr. LEVIN.

H.R. 70: Mr. MOORHEAD.

H.R. 78: Mr. HOLDEN.

H.R. 118: Mr. SMITH of Michigan.

H.R. 123: Mr. GILCHREST, Mr. CLEMENT, Mr. PARKER, Mrs. WALDHOLTZ, Mr. TORKILDSEN, Mr. ZIMMER, Mr. EVERETT, Mr. FLANAGAN, Mr. HAYWORTH, Mr. SCHAEFER, and Mr. HORN.

H.R. 127: Mr. CLINGER, Mr. FILNER, Mr. ROHRABACHER, and Mr. PICKETT.

H.R. 142: Mr. MCINNIS.

H.R. 159: Mr. NEY and Mr. LIPINSKI.

H.R. 240: Mr. TAYLOR of North Carolina and Mr. FOX.

H.R. 250: Mrs. COLLINS of Illinois, Mr. BERMAN, Mrs. MINK of Hawaii, Mr. SABO, Mrs. MORELLA, Mr. ENGEL, Mr. ACKERMAN, Mr. NADLER, Mr. WAXMAN, and Mr. FOGLIETTA.

H.R. 297: Mr. FORBES.

H.R. 328: Mr. LAHOOD.

H.R. 339: Mr. JACOBS, Mr. PARKER, and Mr. WICKER.

H.R. 341: Mr. JACOBS, Mr. PARKER, and Mr. WICKER.

H.R. 389: Mr. SANDERS.

H.R. 390: Mr. WARD, Ms. LOFGREN, Mr. PASTOR, and Mr. CHRYSLER.

H.R. 394: Mr. GOSS, Mr. BROWN of California, Mr. HAYWORTH, Mr. POMBO, and Mr. WAMP.

H.R. 436: Mr. GILLMOR, Ms. LOWEY, Mr. POMEROY, and Mr. QUINN.

H.R. 447: Mr. FILNER, Mr. WAXMAN, Mr. OBERSTAR, Mr. UNDERWOOD, Mr. DOYLE, Mr. HAMILTON, Mr. FARR, Mr. SOLOMON, Mr. THOMPSON, Mr. COLEMAN, Ms. BROWN of Florida, and Mr. NEY.

H.R. 483: Mr. LIPINSKI, Mr. WILLIAMS, and Mr. GORDON.

H.R. 491: Mr. GUTKNECHT, Mr. SOUDER, and Mr. ZIMMER.

H.R. 516: Mr. SKEEN.

H.R. 526: Mr. POSHARD, Mr. LATHAM, Mr. BARCIA of Michigan, and Mr. HERGER.

H.R. 527: Mr. MCKEON.

H.R. 530: Mr. THORNBERRY, Mr. INGLIS of South Carolina, and Mr. EDWARDS.

H.R. 556: Ms. ROYBAL-ALLARD.

H.R. 557: Ms. ROYBAL-ALLARD.

H.R. 580: Mr. WILSON, Mr. FORBES, Mr. TEJEDA, Mr. FUNDERBURK, Mr. CRAMER, Mr. JACOBS, Mrs. CLAYTON, Mr. WOLF, Mr. MORAN, Mr. BARTLETT of Maryland, Mr. HASTINGS of Florida, Mr. CALLAHAN, Mr. WELDON of Florida, and Mr. STOCKMAN.

H.R. 656: Mr. ENGEL and Mr. KINGSTON.

H.R. 662: Mr. BAKER of Louisiana.

H.R. 698: Mr. CRAPO.

H.R. 700: Mr. CHRYSLER, Mr. WICKER, Mr. ALLARD, Mr. ZIMMER, Mr. KINGSTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. GEKAS, Mr. POSHARD, Mrs. CHENOWETH, Mr. STUMP, Mr. LAZIO of New York, Ms. DUNN of Washington, and Mr. CRANE.

H.R. 708: Mr. ANDREWS and Mr. LAHOOD.

H.R. 713: Mr. ACKERMAN, Mr. FRAZER, Mr. FROST, Ms. FURSE, Mr. KLECZKA, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mrs. MEEK of Florida, Mr. PARKER, Ms. PELOSI, Mr. SERRANO, and Ms. WOOLSEY.

H.R. 746: Mr. FRANK of Massachusetts.

H.R. 773: Mr. QUINN, Mr. WILSON, Mr. COLEMAN, Mr. HINCHEY, Mr. SENSENBRENNER, and Mr. REED.

H.R. 785: Mrs. FOWLER and Ms. FURSE.

H.R. 789: Mr. TORKILDSEN, Mr. CAMP, and Mr. NEY.

H.R. 803: Mr. THOMAS, Mr. DOOLITTLE, and Mr. CRANE.

H.R. 858: Mr. SANDERS, Mr. MATSUI, Mr. BILBRAY, Mr. MCHALE, Mr. ACKERMAN, Mr. BROWN of California, Mr. GILCHREST, Mr. POMBO, Mr. DEUTSCH, Mr. WALSH, Mr. DOOLITTLE, and Ms. PELOSI.

H.R. 860: Mr. INGLIS of South Carolina and Mr. WELDON of Florida.

H.R. 881: Mr. ZIMMER, Mr. PARKER, and Mr. SERRANO.

H.R. 899: Mr. CHABOT, Mr. HAYWORTH, Ms. KAPTUR, Mr. PAXON, Mr. STOCKMAN, Mr. FORBES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAY, and Mr. INGLIS of South Carolina.

H.R. 932: Mr. BISHOP and Mr. COOLEY.

H.R. 939: Mr. GILMAN.

H.R. 957: Mr. GEJDENSON, Mr. THOMAS, Mr. BONO, and Mr. TORRES.

H.R. 959: Mrs. SCHROEDER.

H.R. 982: Mr. PARKER, Mr. GORDON, Mr. MORAN, and Mr. BISHOP.

H.R. 985: Mr. LAHOOD, Mr. FROST, Mr. SAXTON, Mr. DUNCAN, Mr. GENE GREEN of Texas, Mr. LAUGHLIN, and Mr. HALL of Texas.

H.R. 991: Mr. KLUG, Mrs. MORELLA, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, Mr. UNDERWOOD, Mr. MINGE, Mr. VENTO, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, and Ms. FURSE.

H.R. 1002: Mr. ROHRABACHER, Mr. GENE GREEN of Texas, Mr. UNDERWOOD, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. BROWDER, Mr. GILLMOR, Mr. MCHUGH, and Mr. BONIOR.

H.R. 1003: Mr. FATTAH and Mr. RAHALL.

H.R. 1005: Mr. NEY, Mr. EHRLICH, and Mr. PAXON.

H.R. 1023: Mr. INGLIS of South Carolina.

H.R. 1045: Mr. LIVINGSTON, Mr. PAXON, Mr. BAKER of Louisiana, and Mr. SENSENBRENNER.

H.R. 1047: Mr. BACHUS.

H.R. 1055: Mr. JACOBS.

H.R. 1061: Mr. MINETA.

H.R. 1103: Mr. EHLERS.

H.R. 1119: Mr. HOKE, Mr. TAYLOR of North Carolina and Ms. LOFGREN.

H.R. 1120: Mr. SAXTON, Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, Ms. PRYCE, and Mrs. MYRICK.

H.R. 1124: Mr. GENE GREEN of Texas.

H.R. 1150: Mr. LIPINSKI.

H.R. 1160: Mr. SPRATT, Mr. FATTAH, Mr. POSHARD, and Mr. MINGE.

H.R. 1200: Mr. REYNOLDS.

H.R. 1202: Mr. DEUTSCH, Mrs. MORELLA, Mr. BONIOR, Mr. WYNN, Mr. REED, and Mr. TORRICELLI.

H.R. 1208: Mr. GOSS, Mr. POSHARD, and Mr. UNDERWOOD.

H.J. Res. 14: Mr. METCALF, Mr. HUNTER, Mr. CALVERT, Mr. FRELINGHUYSEN, and Mr. CRAMER.

H.J. Res. 16: Mr. BREWSTER, Mr. MCNULTY, Mr. COOLEY, Mr. INGLIS of South Carolina, and Mr. BISHOP.

H.J. Res. 70: Mr. MASCARA, Ms. MCKINNEY, Mr. FAZIO of California, Mr. BLUTE, Mr. BISHOP, Mr. NEY, and Mr. EHLERS.

H.J. Res. 76: Mr. MEEHAN, Mr. MILLER of Florida, Mr. BACHUS, Mrs. KELLY, Mr. BLUTE, Mr. SHADEGG, Mr. ZIMMER, Mr. CRANE, and Mr. BOEHNER.

H. Con. Res. 12: Mr. BACHUS.

H. Con. Res. 23: Mr. SPRATT, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. PETRI, Ms. BROWN of Florida, Mr. MONTGOMERY, Mr. REYNOLDS, Mr. WYDEN, Mr. NEAL of Massachusetts, Mr. MINETA, Mr. DICKEY, Mr. NETHERCUTT, Mr. LEVIN, AND MR. FRANK of Massachusetts.

H. Con. Res. 26: Mr. FRANK of Massachusetts, Mrs. MEEK of Florida, Mr. BURTON of Indiana, Mr. SHUSTER, Mr. ACKERMAN, Mrs. MALONEY, Mr. LANTOS, Mr. NADLER, Mr. MENENDEZ, Mr. DAVIS, Mr. REGULA, Mr. FRELINGHUYSEN, Mrs. KELLY, Mr. BOEHLERT, Mr. EVANS, Mr. FROST, Mr. TORRICELLI, Mr. SCHUMER, Mr. YATES, Mr. FRAZER, Mr. MONTGOMERY, Mr. DIAZ-BALART, Mr. SOLOMON, Ms. RIVERS, Mr. FILNER, Mr. CALVERT, Mr. DELLUMS, Mr. KING, Ms. DELAURO, Mr. CUNNINGHAM, Mr. BUNN, of Oregon, Mr. LIPINSKI, Mr. SOUDER, Mr. MCNULTY, Mr. GEJDENSON, Ms. ROYBAL-ALLARD, Mr. TORKILDSEN, Mr. FOX, Ms. LOWEY, and Mr. ROYCE.

H. Con. Res. 28: Mr. BONIOR.

H. Res. 39: Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Ms. BROWN of Florida, Mr. DELLUMS, Mr. DEUTSCH, Mr. FROST, Mrs. MEEK of Florida, Mr. LANTOS, Mr. LIPINSKI, Ms. NORTON, Mr. SERRANO, Mr. WARD, Mr. CONYERS, Mr. MEEHAN, Mrs. MORELLA, and Ms. LOWEY.

H. Res. 98: Mr. THORNTON, Mr. FOX, Mr. FILNER, Mr. STUPAK, Mr. MORAN, Mr. HOYER, and Ms. LOWEY.

EXTENSIONS OF REMARKS

THE COMPETITIVE CONSUMER ELECTRONICS AVAILABILITY ACT OF 1995

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BLILEY. Mr. Speaker, I am pleased to introduce the Competitive Consumer Electronics Availability Act of 1995. This legislation would require the Federal Communications Commission to take affirmative steps to promote competition in set-top boxes and other new technologies that will give consumers access to the national information infrastructure [NII]. Pursuant to this legislation, Commission regulations will assure that converter boxes, interactive communications devices, and other customer premises equipment be available on a competitive basis from manufacturers, retailers, and other vendors who are not affiliated with the operators of telecommunications systems, as is the case in our telephone system today.

It is fashionable to talk about telecommunications reform in terms of opening interfaces between networks or modes of communication. But the one area that ought to be a priority is the consumer interface—how our constituents will actually be connected to these new networks. So far we have two models—the telephone system, where there is a free and competitive market in making and selling network access devices to consumers; and cable television, where the consumer has enjoyed little choice or selection in devices. The Competitive Consumer Electronics Availability Act seeks to ensure that we follow the competitive market model rather than the monopoly model.

I want to be clear that this legislation does not address the internal operating systems or functions of set-top boxes or other devices. I have no intention of inviting or allowing the Commission to regulate the competitive features of computers. What the legislation does address is simply the question of access—allowing these devices, however they operate or are configured, whether they are separate or built into TV's or personal computers, to connect to the NII. A consumer should be able to choose one the same way he or she chooses other products, by going to the store, comparing the quality, features, and price, and buying or renting the best one.

The legislation does not specify any one means or technology by which the Commission must move from local monopoly to national competition. Finding the best way is what the Commission's public notice and comment process is for. With the aid of the world's most competitive telecommunications and computer industries, and a huge market begging for innovation, the Commission can rely on the private sector to identify the best answers.

I also want to stress that this legislation would not stop a system operator from continuing to offer access devices, so long as the charges for devices are kept separate from the charges for its system services. The Commission would also be empowered to grant waivers, for a limited time, to system operators who are introducing new services.

In introducing and working for the passage of this legislation, I do not mean to disregard the very reasonable concerns of system operators, such as cable TV companies, to deliver to each consumer only the level of service that has been purchased, and to protect the security of their systems. But this is 1995, not 1965. I cannot accept the notion that to accommodate these concerns it is necessary to convey a monopoly on any consumer electronics devices, any more than previous Congresses and Commissions should have accepted the notion that our telephone system would fall apart if consumers would hook up their own devices.

Mr. Speaker, the American public wants and deserves to play a direct role in forming a national information infrastructure. One need only look at the enormous and growing participation and influence of individuals in the Internet to see this. It would be foolish and shortsighted not to allow consumers to select or own the very devices that will open up so much of the NII to them. Consumers deserve to be able to evaluate and select competing products at retail, side by side. Their freedom to do so is a core strength of our economy.

Mr. Speaker, I believe we will have telecommunications reform this year, and I will work to achieve this goal. But we cannot fail to address the most important interface, the consumer interface. I, therefore, ask my colleagues to join me in supporting the Competitive Consumer Electronics Availability Act of 1995.

HONORING JESSE SAPOLU

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize Mr. Jesse Sapolu an accomplished individual who has devoted much of his private life to working with the youth of his community. Jesse also is a National Football League all-pro lineman for the 1994–95 world champion San Francisco 49ers football team.

Following his 1979 graduation from Harrington High School in Hawaii, Jesse attended the University of Hawaii where his football career was marked by many outstanding accomplishments both on and off the field. In 1983, Jesse was drafted by the 49ers. Over the past 13 seasons, Jesse has been a consistent performer and contributor to the San Francisco 49ers dominance of professional football. He has been an integral part of the 49ers four Super Bowl victories and for his excellence on the field of play he has been rewarded by his selection as an all-pro center in 1993 and guard in 1994.

Jesse is an ideal role model for the Pacific Islander community. Much of his off-season time is dedicated to working with youth. He is a junior youth leader at the Dominguez Congregational Church and a valuable ally in the antidrug campaign, as an ardent supporter of the just say no to drugs effort.

Mr. Speaker, it is with pride that I rise to recognize the accomplishments of Jesse Sapolu and I ask my colleagues to join me in saluting him.

A HISTORIC PARTNERSHIP

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MANTON. Mr. Speaker, I rise today to share with my colleagues some remarks recently delivered by the Honorable Raymond L. Flynn, the U.S. Ambassador to the Vatican.

In his statement, the Ambassador reflects on the United States moral obligation to help end suffering of our fellow men. I agree that this ethical consideration, to help where we can, and lead by example, should be the cornerstone of our Nation's foreign policy. As my colleagues are no doubt aware, the Holly See has demonstrated great leadership in the fight for freedom from all types of oppression. I commend his speech, "the United States and the Holy See: A Historic Partnership" to my colleagues' attention.

THE UNITED STATES AND THE HOLY SEE: A HISTORIC PARTNERSHIP . . . FROM THE POTOMAC TO THE TIBER

Delivering humanitarian assistance to the Third World: the Necessity to act

The United States and the Vatican are developing an important partnership, one based on common interest, cooperation and coordination. This partnership has the capability to become a prominent feature of the post cold-war world where the ability to achieve results in the international arena may be based as much on moral concerns as on military and economic alliances.

Many are not aware of the relationship between the U.S. and the Vatican, so let me review some of the highlights of our productive relationship over the past 11 years of official diplomatic relations. First I would like to discuss a crucial issue for U.S. foreign policy: the moral commitment we have as a nation to help those most in need.

We hear outrageous statements in Congress about the trillions of dollars of foreign aid being tossed down Third World ratholes. There is a major debate in Washington today about whether to cut the foreign aid that

goes to feed the hungry and clothe the naked in some of the poorest places in the world. What many Americans do not realize is that we spend less than one half of one percent of the federal budget on foreign aid and even less on the part of foreign aid that goes toward humanitarian assistance. That is not too much. If anything, it's too little.

Foreign aid to help poor and developing countries is not only morally correct but makes sound U.S. policy. A small amount of money goes a long way and can mean the difference between life and death. American interests are better served when countries and regions are stable. The U.S. throughout its history has often been isolationist when it has come to getting involved in the world's problems. But if we don't, we will be dealing with famine, disease and possible military intervention later on. I don't need to remind you of the problems the U.S. has encountered in its temporary, fitful withdrawals from the world community throughout its history.

Like it or not, there is a moral dimension to foreign policy. Children dying of malnutrition and disease are moral concerns of the U.S. We can't and shouldn't ignore this.

When President Clinton nominated me to be the U.S. Ambassador to the Holy See two years ago, the President told me he wanted me to work closely with the Catholic Church on issues of social and economic justice. As part of this role, I have traveled widely to visit some of the most desperate places on earth both to highlight the problems in as well as consult with Catholic charities and other humanitarian aid organizations on how well aid was being delivered to these areas. Over the past many months, I have been to India, Sudan, Haiti, Somalia, Kenya, Uganda, Croatia, Sarajevo, Burundi, and Rwanda and have seen for myself humanitarian crises occurring in these countries. I have also seen, though, the fine work of the Catholic and other charities in the places I have visited, including that of Catholic Relief Services, Caritas, Doctors Without Borders, and many other groups across the religious and social spectrum.

The world's media are interested in these places for a few weeks or months. But then a new story comes along and the continuing crisis becomes yesterday's news. The television cameras leave and people still starve. We need a way to keep the world's attention focused on these troubled places, but we also need to read about the great successes that are achieved by these humanitarian organizations or donor fatigue will set in. To read the paper these days is to read of failures—in Somalia, Rwanda, Sudan. It's partly true but does not touch on the successes: the work of aid organizations to keep people alive.

The African example: The forgotten continent

Involvement by the U.S. in Africa during the past two years has in the public's eye, centered largely on Somalia. There has been a lot of talk recently in the press and among politicians about the "failure of our mission in Somalia." I was in Somalia while operation "Restore Hope" was underway and saw what it made possible for relief workers of many nations to do under the protection of U.S. and UN troops. The peace they brought to Baidoa had dramatic humanitarian consequences. Baidoa as called the "City of death", where thousands had died of starvation and hundreds of thousands more were expected to die in the near future. You remember the pictures on CNN during December 1992. And Baidoa was not unique. The famine caused by the ravages of the warlords prevented crops from being planted and food being distributed. Without operation "Restore Hope" millions would have died.

A lot of people are saying that it is the responsibility of Somalis to put their own country in order, and that no peace can be imposed from outside. I agree completely. Nor do I think it constructive to discuss how we might have conducted "Restore Hope" differently.

The moral question we need to face, and face squarely, is "Was Operation Restore Hope the right thing to do? On one hand, we have a 26-month operation that cost the UN over $1.7 billion and the lives of 132 peacekeepers, some American but most Pakistani. On the other hand, we have to consider what might have been the consequences of our non-action: possibly a million or more people dead of starvation. Can and should the U.S.—the only superpower with the wherewithal to stop a famine in Somalia—risk U.S. lives and resources to stop widespread death? We chose not to do so in Rwanda. We have chosen not to do so in Liberia and Sierra Leone.

It comes down to a moral question: what is the greater good? I think that America—the only super power—has the duty to act, and I think it is in our interest to do so. We are not truly ourselves unless we act to save innocent lives.

There's still a crisis in Africa . . .

Starvation is again looming over the African continent. Recent reports indicate that the coming famine could be worse than those experienced over the past few years, when aid donors often—because of ignorance of what was happening—responded too late to the crises. The international humanitarian group CARE estimates that almost 30 million people are at risk in the Horn of Africa alone. Many organizations are working now to battle "compassion fatigue" among the rich donor countries. One way we should be able to fight this is through coordination between the U.S. government, private charities, and the Catholic Church. We need to keep the response to a possible African famine focused and organized and convince the international community of this critical effort.

As one who has visited most of the countries in Africa which are faced with famine, I want to sound a strong warning bell to the international community that chaos, devastation, and death are at their door. Will it be on our conscience?

U.S.-Vatican partnership

At this point, you might fairly ask, what is the U.S. Ambassador to the Vatican doing speaking out on these things? Part of the answer is that humanitarian issues have always been in the forefront of my work throughout my public life. I'll never forget my parents, a dockworker and a cleaning lady, response when I asked them why they put money in the Church poor box every week despite our modest means, "we're not as poor as some people," they said, "we have our health and a roof over our heads." We all need to remember that there are many people, particularly in the Third World, that are desperate for the basic necessities to live and we cannot abandon them. My position at the Vatican and my instructions from President Clinton to focus on humanitarian issues during my tenure here have led to a natural partnership with the Vatican on developing better ways to deliver aid. From my unique position as the U.S. Ambassador to the Holy See I have looked around me to see what contribution this Embassy could make to helping those in the most distressed places in the world. By combining the resources of the world's remaining superpower—the U.S.—with the force of the world's moral superpower—the Holy See—we will be able to contribute to getting aid to where it is needed most because of the complementary resources of the U.S. government, the Catholic Church, and their respective aid organizations. The goal is not original, but the way to achieve it is. The U.S. and the Catholic Church, through its various charities, already coordinate on an informal level in many humanitarian assistance projects. This initiative does not exclude anyone or any group. In fact, Administration officials will reach out to many private charities over the next few months to solicit their ideas and support. My charge from the President, however, is to pursue cooperation with the Catholic Church because of my position at the Holy See, which is why I limit my discussion here to that topic.

I have already discussed the conscientious efforts of U.S. humanitarian assistance missions to deliver needed food, medicine and supplies around the world. But I have also seen the problems with aid deliveries on my visits to the Third World. For example, on my Presidential mission to India in October, 1993, to lead the U.S. relief effort following the devastating earthquakes there, I observed a disturbing problem with the organization of the aid delivery: no one brought emergency housing provisions or some key medical supplies for children. International donors sent food and water purification systems, but not one of the most basic necessities for the newly homeless Indians, temporary shelters. This illustrated to me two problems: first, while there was obviously coordination of aid delivery country-by-country, there was not adequate coordination on the international level to make sure that the needed supplies were sent and the needed coordination took place. Second, many of the resources for getting information about what was needed at an early stage were not used, meaning the people on the ground were having a hard time telling international donors what would be most useful. The UN does a lot of coordination, as do international charities and individual countries, but I wondered as I left India if it could not be done better.

The initiative takes shape

One way to work on the better coordination of aid—and to make sure that aid gets to the people who need it most at the least cost—is through a partnership between the U.S. and Catholic and other charities. The Holy See, which has often been called the "world's listening post," can help supply useful data in our efforts to respond more effectively to international disasters.

On December 2, 1994, President Clinton wrote to Pope John Paul II, offering a closer collaboration between the U.S. government and the Vatican to better alleviate the "human suffering in a world with too many man-made and natural disasters." In his letter to the Holy Father, the President designated me as his direct representative on this initiative with the Vatican. The Pope welcomed the initiative in his written response to the President and named Cardinal Roger Etchegaray, president of the pontifical council Cor Unum (which coordinates the humanitarian assistance of the Vatican and Catholic charities around the world) as his point man on the issue.

I met with Cardinal Etchegaray at the end of January. I presented him with a proposal from Brian Atwood, the Director of the U.S. Agency for International Development (U.S.

AID) to share with the Vatican situation reports on U.S. assistance missions and reports from its recently-created Famine Early Warning System. U.S. AID also offered to review jointly with the Vatican our various emergency responses, with a view to improving future reactions to emergencies.

Cardinal Etchegaray welcomed our proposals to share information and coordinate the delivery of assistance around the world. He told me that Catholic charities, because of their extensive network of workers in the world's trouble spots, would be able to share the information with the U.S. government. The Cardinal emphasized the Pope's deep interest in humanitarian concerns and pointed to two institutes the Pope supports to promote sustainable development in Latin America and sub-Saharan Africa. He offered these as two constructive points of immediate cooperation between the U.S. and the Catholic Church.

I have also met regularly with Archbishop Giovanni Cheli, Andre Nguyen Van Chau (International Catholic Migration Commission), Kenneth Hackett (Catholic Relief Services), and with representatives of other respected emergency relief organizations to pursue further avenues of cooperation between the U.S. and the Catholic Church. In March, I spent two hours with Mr. Hackett discussing the best way to anticipate political and natural disasters so that aid can be delivered early. The fine work of CRS should be a model for what we can accomplish on a larger scale, with more donors involved in coordinating humanitarian assistance.

The U.S. has financial resources and logistical support to offer Catholic charities. These charities, which receive direction from the Vatican, are often an early warning system of their own, with key insights into where crises will occur and how to prevent them in the first place.

The Moral imperative to act

Charity begins at home, as the popular saying goes. We are left—after all the discussion and analysis in Congress, on the OP-ED pages, on the Sunday talk shows—with something that is often forgotten: we have a moral imperative to act to save people who are starving and dying. We as a nation have always done this. To say that it should not be part of foreign policy is to deny much of what we are as a people and country. There is no moral distinction to be made between someone starving in New York and someone starving in Sudan or Rwanda. We should attempt to help both.

It is time to cut through the rhetoric and say it clearly: we should be spending a portion of the federal budget—it's only one half of one percent at present, which does not seem to me to be too high—to help those less fortunate than ourselves. It makes good moral, as well as foreign policy, sense.

That said, there are always ways to provide aid more efficiently. By working together, the U.S. and the Holy See can contribute to the more effective utilization of resources to help those in need. In Pope John Paul II and President Clinton, we have a natural partnership in the concern for the poor, disadvantaged, and forgotten. Let's build on that partnership to achieve concrete results. As I have said before, the U.S.-Vatican relationship seems to be one made in heaven; but it's nice also to see fruits of our labor together here on earth.

CHARLES GATI ON A TROUBLED RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. LANTOS. Mr. Speaker, I urge my colleagues to take note of an excellent op-ed in the Washington Post of March 17 by my good friend and highly respected foreign policy analyst, Charles Gati. As we reevaluate our relationship with Boris Yeltsin and a rapidly changing Russia, Charles Gati provides an invaluable perspective on the internal disintegration of Russian society and its effect on Yeltsin's ability to govern. While not making excuses for the mistakes Yeltsin has made, we must understand that, as Charles has put it, "Yeltsin's about-face [on reform] is a symptom, not the cause, of Russia's plight." I commend Charles for his incisive and thoughtful analysis and urge my colleagues to read this excellent piece:

[From the Washington Post, Mar. 17, 1995]

WEIMAR RUSSIA

(By Charles Gati)

In his astute analysis of Russia's predicament [op-ed, Feb. 22], Peter Reddaway convincingly shows that President Boris Yeltsin has all but abandoned the course of reform he began in 1991.

The point that needs to be added is that Yeltsin's about-face is a symptom, not the cause, of Russia's plight. As the transition from one-party rule and the command economy to today's chaotic conditions has benefited few and alienated many, public support for reform has yielded to pressure for retrenchment.

In Moscow, members of the small biznis class can afford to rent a dacha for more than $5,000 a month, eat out at a fashionable Swiss restaurant where the main course costs $40, and pay $3.25 for a slice of Viennese torte. By contrast, the vast majority of the Russian people, who earn less than $100 a month if employed, are worse off than they were under communism.

The nostalgia they feel for an improved version of the bad old days of order, however oppressive, and the welfare state, however meager, is as understandable as it is unfortunate. They walk by Moscow's elegant storefronts that display expensive Western-made goods priced in dollars, not in rubles, wondering what has happened to their lives and to their country. They look for scapegoats at home and abroad.

Showing disturbing similarities to Weimar Germany of the 1920s, Russia is a humiliated country in search of direction without a compass. It is smaller than it has been in three centuries. Both the outer empire in Central and Eastern Europe and the inner empire that was the Soviet Union are gone, and Moscow must now use force to keep even Russia itself together. As its pitiful (and shameful) performance in Chechnya has shown, the military has been reduced to a ragtag army, with presumably unusable nuclear weapons. Four thousand five hundred rubles—worth more than $4,500 only a few years ago—are now gladly exchanged for one dollar. For its very sustenance, Russia is at the mercy of the International Monetary Fund, which can palliate but surely cannot cure the country's economic ills.

Worse yet, Russia is deprived of pride and self-respect. There was a time, during World War II, when the whole world admired the Soviet military for its extraordinary boldness and bravery. There was a time, in the 1950s, when several ex-colonies of Asia sought to emulate the Soviet model of rapid industrialization and when Soviet science moved ahead of the United States in space research. There was a time, from the 1920s through the 1970s, when many—too many—Western intellectuals and others believed that Soviet-style communism was the wave of the future. And there was a time when then-Foreign Minister Andrei Gromyko claimed that no significant issue in world politics could be settled without Moscow's concurrence.

To appreciate the present mood of letdown and frustration, imagine that our currency became all but worthless; that our stores identified some of their wares in the Cyrillic rather than the Roman alphabet, showing prices in rubles; that our political and economic life were guided by made-in-Moscow standards; and that our leaders were lectured by patronizing foreign commissars about the need to stay the course in order to join their "progressive," which is to say the communist, world.

In the final analysis, the condition of Weimar Russia is alarming because it is at once a weak democracy and a weak police state, pluralistic and yet intolerant, pro-American in its promise but anti-American in its resentments. The public—its pride deflated and its economic needs unmet—craves order at home and respect abroad. The authoritarian temptation is pervasive, and so is the urge to be—and to be seen—as strong once again.

The West may defer the day of reckoning, but it cannot obviate the Russians' eventual need to compensate for the humiliation that is their present fate.

THE 150TH ANNIVERSARY OF THE PALLADIUM-TIMES

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. McHUGH. Mr. Speaker, I rise today to recognize the Palladium-Times, the community newspaper of Oswego County, NY, on its 150th anniversary as a daily.

The newspaper traces its history to 1819, when the Oswego Palladium began as a weekly newspaper, and to 1845, when the Oswego Daily Advertiser began daily publication. Its other predecessor, the Oswego Times, interrupted its publication when its owners went off to fight the Civil War.

As chance would have it, the Oswego Palladium and Oswego Times ended up on the same street in this city on the shores of Lake Ontario. However, when it became apparent that neither paper could thrive while competing in the marketplace, the two newspapers joined forces, and the Palladium-Times was created.

Mr. Speaker, few endeavors are more significant to an informed community than local journalism. Freedom of the press is a vital part of our heritage, reflecting the strong belief that only when people have access to the facts and a discussion of the issues are they able to participate fully in the democratic process.

History has shown that an independent and responsible press is essential to a free society, and the Oswego Palladium-Times, by

demonstrating these qualities, has earned the trust and loyalty of its readers throughout its 150 years of service. The men and women of the Palladium-Times can take great pride in this accomplishment. I join the people of Oswego County, NY, in wishing the newspaper many more years of success in this enterprise so important to our democracy.

THE INTRODUCTION OF PRIVATE LEGISLATION FOR THE RELIEF OF NGUYEN QUY AN AND NGUYEN NGOC KIM QUY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MINETA. Mr. Speaker, today I am introducing legislation to finally resolve the bureaucratic nightmare in which a brave hero of the Vietnam war, Maj. An Nguyen, has found himself.

Major An is a decorated veteran of the South Vietnamese Air Force, decorated by the United States Pentagon. On January 17, 1969, as a helicopter pilot during the Vietnam war, Major An saved the lives of four United States servicemen.

The account of that incident shows clearly that this is an individual to whom this country owes a great debt. The June 4, 1969 announcement of the U.S. Military Assistance Command's decision to award him the Distinguished Flying Cross stated:

Captain An distinguished himself by heroic action on 17 January 1969 while serving as Flight Leader and Aircraft Commander, 219th Squadron, 41st Wing, Vietnamese Air Force. On that date, Captain An was called upon to lead his flight deep into enemy held territory to insert a platoon of Special Forces personnel into a bomb crater landing zone. His ship was taken under enemy automatic weapons fire on his approach but he steadfastly continued with this cargo of troops. While he was a high orbit, one of the United States Army helicopters in his flight was hit in the fuel cell by a heavy caliber round during a climb from the jungle clearing.

Captain An sighted the burning helicopter and entered a high speed dive to overtake it. As he flew next to his American comrades, he accurately vectored them toward what appeared to be a suitable forced landing area. When he saw that ground obstacles would preclude a safe landing, he deftly maneuvered his aircraft and the Army helicopter away from the landing zone and vectored them toward another jungle clearing.

While the crippled ship was making its approach into the tall elephant grass, Captain An, with complete disregard for is own safety, landed a scant few feet away. Here he calmly awaited his beleaguered comrades and directed his crew chief to cut a path to their ship.

Captain An's heroic actions reflect great credit upon himself and the Armed Forces of the Republic of Vietnam.

The testaments of the U.S. servicemen whose lives he saved are equally compelling. With a record such as this, one would think it would be easy for Major An to do what he has sought to do for 20 years, immigrate to America.

Unfortunately, Major An's case does not fit neatly into the categories in which Vietnamese refugees travel to the United States.

U.S. law grants permanent residence to officers of the South Vietnamese Army who spent at least three years in the so-called red-education camps reestablished by the communist regime.

Major An, however, did not spend 3 years in the camps. In 1970, as part of another mission, he was wounded and both his arms were amputated. When South Vietnam fell, he was sent to the re-education camps.

Unable to take care of himself because of his disability, he was expelled from the camp. Over the past two decades he has tried repeatedly to come to the United States, but was captured each time.

Col. Noburo Masuoka—USAF, retired—contacted me on Major An's behalf in April 1992. It took almost 2 years to get the necessary waivers and permission for him to leave Vietnam and come to the United States. But the Clinton administration's decision to grant him humanitarian parole, Major An and his daughter Kim Ngoc Nguyen, arrived in the San Francisco Bay area in January 1994.

Unfortunately, Mr. Speaker, humanitarian parole does not constitute permanent permission to remain in the United States. Major An and his daughter deserve permanent residency status, and the bill I am introducing today will grant them that status.

I would like to thank my good friend, Representative LAMAR SMITH, the chair of the Immigration and Claims Subcommittee of the Judiciary Committee for his help and the help of his staff in putting this bill together.

It is my hope that we can move this bill forward, but through the red tape which has entangled Major An's case for so many years, and demonstrate our respect and admiration for the noble self-sacrifice of this truly American hero. I urge all my colleagues to join me in that effort .

IN RECOGNITION OF ROBERT R. McMILLAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate Mr. Robert R. McMillan on his appointment to Key Bank's board of directors.

Mr. McMillan is currently a partner in the law firm of McMillan, Rather, Bennett & Rigano, P.C. with offices located in Melville and Garden City.

During the course of his career, Mr. McMillan has served as vice president for Avon Products, Inc. and government relations advisor for Mobile Oil. In addition he has been counsel to U.S. Senator Kenneth Keating, an honor graduate attorney in the antitrust division of the U.S. Department of Justice and special assistant to Richard Nixon prior to his Presidency.

In 1987, McMillan founded the Long Island Housing Partnership, Inc. of which he is currently chairman. Due to his work with the partnership, he was named 1992 Entrepreneur of the Year for the most socially responsible company on Long Island.

Mr. McMillan is an active member of our community, holding board positions with Lumex, Inc., Empire Blue Cross-Blue Shield, Old Westbury Gardens and the Institute for Community Development. For 5 years, Mr. McMillan was a member of the board of directors of the Panama Canal Commission, where he served as chairman for 1993–94. In addition, Mr. McMillan writes a weekly newspaper column and is cohost of the public affairs television show "Face-Off."

Mr. Speaker, it is my privilege and distinct pleasure to bring Mr. Robert McMillan to the attention of my colleagues and hope they will join me in saluting Mr. McMillan for his demonstrated commitment to our Long Island community.

HONORING THE AMERICAN HERITAGE CLUB

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize the American Heritage Club and the club's faculty sponsor, Mr. Larry Wong, and school superintendent Ginger Shattuck.

Under Larry Wong's leadership, the American Heritage Club has provided hundreds of scholarships to students in the Norwalk/La Mirada Unified School District. Over the past 16 years, Larry has organized and participated in numerous academic field trips to Washington, DC. For over 30 years, Larry has taught our students how to be leaders in their community and the value of participating in our democratic society. An energetic supporter and backbone of the American Heritage Club has been superintendent Ginger Shattuck. On March 18, the American Heritage Club dedicated its 1995 luau to Ginger for her tireless efforts and commitment to the club. Our community is stronger and richer because of the American Heritage Club's spirit of cultural and intellectual enrichment.

Mr. Speaker, it is with pride that I rise to recognize the American Heritage Club for encouraging so many young people to become leaders and I ask my colleagues to join this salute.

TWO WONDERFUL INSTITUTIONS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. McDADE. Mr. Speaker, I rise today to commemorate two important milestones: The 150th anniversary of the founding of the Congregation of the Sisters, Servants of the Immaculate Heart of Mary; and the 80th anniversary of Marywood College, the institution established by the Sisters in Scranton, PA.

The Congregation of the Sisters, Servants of the Immaculate Heart of Mary was founded in 1845 by a redemptorist priest and three

women led by Theresa Maxis Duchemin, the first African-American woman to become a Catholic Sister. Their mission was directed to service and to education, with a devotion to helping the poor, the oppressed, and the neglected. The Sisters established schools in many industrial areas, seeking to foster the aspirations of working people's children.

In keeping with that mission, the Sisters established Marywood College in 1915 to provide opportunities in higher education to women. Today a coeducational liberal arts college, Marywood College, continues to be guided by the principles demonstrated by the Congregation of the Sisters, Servants of the Immaculate Heart of Mary. The college has prepared students to live responsibly in an interdependent world, while fostering the knowledge that a loving, personal God exists and that each person has a right to enjoy the world that God has provided.

Marywood College has diversified its programs to help equip students for satisfying and productive careers. Numerous professional programs have been created toward this goal, many of which are in the helping professions in keeping with the college's tradition of service. Additionally, Marywood's four schools address a variety of concerns like attention to the needs of military families, education in advanced communications technologies, and ministry to regional migrant workers.

I have had the great pleasure of witnessing the growth of this regional college into a respected institution catering to a diversity of students and their needs. As the college has grown, it has remained motivated by the perspective of the Sisters, Servants of the Immaculate Heart of Mary, who have given much to our Nation through their devotion to people and to their faith.

Mr. Speaker, I ask my colleagues to join me in honoring the Sisters, Servants of the Immaculate Heart of Mary, and the entire Marywood College family as we observe these landmark anniversaries.

CONGRATULATIONS TO YOUNG ISRAEL OF SHARON, MA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I am very pleased that on Saturday, March 25, I will have the honor of attending the 1995 dinner of the Young Israel of Sharon Synagogue. The theme of this dinner, acknowledging 23 years of the synagogue's existence, is community service and leadership. Since that is the theme that many of us in Washington are trying to stress, I am especially pleased to attend an event in which people have been exemplifying this spirit in their own community.

The dinner will honor Eleanor Herburger, a vital and important citizen of Sharon who will be presented with a Shachain Tov—Good Neighbor—Award for her varied and valued community service. Rabbi Meir Sendor and his congregation have a great deal of which to be proud. I am pleased to be able to call attention here to their excellent work, and the model they present to so many others, and I am honored that I will have a chance to be with them to mark this great occasion.

TRIBUTE TO RABBI EPHRAIM H. STURM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly outstanding citizens of our Nation. I rise today to honor Rabbi Ephraim H. Sturm, a truly remarkable individual.

In 1948, he joined the staff of the National Council of Young Israel, a modern Orthodox synagogue group with branches across the United States. In his over 40 years with Young Israel, he was directly or indirectly involved in the expansion of the movement from 31 synagogues to almost 200, with an additional 50 synagogues in the State of Israel, 4 in Canada, and 1 in Holland.

On a nonsectarian level, he was project director for 22 years as an on-the-job training program of the U.S. Department of Labor. As project director he negotiated and executed over $10 million in Government contracts in New York City and across America. His record of achievement and fiscal responsibility stands as an inspiration to us all.

Rabbi Sturm has served as a trustee and member of the executive board of the Memorial Conference and Jewish culture representing Young Israel at the various meetings and conferences in Europe. In Israel he was one of the founders of the World Conference of Orthodox Jewish Synagogues and Kehilot which then became a member in the World Zionist Organization. At the last Zionist Congress in Jerusalem he had the prestigious position of chairing the plenary session on demography.

Apart from serving for over 15 years as chaplain in the New York State Guard, he served on the New York City Manpower Commission, the New York State Advisory Council on Human Rights, the New York State Advisory Council on Kosher Law Enforcement, the New York State Advisory Council on Consumer Protection, and the New York State Task Force on Problems of the Hasidic Community. Recently, he was appointed to the New York State Advisory Board on Government Contracts to Nonprofit Agencies.

Upon retirement after 50 years of service to the community, this indomitable personality embarked upon a new career of lecturer and chaplain at the New York College of Podiatric Medicine, consultant to a health care facility and assistant to the president in a venture involving labor unions and health care.

Rabbi Sturm received over 40 awards and citations from various national and international organizations as well as Government agencies. Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in commending Rabbi Sturm for his tireless work.

THE HEBREW ISRAELITE COMMUNITY IN ISRAEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, for 25 years, the Hebrew Israelite Community, a group of about 1,500 African-Americans, has lived in the Israeli desert cities of Dimona and Arad. Despite racial, linguistic, religious, and cultural differences from Israeli society, the Hebrew Israelite Community has successfully adapted to their desert environment, developing innovative approaches to agriculture, community industries, and health care. The leaders of the community feel that some of their innovative approaches to agriculture and community industries have broader application potential in the developing world, especially Africa.

Initially skeptical or hostile, Israelis in Dimona and Arad have come to view the Hebrew Israelites as part of their society. Last year, the Israeli Government granted the members of the Hebrew Israelite Community permanent resident status.

In recognition of the successful efforts by both the Hebrew Israelite Community and the Israeli Government to resolve their differences, I would like to place in the CONGRESSIONAL RECORD the following brief article from the Chicago Sun-Times of December 12, 1994.

BLACK HEBREWS AT HOME IN ISRAEL

(By Jay Bushinsky)

DIMONA, ISRAEL.—By clinging to this dry desert landscape and blending their authentic American folklore with Israel's biblical heritage, the black Hebrews have become an integral part of this country's human landscape.

More than two decades have elapsed since their latter-day equivalent of Joshua, charismatic Ben-Ami Carter, arrived in Israel by way of Liberia with the Hebrew Israelite Community's advance party.

Now its adherents are centered in Dimona and have fellow believers in nearby Arad and Mitzpe Ramon, two smaller development towns in the Negev desert. There is no comparing the controversy and tension generated by Carter's outspoken debut in Israel.

He declared at the time that his followers were the real descendants of the ancient Hebrews and termed the predominant Ashkenazic Jews imposters.

But the polemical phase of the black Hebrew saga is far behind the sedate, self-confident residents of this neat corner of largely North African city just up the road from the top-secret nuclear reactor which has become an international synonym for Dimona.

Carter made his peace with Israeli officialdom, placed his followers under its legal jurisdiction, put his educational facilities under government supervision and fostered cultural contact with the Israeli public through music, sports and the mass media.

The latest evidence that his policy gets the right results came when Israel's equivalent of social security, the National Security Institute, extended its coverage to his flock.

This means that the black Hebrews who live and work in Israel will be eligible for old-age pensions, disability compensation, childbirth subsidies and cash allowances for large families.

Last year, the ministry of the interior, which had refused to recognize the Hebrew

Israelite Community's members as bonafide immigrants under the Law of the Return, granted them temporary residence permits and dropped its charges that they were illegal immigrants who had overstayed their entry visas and were candidates for deportation to the United States.

This move coincided with a U.S. grant of $700,000 for the construction of a comprehensive public high school.

The new educational facility's classrooms are packed with students, all garbed in the navy blue uniforms ordained by their teachers, who insist on high standards of personal hygiene as well as immaculate dress.

Although the Hebrew language is taught and virtually all of the black Hebrews who were born here or are veteran residents can speak and understand, English remains the prevailing tongue.

One of the most impressive examples of linguistic adaptation was audible when a cluster of second-graders ambled along singing a popular Israeli folk song with the same glee as their contemporaries in Tel Aviv.

NATIONAL AGRICULTURE WEEK

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. DURBIN. Mr. Speaker, I rise today to recognize the men and women of this country who work the land, process and refine our agricultural commodities, and engage in the research that keeps American farmers and ranchers the most efficient in the world. I rise to pay tribute to the U.S. agricultural community.

As we all know, 1995 is a year in which American agriculture and our national farm policy will be in the spotlight. With severe budget constraints and political pressure to rethink and reshape our agriculture policy, the farm bill will undoubtedly stimulate passionate discussion about the future of American agriculture.

This year, Congress will have the important task of steering American agricultural policy into the 21st century. We will examine and debate issues ranging from how we direct Federal farm programs to new uses—ethanol and biodiesel—to trade and new markets to environmental and conservation concerns. I am pleased to note that President Clinton will convene a national rural conference in Iowa on April 25 to discuss these important issues as well as the future of rural America. I am honored to have the opportunity to host one of the sessions leading up to the national conference in Illinois.

However, before we proceed with debate on the reauthorization of farm programs, we should pause to say thank you to the men and women who work the land on America's 1.9 million farms and to the more than 21 million people working in agriculture—from growing to transporting to processing to marketing and selling to conducting the research.

It may surprise many of my colleagues to learn that today's farm population is only 1.9 percent of the total U.S. population. More importantly, today one farmer, on average, feeds 129 people. Forty-five years ago, farmers comprised over 12 percent of our population and one farmer fed only 15 people. The world's most productive and efficient farmers live and work here in the United States, including on Illinois' more than 77,000 farms.

Mr. Speaker, American farmers are the most efficient producers of food and fiber in the world. We, as Americans, are blessed to have the natural resources and farming expertise that help guarantee consumers a safe and abundant food supply. The food and fiber system in this country now generates more than $900 billion a year in economic activity—about 14 percent of our gross domestic product. Clearly, American agriculture has a good story to tell.

Mr. Speaker, we need to take time to recognize the significant contributions that agriculture makes to our everyday lives. From production agriculture to research, it is easy to see that the diversity of American agriculture touches almost every aspect of our lives.

CLINTON'S BLIND EYE TOWARD CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise to draw attention to the ongoing crisis in Chechnya, which began exactly 100 days ago today, when the Kremlin launched a massive military offensive in the region. In an ironic twist, details of this tragedy have been largely overshadowed by yesterday's announcement that President Clinton will travel to Moscow in early May to meet with President Yeltsin. He is proceeding despite the urgings of Congress and, apparently, officials within his own administration that he stay home. The Clinton administration has mishandled this crisis from the outset and, with yesterday's announcement, has proven that it has lost touch with reality where Yelsin is involved.

The administration should have taken advantage of Moscow's strong desire to secure United States participation in ceremonies commemorating the end of World War II, and pressured Moscow to agree to an immediate, unconditional cease-fire, and the deployment of a long-term OSCE mission in Chechnya. Again, the administration acquiesced, after Yeltsin made a concession about the planned military parade. But that parade is in May—Russia is committing atrocities right now.

One hundred days ago, Mr. Speaker, our administration characterized this crisis as an internal affair, better left to the Russians to handle. But the crisis, which many in Moscow and in Washington had hoped would go away, has not. About 24,000 individuals have been killed and hundreds of thousands have been driven from their homes. Gross human rights violations and atrocities have gone unchecked, as the humanitarian nightmare in Chechnya continues. The Russian campaign in the region constitutes a gross violation OSCE principles.

Nearly 2 months after the OSCE Permanent Council's decision of February 3, most of the problems raised at the time—for example, disproportionate use of force, gross human rights violations, unhindered delivery of humanitarian assistance, access to detainees—persist and have not been addressed in a meaningful manner, if at all.

During the Helsinki Commission's hearing in January, human rights champion Dr. Elena Bonner implored us, "[F]rom outside Russia, the stable democratic societies of the West must employ all diplomatic means to pressure Mr. Yeltsin to call off his assault and negotiate with the Chechen leaders."

As chairman of the Commission on Security and Cooperation in Europe, I have closely followed these troubling developments. I have repeatedly spoken out against Russian actions in Chechyna and the disappointingly muted response by our own leadership.

Mr. Speaker, I urge Secretary Christopher to press Foreign Minister Kozyrev to abide by the OSCE decisions, to agree to an unconditional cease-fire, and to accept a long-term OSCE monitoring mission, when they meet later this week in Geneva. The Russians continue to stall on all three points.

While they have hinted that they could accept an OSCE million in principle, they appear to be stonewalling. If the Russians finally agree to accept such a mission, painstaking care must be taken in the elaboration of its mandate. Russian good will alone will not be enough.

The last thing we need is an OSCE million which can be manipulated into a kind of Potemkin village to lend legitimacy to Russian policies in Chechnya.

Mr. Speaker, I regret the fact that the President has agreed to go to Moscow while Yeltsin continues his campaign of death and destruction in Chechnya. It is high time that President Clinton stop turning a blind eye toward the Chechen crisis and starts pressing Boris Yeltsin to end the senseless slaughter.

JOHN SCHROER NAMED REFUGE MANAGER OF THE YEAR

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BATEMAN. Mr. Speaker, I am pleased to congratulate John Schroer, refuge manager of the Chincoteague National Wildlife Refuge, as the recipient of the Paul Kroegel Refuge Manager of the Year Award.

Each year the National Wildlife Refuge Association and the National Audubon Society present the Paul Kroegel Award to a national wildlife refuge manager who has shown "a commitment to the conservation of our natural resources, superior management skills, innovative actions to deal with complex issues, effective public outreach programs, and a background that has advanced the cause of wildlife conservation and the mission of the National Wildlife Refuge System." John has certainly shown these qualities since coming to Chincoteague.

By the time John arrived in 1989, a series of public use controversies and an aborted management planning process had left relations between the local citizens, environmental groups, and the refuge badly frayed. It was

clear, however, that a master plan was sorely needed to let all interested groups know the long- and short-term parameters for public access and wildlife protection. Without such a plan, every action taken on the refuge would prove controversial, and energy and resources that would be better spent improving public access and wildlife protection would continue to be wasted on endless administrative reviews.

John proved more than equal to the task. He put together a group of representatives from the local community and from national and regional environmental organizations. These groups held numerous meetings and, after considerable debate, a refuge management plan was adopted in December 1992. This plan contains a long-term plan for the refuge, and lets all interested parties know how public access and wildlife protection issues will be handled. As other refuges undertake planning efforts, this plan should be held up as an example of both a good substantive plan, and an example of a good planning process where all interested parties had their say.

I hope that the planning efforts now underway in other refuges around the country are as successful as the one at Chincoteague. If those plans are successful, more time can be spent in the future on the real work of the refuge system rather than on constant public relations battles. This will be good news for the refuge managers, the public who visit refuges, and the wildlife that the refuges are designed to protect.

John deserves a great deal of the credit for the Chincoteague plan's success in resolving longstanding controversial issues in realistic ways, and for the success of the plan-writing process itself. For proof of that, we need to look no farther than the nominations he received for this award. Seven years ago, no one would have believed that the northeast region, prominent local citizens, land the leader of a Chincoteague-focused environmental group would nominate the same person for this award in 1995. This demonstrates that John's skills in diplomacy are no less impressive than his skills in wildlife management.

John has degrees in wildlife management from North Carolina State University and Louisiana State University. He served in the U.S. Army, and has held refuge management positions at the Eufaula, Cape Romain, Santee, Back Bay, Mississippi Sandhill Crane, Blackwater, and Okefenokee National Wildlife Refuges. He has served as manager at Chincoteague since 1989, and he and his wife live in Wattsville, VA. The award is to be presented to John by the U.S. Fish and Wildlife Service Director, Molly Beattie, at a ceremony at the North American Wildlife and Natural Resources Conference in Minneapolis on March 25, 1995.

TRIBUTE TO WILBERT OWENS, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Mr. Wilbert Owens, Jr., a man who has achieved excellence in nearly every professional and educational endeavor. Mr. Owens is retiring after 23 years of distinguished service in the L.A. County district attorney's office.

Mr. Owens' success began long before he became an attorney. In Denison, TX where he was born, he was a talented scholar-athlete, graduating from Terrell High School as class valedictorian, class president, and captain of the football team. Mr. Owens also received the Rockwell trophy for student-athlete with the highest academic average. After high school, Mr. Owens attended Bethune-Cookman College, where he graduated with honors, earning a B.S. in pre-med. Here also he displayed his ability to excel in both academics and athletics by achieving all-conference honors in football and being named captain of the team.

Wilbert Owens' dreams of becoming a doctor were put on hold when he was drafted into the Army on October 13, 1955. However, he was not daunted by this occurrence. He finished officer candidate school in 6 months and was commissioned 2d lieutenant. From Fort Ord Mr. Owens was sent to the 11th Airborne Division in Germany, where he served as 1st lieutenant, platoon leader, executive officer of Rifle Company, and detachment commander of the military police unit. Mr. Owens returned to the United States in 1959 and was promoted to captain while at Fort Lewis, WA. The balance of his military service included a tour in Vietnam from 1962–63, where he earned an Army commendation medal for successfully constructing a training center to train and equip 2,000 men in self-defense.

In Germany Wilbert Owens first discovered his passion for the law, defending soldiers charged with minor crimes. He won all of his cases and was appointed prosecutor. Later, he received the distinction of a seat on the courts' martial board.

Upon his release from the military in 1963, Mr. Owens decided to pursue his interest in the law, he first joined the L.A. County Marshall's office, a position he held with honor for 9 years. To enable his new dream of a law career to become a reality, Mr. Owens attended Southwestern Law School at night, beginning in 1965. In 1972 he was admitted to the California bar and hired by the L.A. County district attorney's office, where he has worked for 23 years. Because of his diligence and commitment to his profession, Mr. Owens rose through the ranks of the district attorney's office from the research and training division to the deputy position at the Inglewood adult office.

Wilbert Owens, Jr. exemplifies hard work, perseverance, and commitment to society. He deserves our praise and I strongly urge my colleagues to join me in commending him on his accomplishments and congratulating him on his retirement. Please join me in extending best wishes to Will and his lovely wife, Evelyn.

SURPRISE BIRTHDAY PARTY FOR DR. TIRSO DEL JUNCO

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MOORHEAD. Mr. Speaker, on April 22, 1995 a surprise birthday celebration will be held in the honor of an old and dear friend of mine, Dr. Tirso Del Junco.

Dr. Del Junco, a prominent Los Angeles surgeon and entrepreneur, was born in Havana, Cuba. He moved to the United States and received his citizenship after graduating from the Havana School of Medicine with his M.D. in 1949.

He took his surgery residency at the Queen of Angeles Hospital in Los Angeles. This was followed by post graduate work at the University of Pennsylvania in 1954–55.

In the field of diplomacy, Dr. Del Junco was appointed the Ambassador Extraordinary and Plenipotentiary of the Sovereign Military Order of Malta to Nicaragua in 1978. He continues to hold that honor to this day.

He was a captain in the U.S. Army from 1955 to 1957. During this time, he was chief of surgery at Camp Hanford Army Hospital. Later he was assigned as the Washington Medical Officer to the Cuban Army of Liberation (Bay of Pigs) in 1961.

His business affiliations were extensive. Among them, he was the founder and chairman of the board of Los Angeles National Bank and a member of the board of Technicolor Inc. On the labor side of the equation, he is a member of the American Federation of Television and Radio Artists.

Some of his community involvements include the presidency of Hollywood Park Charities, director of the Thomas Jefferson Center on National Values Education Programs, and director of the Salesian Boys Club of Los Angeles.

His political activities, government appointments, and professional membership are too numerous to mention.

Mr. Speaker, as I said earlier, Dr. Del Junco is a friend and a special individual. He is very well organized, very hard-working, and very committed.

He is a responsible leader who has made numerous contributions in medicine, politics, and government.

He has served his profession, his community, State and Nation with dedication, dignity, and great skill.

It is an honor for me to take this moment to pay tribute before my colleagues in the U.S. House of Representatives to Dr. Del Junco. The man and his record are worthy of celebration.

LICENSES AND APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES AND SERVICES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information prepared by the Office of Defense Trade Controls, Department of State, pursuant to Section 36(a) of the Arms Export Control Act. On January 9, 1995, I included in the CONGRESSIONAL RECORD, page 937, tables detailing worldwide Foreign Military Sales [FMS] during fiscal year 1994 for defense articles and services, and for construction sales.

Today, I would like to include in the RECORD a table that summarizes total licenses/approvals for the export of commercially sold defense articles and services during fiscal year 1994. Licenses/approvals issued in fiscal year 1994 totaled $25.635 billion, compared with $39.109 billion in fiscal year 1993.

The table follows:

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994

[In thousands of dollars]

Country	Oct–Dec	Jan–Mar	Apr–Jun	Jul–Sept	Cummulative
Afghanistan	0	0	0	0	0
Albania	0	0	0	0	0
Algeria	1,743	1,226	1,515	8,887	13,371
Andorra	4	0	9	6	19
Angola	1,662	67	0	0	1,729
Anguilla	0	0	0	0	0
Antigua	1	1	4	272	278
Argentina	14,818	44,842	4,824	10,810	75,294
Armenia	0	0	0	0	0
Australia	85,470	170,164	204,302	60,087	520,023
Austria	2,936	26,340	941	1,788	32,005
Azerbaijan	0	0	0	0	0
Bahamas, the	44	23,277	5	8	23,334
Bahrain	14,789	617	776	1,151	17,333
Bangladesh	72	16	145	272	505
Barbados	30	23,298	62	20	23,410
Belarus	0	0	0	0	0
Belgium	40,693	51,116	11,329	42,878	146,016
Belize	15	12	3	27	57
Benin	0	0	0	0	0
Bermuda	161	89	31	9	290
Bhutan	0	0	8	97	105
Bolivia	413	23,828	27	940	25,208
Bosnia-Herzegovina	0	0	0	0	0
Botswana	1,300	83	25	1,916	3,324
Brazil	47,441	244,620	1,814	8,648	302,523
British Virgin Islands	0	6	0	0	6
Brunei	6,515	4,436	5,155	18,191	34,297
Bulgaria	0	166	10	4	180
Burkina Faso	0	0	0	0	0
Burma	0	0	0	0	0
Burundi	0	0	0	0	0
Cambodia	0	0	0	0	0
Cameroon	41	0	1,584	0	1,625
Canada	4,362	2,107	1,389	21,835	29,693
Cape Verde, Repub	0	0	0	0	0
Cayman Islands	36	14	5	15	70
Central African R	0	0	0	0	0
Chad	0	0	0	0	0
Chile	21,352	47,543	17,904	1,456	88,255
China	0	0	0	438	438
Colombia	2,903	30,022	17,704	9,819	60,448
Comoros	0	0	0	0	0
Congo	26	63	0	4	93
Costa Rica	371	160	6,954	8,551	16,036
Cote D'Ivoire	101	2	0	167	270
Croatia	0	0	0	0	0
Cuba	0	0	0	0	0
Cyprus	138	38	2,301	149	2,626
Czech Republic	26,812	5,506	3,481	331	36,130
Czech Rep. & Slovakia	0	0	0	483	483
Denmark	64,135	34,050	14,737	47,310	160,232
Djibouti	0	0	0	0	0
Dominica	5	1	0	2	8
Dominican Republic	946	825	6,725	808	9,304
Ecuador	673	24,282	822	387	26,164
Egypt	13,866	102,382	160,295	30,871	307,414
El Salvador	2,504	745	6,337	2,383	11,969
Equatorial Guinea	0	0	0	0	0
Eritrea	0	0	0	0	0
Estonia	5	339	323	199	866
Ethiopia	145	195	0	156	496
Fiji	0	679	0	0	679
Finland	31,816	55,880	4,328	305,711	397,735
France	46,074	76,221	39,036	25,505	186,836
French Guiana	2,172	935	3,617	2,409	9,133
French Polynesia	0	2	0	0	2
Gabon	3	1	0	14	18
Gambia, the	0	0	0	0	0
Georgia	0	0	0	0	0
Germany	379,115	501,362	201,552	465,953	1,547,982
Ghana	1	0	1	4	6
Greece	42,936	38,327	42,271	33,523	157,057
Greenland	0	0	0	0	0
Grenada	0	1	0	14	15
Guadeloupe	8	183	0	0	191
Guatemala	2,699	25	6,298	422	9,444
Guinea	0	8	0	0	8
Guinea-Bissau	0	0	0	0	0
Guyana	7	17	16	140	180
Haiti	0	0	0	0	0
Honduras	215	11	5,900	436	6,562
Hong Kong	31,032	24,356	8,654	119,744	183,786
Hungary	462	71	3,283	14	3,830
Iceland	14,033	79,130	26	20,003	113,192
India	89,676	20,260	5,323	19,623	134,882
Indonesia	19,573	40,135	11,832	18,736	90,276

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994—Continued

[In thousands of dollars]

Country	Oct–Dec	Jan–Mar	Apr–Jun	Jul–Sept	Cummulative
Iran	0	0	0	0	0
Iraq	0	0	0	0	0
Ireland	953	323	282	267	1,825
Israel	63,006	842,198	43,991	220,739	1,169,934
Italy	228,150	168,888	293,866	190,787	881,691
Jamaca	226	23,697	234	24	24,181
Japan	422,418	561,805	345,897	807,159	2,137,279
Jordan	1,910	1,379	643	413	4,345
Kazakhstan	0	17	3	574	594
Kenya	23	3	20	0	46
Kiribati	0	0	0	0	0
Korea, Republic of	719,283	308,227	276,560	199,522	1,503,592
Kuwait	1,826	1,548	266,055	90,896	360,325
Kyrgyzstan	0	0	0	0	0
Laos	0	0	0	0	0
Latvia	0	3	44	9	56
Lebanon	411	1,932	596	160	3,099
Lesotho	0	0	0	0	0
Liberia	0	0	0	0	0
Libya	0	0	0	0	0
Lechtenstein	29	0	0	0	29
Lithuania	0	0	1	1	2
Luxembourg	212,982	83,102	100,811	21,726	418,621
Macau	19	128	51	0	198
Macedonia	0	0	0	0	0
Madagascar	0	0	0	0	0
Malawi	0	0	0	0	0
Malaysia	63,798	52,907	29,000	20,343	166,048
Maldives	39	0	0	1	40
Mali	0	0	0	0	0
Malta	11	0	7	21	39
Marshall Islands	0	0	0	0	0
Martinique	60	0	0	0	60
Mauritania	0	0	0	0	0
Mauritius	0	0	27	0	27
Mexico	110,696	99,667	63,953	38,515	312,831
Micronesia	0	0	0	0	0
Moldova	0	0	0	225	225
Monaco	13	0	0	0	13
Mongolia	0	0	0	0	0
Morocco	6,505	5,463	10,748	23,940	46,656
Mozambique	0	0	0	0	0
Namibia	558	103	64	139	864
Nauru	0	0	20	0	20
Nepal	0	23	62	13	98
Netherlands	62,304	150,036	49,083	149,586	411,009
Netherlands Antil	287	23,277	33	31	23,628
New Caledonia	49	34	39	29	151
New Zealand	40,920	45,064	58,228	37,329	181,541
Nicaragua	4	2	5,900	0	5,906
Niger	0	2	0	0	2
Nigeria	483	62	16	84	645
Norway	86,053	84,523	31,055	76,136	277,767
Oman	3,234	1,901	1,863	1,708	8,706
Pakistan	9,408	59,069	1,777	15,517	85,771
Panama	4,524	563	6,013	264	11,364
Papua New Guinea	236	8	37	15	296
Paraguay	2,457	26,471	446	3,824	33,198
Peru	0	4,887	23,279	136	28,302
Philippines	40,990	35,634	120,023	5,936	202,583
Poland	629	313	1,705	220	2,867
Portugal	37,863	63,677	8,663	47,997	158,200
Qatar	722	2,933	722	888	5,265
Reunion	0	0	0	10	10
Romania	0	40	24	6	70
Russia	69	872	1,441	2,454	4,836
Rwanda	0	8	0	0	8
San Marino	0	10	0	0	10
Sao Tome and Prin	0	0	0	0	0
Saudi Arabia	2,218,281	95,577	171,541	2,518,460	5,003,859
Senegal	0	0	0	14	14
Serbia & Montenegro	0	0	0	0	0
Seychelles	0	35	0	0	35
Sierra Leone	0	0	0	0	0
Singapore	604,744	73,169	41,605	42,314	761,832
Slovakia	27	1,088	46	90	1,251
Slovenia	47	0	142	5,279	5,468
Solomon Islands	0	0	0	0	0
Somalia	0	0	0	0	0
South Africa	33	0	2,222	1,927	4,182
Spain	73,195	80,132	230,824	87,872	472,023
Sri Lanka	139	23,915	276	81	24,411
St. Helena	0	0	0	0	0
St. Kitts & Nevis-Ango	0	22	0	0	22
St. Lucia	0	18	0	0	18
St. Pierre & Miquelon	0	4	0	0	4
St. Vincent	0	0	1	0	1
Sudan	0	0	0	0	0
Surname	678	0	0	41	719
Swaziland	0	0	0	0	0
Sweden	35,114	103,249	27,300	236,117	401,780
Switzerland	49,635	76,814	10,758	58,024	195,231
Syria	0	0	0	0	0
Taiwan	46,012	26,418	1,724	133,515	207,669
Tajikstan	0	0	0	0	0
Tanzania	2	11	0	8	21
Thailand	40,371	64,519	18,847	40,091	163,828
Togo	0	0	0	0	0
Tonga	0	0	0	0	0
Trinidad & Tobago	121	23,287	25	104	23,537
Tunisia	256	519	262	57	1,094
Turkey	247,841	127,302	101,384	131,024	607,551
Turkmenistan	0	0	0	0	0
Turks & Caicos	0	0	6	0	6
Tuvalu	0	0	0	0	0
Uganda	33	0	2	18	53

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994—Continued

[In thousands of dollars]

Country	Oct–Dec	Jan–Mar	Apr–Jun	Jul–Sept	Cummulative
Ukraine	0	3	29	12	44
United Arab Emirates	301,969	10,781	114,609	9,628	436,987
United Kingdom	486,960	539,498	231,970	203,422	1,461,850
United Nations	0	0	13,233	632	13,865
U.S.A	9	16	0	21	46
Uruguay	757	23,689	52	474	24,972
Uzbekistan	12	0	0	0	12
Vanuatu	0	0	0	0	0
Various Countries	36,501	3,473	376,261	742,995	1,159,230
Vatican City	0	0	0	0	0
Venezuela	5,495	29,569	40,760	3,939	79,763
Vietnam	0	0	0	4	4
Western Sahara	0	0	0	0	0
Western Samoa	0	0	0	0	0
Yemen	63	176	0	0	239
Yugoslavia	0	0	0	0	0
Zaire	0	0	0	0	0
Zambie	47	0	82	28	157
Zimbabwe	607	110	49	17	783
Classified Totals **	157,646	197,862	224,834	713,747	1,294,089
Worldwide total	7,446,093	5,852,137	4,155,809	8,181,225	25,635,264

** See classified annex to CPD.

Note: Details may not add due to rounding. This information was prepared and submitted by the Office of Defense Trade Controls, State Department.

HONORING "SALADO LEGENDS" FOR THEIR THIRD SEASON OF BRINGING THE STORY OF CENTRAL TEXAS PIONEERS TO THE STAGE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. EDWARDS. Mr. Speaker, today it is with great pride and pleasure that I honor the 1995 presentation of "Salado Legends." This stage drama brings to life the story of central Texas pioneers who braved danger and hardship to carve out a new life.

For the past three summers more than 100 cast and crew have donated their time and talent to bring this production to appreciative audiences. This unique stage production reenacts the experiences of Scottish settlers who arrived in Salado in Bell County in the late 1850's. The audience is treated to a slice of central Texas history through song, dance, and story.

I ask Members to join me in honoring the cast and crew of this stage production for their work preserving a piece of history in my Texas congressional district.

IN TRIBUTE TO EDWARD ROBERTS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a true American pioneer, a hero to millions, a leader in the truest sense of the word: Edward V. Roberts. Ed Roberts was known and loved by millions throughout the world, for, by the sheer force of his will, intelligence, and genius, he created the independent living movement for people with disabilities.

Born in 1939, Ed was stricken with polio at the age of 14. Left a quadriplegic by the disease, Ed soon found that the world did not recognize that though his body had been ravaged, his mind had not. Confronted with the fact that his high school would not let him graduate because he could not complete mandatory driver's and physical education classes, Ed began his career in tenacious advocacy by convincing his principal to lift that restriction.

In 1962, he became the first severely disabled student to attend the University of California at Berkeley, overcoming opposition to the idea of a student who required a respirator during the day and an iron lung at night. He was physically separated from other students by the school, which housed him at Cowell hospital. Not being content with being a trailblazer for the admission of disabled students, he led a successful fight to allow them to use regular student housing.

After receiving a bachelor's and master's degree in political science, and after teaching at UC-Berkeley for 6 years, Ed left the school to establish the Center for Independent Living. The center's goal was to carry out much of what Ed had spent his life battling alone: helping to find and promote housing, transportation, and assistance for the disabled. His work caught the eye of Governor Jerry Brown, who appointed him the head of the State Department of Rehabilitation. He held the position until 1982. During his tenure, Ed was tireless in promoting the rights of the disabled, and working to ensure that independent living was not merely a goal, but a need for the severely disabled.

In 1984, in recognition of his work, Ed received a $225,000 MacArthur Foundation "Genius" Award. Using the grant, he, Judy Heumann, and Joan Leon established the World Institute on Disability, which has become the most influential policy and research center on people with disabilities. Indeed, the World Institute and Ed played a key role in helping passage of the landmark Americans with Disabilities Act.

Most recently, Ed and the World Institute have been profiled in a three-part series on people with disabilities and technology called "People in Motion." In addition, Ed has been working on a project to create work stations for people with disabilities that would allow them to own their own small businesses, such as expresso or vending carts. It was my privilege to work with Ed on this project with regard to the San Francisco International Airport.

Unfortunately, the world lost Ed Roberts on March 14, 1995. On Sunday, March 19th, a memorial service was held to honor Ed Roberts at the UC-Berkeley campus. I, along with countless others, was proud to call Ed Roberts my friend. He has been called, with little hyperbole, the "Ghandi of the disability rights movement." Comparisons, however, do not do justice to the spirit, the passion, which filled the soul of Ed Roberts. Perhaps Ed defined it best: after overhearing a doctor telling his mother that it would be better if he died from the polio because he would be left a vegetable, Ed immediately thought of the artichoke, which was prickly on the outside with a tender heart.

Mr. Speaker, on behalf of the Congress, allow me to express our condolences to his son, Lee, his mother, Vona, and brothers Mark and Ron. But, more importantly, we must continue our fight as a Nation for the rights of the disabled. It is only through our actions that we properly pay tribute to Ed Roberts' enduring legacy of good works and his tireless pursuit of justice on behalf of the disabled.

HONORING MOLLY BROWN, 1995 REFUGE VOLUNTEER OF THE YEAR

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. PICKETT. Mr. Speaker, I take this opportunity to extend my sincerest congratulations to Ms. Molly P. Brown, a constituent of mine from Virginia Beach, VA, on being awarded the 1995 National Wildlife Refuge Volunteer of the Year Award.

The National Wildlife Refuge Association and the National Audubon Society have jointly established this annual award. Its purpose is to recognize the volunteer who best achieves the goals and objectives of the National Wildlife Refuge System [NWRS], which are superior organizational skills, innovation in handling refuge assignments, effectiveness in dealing

with the public, and dependability. Ms. Brown's extensive service and long-standing commitment to the Back Bay National Wildlife Refuge located in Virginia Beach, VA, clearly are above and beyond the criteria that merit national recognition.

As an advocate of environmental consciousness, Ms. Brown has appeared regularly before the Virginia Beach City Council and the zoning board to testify on city and State proposals affecting the Refuge. As a member of the Mayor's Growth Management Advisory Committee, Ms. Brown has frequently provided valuable citizen comments and observations on the city's land use, transportation, and infrastructure plans and programs.

Realizing the need to promote an awareness not only of the Refuge's mission but of other conservation activities within the region as well, Ms. Brown worked to establish both the Southeastern Association for Virginia's Environment [SAVE], and the Friends of Back Bay/Save Our Sandbridge organization of which she currently serves as president. Offering her time and talent at local events such as Earth Day and the Environmental Awareness Fair for Students, Molly Brown serves as a true emissary of the conservation movement.

During the 103rd Congress, Molly Brown traveled to Washington, DC, to testify before the House Appropriations Subcommittee on Interior concerning the need for additional funding for Back Bay. Ms. Brown provided the Subcommittee with extensive information regarding the Refuge's plans to expand its boundaries and improve its natural habitat. The Back Bay land acquisition was one of only 33 projects funded nationwide in the Department of Interior Appropriations Act of 1994, attesting to the value of Ms. Brown's knowledgeable and articulate testimony.

It is with pleasure and honor that I join the other citizens of the Second Congressional District of Virginia in thanking and commending Molly Brown for her successful efforts in promoting awareness and appreciation of our area's natural resources, for her continuing efforts to obtain essential funding and Congressional support for Back Bay National Wildlife Refuge, and for her boundless enthusiasm for the Refuge system as a whole. She is a most deserving recipient of the 1995 National Wildlife Refuge Volunteer of the Year Award.

NATIONAL RIGHT TO WORK ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. GOODLATTE. Mr. Speaker, I rise to proudly introduce the National Right to Work Act.

This act reduces Federal power over the American workplace by removing those provisions of Federal law authorizing the collection of forced union dues as a part of a collective bargaining contract.

Since the Wagner Act of 1935 made forced union dues a keystone of Federal labor law, millions of American workers have been forced to pay for union representation that they neither choose nor desire.

The primary beneficiaries of right to work are America's workers—even those who voluntarily choose to pay union dues, because when union officials are deprived of the forced dues power granted them under current Federal law they'll be more responsive to the workers' needs and concerns.

Mr. Speaker, this act is proworker, proeconomic growth, and profreedom.

The 21 States with right to work laws, including my own State of Virginia, have a nearly three-to-one advantage over non-right to work States in terms of job creation.

And, according to U.S. News & World Report, 7 of the strongest 10 State economies in the Nation have right to work laws.

Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non-right to work States. According to Dr. James Bennett, an economist with the highly respected Economics Department at George Mason University, on average, urban families in right to work States have approximately $2,852 more annual purchasing power than urban families in non-right to work States when the lower taxes, housing and food costs of right to work States are taken into consideration.

The National Right to Work Act would make the economic benefits of voluntary unionism a reality for all Americans.

But this bill is about more than economics, it's about freedom.

Compelling a man or woman to pay fees to a union in order to work violates the very principle of individual liberty upon which this Nation was founded.

Oftentimes forced dues are used to support causes the worker does not wish to support with his or her hard-earned wage.

Thomas Jefferson said it best:

> . . . to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

By passing the National Right to Work Act, this Congress will take a major step towards restoring the freedom of America's workers to choose the form of workplace representation that best suits their needs.

In a free society, the decision of whether or not to join or support a union should be made by a worker, not a union official, not an employer, and certainly not the U.S. Congress.

The National Right to Work Act reduces Federal power over America's labor markets, promotes economic growth and a higher standard of living, and enhances freedom.

No wonder, according to a poll by the respected Marketing Research Institute, 77 percent of Americans support right to work, and over 50 percent of union households believe workers should have the right to choose whether or not to join or pay dues to a labor union.

No other piece of legislation before this Congress will benefit this Nation as much as the National Right to Work Act.

I urge my colleagues to quickly pass the National Right to Work Act and free millions of American from forced dues tyranny.

PROF. HERBERT BISHOP KELLER, 70TH BIRTHDAY CELEBRATION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MOORHEAD. Mr. Speaker, on June 19 of this year, Dr. Herbert Bishop Keller will be 70 years old. Dr. Keller is professor of applied mathematics at the California Institute of Technology. His fundamental contributions to the field of numerical analysis have played a crucial role in the advancement of science and engineering in this century.

For example, Dr. Keller developed many of the methods which scientists and engineers have used for years to solve complex problems with computers. These include the box scheme for solving boundary layer problems in the aircraft industry; the method of multiple shooting, to solve ordinary differential equations; and the path-following methods, for solving bifurcation problems in all fields of science.

He is the coauthor, with Eugene Isaacson, of the text "Analysis of Numerical Methods," which is a classic in the field and has been studied by generations of students. He is also the author of two monographs on the solution of two-point boundary-value problems, and of hundreds of research articles.

Dr. Keller was born in Paterson, NJ. He served in the U.S. Navy during World War II as a lieutenant junior grade. He obtained a bachelor's degree in electronics from the Georgia Institute of Technology in 1945. He received an M.S. in mathematics from New York University in 1948 and his Ph.D. from the same institution in 1954. Concurrently, he was in charge of the math department at Sarah Lawrence College.

In 1961 after a rapid ascent through the ranks, Dr. Keller became professor of applied mathematics at the Courant Institute of Mathematical Sciences at New York University. During this time, he also served as associate director of the Atomic Energy Commission Computing and Applied Mathematics Center, which was located at New York University.

In 1967, Dr. Keller joined the finest institution of higher learning in the world when he became a professor of applied mathematics at the California Institute of Technology, a position he holds to this day. Currently, he is director of the Caltech branch of the Center for Research on Parallel Computing, an endeavor sponsored by the National Science Foundation.

Professor Keller was extraordinarily active as a member of many scientific societies. In 1975–76, he served as president of the Society for Industrial and Applied Mathematics, the world's leading society of applied mathematicians. He also served on 6 national committees and held editorial positions on 12 leading scientific journals.

The scientific community has expressed its admiration for Professor Keller by bestowing upon him some of its most prestigious awards. He is a Fellow of the American Academy of Arts and Sciences, a fellow of the American Association for Arts and Sciences, and he was a Guggenheim fellow. Recently, he was the distinguished visiting fellow at Christ's College,

University of Cambridge, United Kingdom. The Society for Industrial and Applied Mathematics awarded him the von Karman prize in 1994.

Mr. Speaker, the scientific legacy of Professor Keller is ensured through his own work, through the work of the 28 students who earned their Ph.D. degrees under his supervision, as well as through the hundreds of graduate and undergraduate students whom he has taught throughout the years.

Today, I would like my colleagues in the U.S. House of Representatives to join with me and the scientific community in expressing our thanks and gratitude to Professor Keller for his leadership, his example, and his many contributions, and to wish him a very happy birthday.

REVIEWING THE TRAVEL BAN ON LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, the Secretary of State decided on February 28 to renew the ban on the use of U.S. passports to travel to Lebanon. This decision followed United States-Lebanese security discussions in Washington earlier last month. While the State Department acknowledges that the security situation in Lebanon has improved in the past few years, it maintains that there continue to be significant threats to the security of American citizens in that country.

I have recently spoken to several prominent Lebanese Americans who have visited Lebanon. They are very persuasive in arguing that the current travel ban impedes their legal ability to visit their families. I also believe that American businesses are losing the opportunity to compete for contracts to rebuild Lebanon. I have urged the Secretary of State to review the travel ban and to consider options for revising it in light of the changing conditions inside Lebanon.

Given the importance of this matter for the Lebanese-American community, I request that my exchange of letters with the Department of State be entered into the CONGRESSIONAL RECORD.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, February 16, 1995.

Hon. WARREN H. CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: It is my understanding that the Department of State is currently reviewing the travel ban on Lebanon because the current six-month extension of the ban expires later this month.

I urge the Department to review the present total ban carefully and consider options to revise the ban and take steps in the direction of a combination of partial ban and partial travel advisory.

I am persuaded that Lebanon has taken a series of steps in improving security in the country. I also believe that further steps are needed. In this situation, however, I believe it is in our national interest and in the interest of encouraging further steps by Lebanon to take steps ourselves to match action by Lebanon.

The report by several prominent Lebanese Americans on their trip to the country as well as the recent visit here by a Lebanese Security delegation suggest changes are warranted. American businesses are currently locked out of many reconstruction efforts in the country and Lebanese Americans are legally unable to travel to Lebanon for family reunification purposes.

I appreciate your consideration of this matter and I am available if you want to discuss this matter further.

With best regards,

Sincerely,

LEE H. HAMILTON
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC 20520.

Hon. LEE H. HAMILTON,
House of Representatives, Washington, DC.

DEAR MR. HAMILTON: I am responding to your letter of February 16 to Secretary Christopher regarding the restrictions on travel to Lebanon by U.S. citizens.

On February 28, Secretary Christopher exercised his authority to extend the restriction on the use of U.S. passports for travel to, in, or through Lebanon. A careful and thorough review of the security situation in Lebanon led the Secretary to conclude that there remained significant threats there to the safety of American citizens.

In meetings here in Washington February 6–7, the Governments of the U.S. and Lebanon engaged in frank and useful discussions of the security situation in Lebanon and our continuing concern for the safety of Americans in Lebanon. We were pleased with the level of expertise the Government of Lebanon brought to these discussions and its avowed commitment to serious and effective action. We expect this dialogue to be an ongoing process leading to significant improvement in the security situation in Lebanon and a reduction in the dangers to American citizens.

We have acknowledged that there has been some improvement in Lebanon's security situation over the past few years. We commend the Lebanese Government for its efforts to diminish terrorist threats and to establish the role of law throughout the country. More needs to be done to address these problems, however, and we look forward to working with the Government of Lebanon on taking the necessary steps to do so.

We will continue to review the passport restriction and other administration measures affecting travel to Lebanon. Our review will be based on a careful evaluation of our own information and the steps the Lebanese government takes to address these issues.

The Department will carefully consider options short of lifting the passport restrictions. In considering these steps, however, the Department will have as its first consideration the safety and security of U.S. citizens.

The Secretary appreciates both your interest and your offer to continue a dialogue with the Department on this issue. The goal remains the removal of these restrictions when security conditions permit us to do so and the return to a mutually beneficial and improved bilateral relationship.

I trust that this information has been responsive to your inquiry. Please do not hesitate to contact us if you believe we may be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

ED ROBERTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MILLER of California. Mr. Speaker, I rise today to sadly note the passing of one of the great people of our time, Ed Roberts, the former secretary of rehabilitation of the State of California, the cofounder of the Center for Independent Living, and the founder of the World Disability Institute.

I knew, admired, and worked closely with Ed Roberts throughout my entire adult life, in Sacramento, and as a Member of the House of Representatives. Ed was as dedicated, insightful, determined, and skilled as any person I have ever met in public life, and his singular contributions to the disabled community throughout America is, simply stated, unparalleled.

Ed deeply understood the need for the law, and for government, to defend the rights of those who had neither power nor influence. And he forced dramatic changes that broke the barriers for millions of disabled men, women, and children.

I wish to submit for the RECORD the following editorial from the San Francisco Chronicle paying tribute to this great American, and good friend.

[From the San Francisco Chronicle, Mar. 18, 1995]

THE TRANSCENDENT LIFE OF EDWARD ROBERTS

"What I want and a lot of other disabled people want is to live, to experience, to be a part of society. And that's nothing extraordinary. So when we do things and do become successful, it doesn't make us different from any other successful person."

Even though it was not what he was seeking, Edward Roberts died a hero at age 56 this week, having lived up to such admiring sobriquets as "the Gandhi of disability rights" and "the Cesar Chavez for the handicapped."

A budding athlete who became a paraplegic at age 14 from polio, Roberts was an in-your-face kind of guy because society gave him no other choice. When his principal balked at graduating Roberts from high school because the teenager hadn't completed required physical education courses, Roberts fought the decision with such vigor that the principal was forced to relent.

When a counselor at the state Department of Rehabilitation sided with the University of California in denying Roberts admittance to Berkeley because the school had never had a wheelchair-confined student who required a respirator and iron lung, Roberts argued until he was enrolled. He lived at Cowell Hospital and later organized successfully for dormitory housing for disabled students.

He co-founded the Center for Independent Living at Berkeley, which promoted the idea of integrating disabled people into the mainstream and making available to the disabled such essentials as housing, transportation and wheelchair-accessible ramps and curbs. The establishment of 400 similar centers nationwide followed.

Roberts' longtime work received official affirmation when Governor Jerry Brown appointed Roberts to head the California Department of Rehabilitation in 1975. He was a

familiar sight in Sacramento in his motorized wheelchair, and his presence alone helped many lawmakers understand for the first time the needs of people who desperately seek independence—despite not being able to use either arms or legs—and yet are constantly stymied by thoughtless policies.

In 1984, Roberts received $225,000 in a MacArthur Foundation "genius" award for his work with the disabled, and he created the World Institute on Disability, an Oakland-based think tank on disability issues with a $3.3 million budget.

Roberts' life was not only heroic, because of the many personal obstacles he overcame, but in the end, transcendent, because of the way he helped transform the way we think about and act toward disabled people.

"As an international leader and educator in the independent living and disability rights movements, he fought throughout his life to enable all persons with disabilities to fully participate in mainstream society," said President Clinton. "Mr. Roberts was truly a pioneer . . . His vision and ability to bring people together should be an example for all Americans."

A memorial service will be held at 1:30 p.m. tomorrow at Harmon Gymnasium on the UC Berkeley campus. Memorial endowments have been set up for Roberts' son, Lee, and for the institute. Contributions may be sent to the institute at 510 16th Street, Oakland, CA 94612.

THE INNOCENT LANDOWNER DEFENSE ACT OF 1995

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, the purpose of the Innocent Landowner Defense Act is to clarify what is required by "all appropriate inquiry into the previous ownerships and uses of the property" as contained in the 1986 Superfund Amendments Reauthorization Act (SARA) to Superfund.

The 1986 SARA amendments included several exemptions for the liability of site cleanup—an important one being the innocent landowners defense provision. This provision allows for an exemption of liability to a landowner who has not contributed to the contamination of a site and has made all appropriate inquiry into the previous uses of the property.

The intent of the innocent landowner defense was to encourage the uncovering of contaminated sites which could then be cleaned up. It was meant as a narrow exception to protect those considering the acquisition of land from future liability. Unfortunately, the definition of all appropriate inquiry was never made clear in the SARA legislation, resulting in confusion as to the requirement for assessing a site for contamination. This lack of clarification has left the land purchaser with a dilemma. Even the most expensive and extensive site assessments may not prevent the landowner from later being held liable for contamination.

The Innocent Landowner's Defense Act is designed to define what is meant by "all appropriate inquiry," putting an end to the confusion and allowing landowners to protect themselves from liability. Specifically, this legislation calls for a phase I environmental audit—an investigation of the property conducted by an environmental professional—defined in the legislation to discover the presence of hazardous substances through the following sources: (1) chain of title documents for the past 50 years; (2) available aerial photographs of the property; (3) Superfund liens against the property; (4) Federal, State, and local government records of activities causing release of hazardous substances; and (5) a visual site inspection of the property. If these criteria are met, an individual would be recognized as having conducted all appropriate inquiry.

This legislation in no way changes the liability scheme of Superfund. It is a clarifying correction which enables courts and potential landowners to determine exactly what is needed to fulfill all appropriate inquiry requirements. Not only will this legislation clear up a very confusing situation, but it will restore the original intent of the innocent landowner defense—it will encourage the testing of sites for contamination, increasing the likelihood that contaminated sites will be found and cleaned up.

This legislation provides the guidance crucial to assessing the risk associated with hazardous waste sites. It would allow for the realization of the original goals of the Superfund legislation, while leaving the original statute unchanged in terms of liability.

THE SYMBOL OF OUR NATION

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BEVILL. Mr. Speaker, I rise today to celebrate the introduction of historic legislation that will finally give the American flag the recognition it deserves as a symbol of our Nation.

As many as 235 Members of the House have co-sponsored this bill to amend the U.S. Constitution to allow States to pass laws outlawing abuse of our flag. We are proud of the American flag and we want to protect it.

The issue of flag desecration has been with us for too long. As you know, in 1984, a protester at the Republican National Convention in Houston was arrested for burning the flag which was against the law in Texas. Five years later the Supreme Court struck down the Texas law and the offender was acquitted. In 1990, Congress passed a bill to remedy this situation, but it too was struck down as unconstitutional. So now our only choice is to pass this legislation, amend the U.S. Constitution and allow the States to pass their own laws to correct this problem.

As a veteran, I feel particularly strong about this proposal. Many men and women throughout our Nation's history have sacrificed their lives so that we could enjoy the freedoms we now have. The flag is a symbol of this country and a tribute to those who have protected our Nation through the years. To allow individuals to desecrate this symbol for petty purposes is to cheapen the country for which it stands. I find it extremely offensive that laws cannot be passed by States to prohibit this kind of behavior.

This bill is not meant to restrict the first amendment rights guaranteed to all Americans. I strongly believe that individuals and groups must be able to speak their minds on issues that concern them. But that does not mean burning the flag. I feel flag desecration goes beyond freedom of expression. It is an abuse of the U.S. Constitution and the freedoms that great document provides.

Our proposal is not a heavy-handed Government mandate. We want to give States the ability to pass the laws they deem necessary. Forty-six States have already passed resolutions which outlaw the desecration of the flag. Alabama joined these ranks in 1991. I think it is time for Congress to take the initiative to correct this situation once and for all. I urge my colleagues to pass this legislation and start the process for adding this historic amendment to the U.S. Constitution.